

## Washington D.C. Lemon Law Statute

### Summary of the Washington D.C. Lemon Law

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#### DIVISION VIII, TITLE 50, SUBTITLE II.CHAPTER 5

#### § 50-501 Definitions

For the purposes of this chapter, the term:

1. **"Board"** means the Board of Consumer Claims Arbitration for the District of Columbia established by § 50-503.
2. **"Consumer"** means the purchaser, other than for purposes of resale, of a motor vehicle; any person to whom the motor vehicle is leased or otherwise transferred during the duration of a warranty applicable to the motor vehicle; and any other person entitled to enforce the obligations of the warranty. For the purposes of § 50-503, the term "consumer" means any natural person who does or would purchase, lease, or receive consumer goods or services. The term "consumer" includes any natural person who purchases insurance coverage in the District of Columbia.
3. **"Council"** means the Council of the District of Columbia.
4. **"Court"** means the Superior Court of the District of Columbia.
5. **"District"** means the District of Columbia.
6. **"Known"** means, for the purposes of § 50-505, that a dealer or the dealer's agent or employee has obtained facts or information about the condition of a motor vehicle which would lead a reasonable person in similar circumstances to believe that the motor vehicle contained 1 or more material mechanical defects. The term "known" encompasses knowledge obtained through an inspection,

7. **"Material mechanical defect"** means any defect, failure, or malfunction of the mechanical system of a motor vehicle, including, but not limited to, the engine, transmission and drive shaft, differential, cooling system, electrical system, fuel system, or accessories, which significantly impairs the operation, safety, performance, or value of the motor vehicle.
8. **"Mayor"** means the Mayor of the District of Columbia.
9. **"Motor vehicle"** means a motor vehicle which is manufactured for sale, offered for sale, sold, or registered in the District and which is designed for the primary purpose of transporting a driver and 1 or more passengers on streets, roads, or highways. The term "motor vehicle" shall not include buses sold for public transportation, motorcycles, motor homes, or motorized recreational vehicles.
10. **"New motor vehicle"** means a motor vehicle which is in the period of the first 18,000(eighteen thousand) miles of operation or the first 2(two) years after the date of delivery to the original purchaser, whichever is earlier.
11. **"Safety-related defect"** means an impairment which reduces the operator's ability to control the motor vehicle in normal operation or which creates a risk of fire, explosion, or other life-threatening malfunction.
12. **"Significantly impair"** means to render the motor vehicle unreliable or unsafe for normal operation or to reduce its resale value below the average resale value for comparable motor vehicles.
13. **"Used motor vehicle"** means a motor vehicle which is offered for sale in the District and which is not within the period of the first 18,000(eighteen thousand) miles of operation or the first 2(two) years after the date of delivery to the original purchaser, whichever is earlier; but it does not mean a motor vehicle sold only for scrap or parts.
14. **"Warranty"** means the written or implied warranty of the manufacturer of a motor vehicle.

(Mar. 14, 1985, D.C. Law 5-162, § 2, 32 DCR 160; Mar. 4, 1986, D.C. Law 6-96, § 4(a), 32 DCR 7245.)

#### **§ 50-502 Consumer's remedy for defective vehicles**

- a. If a new motor vehicle does not conform to all warranties during the first 18,000 (eighteen thousand) miles of operation or during the period of 2(two) years following the date of delivery of the motor vehicle to the original purchaser,

whichever is the earlier date, the consumer shall during that period report the nonconformity, defect, or condition to the manufacturer, its agent, or its authorized dealer. If the notification is received by the manufacturer's agent or authorized dealer, the agent or dealer shall within 7(seven) days forward written notice thereof to the manufacturer by certified mail, return receipt requested. The manufacturer, its agent, or its authorized dealer shall correct the nonconformity, defect, or condition at no charge to the consumer, notwithstanding the fact that the repairs may be made after the expiration of the first 18,000(eighteen thousand)- mile period of operation or the 2-year period.

- b. If, after a reasonable number of attempts, the manufacturer, its agent, or authorized dealer is unable to repair or correct any nonconformity, defect, or condition which results in significant impairment of the motor vehicle, the manufacturer, at the option of the consumer, shall replace the motor vehicle with a comparable motor vehicle, or accept return of the motor vehicle from the consumer and refund to the consumer the full purchase price, including all sales tax, license fees, registration fees, and any similar governmental charges. In calculating a refund, the manufacturer may deduct from the consumer's full purchase price a reasonable allowance not to exceed 10 cents per mile for the consumer's use of the motor vehicle in excess of the first 12,000(twelve thousand) miles of operation, and a reasonable allowance for any damage not attributable to normal wear or to the nonconformity, defect, or condition which significantly impaired the motor vehicle. Refunds shall be made to the consumer, and the lien holder, if any, as their interests may appear on the records of ownership kept by the Department of Public Works.
- c. Each of the following circumstances shall be an affirmative defense to any claim under this section:
  1. The nonconformity, defect, or condition does not significantly impair the vehicle.
  2. The nonconformity, defect, or condition is the result of abuse, neglect, or unauthorized modifications or alterations of the motor vehicle.
- d. It shall be presumed that a reasonable number of attempts have been made to conform a motor vehicle to the warranties, if:
  1. The same nonconformity, defect, or condition, if it is not safety- related, has been subject to repair 4(four) or more times by the manufacturer, its agent, or authorized dealer after notification by the consumer within the first 18,000 miles of operation or during the period of 2(two) years following the date of original delivery of the motor vehicle to a consumer,

whichever is the earlier date, but the nonconformity, defect, or condition continues to exist;

2. The same nonconformity, defect, or condition, if it is safety-related, has been subject to repair 1 or more times by the manufacturer, its agents, or authorized dealers after notification by the consumer within the first 18,000(eighteen thousand) miles of operation or during the period of 2(two) years following the date of original delivery of the motor vehicle to a consumer, whichever is the earlier date, but the nonconformity, defect, or condition continues to exist; or
  3. The motor vehicle is out of service by reason of repair of any nonconformities, defects, or conditions which significantly impair the vehicle, on a cumulative total of 30 days or more during either period, whichever is the earlier date.
- e. The 30-day out-of-service period shall be extended by any time during which repair services are not available to the consumer because of a war, invasion, strike, fire, flood, or other natural disaster.
- f. The consumer, in order to seek the refund or replacement provided by this section, shall first submit a claim to the Board of Consumer Claims Arbitration established pursuant to § 50-503. If the Board rejects the case for arbitration, or if the claim is arbitrated and the consumer rejects the arbitration decision, the consumer may then bring an action in co

### § 50-503 Arbitration

- a. There is established in the Department of Consumer and Regulatory Affairs a Board of Consumer Claims Arbitration for the District of Columbia. The Board shall consist of 7 members who shall be appointed by the Mayor.
- b. The members shall be at least 18 years of age and residents of the District.
- c. Two members shall be attorneys admitted to the practice of law in the District, 1 of whom shall be designated by the Mayor as chairperson of the Board. Two members shall have training and experience in arbitration and mediation. One member shall be the Director of the Department of Consumer and Regulatory Affairs or his or her designee. One member shall have experience or training in representing the interests of consumers. One member shall have experience or training in the manufacture or wholesale or retail sales of consumer goods.
- d. The Mayor shall appoint the initial Board members within 60 days of March 14, 1985. Of the members first appointed, the chairperson and 1 other member shall be appointed for terms of 3 years; 2 members shall be appointed for terms of 2 years; 1 member shall be appointed for a term of 2 years; and 1 member shall be appointed for a term of 1 year. Subsequent appointments shall be for terms of 3 years. This subsection shall not apply to the representative of the Department of Consumer and Regulatory Affairs.
- e. Members of the Board shall be compensated pursuant to § 1-611.08.
- f. The Mayor shall issue, and may amend from time to time, rules and regulations to implement the provisions of this section and may establish reasonable fees for the filing of complaints.
- g. The Board, in accordance with the rules and regulations issued pursuant to subsection (f) of this section, shall provide arbitration for claims filed by consumers against manufacturers, their agents, or dealers pursuant to §§ 50-502 and 50-505; for claims voluntarily filed by consumers against the provider of any consumer goods or services, who agrees to arbitration, pursuant to rules and regulations issued by the Mayor; and for claims filed pursuant to § 31- 2405 by parties agreeing to arbitration pursuant to rules and regulations issued by the Mayor.
- h. Consumers may submit claims to the Board by completing forms, which shall be approved by the Mayor.

- i. Upon receipt of a written claim filed by a consumer, the Board shall within 5 business days determine whether the claim qualifies for arbitration pursuant to this chapter and notify the opposing party.
  
- j.

- p. Upon application by any party to an arbitration proceeding, or upon its own motion, an arbitrator or arbitration panel may retain independent technical experts as needed to determine the facts in the case. The arbitrator or arbitration panel may assign the costs of the technical experts to 1 or both parties to the case.
  
- q.
  - 1. The arbitrator or arbitration panel shall determine whether the defendant is liable to the claimant and, if so, shall award the claimant relief.
  
  - 2. The arbitrator or arbitration panel may award the claimant the relief provided by this chapter, any relief available under any other law, and reasonable attorneys' fees. The defendant may be assessed the costs of

- C. The arbitrator or arbitration panel failed to conform to the rules and regulations issued pursuant to this chapter, and the failure to conform prejudiced the rights of a party to the complaint; or
  - D. The award is based on a numerical error or other error of fact, which the Board has failed to correct.
3. If the court determines the arbitration process was valid but grants the petition for a trial de novo on other grounds, the decision of the Board shall be admissible as evidence and shall be presumed correct.

(Mar. 14, 1985, D.C. Law 5-162, § 4, 32 DCR 160; Mar. 4, 1986, D.C. Law CREDIT 6-96, § 4(b), 32 DCR 7245; Feb. 24, 1987, D.C. Law 6-192, § 16, 33 DCR 7836; June 12, 1999, D.C. Law 12-285, § 4(h), 46 DCR 1355.)

#### **§ 50-504 Disclosure of rights**

- a. The manufacturer, its agent, or authorized dealer shall provide written notification to the prospective consumer of any motor vehicle to be sold or registered in the District of the rights provided to the consumer by this chapter.
- b. The Mayor shall issue rules and regulations prescribing the form and content of the notification required by this section.
- c. Any agreement entered into by a consumer for the purchase of a motor vehicle which waives, limits, or disclaims the rights set forth in this chapter shall be void. These rights shall inure to a subsequent transferee of the motor vehicle.

(Mar. 14, 1985, D.C. Law 5-162, § 5, 32 DCR 160.)

#### **§ 50-505 Disclosure of damages or defects in used motor vehicles; violations; penalties**

- a. No motor vehicle dealer may offer for sale any used motor vehicle without first providing:
  - 1. Written notice to the prospective consumer of any material mechanical defect in the motor vehicle and any damage sustained by the motor vehicle due to fire, water, collision, or other causes for which the cost of repairs exceeded \$1,000, when the defect or damage was known to the dealer; and



2. Written notice to the prospective consumer whether the dealer has conducted any inspection of the motor vehicle to determine known defects or damage.
- b. A motor vehicle dealer who fails to provide the notices required by this section or who provides false or misleading notices shall, upon conviction, be subject to the following penalties:
    1. A fine of not less than \$300 or more than \$1,000 for a first offense; and
    2. A fine of not less than \$1,000 or more than \$5,000, or suspension or revocation of the license issued pursuant to § 300 of the Vehicles and Traffic Regulations (18 DCMR 300.1 et seq.), or both, for a second or subsequent offense.
  - c. The purchaser of a used motor vehicle shall have a right of action against a used motor vehicle dealer for damages or injuries sustained as a result of the dealer's failure to comply with the requirements of this section. The purchaser, in order to seek the remedies provided by this section, shall first submit a claim to the Board. If the Board rejects the case for arbitration, or if the claim is arbitrated and the purchaser rejects the arbitration decision, the purchaser may then bring an action in court to seek the remedies provided by this section.
  - d. Violations of this section shall be prosecuted in the name of the District of Columbia by the Corporation Counsel of the District of Columbia.
  - e. Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this chapter, or the rules or regulations issued under the authority of this chapter, pursuant to Chapter 18 of Title 2. Adjudication of any infraction shall be pursuant to Chapter 18 of Title 2.

(Mar. 14, 1985, D.C. Law 5-162, § 6, 32 DCR 160; Oct. 5, 1985, D.C. Law 6-42, § 402, 32 DCR 4450.

### **§ 50-506 Listing of odometer readings**

The Department of Public Works shall list the odometer readings at the time of registration or transfer of registration on the title of all motor vehicles registered in the District.

(Mar. 14, 1985, D.C. Law 5-162, § 8, 32 DCR 160.)

### **§ 50-507 Other rights or remedies; limitations on actions**

- a. Nothing in this chapter shall in any way limit the rights or remedies, which are otherwise available to a consumer under any other law.
- b. Any action brought pursuant to this chapter shall be commenced within 4 years of the date of original delivery of the motor vehicle to the consumer.

(Mar. 14, 1985, D.C. Law 5-162, § 9(b), (c), 32 DCR 160.)

### **§ 50-508 Rules and regulations**

The Mayor shall issue, and may amend from time to time, rules and regulations to implement the provisions of this chapter.

(Mar. 14, 1985, D.C. Law 5-162, § 10, 32 DCR 160.)

### **§ 50-509 Provision for alternative arbitration system**

If the arbitration system established pursuant to § 50-503 cannot consistently handle complaints during the 60-day period as required by § 50-503(q)(4), and if the administration of the arbitration system results in expenditures beyond the sums budgeted annually for the program, the Mayor may certify an alternative arbitration system that complies with this chapter and rules issued to implement this chapter.

(Mar. 14, 1985, D.C. Law 5-162, § 11, 32 DCR 160.)

### **§ 50-510 Suspension of enforcement**

Notwithstanding any other provision of District law, enforcement of this chapter by the Department of Consumer and Regulatory Affairs is suspended until October 1, 2000.

(Mar. 14, 1985, D.C. Law 5-162, § 11a, as added, Sept. 26, 1995, D.C. Law 11-52, § 811, 42 DCR 3684; Mar. 26, 1999, D.C. Law 12-175, § 1402, 45 DCR CREDIT 7193.)

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