

February 21, 2013

The Honorable Paul Doyle  
Legislative Office Building  
Room 3500  
Hartford, CT 06106-1591

**RE: OPPOSE Proposed SB 318**

Dear Senator Doyle,

The Association of Global Automakers<sup>1</sup> writes to respectfully oppose Proposed Senate Bill 318. Bill 318 would drastically expand auto manufacturers' obligations under Connecticut consumer protection laws, requiring manufacturers to replace or repurchase so-called "lemon" automobiles without providing the manufacturer or dealer a real opportunity to inspect and repair the vehicle in conformance with its express warranty. Instead, a consumer could retain an independent "mechanic" to "certify" that a vehicle is a "lemon" subject to all of the protections and remedies provided under this state's current law.

Connecticut already has one of the most protective lemon law statutes (CONN.GEN.STAT.§42-179) in the United States, providing significant protection to the consumer in the event his new motor vehicle does not conform to applicable express warranties made by the manufacturer. A consumer in Connecticut who purchases a new vehicle has a period of at least two years or 24,000 miles, which can be extended under certain circumstances, to require the manufacturer through its dealer to repair and correct any defect or condition that impairs the use, safety, or value of the vehicle. The current statute gives the manufacturer a reasonable number of attempts to correct a non-conformity and if not reparable, and either replace the vehicle with a new motor vehicle acceptable to the consumer or repurchase and fully refund the consumer. These protections are in place to ensure that the significant investment consumers make in purchasing a new motor vehicle is protected against unsafe or defective products while at the same time providing the manufacturer with sufficient opportunity to repair the vehicle.

In Proposed SB 318, a consumer would no longer have to give the manufacturer a reasonable amount of attempts to repair or investigate any non-conformity. Instead the consumer can take the vehicle to a "mechanic" to certify whether a defect or condition impairs the use, safety, or value of the vehicle, with no requirement to show that the manufacturer has had a reasonable opportunity to repair the vehicle, before the manufacturer would have to replace the vehicle or repurchase and provide a refund of the consumer's purchase. **Global Automakers strongly opposes this significant and unprecedented departure from the normal Lemon Law process.**

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<sup>1</sup> The Association of Global Automakers represents international motor vehicle manufacturers, original equipment suppliers, and other automotive-related trade associations. Our members include American Honda Motor Co., American Suzuki Motor Corp., Aston Martin Lagonda of North America, Inc., Ferrari North America, Inc., Hyundai Motor America, Isuzu Motors America, Inc., Kia Motors America, Inc., Maserati North America, Inc., McLaren Automotive Ltd., Nissan North America, Inc. Peugeot Motors of America, Subaru of America, and Toyota Motor North America, Inc. We work with industry leaders, legislators, regulators, and other stakeholders in the United States to create public policies that improve motor vehicle safety, encourage technological innovation and protect our planet. Our goal is to foster an open and competitive automotive marketplace that encourages investment, job growth, and development of vehicles that can enhance Americans' quality of life. For more information, visit [www.globalautomakers.org](http://www.globalautomakers.org).



The proposed legislation also does not specify what qualifications a mechanic must have or what process he needs to use in order to “certify” that a manufacturer’s vehicle is no longer able to comply with express warranties made at purchase. Our franchised dealers have specialized technicians with extensive training, diagnostic tools and access to other warranty information from the manufacturer. The mechanic likely lacks this specialized expertise. In addition, there is no process outlined in this legislation that would enable the manufacturer to challenge this “certification” or otherwise assess the condition of a vehicle before the manufacturer would have to replace the vehicle or refund the purchase. The Lemon Law process in other states and the current Connecticut law gives manufacturers and consumers the opportunity to assess whether a vehicle is not reparable. **This draft legislation would create an arbitrary process with almost zero opportunity to assess the efficacy of any repairs to the vehicle and whether anything can be done to bring the vehicle into compliance with manufacturer warranties.** The current Connecticut law, like other states, requires a reasonable number of attempts because there are sometimes difficult and complicated issues involved in the repair of a vehicle that take more than one attempt by the dealer to ascertain and correct.

**For the aforementioned reasons, Global Automakers strongly opposes Proposed SB 318 and asks this committee to vote it down or take no action during the 2013 session of the General Court.**

Sincerely,

A handwritten signature in black ink, appearing to read "Gordon Fry", written over a light blue horizontal line.

Gordon Fry  
Director, State Relations

CC: Members of the General Committee on General Law