

The Consumer Protection Unit is part of the State Department of Justice Fraud and Consumer Protection Division. The Division was created by Attorney General Brady, and is comprised of the Consumer Protection Unit, the Securities Unit, the Fraud in Government Programs Unit and the Special Investigations Unit.

The Consumer Protection Unit is responsible for the investigation of consumer complaints and the enforcement of consumer laws, including the Consumer Fraud Act and the Deceptive Trade Practices Act. It is responsible for initiating both civil and criminal prosecution against violators of consumer protection laws. Both businesses and consumers rely upon the Consumer Protection Unit for help with a variety of consumer issues. The Unit also provides informal mediation services in an effort to resolve disputes without litigation. Another important objective of the Consumer Protection Unit is to provide community outreach and educational services on issues of public concern, including consumer tips and advice, press releases warning the public of consumer scams or frauds, and presentations to consumer and civic groups.

Anyone with a consumer concern, or with a desire to obtain more information on consumer laws, is invited to call the Attorney General's Consumer Protection Unit at:

**1-800-220-5424**  
**Outside Delaware**  
**302-577-8600**



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Or visit the Attorney General's website:  
<http://www.state.de.us/attgen/>

# DELAWARE'S



**STATE OF DELAWARE**  
**DEPARTMENT OF JUSTICE**

**Fraud and Consumer**  
**Protection Division**

## **FREQUENTLY ASKED** **QUESTIONS**

### **What vehicles are covered by the DE “Lemon Law”?**

This law covers only new cars leased or bought in Delaware or cars, still under warranty, registered by the Division of Motor Vehicles.

### **What conditions or problems are covered by the “Lemon Law”?**

The Lemon Law covers any defect or condition that substantially impairs the use, value or safety of the vehicle.

### **How long do I have to report the problem to the manufacturer?**

The consumer has 1-year or the period of the warranty, whichever is earlier, to report the defect or condition.

### **How many times can the dealer attempt to fix the problem or problems before I can use the “Lemon Law”?**

If the same problem has been subject to correction 4 times or more or if the automobile has been out of service more than 30 calendar days since the original delivery of the car to the consumer then the “Lemon Law” applies.

### **How does the law count the “30 days”?**

The 30 days begin with the first day the consumer notifies the dealer and the manufacturer of the defect. The 30-day period can be extended if the manufacturer, dealer or agent is not able to make repairs due to circumstances beyond their control.

### **What are my remedies if the manufacturer fails to correct my problem?**

The manufacturer may either replace the vehicle with a comparable new vehicle acceptable to the consumer or repurchase the vehicle. The consumer has the right to decline a replacement and demand repurchase of the vehicle.

### **What are my rights if the car is replaced?**

If the consumer financed the original car through the dealer or manufacturer, the dealer or manufacturer must offer the same terms for the financing of the replacement car. Manufacturers must also reimburse incidental costs, including dealer preparation fees, fees for transfer of registration, sales tax or other charges of fees incurred as a result of the replacement.

### **What should I do if the manufacturer, dealer or other authorized agent refuses to accept return of the car or claims that “Lemon Law” does not apply?**

We recommend writing a letter and sending it certified mail return receipt requested to the manufacturer and the dealership where the car was purchased. Make sure your letter includes your name, address, phone number and outlines the problems with your car. Include photocopies of the sales contract and warranty and suggest how you would like to resolve the matter. You can contact the Better Business Bureau to take advantage of their automobile arbitration program or you may file a civil lawsuit against the manufacturer.

Consumers are encouraged to contact the Consumer Protection Unit for assistance with Lemon Law complaints.

### **If I sue the manufacturer and win will my attorney’s fees be reimbursed?**

The Court may, in its discretion, award costs and attorney’s fees to the consumer. Be aware that if the Court finds that the action was brought in bad faith, you may have to pay attorney’s fees and costs incurred by the manufacturer and/or dealer.

**For further information please refer to:**  
***Automobile Warranty Law;***  
***Title 6, Chapter 50***

**The Delaware Legal Code is available on the Attorney General’s website:**  
**<http://www.state.de.us/attgen/>**