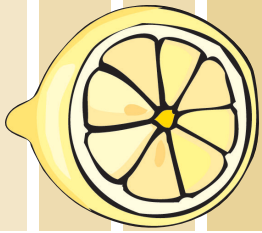
Motorized Wheelchair Lemon Law



consumer*brief*

With the price of motorized wheelchairs and scooters ranging from $2,000 to as high as $20,000, purchasing one can be almost as expensive as purchasing a new car.

The Wheelchair Lemon Law provides protection to owners and lessees of motorized wheelchairs and motorized scooters.

HERE'S HOW THE LAW WORKS:

The Wheelchair Lemon Law requires manufacturers to give customers warranties of at least one year that cover defects which substantially impair the use, value or safety of the chair or scooter. The warranty also covers accompanying power accessories that are used to operate the wheelchair or scooter, as well as the wheelchair itself.

The law applies to all new and "demonstrator" wheelchairs, motorized scooters designed primarily for indoor use, and retrofit power units intended to motorize wheelchairs. The wheelchair or scooter must be designed to help promote independent living and mobility for medical reasons and have been purchased or leased in New Jersey.

If you believe your wheelchair or scooter does not function properly, you must:

- notify the manufacturer or lessor of the problem by mail each time the problem occurs; and
- make the wheelchair or scooter available for repair within the one-year warranty period.

After three (3) unsuccessful attempts at repairing the same problem with the wheelchair or motorized scooter or if the wheelchair or motorized scooter is out of service for a total of twenty (20) cumulative days, you may be entitled to a replacement, refund, or early lease termination, minus a reasonable allowance for use.

Consumers who abuse, neglect or make unauthorized modifications or alterations to the wheelchair or scooter are not protected under the law.

Consumers who meet the criteria outlined to pursue a Wheelchair Lemon Law claim may:

- Refer the matter to the manufacturer for resolution
- Refer the matter to the Wheelchair Lemon Law Unit at the Division of Consumer Affairs for dispute resolution, or
- File an action in the Superior Court of New Jersey and mail a copy of the initial or response pleading containing the claim, counterclaim or defense to the Attorney General within 10 days of filing the papers with the court.

To participate in the New Jersey Division of Consumer Affairs' Wheelchair Lemon Law dispute resolution process, consumers must submit an application to the Wheelchair Lemon Law Unit. Applications are available from the unit. The address is: Lemon Law Unit, New Jersey Division of Consumer Affairs, P.O. Box 45026, Newark, N.J. 07102. Those consumers whose applications are accepted must pay a nonrefundable $50 filing fee to the New Jersey Division of Consumer Affairs. Applications are referred to the Office of Administrative Law for a hearing.

For more information, contact the Lemon Law Unit at **973-504-6226.**

800-242-5846 • www.NJConsumerAffairs.gov

Office of the Attorney General

New Jersey Division of **Consumer Affairs**

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