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Lemon law with bite comes closer to reality

'Hammer' to force auto manufacturers to arbitrate in good faith with consumers

By B.J. Thomsen
Of the Emerald

A tough new version of the 1983 lemon law is scheduled to come before the House for a vote today or Thursday, according to

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Rep. Peg Jolin, D-Cottage Grove.

The bill, SB 2599, came one step closer to becoming Oregon law last Thursday when it was passed out of committee with a unanimous 7-0 vote.

Jolin, chairwoman of the Consumer and Business Affairs Committee, to which the bill was assigned, said automakers have not been arbitrating in good faith with consumers who purchase a "lemon."



Graphic by Lorraine Rath

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Legislative issues

A lemon is defined legally as "a new car or truck (that) is out of service for 30 or more business days or has the same major defect repaired four or more times during the first year or 12,000 miles of ownership."

This bill provides a "hammer" designed to force automakers to deal with the problem, Jolin said.

The hammer she referred to is a provision in the bill requiring manufacturers to pay triple damages awarded to the consumer if the case goes to court and the manufacturer is found at fault.

This economic incentive was not put into the 1983 version of the law because "we had to have an element of trust," Jolin said.

"We said, 'We'll trust you (the manufacturers) to play fair,' and they have not," she said. "This (provision) puts teeth into the bill."

"The manufacturers have built a case against themselves," she said, noting that in some cases manufac-

turers have held arbitration hearings without notifying the car owner involved in the case.

Car owners, according to the 1983 law, "must be allowed access and attendance to their arbitrations," said John Stubenval of the Oregon State Public Interest Research Group.

OSPIRG requested the 1983 bill and also requested the current bill, Stubenval said.

The consumer advocacy organization requested the new version of the bill after it conducted a study that indicated the arbitration process wasn't working in the way it was designed.

OSPIRG suggested the triple damages provision to lawmakers because it believes this will induce automakers to use the arbitration process rather than risk losing in court and having to pay triple the amount awarded by the jury.

The group wanted to make arbitration the manufacturers' single best option, Stubenval said.

This bill, if made law, will do that, Jolin said.

Lemon laws have been implemented in 41 other states, and the problem of manufacturers not meeting arbitration standards has been common, Stubenval said.

Several other states, including California and Washington, are considering similar toughening measures for their lemon laws, he added.

OSPIRG has found the problem most severe with the Ford and Chrysler arbitration processes. General Motors and most small car manufacturing firms in Oregon allow the Better Business Bureau to handle their arbitration proceeding.

In addition to making the law tougher financially, the bill would extend the law to all leased vehicles and would expand the definition of what can be considered a lemon in the eyes of the law.

If the bill is made law, safety flaws in automobiles also can make a car a lemon, Stubenval said. He pointed to recent accelerator problems with the Audi 5000 as an example of the type of flaw consumers could use to make a car a lemon.

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MEETINGS

The ASUO Women's Task Force will meet today at 4 in EMU Century Room B. New members are welcome.

College Republicans will meet at 5:15 today in the EMU Forum Room. Officer elections will be held.

LECTURES

"Woman's Place in the Australian Tradition" will be the topic of a conversation by

Professor Shirley Walker of the University of New England in Australia today at noon in EMU Century Room E.

MISCELLANEOUS

Orientation staff paid positions: Information and applications are available through today in 364 Oregon Hall.

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