

LEMON LAW PROGRAM GENERAL FAQ

1. Where can I submit my supporting documents?

Any and all supporting documents may be submitted via email to the Lemon Law program manager at NYSDRA. The program manager will forward your documents to your local Community Dispute Resolution Center (CDRC) after your fee is paid. If you submit your documents after your fee is paid, they may be emailed to both the Lemon Law program manager at NYSDRA (don@nysdra.org) as well as the CDRC. You can find your CDRC contact information in your case email from NYSDRA. You can also mail any supporting documents to NYSDRA directly at:

NYSDRA
300 Great Oaks Blvd.
Suite 300-027
Albany, NY 12203

2. What if my vehicle isn't drivable? Do I still need to bring it to the hearing?

If the vehicle isn't drivable, you don't need to bring it to the hearing. However, the arbitrator may make a negative inference about your case if they cannot see the vehicle. Many of the CDRC hearings are held virtually. You should check with your CDRC via the hearing notice to determine the time, date and location of your hearing. If the hearing is held virtually, the hearing notice will indicate. It is also possible that the arbitrator won't need to see the vehicle. If they require an inspection, they will let you know during the hearing.

3. The manufacturer / dealer reached out to me to discuss a settlement prior to the hearing? Am I allowed to respond to these emails and if so, should I?

You are free to respond to any and all communications from the responding party, so long as you don't have an attorney for your case. If you have an attorney, your attorney should be communicating directly with NYSDRA and / or the responding party. You should refrain from communicating with anyone. If you don't have an attorney, you may wish to discuss resolution with the responding party. That is up to you. NYSDRA nor the CDRC can advise you one way or the other as both NYSDRA and the CDRC are neutral 3rd parties in these cases.

4. What happens if I sign a settlement agreement prior to the hearing?

If a settlement agreement is signed prior to the hearing, you will forfeit your rights to a hearing. Your case with the AG's office will be closed and you would continue to work with the responding party to complete any agreed to settlement.

5. I won my arbitration case, should I continue to make payments on my vehicle? What about my insurance payments?

Yes. If you win your arbitration, you should continue to make any and all payments required on your vehicle until the vehicle is surrendered. This will avoid any potential late fees or negative credit reporting. You should also make any required auto insurance payments until your policy is canceled. You can cancel your policy whenever you choose. You should use your better judgment to determine those timeframes.

6. I lost my arbitration case, what can I do now?

If you lose your case, you may still have options available to you by Law. You should consult with a private attorney to determine the best course of action. You may also file another claim with the Attorney General's office, so long as you are able to provide new, previously unseen, repair attempts that were made within the Lemon Law warranty period applicable to your vehicle to support your claim. If you file another claim after an arbitration, you will be required to pay the filing fee again.

7. I won my case, but I don't agree with the arbitrator calculations? What do I do? You may request modification to the award by emailing the Lemon Law program manager at NYSDRA directly. The program manager will forward your request to the arbitrator for review. Please be aware that a modification can only be made to change the mathematical calculations of the award, not the award outcome. If the request is approved, you will receive an updated award with new calculations. If the request is denied, the prior award stands.

8. My hearing was scheduled at a time when I am unavailable. Can I reschedule?

You should reach out directly to your local CDRC to let them know of your scheduling conflict. They will need to reach out to the arbitrator to confirm new times/dates for your hearing. It will still be up to the arbitrator to approve or deny this request.

9. I won my case and I need to send the acceptance form to the losing party. Where do I send it and can you provide me with an email address to send to?

You should send the acceptance form via mail to the address listed for the responding party in your initial email from NYSDRA. If you had any direct contact with a representative of the responding party, you may also email the form to them directly. However, if you don't have a direct email contact for the responding party, NYSDRA is unable to provide that information due to confidentiality. In that case, you should send the form via regular mail.

10. I sent in my acceptance form and haven't heard back from the responding party. What are the next steps?

The responding party has 30 days from the date they receive your acceptance form to comply without penalty. If 30 days have passed, you should review the email sent to you with the award which references Article 75. That letter provides an overview of your legal options and also lists a few free legal resources available to you. You may also contact a private attorney if you so choose. Please note that NYSDRA, the CDRC, nor the Attorney General's Office can get involved with settlement or award enforcement.

11. I want to withdraw my case. How do I do so and can I get a refund of my filing fee?

To withdraw your case, you should email either the Lemon Law program manager at NYSDRA or the CDRC. Your case will be closed and the Attorney General's Office will be notified. If your fee has been paid, NYSDRA will refund the fee so long as a settlement hasn't been reached. If you withdraw due to settlement, your fee will not be refunded.

12. I traded in my vehicle. Can I still pursue my claim?

No, the vehicle title and the vehicle must be in your possession at the time of the hearing in order to qualify.