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# California lemon law urged to help Toyota owners

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Published: Wednesday, Feb. 24, 2010 - 12:00 am | Page 8B



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A Sacramento-based consumer advocacy group is urging consumers who have experienced multiple problems with runaway Toyotas to consider relief under California's lemon law.

The group, Consumers for Auto Reliability and Safety (CARS), on Tuesday also urged Toyota officials to replace or offer refunds on vehicles with sticking gas pedals.

"Why not repurchase the car and treat it as a lemon buyback?" asked Rosemary Shahan, president of CARS and a nationally known advocate for motor vehicle buyers' rights. "We're hearing about consumers who have two or three of these (unexpected accelerations), but (Toyota) won't buy it back."

Generally, the state's lemon law applies to problems arising in the first 18 months or 18,000 miles of vehicle ownership. The law presumes that an automaker has made a "reasonable number" of attempts to repair a vehicle during that time.

California's lemon law provides for car owners to get a refund "if the vehicle has a life-threatening

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safety defect, and if it has not been remedied after two repair attempts," Shahan noted. For other types of defects, the number of repairs to trigger the lemon presumption is four.

Attempts to get comment from Toyota representatives were unsuccessful.

Citing consumer testimony in Washington, D.C. Tuesday before a congressional committee investigating Toyota's acceleration problems, Shahan said that when "customers have experienced such a frightening incident, rather than subject them to repeated harrowing experiences, it would make more sense to simply provide the car owner with a refund ... Then Toyota can treat the runaway cars as lemon law buybacks and, most importantly, keep possession of them and fix them before they re-enter the auto marketplace."

Shahan suggested that Toyota could "retire such vehicles until they have developed a fix, have them examined by NHTSA (National Highway Traffic Safety Administration) or others with the expertise to identify what is causing the problem, then donate them to a technical school."

If a solution to the acceleration problem is confirmed, Shahan said Toyota could offer the vehicles for resale, but with a "lemon law buyback" on their titles.

Auto industry experts said there are numerous legal variables to consider, including Toyota's highly publicized efforts to fix the accelerator problems.

"It's definitely a gray area, and it's certainly a novel approach," said Jeremy Anwyl, CEO of Edmunds.com, the Santa Monica-based automotive site.

"The nut of this is: What exactly is causing this? ... There are a lot of theories, but nobody is proving anything."

Other analysts said consumers seeking relief under California's lemon law likely would have to prove that a specific defect caused their cars to accelerate and that Toyota showed negligence in its efforts to fix it.

The state attorney general's Web site says that "the lemon law presumption is a guide, not an absolute rule. A judge or arbitrator can assume that the manufacturer has had a reasonable number of chances to repair the vehicle if all of the conditions are met. The manufacturer, however, has the right to try to prove that it should have the chance to attempt additional repairs. ... "

Shahan insisted that repeated instances of sticking gas pedals on Toyotas are textbook examples that would apply under California's lemon law.

"That was the whole point of getting that (legislation) through," she said. "You don't want people risking their lives over and over again. "

For details on California's lemon law, go to: <http://ag.ca.gov/consumers/general/lemon.php>

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*Call The Bee's Mark Glover, (916) 321-1184.*

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