

3304 LEMON LAW CLAIM: FAILURE TO REPAIR (RELATING TO SPECIAL VERDICT QUESTION 6) [WIS. STAT. § 218.0171(2)(a)]

If a new vehicle does not conform to an applicable express warranty, the consumer must report the nonconformity to the manufacturer or any of the manufacturer's authorized dealers (before the expiration of the warranty) (within one year after first delivery of the vehicle to the consumer.) The vehicle must also be made available for repair within one year after first delivery of the vehicle to the consumer.

Any nonconformity reported by the consumer and made available for repair, must be repaired by the manufacturer or its authorized dealers.

It is undisputed that (dealer) was a manufacturer's authorized dealer.

(Plaintiff) must prove that:

- (a) the vehicle did not conform to an applicable express warranty, and
- (b) that the nonconformity was reported to the manufacturer or its authorized dealer before (date), and
- (c) that the vehicle was made available for repair¹ of the nonconformity on or before (date), and
- (d) that the nonconformity was not repaired by the manufacturer or its authorized dealer, and
- (e) that the nonconformity continues after expiration of (the warranty period) (one year).

COMMENT

This instruction and comment were approved in 1999. The statutory reference in the title was revised in 2005.

Vultaggio v. General Motors Corp., 145 Wis.2d 874, 429 N.W.2d 93 (Ct. App. 1988).

NOTE

¹If only a Wis. Stat. § 218.0171(2)(a) claim, use Wis JI-Civil 3301 for definition of "nonconformity" and last paragraph of Wis JI Civil 3302 for definition of "available for repairs."