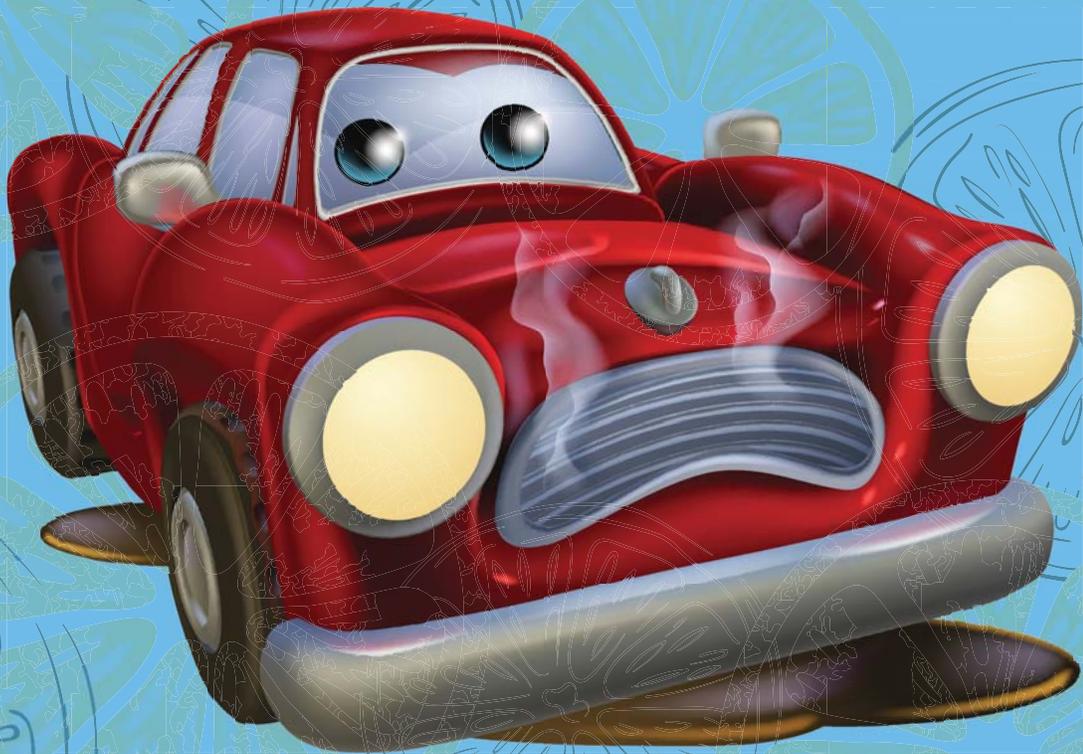


Florida

**Attorney General
Pam Bondi**



**Lemon Law
Arbitration Program**



2014-2016 Annual Report

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Dear Floridians:

The Florida New Motor Vehicle Arbitration Board, housed in the Lemon Law Arbitration Division of the Attorney General's Office, is a free and effective forum for the resolution of disputes between consumers and motor vehicle manufacturers under Florida's "Lemon Law." Consumers have recovered more than \$457 million in refunds and vehicle replacements via settlements and arbitration awards since the first case was filed in 1989.

This report focuses on disputes filed with the Office of the Attorney General that were approved for arbitration before the Florida New Motor Vehicle Arbitration Board for calendar years 2014 through 2016. The report includes a summary comparison of results from 1989 through 2016. Also reported is the total number of motor vehicles identified by manufacturers as having been reacquired in 2014 through 2016.

Consumers can obtain information about Florida's Lemon Law and search a list of vehicles repurchased by motor vehicle manufacturers on the home page of the Office of the Attorney General at www.myfloridalegal.com.

Sincerely,



Pam Bondi
Attorney General



INTRODUCTION

Florida's "Lemon Law," Chapter 681, Florida Statutes, allows consumers to receive replacement motor vehicles or purchase price refunds when their new or demonstrator motor vehicles are subjected to repeated, unsuccessful repairs for the same defect or condition, or are constantly in the shop for repair of one or more different defects or conditions. The defects or conditions must substantially impair the use, value or safety of the vehicle, and must first be reported to the manufacturer or its authorized service agent during a specified period after the consumer takes delivery of the vehicle. If the manufacturer fails to provide the remedy required by statute, the consumer can arbitrate the claim before the Florida New Motor Vehicle Arbitration Board.

The Board consists of members appointed by the Attorney General and conducts arbitration hearings throughout the state. Arbitration is an "all-or-nothing" proposition for the consumer, who will either win an award of a refund or replacement vehicle or have the claim dismissed. Section 681.1095, Florida Statutes, requires the Attorney General to compile annual statistics for all disputes submitted to the Board. In 2011, the law was changed to require that requests for arbitration be filed with and screened by the Office of the Attorney General, instead of the Department of Agriculture and Consumer Services. Claim filing with the Attorney General's Office commenced on May 26, 2011. As a result, in some instances, comparisons between more recent reports and those for 2010 and years prior will not be possible. Where such a comparison is possible, the information has been provided. The information contained in this report was derived from the records of the Attorney General's Lemon Law Arbitration Division. This report covers claims filed with the Office of the Attorney General and approved for arbitration from January 1, 2014, through December 31, 2016.

Disputes are reported by manufacturer. In cases involving some motor vehicles, a single claim could involve multiple manufacturers. In those instances, approval of the claim for arbitration is credited to the "nameplate" manufacturer (the name of the manufacturer under which the vehicle was sold). In reporting the dollar values of arbitration awards, all manufacturers found liable by the Board in each case are listed; however, the per-case dollar amount of the award is not pro-rated. For example, if two manufacturers were found liable to pay the consumer in one case a refund of \$60,000, only the total amount of the award is reflected in this report, along with the names of both liable manufacturers. The law does not give the Board the authority to pro-rate awards in multiple manufacturer cases.



EXECUTIVE PROGRAM SUMMARY

During the calendar years 2014 through 2016, a total of 1,666 arbitration claims were filed with the Office of the Attorney General. This represents an increase of just over 500 claims as compared to the prior 3-year period (2011-2013). Purchase price refunds were requested in 80.6 percent (1,343) of cases filed, while replacement vehicles were requested in 19.4 percent (323). Of the 1,666 cases filed, 277 cases were rejected by the Office of the Attorney General as outside of the scope of the Arbitration Board's authority, and 116 were withdrawn by the consumer. The remaining 1,273 claims were approved for arbitration. This report focuses upon the outcomes of the cases that were approved for arbitration. From January 1, 2014, through December 31, 2016, a total of 84 of the approved cases were voluntarily withdrawn by consumers prior to resolution. The remaining 1,189 cases were resolved via prehearing settlement (675) or arbitration decision (514). The dollar amount of relief obtained totaled over \$31 million for the three-year period.

TABLE 1. 2014-2016 CASES FILED FOR ARBITRATION; CASES REJECTED/ NOT APPROVED AND CASES WITHDRAWN/NOT APPROVED

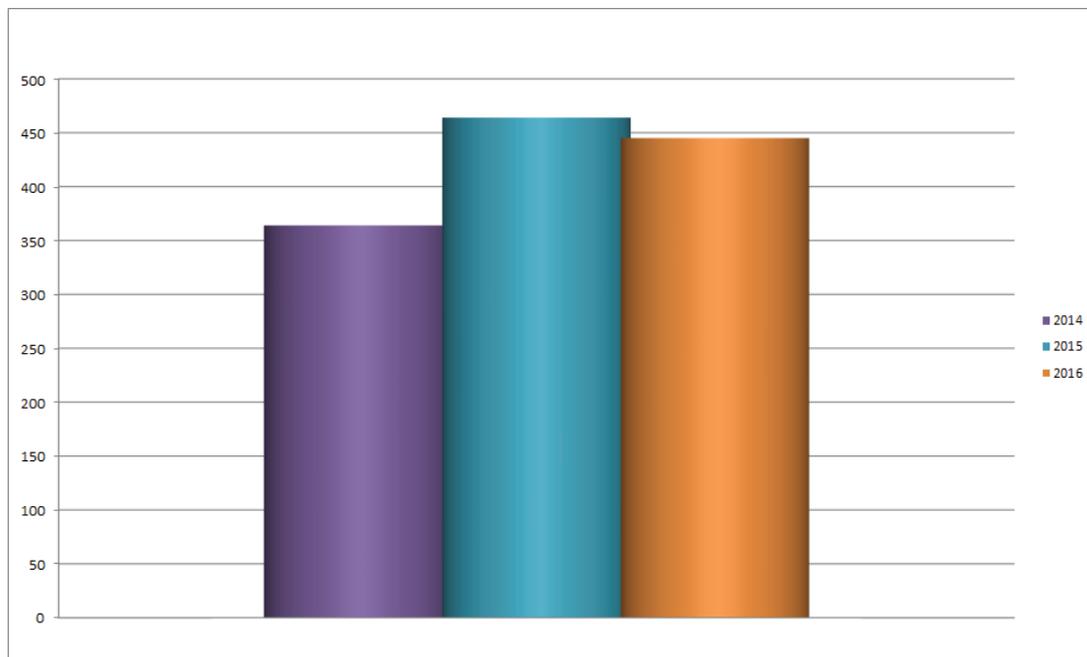
Manufacturer	Cases Filed	Cases Rejected- Not Approved	Cases Withdrawn- Not Approved	Cases Approved
AMERICAN HONDA/ACURA	79	7	4	68
BENTLEY	3	0	1	2
BMW	96	11	5	80
CHRYSLER/FCA US LLC	620	48	37	535
CLUB CAR	1	0	0	1
DAIMLER VEHICLE INNOVATIONS USA, LLC	3	0	1	2
FERRARI	5	1	0	4
FORD	239	83	15	141
GENERAL MOTORS	152	48	17	87
HYUNDAI	65	15	8	42
JAGUAR	11	2	0	9
KANDI	1	1	0	0
KIA	36	10	8	18
LAND ROVER	17	1	0	16
LOTUS	2	0	0	2
MASERATI	29	1	1	27
MAZDA	4	0	0	4



TABLE 1. 2014-2016 CASES FILED FOR ARBITRATION; CASES REJECTED/ NOT APPROVED AND CASES WITHDRAWN/NOT APPROVED (Continued)

Manufacturer	Cases Filed	Cases Rejected- Not Approved	Cases Withdrawn- Not Approved	Cases Approved
MERCEDES-BENZ	89	8	6	75
MITSUBISHI	4	0	0	4
MOTO	2	0	0	2
NISSAN/INFINITI	57	12	6	39
ORGANIC TRANSIT	1	1	0	0
POLARIS	1	0	0	1
PORSCHE	2	0	0	2
SUBARU	14	0	1	13
THOR RV	1	0	0	1
TESLA	1	0	0	1
TOYOTA/LEXUS	81	19	3	59
UNIVERSAL TRAILER SALES	1	0	0	1
VOLKSWAGEN/AUDI	39	7	1	31
VOLVO	10	2	2	6
TOTALS	1666	277	116	1273

GRAPH A. COMPARES THE TOTAL NUMBER OF CASES APPROVED FOR ARBITRATION FROM 2014 TO 2016



CASES APPROVED FOR ARBITRATION

Since mid-2011, consumers have requested arbitration of their Lemon Law disputes by filing a Request for Arbitration form with the Lemon Law Arbitration Division of the Attorney General's Office. The forms are screened for eligibility under a process governed by statute. If a request is determined eligible, it is approved for arbitration, the parties are notified of the approval, and the case is assigned to the appropriate regional office of the Lemon Law Arbitration division for administration and the scheduling of a hearing.

Claims were approved against 31 manufacturers during the three-year report period. The number of cases approved for each manufacturer is reflected in Table 2. Claims withdrawn by consumers for reasons other than settlement are also depicted. Manufacturers are identified by the nameplate under which the vehicles were sold.

TABLE 2. 2014-2016 CASES APPROVED FOR ARBITRATION AND CASES WITHDRAWN AFTER APPROVAL

Manufacturer	Cases Approved	Cases Withdrawn After Approval
AMERICAN HONDA/ACURA	68	3
BENTLEY	2	1
BMW	80	7
CHRYSLER/FCA US LLC	535	26
CLUB CAR	1	1
DAIMLER VEHICLE INNOVATIONS USA, LLC	2	0
FERRARI	4	0
FORD	141	11
GENERAL MOTORS	87	6
HYUNDAI	42	2



TABLE 2. 2014-2016 CASES APPROVED FOR ARBITRATION AND CASES WITHDRAWN AFTER APPROVAL (Continued)

Manufacturer	Cases Approved	Cases Withdrawn After Approval
JAGUAR	9	0
KANDI	0	0
KIA	18	1
LAND ROVER	16	0
LOTUS	2	0
MASERATI	27	1
MAZDA	4	0
MERCEDES-BENZ	75	5
MITSUBISHI	4	0
MOTO	2	1
NISSAN/INFINITI	39	5
ORGANIC TRANSIT	0	0
POLARIS	1	0
PORSCHE	2	0
SUBARU	13	1
THOR RV	1	0
TESLA	1	0
TOYOTA/LEXUS	59	8
UNIVERSAL TRAILER SALES	1	0
VOLKSWAGEN/AUDI	31	5
VOLVO	6	0
TOTALS	1273	84



PREHEARING SETTLEMENTS

Consumer claims were resolved by settlement between the parties in 53 percent (675) of the 1,273 approved cases for the three-year report period. “Full” settlements, or settlements for the same full refund or vehicle replacement consumers would have obtained had they prevailed in arbitration, numbered 599, while the remaining 76 cases were settled for something less than full relief. Generally, these partial settlements were for such things as additional repairs, extended warranties, or partial cash payments. A breakdown of the settlement rates by year shows that, for the first time since 2006, yearly settlement rates exceeded 50 percent of cases approved for hearing: 59.1 percent of the cases approved in 2015 were resolved by settlement between the parties (274 out of 464 cases), as were 51.7 percent of the cases approved in 2016 (230 out of 445 cases). The settlement rate for 2014 was 47 percent (171 out of 364 cases).

Tables 3 and 4 identify the manufacturers entering into partial and full settlements with consumers during the three-year report period, and the total dollar values of the full settlements. The nature of most partial settlements prevents assignment of dollar values to them.

TABLE 3. 2014-2016 NUMBER OF “PARTIAL” SETTLEMENTS

Manufacturer	Number
AMERICAN HONDA/ACURA	6
BMW	12
CHRYSLER	19
FORD	4
GENERAL MOTORS	6
HYUNDAI	2
JAGUAR	1
KIA	3
LAND ROVER	1
MASERATI	6
MAZDA	2
MERCEDES-BENZ	9
MOTO	1
NISSAN/INFINITI	1
POLARIS	1
TOYOTA/LEXUS	2
TOTALS	76



TABLE 4. 2014-2016 NUMBER, PERCENT, AND VALUE OF FULL SETTLEMENTS

Manufacturer	Full Settlements	Percentages of All Settlements	Value of Full Settlements
AMERICAN HONDA/ACURA	16	2.67%	\$ 529,904.00
BMW	12	2.00%	\$ 719,261.00
CHRYSLER	398	66.44%	\$13,509,428.00
DAIMLER VEHICLE	2	0.33%	\$ 23,915.00
FERRARI	1	0.17%	\$ 255,520.00
FORD	26	4.34%	\$ 722,339.00
GENERAL MOTORS	39	6.51%	\$ 1,699,129.00
HYUNDAI	1	0.17%	\$ 15,467.00
JAGUAR	2	0.33%	\$ 181,199.00
KIA	4	0.67%	\$ 115,409.00
LAND ROVER	11	1.84%	\$ 687,069.00
LOTUS	1	0.17%	\$ 82,056.00
MASERATI	13	2.17%	\$ 1,143,695.00
MERCEDES-BENZ	23	3.84%	\$ 1,714,122.00
MITSUBISHI	1	0.17%	\$ 21,366.00
NISSAN/INFINITI	12	2.00%	\$ 396,128.00
PORSCHE	1	0.17%	\$ 87,455.00
SUBARU	9	1.50%	\$ 248,990.00
TESLA	1	0.17%	\$ 165,799.00
THOR	1	0.17%	\$ 86,660.00
TOYOTA/LEXUS	15	2.50%	\$ 490,520.00
VOLKSWAGEN/AUDI	3	0.50%	\$ 137,678.00
VOLVO	7	1.17%	\$ 285,409.00
TOTALS	599	100.00%	\$23,318,518.00



DECISIONS BY THE ARBITRATION BOARD

Cases that were not withdrawn or settled went to hearings before the Florida New Motor Vehicle Arbitration Board. During the three years covered by this report, as many as 79 Florida citizens served as members of the statewide Arbitration Board. Board members have diverse backgrounds, and include individuals in the legal, education, automotive mechanical, engineering, alternative dispute resolution, and business professions. They perform a very valuable public service for very little compensation.

Cases are assigned to geographical regions from Pensacola to Miami, depending upon the residence address of the consumer. Arbitration hearings are conducted by three-member panels of the Board in public locations throughout the state. If the consumer prevails at hearing, a refund or replacement motor vehicle is awarded. If the manufacturer prevails, the case is dismissed. It is neither necessary nor required for parties to have attorneys to participate in arbitrations before the Florida New Motor Vehicle Arbitration Board. The Board is not empowered by the Legislature to award attorney fees to parties who prevail in arbitration.

The Board conducted a total of 514 arbitration hearings during the three-year report period. Consumers prevailed in 202 (39.3 percent) of these cases, while manufacturers prevailed in 312 (60.7 percent).

When the consumer prevails at a hearing, the Arbitration Board awards either a refund of all amounts paid to acquire the vehicle or a replacement motor vehicle, at the option of the consumer. If a refund is awarded and the “lemon” vehicle was purchased with financing, the consumer and lienholder are refunded according to their interests. Generally, such awards direct the manufacturer to pay the consumer a specified amount consisting of all expenses incurred to acquire the vehicle (e.g. cash down payment, government fees, options and accessories, extended service agreements, etc.), the net allowance for any trade-in vehicle, all periodic principal and interest payments made as of the date the vehicle is repurchased, and any reasonable costs caused by the substantial defect(s). The manufacturer is directed to pay to the lienholder the balance owed on the loan as of the repurchase date.

If the vehicle was leased, the consumer is awarded all amounts paid at lease signing, the net allowance for any trade-in vehicle, all lease payments made as of the date the vehicle is repurchased, and any reasonable costs incurred because of the substantial defect(s). The lessor is paid according to a formula set forth in the statute, and is prohibited from charging any penalty for early termination of the lease.





If a replacement motor vehicle is awarded, the replacement vehicle must be identical or reasonably equivalent to the vehicle being replaced, and it must be acceptable to the consumer. In addition, the consumer is refunded costs paid to acquire the “lemon” vehicle (e.g. options and accessories, sales tax, extended service agreements, interest paid on the loan or rental charge paid on the lease as of the date of replacement, if applicable), as well as costs incurred as a result of the substantial defect(s).

Whether the award is a refund or a replacement vehicle, a “reasonable offset for use” is charged to the consumer. The offset for use is calculated according to a statutory formula.

Table 5 shows the number, percentage and dollar values of Arbitration Board award decisions for 2014-2016, by manufacturer. Dollar values are based upon the total amount of the awards, including the loan and lease pay-offs, and any additional amounts awarded, reduced by the statutory offsets. In multiple manufacturer cases, one or several of the participating manufacturers could have been found liable for the award. If liability was assessed jointly against several participating manufacturers, these are listed separately.

Table 6 shows the number of cases dismissed, by manufacturer, and the percentage that number represents of the total number, for 2014-2016.



TABLE 5. 2014-2016 DECISION AWARDS BY LIABLE MANUFACTURER

Liabe Manufacturer	Number of Decision Awards	Percentages	Value of Awards
AMERICAN HONDA/ACURA	15	7.43%	\$ 453,971.00
BMW	24	11.88%	\$ 1,063,081.00
CHRYSLER	28	13.86%	\$ 874,763.00
FERRARI	2	0.99%	\$ 488,939.00
FORD	44	21.78%	\$ 1,412,783.00
GENERAL MOTORS	15	7.43%	\$ 618,532.00
HYUNDAI	20	9.90%	\$ 557,882.00
JAGUAR	4	1.98%	\$ 204,916.00
KIA	2	0.99%	\$ 69,585.00
LAND ROVER	3	1.49%	\$ 284,031.00
LOTUS	1	0.50%	\$ 96,318.00
MASERATI	1	0.50%	\$ 95,331.00
MAZDA	1	0.50%	\$ 19,800.00
MERCEDES-BENZ	11	5.45%	\$ 518,784.00
MITSUBISHI	2	0.99%	\$ 52,603.00
NISSAN/INFINITI	5	2.48%	\$ 156,416.00
PORSCHE	1	0.50%	\$ 119,279.00
SUBARU	1	0.50%	\$ 44,905.00
TOYOTA/LEXUS	13	6.44%	\$ 332,883.00
VOLKSWAGEN/AUDI	9	4.46%	\$ 336,406.00
TOTALS	202	100.00%	\$7,801,208.00



TABLE 6. 2014-2016 CASES DISMISSED

Manufacturer	Number	Total Percentages
AMERICAN HONDA/ACURA	28	8.97%
BENTLEY	1	0.32%
BMW	25	8.01%
CHRYSLER	63	20.19%
FERRARI	1	0.32%
FORD	56	17.95%
GENERAL MOTORS	21	6.73%
HYUNDAI	17	5.45%
JAGUAR	2	0.64%
KIA	8	2.56%
LAND ROVER	1	0.32%
MASERATI	6	1.92%
MAZDA	1	0.32%
MERCEDES-BENZ	27	8.65%
MINI	1	0.32%
NISSAN/INFINITI	16	5.13%
SUBARU	2	0.64%
TOYOTA/LEXUS	22	7.05%
UNIVERSAL TRAILER SALES	1	0.32%
VOLKSWAGEN/AUDI	13	4.17%
Totals	312	100.00%

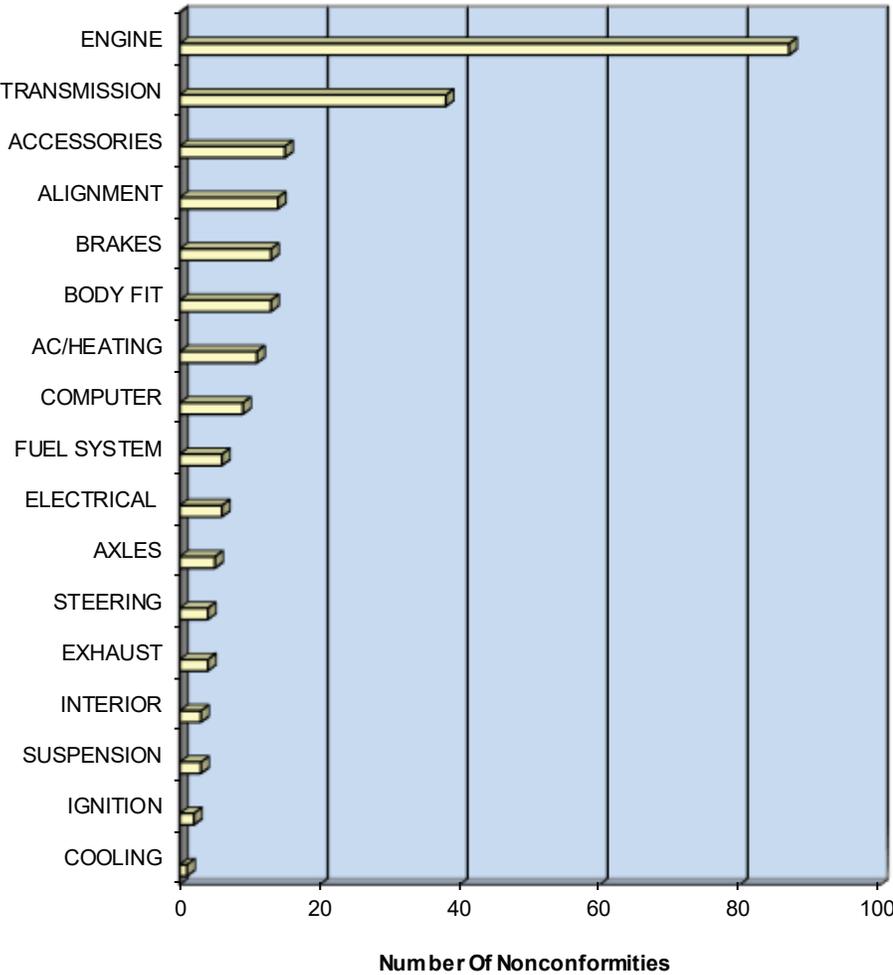




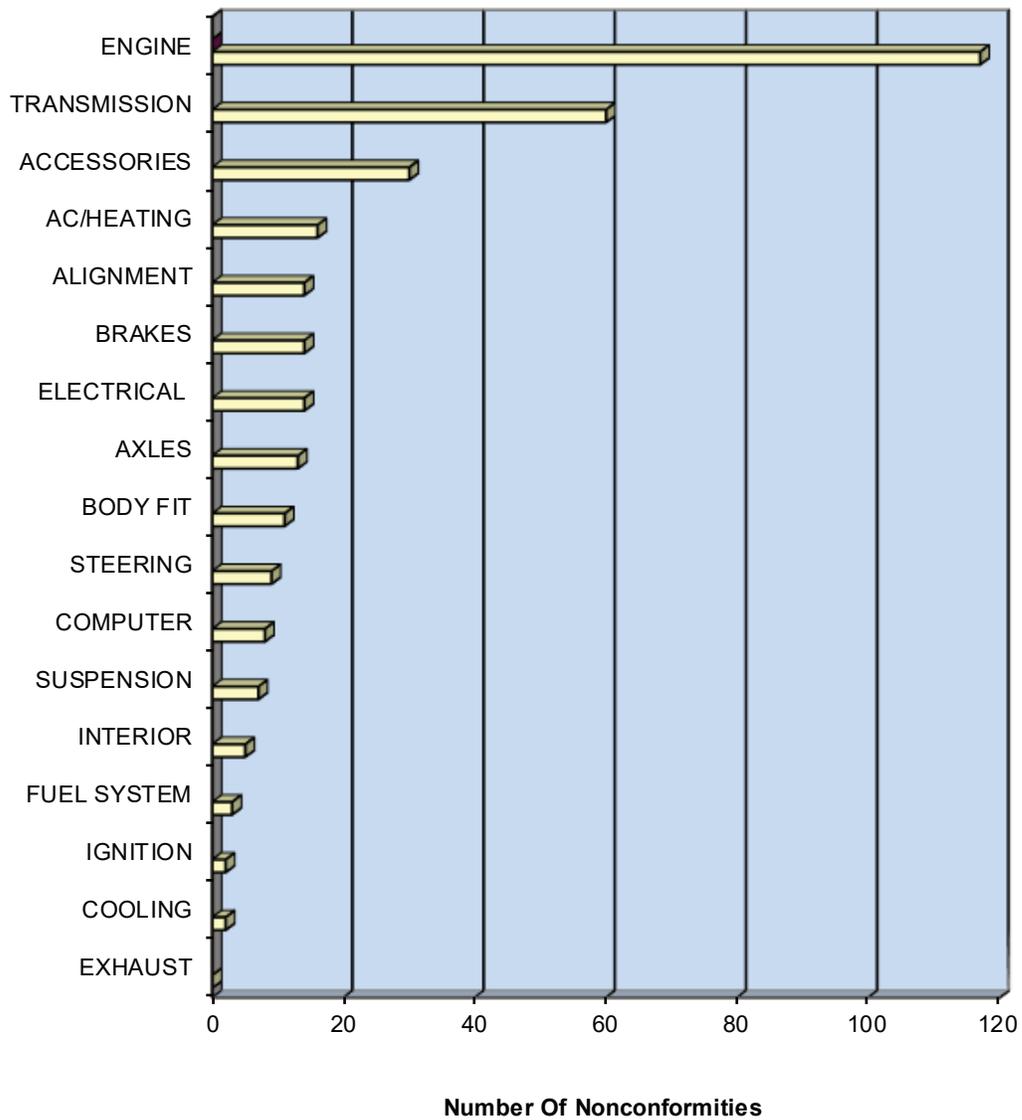
SUBSTANTIAL DEFECTS FOUND

The Lemon Law requires that the problems complained of by the consumer be “nonconformities,” meaning defects or conditions that substantially impair the use, value or safety of the vehicle and that are not the result of abuse, neglect, modification or alteration of the vehicle by persons other than the manufacturer or its authorized service agent. **Graphs B, C and D** illustrate the number of substantial defects found by the Arbitration Board by year in the major vehicle systems or components listed. The top five nonconformities for the three-year period were defects in the engine, transmission, accessories, brakes, and air conditioning/heating.

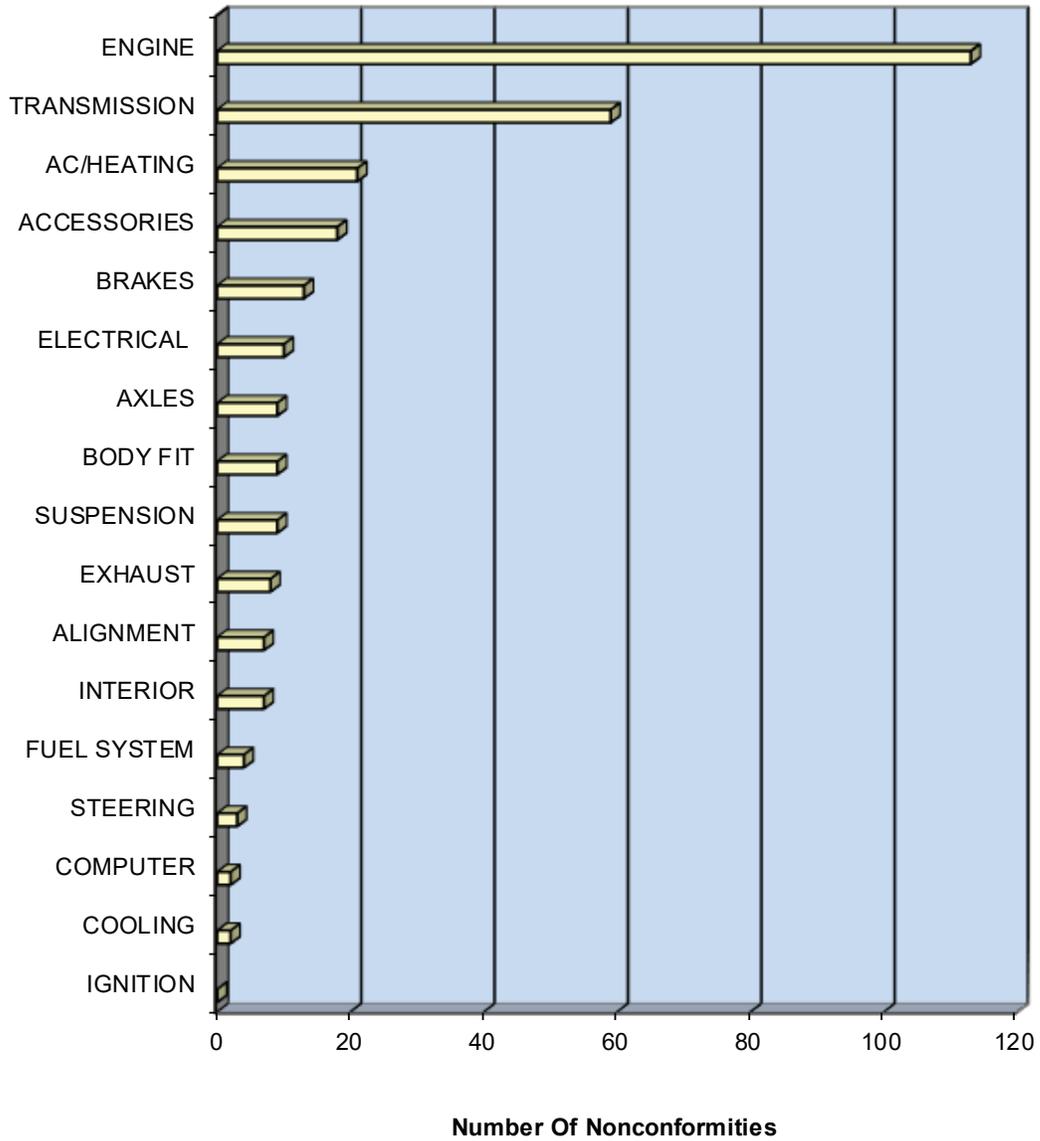
GRAPH B. SUBSTANTIAL DEFECTS FOUND 2014



GRAPH C. SUBSTANTIAL DEFECTS FOUND 2015

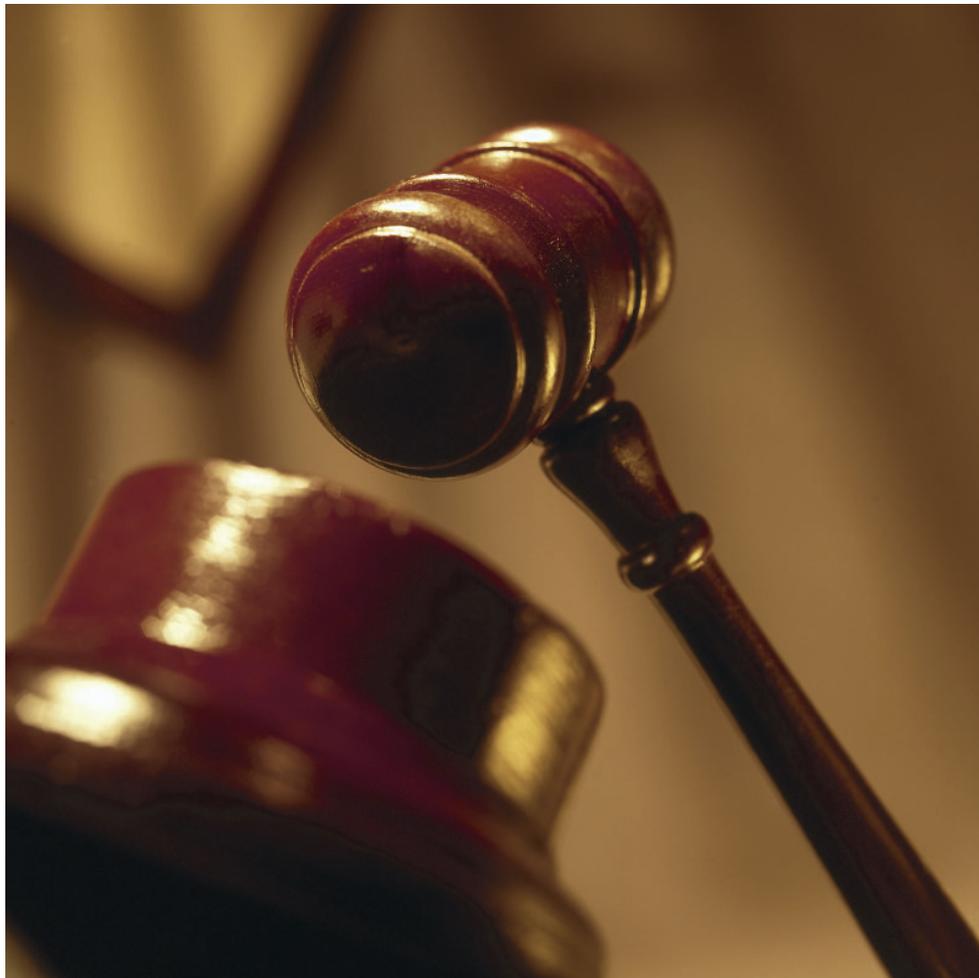


GRAPH D. SUBSTANTIAL DEFECTS FOUND 2016



APPEALS

Parties not satisfied with decisions of the Arbitration Board can file appeals to the circuit court. Manufacturers filed three appeals in 2014, two in 2015 and one in 2016. Consumers filed 10 appeals in 2014, 17 in 2015 and 24 in 2016. For the three-year period, appeals were filed in 11.1 percent of the 514 cases decided by the Board.



CONCLUSION

Graph E illustrates the total number of cases approved for the period from 1989-2016.

Table 7 and Graph F illustrate the consumer relief obtained during the period from 1989-2016. Of the 23,416 consumer claims approved for arbitration during that period, full relief via either prehearing settlements or decision awards was obtained in 69.7 percent (16,328), for a total dollar value of more than \$457 million.

**GRAPH E
CASES APPROVED FOR ARBITRATION
1989-2016**

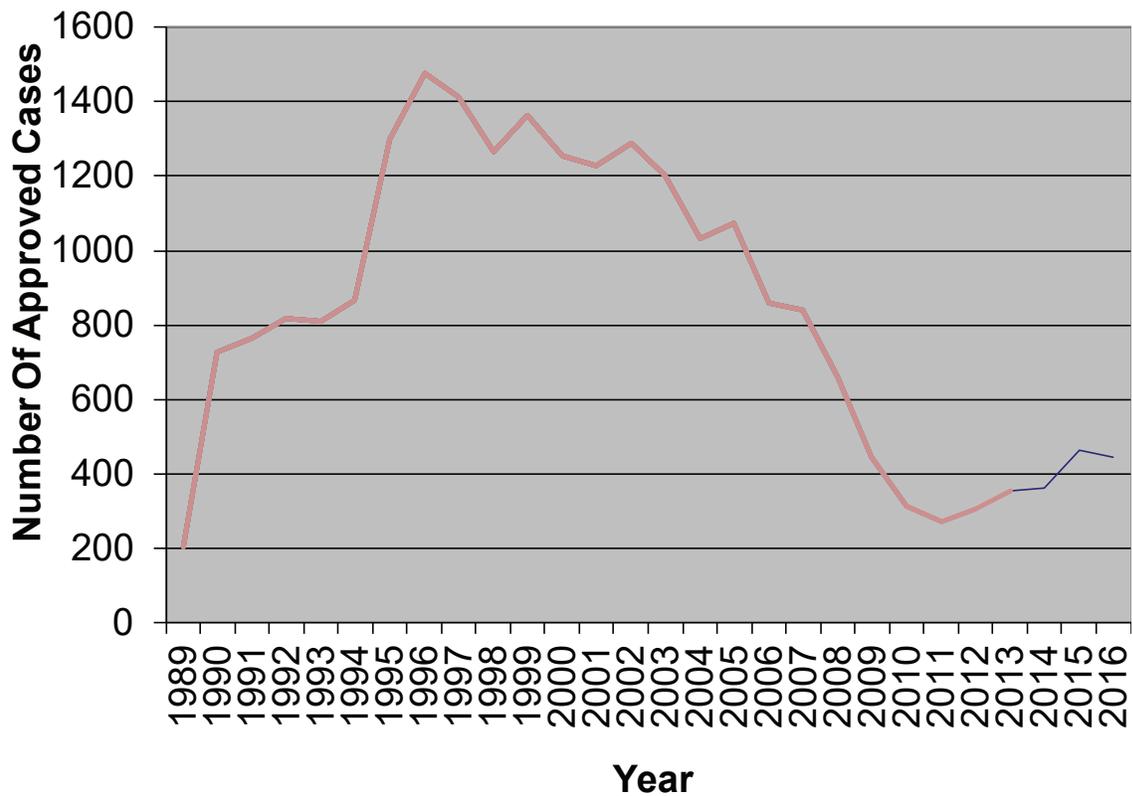
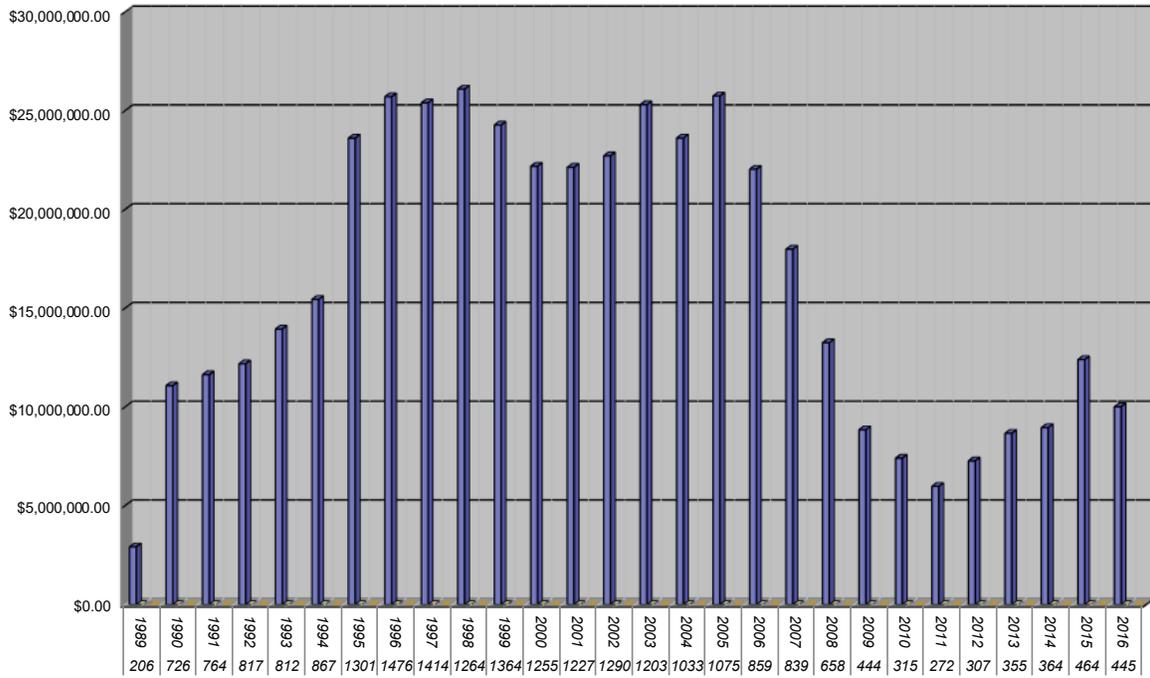


TABLE 7. 1989-2016 TOTAL CASES APPROVED AND RECOVERY VALUES

Year	Total Number of Approved Cases	Dollar Value of Recoveries	Number of Cases with Recoveries
1989	206	\$ 2,925,943.00	145
1990	726	\$ 11,084,254.00	533
1991	764	\$ 11,645,821.00	543
1992	817	\$ 12,194,871.00	661
1993	812	\$ 13,955,116.00	603
1994	867	\$ 15,455,498.00	635
1995	1301	\$ 23,623,638.00	934
1996	1476	\$ 25,716,474.00	1076
1997	1414	\$ 25,407,219.00	1014
1998	1264	\$ 26,103,773.00	905
1999	1364	\$ 24,284,201.00	953
2000	1255	\$ 22,199,403.00	863
2001	1227	\$ 22,144,257.00	850
2002	1290	\$ 22,730,626.00	832
2003	1203	\$ 25,311,738.00	825
2004	1033	\$ 23,626,887.00	714
2005	1075	\$ 25,755,869.00	784
2006	859	\$ 22,047,619.00	611
2007	839	\$ 17,995,763.00	500
2008	658	\$ 13,266,987.00	404
2009	444	\$ 8,851,875.00	254
2010	315	\$ 7,415,805.00	204
2011	272	\$ 5,987,621.00	168
2012	307	\$ 7,280,706.00	207
2013	355	\$ 8,670,318.00	235
2014	364	\$ 8,961,428.55	241
2015	464	\$ 12,406,702.32	336
2016	445	\$ 10,021,220.00	298
Totals	23416	\$457,071,633.05	16328



GRAPH F. 1989-2016 TOTAL CASES APPROVED AND RECOVERY VALUES



MANUFACTURER REPORTED VEHICLE REPURCHASES

Under Florida’s Lemon Law, manufacturers are required to notify the Office of the Attorney General when they reacquire new vehicles from the original owners under certain conditions specified by the statute. This notification is made on a form that includes identification of the vehicle, the reason for the buy-back, and disclosure of the reported defects. A portion of the form is sent by the manufacturer to the Office of the Attorney General, with the remainder of the form required to travel with the vehicle and be provided to the retail buyer if or when the vehicle is resold.

When a disclosure form is received from a manufacturer, the information reported by the manufacturer is entered in a database maintained by the Lemon Law Arbitration Division of the Attorney General’s Office. This information also forms the basis for the searchable database of repurchased vehicles that is accessible on the Attorney General’s website.

Table 8 lists by vehicle make the number of vehicles reported by manufacturers as having been repurchased for 2014 through 2016. The total number reported was 5,699. Included in that number were vehicles bought back as a result of settlements or decisions of claims before the Florida New Motor Vehicle Arbitration Board, along with vehicles repurchased for a variety of other reasons, including settlements or decisions of manufacturer-sponsored procedures, similar statutes of other states (a number of the reported repurchases originated in states other than Florida), court settlements or decisions, and reasons characterized as “customer goodwill.”

TABLE 8. 2014-2016 MANUFACTURER-REPORTED VEHICLES REACQUIRED

Vehicle Make	Reporting Manufacturer	Number of Vehicles Repurchased
Acura	American Honda Motor Company	45
Audi	Volkswagen/Audi of America Inc.	15
BMW	BMW of North America, LLC	188
Buick	General Motors LLC	48
Cadillac	General Motors LLC	200
Chevrolet	General Motors LLC	466
Chrysler	FCA US LLC, f/k/a Chrysler Group LLC	209



**TABLE 8. 2014-2016 MANUFACTURER-REPORTED
VEHICLES REACQUIRED (Continued)**

Vehicle Make	Reporting Manufacturer	Number of Vehicles Repurchased
Dodge	FCA US LLC, f/k/a Chrysler Group LLC	360
Fiat	FCA US LLC, f/k/a Chrysler Group LLC	75
Ford	Ford Motor Company	467
GMC	General Motors LLC	150
Honda	American Honda Motor Company	60
Hyundai	Hyundai Motor America	319
Infiniti	Nissan Motor Corporation U.S.A.	220
Jaguar	Jaguar Cars	1
Jeep	FCA US LLC, f/k/a Chrysler Group LLC	636
Kia	Kia Motors America, Inc.	30
Lexus	Toyota Motor Sales, U.S.A., Inc.	67
Lincoln	Ford Motor Company	38
Lotus	Lotus Cars USA	2
Maserati	Maserati North America, Inc.	50
Mazda	Mazda Motor of America, Inc	11
Mercedes-Benz	Mercedes-Benz USA, LLC	524
Mitsubishi	Mitsubishi Motors North America	3
Nissan	Nissan Motor Corporation U.S.A.	867
Porsche	Porsche Cars North America, Inc.	33
Ram	FCA US LLC, f/k/a Chrysler Group LLC	330
Range Rover	Land Rover of North America, Inc.	2
Rolls-Royce	Rolls-Royce Motor Cars NA, LLC	9
Scion	Toyota Motor Sales, U.S.A., Inc.	19
Smart	Daimler Vehicle Innovations USA, LLC	13
Smart	Mercedes-Benz USA, LLC	1
Subaru	Subaru of America, Inc.	8
Thor	Mercedes-Benz USA, LLC	1
Toyota	Toyota Motor Sales, U.S.A., Inc.	155
Volkswagen	Volkswagen/Audi of America, Inc.	47
Volvo	Volvo Cars of North America	30
Volvo	Volvo Cars of North America	10
Totals		5699





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