

## Summarization of the New York State “Farmers” Lemon Law

Effective April 1, 2006

### **Official Bill name is “Express Consumer Warranty on Farm Equipment” Article 33-B**

This Bill passed both houses of the NYS Legislature and was signed by Governor Pataki.

#### **“Farm Equipment”**

Means any Self-Propelled farm equipment and implements of husbandry and accessories and parts included in the **sale or lease** of **NEW** farm equipment primarily to be used for agricultural purposes and designed for the U.S. Market costing \$1,500.00 or more for each piece.

#### **“Supplier”**

Means any person selling or agreeing to sell farm equipment under an agreement with a supplier.

#### **“Dealer”**

Means any person selling or agreeing to sell farm equipment under an agreement as a supplier.

#### **“Nonconformity”**

Means any condition of the farm machinery that substantially impairs the safety or use of such equipment for purpose intended.

#### **“Warranty to Consumers (Farmers)**

Every supplier of new farm equipment within or outside of this state shall provide a fair reasonable warranty (for 12 months / 1 year) from date of sale.

Consumer (farmer) must provide in writing to the supplier or dealer of non-conformity or defect. The supplier or dealer shall make necessary repairs within 30 days (in appropriate season) and 60 days (out of season) from the date the farmer delivers the equipment to an authorized repair facility.

If supplier or dealer are unable to conform the farm equipment to its expressed warranty provisions after a reasonable (4 or more times) number of attempts, the supplier at option of farmer shall replace the equipment or accept return of equipment and refund to the farmer the full purchase price, or if applicable the lease price and any trade-in allowance plus fees and charges, **less** the use deduction formula.