



Persatuan Pengguna Pulau Pinang  
Consumers Association of Penang  
檳城消費人協會 பினாங்கு பயனீட்டாளர் சங்கம்

Websites:  
(in English, BM, Chinese,  
& Tamil)  
www.consumer.org.my

10 Jalan Masjid Negeri, 11600 Pulau Pinang, Malaysia  
Tel: 604-8299511 Fax: 604-8298109  
email: consumerofpenang@gmail.com

Letter to the Editor

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**Let Lemon Law Include New Vehicles As Well**

The Consumers' Association of Penang (CAP) lauds the recent announcement by the Domestic Trade and Consumer Affairs Ministry (KPDNHEP) that it is looking into efforts to improve laws related to the sale and purchase of used vehicles. However, we urge KPDNHEP to extend Lemon Law to new cars as well as they can be lemons too.

Lemon Law is a remedy for purchasers of consumer products, particularly motorized vehicles, that repeatedly fail to meet the standards of quality and performance. Lemon Law strengthens the Consumer Protection Act (CPA). It should be introduced to provide consumers holding onto 'lemons' (nice to see but sour and tart to taste) an avenue of legal redress.

This law requires defective cars to be repaired or replaced. A consumer may request a reduction in price or gets a refund. Currently, countries such as the United States, Singapore, South Korea, China, and the Philippines have implemented the Lemon Law.

The Lemon Law is incorporated into Singapore's Consumer Protection (Fair Trading) Act (CPFTA) 2004. We can also do so with our CPA.

It considers:

- The nature of the problem.
- The number of days that the vehicle is unavailable to the consumer for the repair of the same mechanical issue.
- The number of repair attempts made.
- If the repairs cannot be completed within the number of days stated in the Act, the manufacturer is obligated to buy back the defective vehicle.
- The Lemon Law covers secondhand cars as well, introducing a Standard Vehicle Assessment Report checklist. This checklist of items ranged from visual, equipment and road test checks concurrently by both the dealer and the buyer to ensure transparency.
- It covers a wide range of defects from aesthetics to mechanical-related issues.

In most cases, the various defects found in new cars leave car owners with little option except to go for car repairs at authorised car workshops. Owners of lemons costing more than RM50,000 cannot file their claim for exchange or refund at the Tribunal for Consumer Claims Malaysia (TTPM). They have no options but to take the car company to court, incurring an expensive and time-consuming legal process. As it is now, vehicle owners may encounter:

- Workshops that would conduct trial-and-error repairs, repairing one part to find the problem not solved and then proceeding with another repair. The service centre buys time until the warranty period expires and the car owner is then left to pay for subsequent repairs of the same defects.

- Engineers' false diagnosis and find faults with vehicle owners (like over-running the service interval) to decline claims for major defects.
- There are cases of vehicles lying in workshops for months, up to six months or more, and yet unable to provide a diagnosis, let alone repair the vehicle.
- Car service centres that refuse to admit that a defect cannot be fixed and thus it does not need to refund or replace with another car as required by the CPA.
- A deprivation of the use of his car each time it is in the workshop. Therefore, it is pertinent to ascertain the number of times a new car undergoes repairs before the owner can file a case at the Tribunal.
- Uncertainty about how long the vehicle is going to remain in the service centre.

Defective cars are not only a rip-off of consumers, but they are also unsafe on the roads and a danger to other road users.

With the Lemon Law in Singapore, a consumer can:

- Make a claim for a defective product (also known as lemons) purchased within 6 months.
- Expect the seller of the defective product to repair, replace, refund or reduce the price of the defective product (subject to certain conditions).
- Get the defective product repaired within a reasonable time at the seller's cost.
- Ask for a price reduction while keeping the product or return the product for a refund if the seller fails to repair it.

CAP calls on the Government to introduce the Lemon Law for all vehicles regardless of price and would suggest that it is reasonable that a seriously defective car be repaired in a maximum of a month, and three attempts are reasonable for the service centre to repair the same defect before the Lemon Law applies.

We cannot understand why the Lemon Law is only proposed for old cars and why must secondhand car buyers need to purchase an extended warranty for their vehicle? Secondhand vehicles to be sold must first be inspected by Puspakom to ensure that it is in a reasonably good running condition.

We reiterate that the government should introduce the Lemon Law to ensure that car manufacturers and dealers be held responsible for their defective products and to repair the vehicle satisfactorily as required by the law. The law should also be applied to secondhand vehicles. The number of defective new vehicles that Malaysians are hopelessly holding on to with no avenue for legal redress is worrying. Old cars costing less than RM50,000 can at least for now seek legal redress from TTPM.

**Mohideen Abdul Kader**  
**President**  
**Consumers Association of Penang (CAP)**