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### 'LEMON LAW' CASE IS WON BY A TRUCKER

**Capital Times, The (Madison, WI)**Published on May 10, 2001  
© 2001 Madison Newspapers, Inc.**Byline:** Matt Pommer The Capital TimesA tow truck operator has won a "**lemon law**" case against automotive giant General Motors.

The state's District II Court of Appeals ruled Wednesday: GM must replace the entire vehicle, including a tow package it did not manufacture.

Against GM's claim that when accepting an arbitration award, the customer gives up his right to sue for damages and attorney's fees.

The 3-0 decision reversed Waukesha Circuit Judge James Kieffere's decision in favor of GM.

In early 1997, Peter Kiss bought a GMC Sierra 3500 HD tow truck, and a Vulcan 882 tow package was installed by the dealer. The total cost was more than \$44,000.

Kiss experienced trouble with the truck, but the towing package worked well. Kiss filed a **lemon law** claim, and the dispute tribunal ruled in his favor, requiring GM to provide a new vehicle within 30 days.

The dealership didn't have a new Sierra truck to meet Kiss' preferences. GM offered to make a new truck to those specifications in six to eight weeks, but wanted to transfer the old tow package to the new truck. Kiss rejected that offer, saying he expected a new tow package as well as a new truck.

Then GM offered to rebuy the old vehicle at the full sale price. Kiss refused the offer, and later sued, alleging GM had failed to comply with the **lemon law** and seeking double damages.

The Appeals Court said it was "illogical" to suggest Kiss was entitled only to the cab and chassis (worth \$24,000) while under the refund provision of the **law** he is entitled to the full value at the point of sale.

"Simply put, transferring nondefective automobile accessories into replacement vehicles is not contemplated within the **lemon law** statute or consistent with its public policy of returning unfortunate customer back to where they thought they were when they first purchased that new vehicle," the court said.