

Lemon Law Arbitration Program



2011-2013 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 \$425 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 Attorney General that were approved for arbitration before the New Motor Vehicle Arbitration Board for calendar years 2011 through 2013. The report includes a summary comparison of results from 1989 through 2013. Also reported is the total number of motor vehicles identified by the manufacturers as having been reacquired in 2011 through 2013.

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 warranty 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 his or her 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 or have their 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. Prior to the law change, claims were filed with and screened by the Department of Agriculture and Consumer Services. As a result of this change, claim filing with the Attorney General's office commenced on May 26, 2011. This report will be somewhat different from the reports of prior years. In some instances, comparison with 2010 and years prior will not be possible. Where such comparison is possible, the information will be compared. 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, 2011, through December 31, 2013.

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 the 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 2011 through 2013, a total of 1,160 Consumers filed arbitration claims with the Office of the Attorney General. This total reflects a steady increase in case filings over that three-year period. Of the 1,160 cases filed, 164 cases were rejected by the Office of the Attorney General as outside of the scope of the Arbitration Board's authority, and 62 were withdrawn by the consumer. The remaining 934 claims were approved for arbitration. This report focuses upon the outcomes of the cases that were approved for arbitration. From January 1, 2011, through December 31, 2013, a total of 51 of the approved cases were voluntarily withdrawn by consumers prior to resolution. The remaining 883 cases were resolved via prehearing settlement (429) or arbitration decision (454). The dollar amount of relief obtained totaled \$21.9 million for the three-year period.

TABLE 1. 2011-2013 CASES FILED FOR ARBITRATION: CASES REJECTED/NOT APPROVED, CASES WITHDRAWN/NOT APPROVED, CASES APPROVED

Manufacturer	Cases Filed	Cases Rejected- Not Approved	Cases Withdrawn- Not Approved	Cases Approved
AMERICAN HONDA/ACURA	68	6	0	62
AMERICAN SUZUKI	2	0	0	2
ASTON MARTIN	1	0	0	1
BMW	110	9	5	96
CHRYSLER	354	33	17	314
EZ GO	1	1	0	0
FISKER AUTOMOTIVE	6	0	0	6
FORD	127	35	11	81
FOREST RIVER	1	0	1	0
GENERAL MOTORS	71	22	5	44
GREAT WEST VANS	1	0	0	1
HYUNDAI	76	16	2	58
JAGUAR	10	2	0	8
KIA	41	5	2	34
LAND ROVER	13	1	0	12
LC3, INC.	1	0	0	1
LOTUS	1	0	0	1



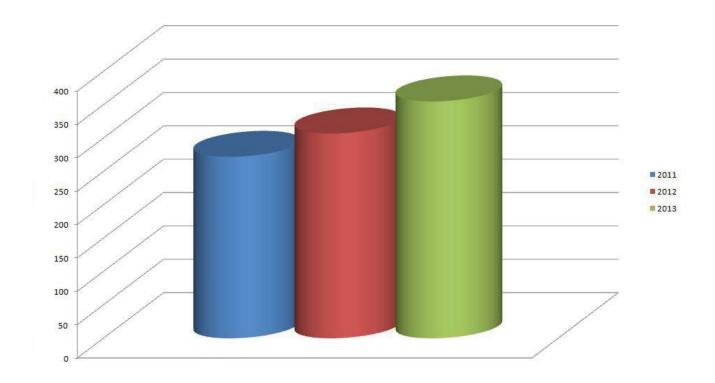
TABLE 1. 2011-2013 CASES FILED FOR ARBITRATION: CASES REJECTED/NOT APPROVED, CASES WITHDRAWN/NOT APPROVED, CASES APPROVED (CONTINUED)

Manufacturer	Cases Filed	Cases Rejected- Not Approved	Cases Withdrawn- Not Approved	Cases Approved
MASERATI	1	0	0	1
MAZDA	5	1	1	2
MCLAREN	1	0	0	1
MERCEDES-BENZ	71	1	6	64
MITSUBISHI	5	0	1	4
MONACO RV	1	0	0	1
NAVISTAR RV	1	0	0	1
NEWMAR RV	1	0	1	0
NISSAN/INFINITI	54	17	2	35
POLARIS	2	0	0	2
PORSCHE	5	1	0	4
ROLLS-ROYCE	2	0	0	2
RUFF AND TUFF	1	0	0	1
SUBARU	2	0	0	2
THOR RV	2	0	1	1
TIFFIN RV	1	0	0	1
TOMBERLIN	2	0	0	2
TOYOTA/LEXUS	79	12	1	60
VOLKSWAGEN/AUDI	27	8	0	19
VOLVO	9	2	0	1
WINNEBAGO RV	3	1	0	2
ZENN	1	0	0	1
TOTALS	1160	173	62	934



Graph A below tracks the cases approved from 2011 to 2013.

GRAPH A: CASES APPROVED FOR ARBITRATION





CASES APPROVED FOR ARBITRATION

Beginning in mid-2011, Consumers 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 were screened for eligibility under a process governed by statute. If a request was determined eligible, it was approved for arbitration, the parties were notified of the approval and the case was assigned to the appropriate regional office of the Lemon Law Arbitration division for administration and the scheduling of a hearing.

Claims were approved against 39 manufacturers during the three-year report period. Purchase price refunds were requested by 81.7 percent (948) of the consumers approved for arbitration, while 18.3 percent (212) requested replacement vehicles. 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. 2011-2013 CASES APPROVED FOR ARBITRATION AND CASES WITHDRAWN AFTER APPROVAL

Manufacturer	Cases Approved	Cases Withdrawn After Approval
AMERICAN HONDA/ACURA	62	8
AMERICAN SUZUKI	2	0
ASTON MARTIN	1	0
BMW	96	7
CHRYSLER	314	10
E Z GO	0	0
FISKER AUTOMOTIVE	6	1
FORD	81	7
FOREST RIVER	0	0
GENERAL MOTORS	44	2
GREAT WEST VANS	1	0
HYUNDAI	58	4
JAGUAR	8	0
KIA	34	0



TABLE 2. 2011-2013 CASES APPROVED FOR ARBITRATION AND CASES WITHDRAWN AFTER APPROVAL (CONTINUED)

Manufaatuusu	0 //	Cases Withdrawn
Manufacturer	Cases Approved	After Approval
LAND ROVER	12	2
LOTUS	1	0
LC3, INC.	1	0
MASERATI	1	0
MAZDA	2	0
MCLAREN	1	0
MERCEDES-BENZ	64	4
MITSUBISHI	4	0
MONACO RV	1	0
NAVISTAR RV	1	0
NEWMAR RV	0	0
NISSAN/INFINITI	35	0
POLARIS	2	0
PORSCHE	4	0
ROLLS-ROYCE	2	0
RUFF AND TUFF	1	1
SUBARU	2	0
THOR RV	1	0
TIFFIN RV	1	0
TOMBERLIN	2	0
TOYOTA/LEXUS	60	3
VOLKSWAGEN/AUDI	19	2
VOLVO	7	0
WINNEBAGO RV	2	0
ZENN	1	0
Totals	934	51



PREHEARING SETTLEMENTS

Consumer claims were resolved by settlement between the parties in 45.9 percent (429) of the 934 approved cases for the three-year report period. "Full" settlements, or settlements for the same full refund or vehicle replacements consumers would have obtained had they prevailed in arbitration, numbered 374, while the remaining 55 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 a slight drop from 46.7% in 2011 to 45.6% in both 2012 and 2013, as case approvals increased from 272 in 2011 to 355 in 2013.

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. 2011-2013 NUMBER OF "PARTIAL" SETTLEMENTS

Manufacturer	Number
AMERICAN HONDA/ACURA	5
ВМW	8
CHRYSLER	12
FORD	2
GENERAL MOTORS	2
KIA	6
LAND ROVER	1
MAZDA	1
MERCEDES-BENZ	7
NISSAN/INFINITI	5
POLARIS	1
PORSCHE	1
SUBARU	1
THOR	1
VOLKSWAGEN/AUDI	2
Total	s 55



TABLE 4. 2011-2013 NUMBER, PERCENT, AND VALUE OF FULL SETTLEMENTS

		Percentages	
Manufashuun	Full	of All	Value of Full
Manufacturer	Settlements	Settlements	Settlements
AMERICAN HONDA/ACURA	9	2.41%	\$ 353,202.00
BMW	20	5.35%	\$1,027,096.00
CHRYSLER	224	59.89%	\$7,153,462.00
FORD	26	6.95%	\$ 920,140.00
GENERAL MOTORS	13	3.48%	\$ 466,131.00
HYUNDAI	19	5.08%	\$ 506,132.00
JAGUAR	4	1.07%	\$ 214,237.00
KIA	3	0.80%	\$ 75,721.00
LAND ROVER	3	0.80%	\$ 184,586.00
MERCEDES-BENZ	15	4.01%	\$ 867,301.00
MONACO RV	1	0.27%	\$ 536,688.00
NAVISTAR RV	1	0.27%	\$ 111,118.00
NISSAN/INFINITI	7	1.87%	\$ 255,317.00
POLARIS	1	0.27%	\$ 22,927.00
SUBARU	1	0.27%	\$ 32,234.00
TOYOTA/LEXUS	15	4.01%	\$ 499,055.00
VOLKSWAGEN/AUDI	4	1.07%	\$ 103,459.00
VOLVO	5	1.34%	\$ 166,350.00
WINNEBAGO	2	0.53%	\$ 308,771.00
ZENN	1	0.27%	\$ 9,000.00
Totals	374	100.00%	\$13,812,927.00



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 have served as members of the statewide Arbitration Board. Board members have diverse backgrounds in the legal profession, education, automotive mechanical, engineering, alternative dispute resolution and business. They perform a very valuable public service for very little compensation. Cases are assigned according to geographical regions from Pensacola to Miami, depending upon the residence address of the approved consumer.

Arbitration hearings are conducted by three-member panels of the Board in public locations throughout the state. If the consumer prevails, 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 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 454 arbitration hearings during the three-year report period. Consumers prevailed in 199 (44 percent) of these cases, while manufacturers prevailed in 254 (56 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.), and where applicable, 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 caused by 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) and 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 award decisions by the Arbitration Board for 2011-2013. 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 per manufacturer and the percentages of the total number for 2011-2013.



TABLE 5. 2011-2013 DECISION AWARDS BY LIABLE MANUFACTURER

	Number of		
Liable Manufacturer	Decision Awards	Percentages	Value of Awards
AMERICAN HONDA/ACURA	15	7.54%	\$ 486,024.00
AMERICAN SUZUKI	2	1.01%	\$ 42,392.00
BMW	25	12.56%	\$1,382,012.00
CHRYSLER	23	11.56%	\$ 693,565.00
FISKER	5	2.51%	\$ 551,343.00
FORD	22	11.06%	\$ 620,442.00
GENERAL MOTORS	8	4.02%	\$ 238,445.00
GREAT WEST VANS	1	0.50%	\$ 85,693.00
HYUNDAI	19	9.55%	\$ 520,484.00
JAGUAR	3	1.51%	\$ 226,136.00
KIA	9	4.52%	\$ 262,663.00
LAND ROVER	6	3.02%	\$ 284,219.00
LC3, INC.	1	0.50%	\$ 11,440.00
LOTUS	1	0.50%	\$ 81,627.00
MASERATI	1	0.50%	\$ 127,865.00
MCLAREN	1	0.50%	\$ 274,196.00
MERCEDES-BENZ	17	8.54%	\$ 893,425.00
MITSUBISHI	2	1.01%	\$ 50,512.00
NISSAN/INFINITI	9	4.52%	\$ 316,669.00
PORSCHE	1	0.50%	\$ 83,534.00
ROLLS-ROYCE	2	1.01%	\$ 441,249.00
TOMBERLIN	2	1.01%	\$ 23,075.00
TOYOTA/LEXUS	16	8.04%	\$ 531,249.00
VOLKSWAGEN/AUDI	6	3.02%	\$ 135,718.00
VOLVO	2	1.01%	\$ 70,512.00
Totals	199	100.00%	\$8,434,489.00



TABLE 6. 2011-2013 CASES DISMISSED

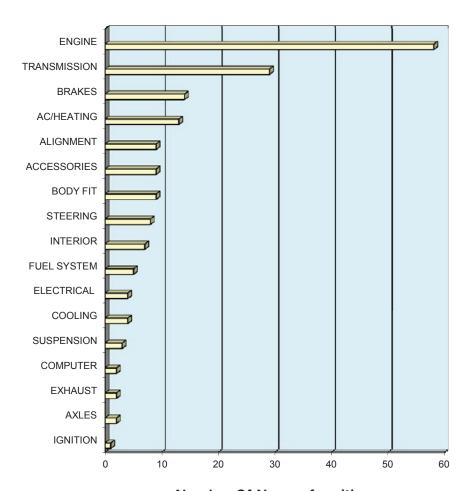
		Total
Manufacturer	Number	Percentages
AMERICAN HONDA/ACURA	25	9.84%
ASTON MARTIN	1	0.39%
BMW	36	14.17%
CHRYSLER	45	17.72%
FORD	24	9.45%
GENERAL MOTORS	19	7.48%
HYUNDAI	16	6.30%
JAGUAR	1	0.39%
KIA	14	5.51%
LAND ROVER	2	0.79%
MAZDA	1	0.39%
MERCEDES-BENZ	21	8.27%
MITSUBISHI	2	0.79%
NISSAN/INFINITI	14	5.51%
PORSCHE	1	0.39%
TIFFIN	1	0.39%
TOYOTA/LEXUS	26	10.24%
VOLKSWAGEN	5	1.97%
Totals	254	100.00%



SUBSTANTIAL DEFECTS FOUND

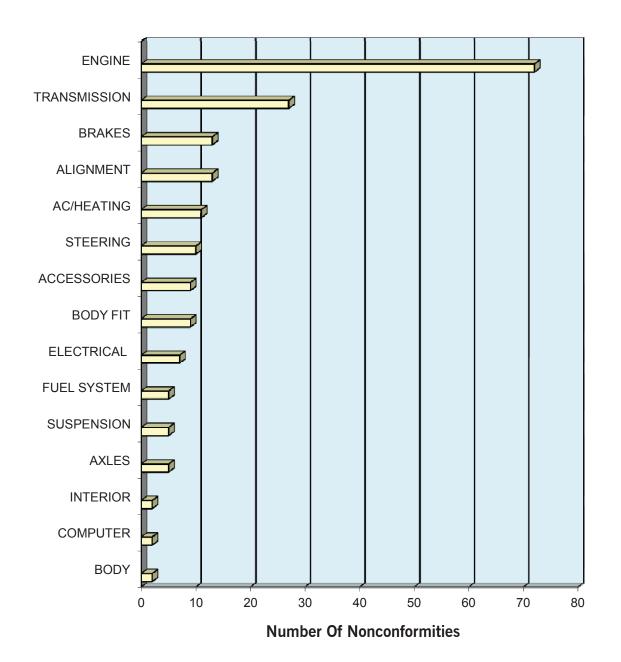
The Lemon Law requires that the problems complained of by the consumer be "nonconformities," meaning defects or conditions that substantially impair the use, value or safety of the vehicle and that are not the result of abuse, neglect, modification or alteration of the vehicle by persons other than the 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, brakes, air conditioning/heating and alignment.

GRAPH B: 2011 SUBSTANTIAL DEFECTS FOUND



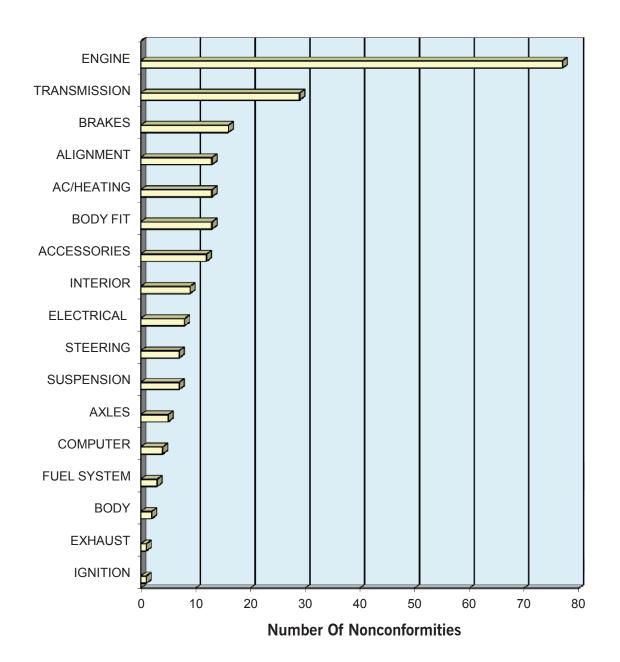


GRAPH C: 2012 SUBSTANTIAL DEFECTS FOUND





GRAPH D: 2013 SUBSTANTIAL DEFECTS FOUND





APPEALS

Parties not satisfied with decisions of the Arbitration Board can appeal them to the circuit court. Manufacturers filed one appeal in 2011, none in 2012 and six in 2013. Consumers filed 13 appeals in 2011, 15 in 2012 and 17 in 2013. Overall for the three-year period, appeals totaled 11.5% of the 454 cases decided by the Arbitration Board.





HISTORICAL PROGRAM RECOVERY VALUES

Table 7 and **Graph E** illustrate the consumer relief obtained during the 25-year period from 1989-2013. Of the 22,143 consumer claims approved for arbitration during that period, full relief via either prehearing settlements or decision awards was obtained in 69.8 percent (15,453), for a total dollar value of more than \$425.6 million.

It is interesting to note that in the two years leading up to what is now referred to as the "Great Recession" (December of 2007 to June of 2009, according to the U.S. National Bureau of Economic Research), lemon law case filings significantly decreased, and continued to do so in the two years following the economic downturn. Tracking the US economy, however, case filings have steadily increased over the three year period covered by this report.



TABLE 7 1989 - 2013 TOTAL CASES AND RECOVERY VALUES

	Total Number	Dollar Value	Number of Cases
Year	of Cases	of Recoveries	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
Totals	22143	\$425,682,282.18	15453



GRAPH E: 1989 - 2011- 2013 CASES 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 2011 through 2013. The total number reported was 3,258. Included in that number were vehicles bought back as a result of settlements or decisions of claims before the 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. 2011-2013 MANUFACTURER - REPORTED VEHICLES REPURCHASED

	VEITIGEEG KEI GKGII/KOED	
Vehicle Make	Reporting Manufacturer	Number of Vehicles Repurchased
Acura	American Honda Motor Company	17
Audi	Volkswagen/Audi of America, Inc.	5
BMW	BMW of North America, LLC	327
Buick	General Motors	93
Cadillac	General Motors	140
Chevrolet	General Motors	304
Chrysler	Chrysler Group LLC	117
Dodge	Chrysler Group LLC	268
Fiat	Chrysler Group LLC	18
Ford	Ford Motor Company	235
GMC	General Motors LLC	71
Honda	American Honda Motor Company	61

TABLE 8. 2011-2013 MANUFACTURER - REPORTED VEHICLES REPURCHASED (CONTINUED)

		Number of Vehicles
Vehicle Make	Reporting Manufacturer	Repurchased
Hummer	General Motors LLC	1
Hyundai	Hyundai Motor America	250
Infiniti	Nissan Motor Corporation U.S.A.	38
Jaguar	Jaguar Cars	1
Jeep	Chrysler Group LLC	243
Kia	Kia Motors America, Inc.	40
Lexus	Toyota Motor Sales, U.S.A., Inc.	109
Lincoln	Ford Motor Company	23
Lotus	Lotus Cars USA	2
Maserati	Maserati North America, Inc.	1
Maybach	Mercedes-Benz USA, LLC	3
Mazda	Mazda Motor of America, Inc	3
Mercedes-Benz	Mercedes-Benz USA, LLC	303
Mercury	Ford Motor Company	4
Mitsubishi	Mitsubishi Motors North America, Inc.	3
Monaco	Monaco RV, LLC	1
Monaco Coach	Navistar RV, LLC (formerly Monaco RV, LLC)	1
Nissan	Nissan Motor Corporation U.S.A.	113
Pontiac	General Motors LLC	2
Porsche	Porsche Cars North America, Inc.	32
Ram	Chrysler Group LLC	84
Rolls-Royce	Rolls-Royce Motor Cars NA, LLC	2
Saab	Saab Cars U.S.A., Inc.	3
Saturn	General Motors LLC	8
Scion	Toyota Motor Sales, U.S.A., Inc.	18
Smart	Mercedes-Benz USA, LLC	14
Subaru	Subaru of America, Inc.	13
Suzuki	American Suzuki Motor Corporation	4
Thor	Thor Industries, Inc.	1
Toyota	Toyota Motor Sales, U.S.A., Inc.	194
Volkswagen	Volkswagen/Audi of America, Inc.	55
Volvo	Volvo Cars of North America	32
Winnebago	Winnebago Industries, Inc.	1
Totals		3258





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