

**State of Vermont****MOTOR VEHICLE ARBITRATION BOARD**

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**I. Hearing Introduction**

- Good morning/afternoon. My name is \_\_\_\_\_. I am the [chairperson / presiding member] for the hearing and the [technician / new car dealer / citizen member].
- Today is DATE w/year and it is TIME.
- The hearing is being recorded. When testimony begins, please speak one at a time and identify yourself prior to speaking.
- Hearsay as: "They told me this;" "He told me that;" and "I heard this" should be avoided.
- Please focus testimony on the claimed condition(s) for a 3-times-out claim or the repair history for a 30-days out-of-service claim.
- The hearing of \_\_\_\_\_ v. \_\_\_\_\_ will be conducted under the authority of the New Motor Vehicle Arbitration, Sections 4170 through 4181 of 9 V.S.A. (Vermont Statutes Annotated) and the Board's administrative rules.
- Section 4174 describes the required Board composition, which includes a new car dealer and alternate; one active technician and alternate; and three persons plus an alternate with no direct involvement in the design, manufacturer, distribution, sales or service of motor vehicles or their parts.
- The Board members will now introduce themselves and member status.
- For those providing testimony: please stand, raise your right hand and state your name and affiliation as consumer, manufacturer or witness.

"Do you solemnly swear (or affirm) the testimony you are about to give is the truth, the whole truth and nothing but the truth?"

- The consumer will present first and has the burden of proof to demonstrate how the claimed condition(s) substantially impairs the vehicle's use, market value, safety or combination of these standards **as of the date of signing the Demand**. {For a 30-days-out-of-service claim, the defect is the time period and warranty repair history within it.}

- The manufacturer's presentation will occur after the consumer testifies.

➤ **Please do not interrupt during a presentation or at other times**

- Each party will be provided an opportunity to ask questions through the Board for the other party.

- Board members may ask questions at any time or after the presentations.

## II. Case Details

### A. [ ] **Ask the consumer:**

- Is the vehicle here?
- Approximately how many miles are on the odometer today?
- Is the vehicle currently registered?
- Insured?
- Currently inspected?
- Are the payments, if any, current?
- Verify the claimed interest total or accept updated interest documentation.
- Was a final repair attempt performed?
- If yes: When?
- **If a 3-times out claim:** Is the claimed defect/condition(s) the same, better or worse?

READ: Demand for Arbitration content

READ: Manufacturer's Answer and mention any attachments as TSBs or the final repair technical report

- If the manufacturer's answer was not submitted, any defense provided at the hearing may be waived per Board rule 5.
- If the number of repair attempts or days out of service is disputed, request input from the consumer for demonstration of reasonable repair opportunity. There should be a repair history summary from each party in the documentation. Advise parties the positions will be discussed during the Board's deliberative session.

CONSUMER PRESENTATION

MANUFACTURER PRESENTATION

QUESTIONS FROM CONSUMER

QUESTIONS FROM MANUFACTURER

BOARD MEMBER QUESTIONS

FINAL STATEMENT FROM CONSUMER

FINAL STATEMENT FROM MANUFACTURER

### III. Closing Remarks by Chairperson or Presiding Member

If the vehicle is test driven/inspected:

- The Board will inspect and test drive the vehicle. Both parties shall not discuss the case with the Board members and neither will accompany the Board during the inspection or test drive. If the consumer hasn't described the driving style, road condition, speed, terrain etc. the claimed condition(s) may be experienced under, please do so now.
- The Board will meet in deliberative session to rule on the Demand after any test drive, or vehicle inspection; or if none, at the close of this hearing after mileage is verified.
- A Board order will be issued within 30 days. An order transmittal letter includes directions and options.
- The hearing for \_\_\_\_\_ vs. \_\_\_\_\_ is closed.

### IV. Test Drive/Inspection

- Verify the inspection sticker and registration tag on number plate are active.
- Inspect vehicle, test drive or both
- Verify and record the current mileage.