



# What Businesses Need To Know

هذا الدليل متوفر باللغة العربية أيضاً.

這本指南也備有中文版。

이 안내서는 한국어로도 준비가 되어 있습니다.

Данное руководство также имеется на русском языке.



NYC Department of Consumer Affairs  
Michael R. Bloomberg, Mayor



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## The New York City Department of Consumer Affairs fosters a marketplace that consumers can trust and in which honest businesses can thrive.

DCA enforces City and State laws that benefit consumers and businesses alike. The information presented here is a snapshot of the laws that encourage fairness in the marketplace, in particular, the New York City Consumer Protection Law.

For copies of the actual laws, call 311  
or visit the DCA Licensing Center at  
42 Broadway, 5th floor, Manhattan

## Who needs a DCA license?

The following businesses need a license from the Department of Consumer Affairs to operate in New York City.

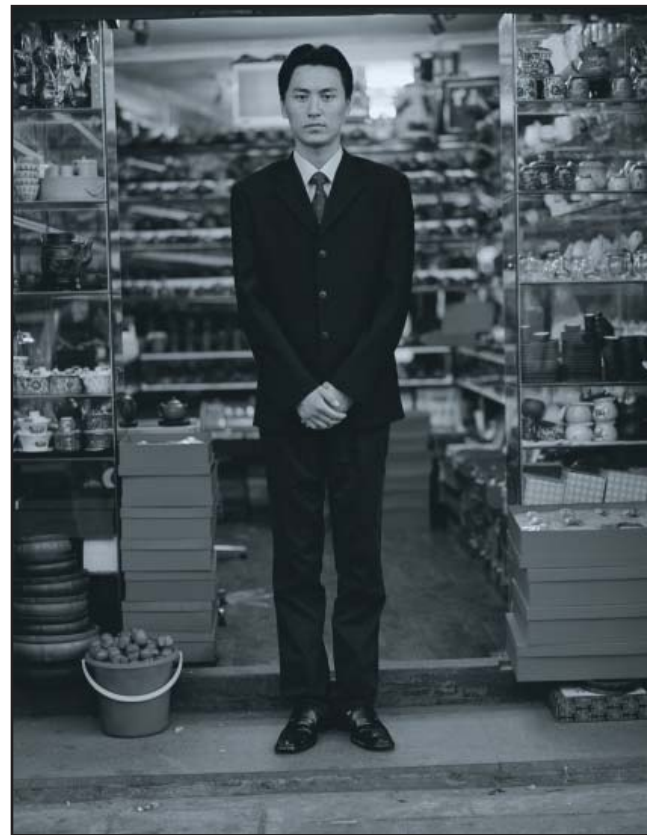
Amusement Arcade	Horse-drawn Cab
Amusement Ride (including temporary, permanent and portable)	Horse-drawn Cab, Driver
Auction House	Laundry
Auctioneer (and Night Auctioneer)	Laundry Agent Drivers
Billiard Hall	Laundry Jobbers
Bingo Game Operator and Commercial Lessor	Locksmith
Booting Company	Locksmith Apprentice
Cabaret (including Disco)	Motion Picture Operator
Catering Establishment	Newsstand
Cigarette Retail Dealer	Pawnbroker
Dealer in Devices for the Disabled	Process Server
Debt Collection Agencies	Process Server Organization
Electronic and Home Appliance Service Dealer	Scale Dealer
Employment Agency	Scale Repair
Employment Agency Manager	Scrap Metal Processor
Garage and Parking Lot	Secondhand Dealer
Game of Chance	Secondhand Dealer, Auto
General Vendor	Secondhand Dealer, Firearms
General Vendor Distributor	Sidewalk Café
Home Improvement Contractor	Sightseeing Bus
Home Improvement Salesperson	Sightseeing Guide
	Special Sale

Stoopline Stand  
Storage Warehouse  
Street Fair—30 Days  
Ticket Resale Broker  
Ticket Resale Employee  
Tow Truck Company  
Tow Truck Driver

For complete license applications and requirements, call 311 (or 212-NEW-YORK outside New York City) or go to [www.nyc.gov/consumers](http://www.nyc.gov/consumers).

## Maintaining personal records

**NOTE:** *If a business licensed by the DCA maintains personal records, and the records have been accessed by unauthorized persons, the business must notify the NYPD the DCA, and the affected consumers, about the breach of security. Failure to do so may result in the revocation of the license.*



## Penalties

Violations of laws administered by DCA can result in fines, loss of operating license, and possible criminal penalties.

## False claims

Businesses are prohibited from making any false or misleading claims in selling, or offering to sell, consumer goods and services. This applies to both oral and written representations, including all sales and discount claims and advertisements.

## Receipts

On purchases of \$20 or more, consumers must be offered a receipt. Consumers paying more than \$5 who request a receipt must be provided with one.

### Every receipt must include

**A full description of each item or service bought**

**The cost of each item or service bought**

**The amount of tax paid, listed separately for each item**

**The date of purchase**

**The full legal name and address of the business**

**The DCA license number of the business**

### Franchises

A franchised operation must disclose the true legal business name of the franchisor and franchisee. The disclosure should be displayed on a sign posted at each cash register and printed on each contract of \$50 or more for goods or services.

Ads and promotions by franchised businesses must state whether the promoted services are available at all outlets.

### Credit card policy

Businesses that accept credit cards must conspicuously display all limitations on the use of the card (such as "\$10 minimum "or"additional identification required"), where customers and clients will see it.

### Refund policy

Businesses must post a sign disclosing their refund policy, credit or exchange policy and any conditions that apply. The sign should be posted at the place of payment. If there is no sign, businesses must accept return of goods for a refund if requested within 20 days of a purchase (except for food, perishables, custom-made or custom-finished goods, and items sold "as is").

### Special offers

All advertising or promotional materials must disclose limits on special offers.

All ads offering services at a special price should indicate if:

- *Certain prices are only available during certain days or times*
- *Special offer applies only when minimum or maximum amounts are purchased*
- *There are trade-in requirements*
- *There are additional charges for delivery or mail orders*

### Canceling a contract

A contract for consumer services or goods may not be described as “non-cancelable” or “not subject to cancellation,” unless the seller has performed all obligations at the time of signing. If a consumer cancels, an additional fee or penalty for cancellation of the contract can be imposed only if it is specified in the contract.

### Price display

When new merchandise is offered for sale for any amount greater than the manufacturer’s suggested retail price or catalog price, merchants must clearly and conspicuously disclose and identify the selling price and the manufacturer’s suggested price on the price tag or label. Indicate which price is which. Do not use the abbreviation “MSRP.”

### Weights and measures

Merchants who sell merchandise by weight must have an authorized New York State Class III Legal-for-Trade Scale. The scale must pass a DCA inspection.

Questions concerning scales can be answered by calling 311 to contact DCA's Weights and Measures Division. DCA will need the scale's model number and manufacturer.

### Illegal sales

New York City law prohibits the sale of the following products to anyone younger than 18 years of age:

- **tobacco products**
- **spray paint**
- **etching acid**
- **broad-tipped indelible markers**
- **laser pointers**
- **herbal cigarettes**

New York City law prohibits the sale of **box cutters** to anyone less than 21 years of age.

New York City also prohibits the sale of the following items:

- **Motorized scooters**
- **Dark-colored imitation or toy guns**

### Litargirio

Sale of litargirio is prohibited in New York City. Litargirio is a yellow- or peach-colored powder manufactured in the Dominican Republic, sometimes used as a traditional remedy. Because of its high lead content, litargirio poses health risks when swallowed or used in contact with the skin. These risks are particularly serious for children.

### Endangered species

City law forbids the sale or purchase of products that list on their labels that they contain any ingredients derived from any species that are declared endangered or threatened under New York law.

All populations of **rhinos, tigers, leopards, and sea turtles** are declared endangered or threatened, and no product listing ingredients from any such animals may be bought or sold in New York City.

### Paint removal restrictions

Dry scraping or dry sanding paint is illegal in New York City, due to lead paint hazards. Stores that sell or rent paint removal or sanding equipment must post a sign that states:

**PROHIBITED BY LAW  
DRY SANDING OR  
DRY SCRAPING PAINT  
In Homes, Day Care Centers, and Schools  
Always Use Wet Methods  
and Safe Work Practices**

The warning sign must be posted on the store premises. To get a free sign or a copy of the City's "Healthy Homes" brochure, call 311 or visit [www.nyc.gov/consumers](http://www.nyc.gov/consumers)

### Pesticides

A warning sign must be posted near sales displays of pesticides, that meets standards established by the New York State Department of Environmental Conservation. The sign must contain a warning notice and inform buyers that they must post the notice when pesticides are used.

## Short supply

Special measures are taken when any item is temporarily in short supply because of “extraordinary circumstances” (due to a weather emergency, fuel shortage, etc.).

**If the DCA Commissioner declares a shortage, merchants may not increase prices beyond a level needed to reflect normal market fluctuations apart from the shortage.**

(NOTE on short supply: *The only exception to this rule is when sellers incur additional cost, through no fault of their own, by providing the item or by trying to increase opportunities to purchase the item.*) Stores should have an adequate supply of advertised items readily available at the advertised price. Merchants that cannot, must prominently post a sign clearly listing any conditions or limits on the sale of advertised items.

NOTE: *Rain checks are not mandatory, nor will they automatically absolve the store from liability for a violation.*

## Layaway plans

A “layaway plan” is an installment payment plan that requires at least four payments for an item costing more than \$50.

A merchant must disclose in writing the terms of the layaway plan, including:

- **Full description and total cost of item**
- **Tax**
- **Additional charges, if any, for delivery, layaway plan use, and cancellation**
- **Duration of the plan**
- **Payment schedule and any late charges or penalties for missed payments**
- **The store’s refund policy**
- **Where and when merchandise will be held for the consumer, including whether it has been removed from inventory**

## Selling used merchandise

Dealers of second-hand goods must be licensed by DCA. In any advertisement or sales transaction, a seller of used merchandise must clearly disclose, with labels such as “used,” “antique,” “floor model,” “demonstrator,” or “rebuilt,” that the advertised items are not new.

## Sales promotions

If a prize is offered to a prospective customer for submitting to a sales promotion, then at the time the prize is offered the customer must receive in writing:

- **A full description of the exact prize, including its cash value as well as the price of the least and most expensive item or parcel**
- **A statement of all the requirements, terms and conditions attached to the prize**
- **A statement that the customer must submit to a sales promotion**

### Electronic or home appliance service dealers

Electronic or home appliance service dealers must return all replaced parts to the customer, except for parts to be returned to the manufacturer or distributor under a warranty arrangement.

Service dealers must maintain any records required by DCA regulations. Dealers must keep these records open and available for inspection by DCA or other law enforcement officials, for a period of three years.

A dealer may be fined, or a dealer's license can be suspended or revoked, for the following violations:

- *Practicing fraud or misrepresentation upon a customer*
- *Misrepresenting his or her qualifications for a license*
- *Helping another dealer commit such acts of fraud or misrepresentation*

- *Engaging in or assisting the practice of untrue, misleading or deceptive advertising, or unlawful selling practices as defined by city, state or other laws local to the area where such advertising or practices occurred*
- *Incompetence or untrustworthiness*
- *Failure to render a written, itemized bill on customer request, and*
- *A criminal record that is directly related to the dealer's fitness or ability to perform any of the activities for which a license is required*



### Car rental agencies

In New York State, car rental agencies can offer to sell consumers a collision damage waiver (CDW) as part of a rental agreement, at a maximum daily charge of between \$9 and \$12.

The waiver only covers damage to the rental vehicle itself. The consumer may be held responsible for damage to a rental vehicle if the consumer does not have insurance coverage and chooses not to purchase a CDW.

There are some limitations on charges a rental company can collect from a consumer for damage to a rental vehicle. Rental car companies must provide consumers with notices about CDW availability and other information regarding consumer liability for damages, as specified in New York State's General Business Law.

Under the City's Consumer Protection Law and Rules, all reservations must be honored within one-half hour of the time agreed to by

the consumer and the rental agency, unless the consumer has been told that the reservation is not guaranteed.

If the reserved vehicle is not available, the consumer must be given a car with the same seating capacity, meeting the needs and purposes of the consumer.

Keep records of all reservations and vehicle return dates for at least six months.

**Rental agencies must post a sign prominently that explains these rights to potential customers, with the statement:**

***"To report complaints, contact the New York City Department of Consumer Affairs, 42 Broadway, New York, NY 10004, Complaint Phone: 311."***

### Electronics stores

All electronics stores within the five boroughs must be licensed by the New York City Department of Consumer Affairs.

Each sale item in a display case or shelf must have the full selling price (before tax) attached to it with a stamp, tag or label, or displayed on a clearly visible sign.

DCA routinely inspects electronics stores, and responds to consumer complaints.

Keep records, ledgers, receipts and bills accurate, up to date and ready for inspection at any time, to avoid legal penalties.

## Food retailers

The laws that apply to stores that sell food require each store to show the unit price (the cost per measure—pound, pint, etc.) on the shelf below products. The market price should be marked on each item. (Exceptions include frozen foods and sale items in special displays.)

Labels on pre-packed fruits and vegetables must display:

- The net weight, price per pound, and total selling price*
- The common name or description of the item*
- The name and address of the packer or distributor*

Private meat grading such as “Top Grade” or “US Finest” may not be used in advertising unless the ad includes, in the same-size print, the official USDA grade or a statement saying the meat has not been graded.

Scales must stand between buyer and seller so that the consumer can view the information about the sale, price per pound, and weight.

Food may not be sold in leaking, rusted, bloated, or excessively dented cans, punctured packages, or

vacuum-sealed containers where the vacuum has been unsealed.

Stores with outdoor displays of fruit, vegetables or flowers need a DCA Stoopline Stand license.



## Funeral homes

**All funeral homes in New York State must be registered with the State Department of Health.**

Only funeral directors licensed by the State and City Departments of Health can make arrangements for the care, moving preparation, and burial or cremation of a deceased person.

The director also files the death certificate transfers the body, coordinates with cemetery or crematory representatives, and moves the body to the cemetery or crematory.

Funeral homes are required to post a sign by the main entrance, disclosing the name of all funeral directors holding at least ten percent ownership of the business operating the establishment, and the names of all organizations holding at least ten percent ownership.

By law, funeral homes should provide the consumer with a general price list when making arrangements either in person or over the phone. Include the prices for all services and merchandise regularly offered by the funeral home.

If the funeral home has a separate list for caskets,

this should be provided to the consumer as well. Funeral homes must perform the burial using the casket bought or provided by the consumer. When a consumer orders a direct burial or direct cremation, there should be no charge for basic arrangements. Any separate charge for disinfecting the body as an alternative to embalming, or for refrigeration to cool the body, must be stated up front.

By law, no funeral director can refuse to embalm the body, regardless of the cause of death of the deceased.

The funeral home cannot profit on services and merchandise paid directly to a third party, such as fees for the cemetery, death certificates and clergy.

The funeral home should provide an Itemized Statement of Services and Merchandise. This is a detailed outline of the specific goods and services chosen by the consumer, the price of each item, and the total cost, including cash advance fees.

If the consumer decides to switch funeral homes at any time, the funeral home must allow the transfer of the body to another funeral home. The body cannot be held in exchange for payment.

**All of these actions are forbidden by law:**

- **Pressuring the customer to select certain services or merchandise**
- **Charging an additional fee for filing the death certificate or getting it medically certified**
- **Charging a “handling fee” for paying third parties on the business’ behalf**
- **Charging a fee for handling a casket provided by the customer**
- **Charging interest on an outstanding balance unless this charge is disclosed at the time the funeral arrangements were initially made and is stated in the Itemized Statement**
- **Charging for any service or merchandise not selected by the customer**
- **Having persons other than a licensed funeral director make funeral arrangements, prepare the body, or supervise the burial**
- **Misrepresenting laws and regulations relating to funeral directing**

**Violators of these New York City Administrative Code provisions on funeral costs are liable for fines for each violation.**

### Furniture and major appliance delivery

The seller of furniture and major appliances must give the buyer a delivery date at the time the contract or sales slip is signed or written up.

If the merchandise is not delivered by the delivery date, the buyer can:

- **Cancel with a full refund**
- **Get a new delivery date**
- **Receive a credit**
- **Select different merchandise**

Refunds must be paid within two weeks and consumers have the same rights on the new delivery date as on the old.

This rule does not apply to “custom made” furniture, or if the failure to deliver was caused by the consumer.

When more than one delivery date is given, the provisions of this rule apply to the latest estimated delivery date.

### Gas stations

It is illegal to sell gasoline in New York City without providing accurate information about the product’s price per gallon, nature, quality, or identity (trade name, brand, symbol or mark).

Penalties for these violations can result in fines, prison time, or both.

It is illegal to sell as unleaded gasoline any product that contains more than .05 gram of lead per gallon.

DCA is authorized to inspect equipment and all relevant business records. DCA conducts routine inspections, and responds to consumer complaints against gas stations to determine if the laws are being upheld.

### Immigration service providers

Immigration service providers must provide a contract that itemizes all services in English, as well as the language understood by the consumer.

They also are required to post signs stating that they may not give legal advice; they have a bond, including information on where a claim must be filed, and that consumers may cancel any contract within three days and receive a full refund. Fines for noncompliance can range up to \$5,000.

***These rules do not apply to attorneys, not-for-profit organizations, federally accredited immigration service providers, elected officials, and government employees.***

For more information call 3-1-1 and ask for the Immigration Service Guide.

## Jewelers

New York City law requires that all jewelry appraisals must state in writing the monetary value used to calculate the item's worth. If that standard is the "retail replacement value," the consumer must be notified that the appraised value is only an approximation of actual retail value and that the consumer should not expect to sell the item at the appraised value.

A receipt for a sale of diamonds must include accurate diamond grading and carat weight information. You must provide a sales slip that discloses the composition of the item for any article of jewelry sold for more than \$75.

When weight is provided in decimals, the figure should be accurate to the last decimal place: a .30 carat diamond may weigh between .295 and .304 (rounded to .30) carats.

When weight is provided in fractions, sellers must disclose that the diamond weights are not exact and give the reasonable range of weight for the fraction: one-half carat would cover between .47 and .54 carats.

Any treatments or enhancements to a gemstone, such as tinting, must be disclosed to every prospective customer, along with information on the permanence of the treatment and any special care required for the stone.

All metal items marked "coin," "coin silver," "sterling" or "sterling silver" must contain the minimum amounts of pure silver set by New York State law.

## Laundries

Laundries, laundry agent drivers and laundry jobbers need a license from the Department of Consumer Affairs.

The name and address of the licensee along with the business' DCA license number should be displayed on:

- **All vehicles carrying laundry**
- **All bills, tickets, cards, advertising or stationary issued or distributed by the licensee**
- **Every bill of sale must state the consumer's name and address, along with the computation of the laundry charge.**

Independent contractors and jobbers must notify the Consumer Affairs Commissioner in writing when they move from one processing laundry to another.

A licensee must notify the Commissioner when the premises of the licensed business is to be sold, or some change of ownership of the premises is underway.

### Laundries (continued)

Coin operated laundries must have an attendant on the premises from 6 pm until closing.

If there is no attendant from 6 am to 6 pm, a sign must be prominently placed on premises with letters and numerals at least two inches in height, indicating the name, address and phone number for referring complaints and refund claims.

### Pharmacies

All pharmacies in New York City must post a sign stating: "Prescription Drug Retail List is Available." State law requires that all pharmacies must, on request, provide printouts of current retail prices for the 150 most frequently prescribed drugs.

These printouts replace the "big pink" posters pharmacies displayed in the past. Pharmacies that do not display the required sign or provide a current price list risk penalties.

Pharmacies that do not carry emergency contraception drugs must post a sign (8½ x 14 inches minimum) stating "**no morning-after pills are sold at this pharmacy.**"

If the pharmacy is temporarily out of stock, posted signage must also say such drugs "**are not currently in stock but will be available within 12 hours after the customer requests that a prescription for [such drugs] be filled.**" Pharmacies that do not comply risk violations.

### Travel agencies

Travel agencies cannot charge more than one dollar over the established tariff charges for each ticket or service item sold. This includes procuring reservations or passenger accommodations from railroads, steamship companies, or air or bus lines. Breaking this City law restricting travel ticket sales can lead to fines, and/or jail time, for each violation.

This City law does not apply to tickets, reservations, or passenger accommodations to or from places outside of the continental United States and Canada, excluding Alaska; or to existing written contracts between any travel agency with corporations, firms or government agencies covering tourist or travel services.

## Tax preparers

### *By law, New York City tax preparers must...*

- Give each customer a free, current, and legible copy of the [Consumer Bill of Rights Regarding Tax Preparers](#) before any discussion with a consumer. (This is not a requirement for attorneys, public accountants and their employees, trustees, employees who prepare returns relating to the business that employs them, and government employees who do this as part of their job.)
- Sign every return disclosing their true business names.
- Provide a copy of each return to the consumer.
- Give an itemized bill.
- Return all personal papers to the consumer.
- Provide representation at any audit if that service has been promised.
- Provide basic information and the cost and interest rate of Refund Anticipation Loans (RAL) in advertisements, and in writing, in English and Spanish, when offering RALs to customers. (Refer to the Consumer Bill of Rights Regarding Tax Preparers.)

### *Tax preparers may not...*

- Disclose any details of the return to any unauthorized person, or alter any entries after the taxpayer has signed.
- Claim to give taxpayers an “instant tax refund” that actually is an interest-bearing loan, unless that fact is clearly disclosed.
- Ask a taxpayer to sign a blank or incomplete tax return.
- Misrepresent his or her qualifications.
- Reveal any information appearing on, or related to, a tax return to any person or business other than the taxpayer, or his or her authorized designee.
- Induce or attempt to induce a taxpayer to violate any governmental regulation, rule or law.
- Use the word “accountant” in any advertisement unless at least one Certified Public Accountant or Public Accountant is present at each tax preparation location during all business hours, and controls all tax returns prepared at the location.
- Advertise a specialty or expertise unless the tax preparer’s relevant education or experience

is also disclosed.

- Alter a tax return after it has been signed by the taxpayer, without the taxpayer’s written consent.
- Charge a fee based upon the amount of tax owed or refund due.
- Guarantee a tax refund, or guarantee that the taxpayer will not be audited by any government tax agency.
- Request a taxpayer to assign to the preparer any portion of the refund due.
- Use the tax preparer’s addresses on a tax return as the place to which a refund should be mailed, unless the taxpayer has signed a power of attorney containing such authorization.

Tax preparers should provide information about electronic and other filing options to speed up payment of Earned Income Tax Credit (EITC) and other refunds, without the high cost of using RALs.

For copies of the [Consumer Bill of Rights Regarding Tax Preparers](#), call 311 or go to [www.nyc.gov/consumers](http://www.nyc.gov/consumers)

## Tobacco retailers

Retail tobacco dealers in New York State must register with the State Department of Taxation and Finance. Retail cigarette dealers in New York City must also get a license from DCA.

State and City laws restrict tobacco sales. Violators face penalties from both the State and the City for:

- Sale to minors. No selling tobacco products (including bidis and gutka) to individuals under the age of 18 years.
- Sale to customer lacking required ID. When selling tobacco products, the customer must have a photo ID, which must be either a driver's license or non-driver's ID card issued by any U.S. state or possession, or an ID issued by the federal government or the U.S. armed forces, or a valid passport from any country.
- (A salesperson is not required to check the ID of a customer who appears to be at least 25 years old. However, the appearance of a customer cannot be used as a defense if the customer was in fact a minor.)
- Selling loose cigarettes.

- Failing to conspicuously post a sign, on a white card with red letters at least ½ inch high, that says:

**“Sale of cigarettes, cigars, chewing tobacco, powdered tobacco, or other tobacco products, herbal cigarettes, rolling papers or pipes, to persons under eighteen years of age is prohibited by law.”**

### State law also prohibits:

- Improper storage. Tobacco products and herbal cigarettes offered for sale or on display must be stored in a locked container, or behind a counter, inaccessible to the public.
- Operating vending machines in locations that are easily accessible to minors.
- Selling bidis (except from a tobacco store).

### In addition, City law prohibits:

- Allowing employees under 18 years of age to sell or handle tobacco products, unless the employee is directly supervised by someone who is 18 or older.

Violations of City tobacco law may result in fines of up to \$2,000, plus fines assessed under the State law, and loss of the DCA tobacco sales license.

Violations of State tobacco law provisions may result in extensive fines for each violation, and can lead to loss of the State retail sales registration and Lottery license.

Violators of these laws can avail themselves of limited penalty waiver options if they meet strict requirements set by the City.

The New York State Department of Health offers a tobacco sales training program to help retailers know and observe the law.

**For more information call (800) 458-1158 or visit [www.health.state.ny.us](http://www.health.state.ny.us).**

## Used-car dealers

All used-car dealers in New York City are required to have a valid DCA license. All auto auction houses must also have a Consumer Affairs license. The license should be prominently displayed at the dealership, and the license number featured on written materials such as ads and receipts.

Used-car buyers in New York State are protected under a “lemon” law requiring dealers to provide written warranties on used cars selling for \$1,500 or more, with mileage of less than 100,000 miles.

The law covers used-car purchases and car leases from New York dealers and auction houses. It does not apply to used motorcycles, motor homes, off-road vehicles or used-car purchases from private individuals.

When a car is not covered by the lemon law due to its low price or mileage, State law still requires used-car dealers to certify that the car was inspected and that it is fit and roadworthy. A dealer cannot legally sell a car “as is.”

Used-car dealers must honor a warranty for a given number of miles, based on the car’s mileage at the time of purchase:

Mileage	Warranty
0-36,000	90 days or 4,000 miles
36,001-79,999	60 days or 3,000 miles
80,000-100,000	30 days or 1,000 miles

The warranty covers the engine, transmission, drive axle, brakes, radiator, steering, and alternator.

If a dealer can’t repair a defect after three tries, the consumer has the right to request a refund or replacement.

