

N.C.P.I.—Civil 745.11
NEW MOTOR VEHICLES WARRANTIES ACT ("LEMON LAW")—DAMAGES WHEN
PLAINTIFF IS A LESSOR.
GENERAL CIVIL VOLUME
REPLACEMENT JUNE 2015
N.C. Gen. Stat. § 20-351.3(B)(2)

745.11 NEW MOTOR VEHICLES WARRANTIES ACT ("LEMON LAW")—
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*NOTE WELL: The Appendix contains a worksheet that the Court
may want to provide to the jury, but it is not mandatory to do so.*

The (*state number*) issue reads:

"What amount of damages is the plaintiff entitled to recover from the
defendant?"¹

You will answer this issue only if you have answered the (*state number*)
issue "Yes" in favor of the plaintiff² and the (*state number*) issue "Yes" in favor
of the plaintiff³ [and the (*state number*) issue "No" in favor of the plaintiff⁴].

On this issue the burden of proof is on the plaintiff. This means that the
plaintiff must prove, by the greater weight of the evidence, the amount of
damages which the law permits the plaintiff to recover.⁵ The law provides
that the plaintiff⁶ may recover an amount equal to one hundred five percent
(105%) of the actual purchase cost of the vehicle to the plaintiff less
eighty-five percent (85%) of the amount actually paid by the consumer to the
plaintiff pursuant to the lease.⁷

Finally, as to this issue on which the plaintiff has the burden of proof, if
you find by the greater weight of the evidence the amount of damages the
plaintiff is entitled to recover from the defendant, then it would be your duty to
write that amount in the blank space provided.

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Civil 745.11
Formula for Calculating the Plaintiff’s Damages
When the Plaintiff is a Lessor
(N.C. Gen. Stat. § 20-351.3(b)(2))

(1) Lease Price (which is the Actual Purchase Cost of Vehicle to the Plaintiff-Lessor) _____ x 105%	
Minus	-
(2) Actual amount Paid by the Consumer to the Plaintiff-Lessor Pursuant to the Lease _____ x 85%	
Equals	=
Total Damages Awarded to the Plaintiff-Lessor	

1. See N.C. Gen. Stat. § 20-351.3(b).

2. See N.C.P.I.-Civil 745.01.

3. See N.C.P.I.-Civil 745.03.

4. See N.C.P.I.-Civil 745.05.

5. A prerequisite to the plaintiff-lessor bringing an action for damages under this section is that the consumer-lessee return the vehicle to the defendant. In an action under N.C. Gen. Stat. § 20-351.3, this remedy would not be applicable at all if the consumer-lessee elects to have the vehicle replaced "with a comparable new motor vehicle." *Id.*

6. This remedy also is available to a plaintiff bringing an action under N.C. Gen. Stat. §

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20-351.2 by virtue of the language of N.C. Gen. Stat. § 20-351.8(2). See *Buford v. General Motors Corp.*, 339 N.C. 396, 408, 451 S.E.2d 293, 299-300 (1994).

7. N.C. Gen. Stat. § 20-351.3(b)(2).

