

District Attorney Marc Bennett  
18<sup>th</sup> Judicial District of Kansas



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For Immediate Release, August 4, 2016

**Wichita, Kansas** - A Wichita car dealer has entered into a consent judgment with the Office of the District Attorney involving allegations of unconscionable and deceptive acts and practices involving car sales.

The agreement between Family Motors, 4230 S. Broadway, and the District Attorney's Consumer Protection Division called for Family Motors to pay \$34,795.50 in civil penalties and \$1,197.00 in investigative expenses and court costs. The District Attorney alleged that Family Motors leased a vehicle at an unconscionable price, attempted to exclude, modify, or otherwise limit implied warranties of merchantability and fitness on 25 vehicles, and failed to disclose safety recalls regarding three vehicles. The agreement does not constitute an admission by Family Motors.

According to the Kansas Consumer Protection Act, when any supplier's price for property or services grossly exceeds the fair market value, it is considered an unconscionable act or practice. In Kansas, automobile suppliers are specifically prohibited from selling cars "As Is" and suppliers in general cannot limit basic warranties without disclosing specific defects and providing a reasonable price in return. Suppliers are also prohibited from failing to state material facts in connection with consumer transactions such as safety recalls. These acts and practices are considered unconscionable and deceptive acts, respectively.

When the consent judgment was filed in Sedgwick County District Court on Thursday, July 28, 2016, Family Motors paid the fines and costs and agreed to refrain from the practices described above. The judgment also requires Family Motors to continue to attempt to notify affected consumers of the vehicle safety recalls.

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