

Do We Need A Computer Lemon Law? Simson L. Garfinkel

I needed a new computer last month. I was doing software development for a small company, and arranged for them to purchase for me an 80386 IBM-compatible machine that could run MS-DOS and Unix.

I wanted an American-made machine. I had heard good things about NCR's "Tower" line of computers and, when I accidentally learned of a Massachusetts computer store selling a "Baby Tower" at what sounded like bargain-basement prices—and with a two-year warranty—I jumped at the opportunity.

A few days later, when an employee of the company drove out to pick up my new machine, I found out the real story: The computer was made in the Far East, not America, and the store had been using the word "Tower" by accident, and apparently in violation of NCR's trademark.

Whether the computer that I proposed to purchase had been made in Taiwan, Singapore, or Korea was hard to tell, but all of the tell-tale signs of off-brand manufacturing were present, from the lack of manufacturer names on the printed circuit boards to the skimpy user manuals in broken English that somehow fail to print the vendor's address or phone.

Still, this "Baby Tower" was \$3,000 less than a similarly-equipped made-in-America machine. Against my better judgment, I decided to take a chance.

That was my first mistake.

No sooner did I get the computer set up than I discovered the text on the video display wobbling back and forth. First I thought the problem was the monitor, but I made a quick swap with a friend's, and the problem was still there. Next, I went out to a computer store and bought myself a new monochrome adaptor card. Like the Cheshire Cat's grin, the wobble was still there.

Eventually, I traced the problem to the computer itself—by attaching a 10-foot video-extension cord and putting a lot of shielding between the computer and the monitor, I was able to make the problem go away. I doubt that the computer had ever passed its FCC certification.

My next surprise came a day later, in the middle of a word-processing program:

PARITY CHECK 2

And nothing more. For those unfamiliar with IBM-speak, a PARITY CHECK means that some memory chip inside the computer read back a different value than had been stored into it.

I turned the machine off and called the people whom I was working for:

"Take this machine back: I've got a lemon!" Two days later, I had an American-made AST Premium 386c to do my bidding. (This is not to be construed as an endorsement of AST, but they do make good computers.)

If only things were as easy for everybody else as they were for me. Take the case of Reggie Emmanuel, a Macintosh user in Valley Stream, New York. Two summers ago, Ms. Emmanuel bought a printer for her computer. She never got the two of them to work together properly.

The store where Ms. Emmanuel bought the printer said that the problem was either with her Macintosh or with the application program that she was using. The company that wrote the program said the problem was with the printer. Her Macintosh, well, it was out of warranty. Today, after letters to the president of Apple, the company that makes the printer, and even local politicians, she still hasn't gotten it to work.

Or take another one of my clients, who bought an ultra-high-resolution graphics board and a Compaq computer to use for an application they were developing. One day, the Compaq's keyboard started generating a random stream of characters every time after power-up, always after precisely 52 key presses had been made. Sound like a keyboard problem? We replaced it; the problem didn't go away.

Thinking the malfunction was with the Compaq's keyboard interface, we took the computer to the computer store that had sold it to us. They pulled the graphics board, and the problems went away.

"The problem's with the graphics board," the service man said.

"But it's the keyboard that's generating the garbage!" I said.

"I'm sorry," he said. "There's no problem with the graphics board pulled, and the company that makes that video board isn't on Compaq's Approved Vendor List."

It's the sort of warranty logic that you can't argue against: You're using a piece of hardware or software that we didn't sell you, so we're not obligated to fix our piece of your system if something goes wrong.

It gets worse.

Last month my hard disk started making a high-pitched "screaming" noise. Worried that this might be a harbinger of future drive problems, I called the drive manufacturer to find out about warranty service. "You need an RMA," said the service representative, referring to a Return Merchandise Authorization number. "After that, send us the drive, and we'll send

you a new one in six weeks."

For the uninitiated, six weeks is a long time to be without your hard disk—too long. (For many people, one day is too long.) The upshot is that if you want warranty service on the drive, you've got to buy a replacement to use while your first drive is out being fixed.

Now granted, all manufacturers and computer stores aren't this bad. Toshiba American has phenomenal terms for their warranty and extended-service-plan customers: Send your computer to them by Federal Express on day 1, they fix it on day 2 and Fedex it back, and you're up and running on day 3. Now *that's* service.

The real problem seems to be that there is no unified way for dealing with service-related problems, no clear sense in consumers' minds of what rights they have under the law.

Recently, there has been talk of the need for a "computer lemon law"—a law that would give people who purchase computers specific rights similar to those rights (in some states) of people who purchase cars. Your answers here will help determine if such laws are needed. ☐

Simson L. Garfinkel is a freelance journalist and computer consultant living in Cambridge, Mass. Copyright 1990 by Simson L. Garfinkel.

MARCH FORUM

MARCH 1990 Do We Need a Computer Lemon Law?

Tell us what you think!

You have two ways to respond:

1. Call the special Member Forum

Hotline at (617) BCS-6666 and register your opinions. The Hotline follows the same format of questions as shown below; simply follow the voice instructions when you call. (You will need a push-button phone.) The Hotline will be accepting your comments from February 23 through March 10. Call now, before you forget! (Our Hotline is made possible by equipment from Natural Microsystems, makers of the Watson Voice Mail System. The Hotline is programmed and recorded by BCS activist Ken Ford.)

2. Register your comments on this clip-out coupon. To make sure it reaches us in time, please return it by March 10 to Member Forum, The Boston Computer Society, One Center Plaza, Boston, MA 02108.

To verify your BCS membership, please indicate the four-digit "Forum" code found in the upper left-hand corner of your mailing label this issue: _____ (All responses are anonymous unless you wish to indicate your name.)

1. Did your computer malfunction:
 Shortly after purchasing it.
 Within the warranty period.
 Shortly after the expiration of the warranty period.

I've (luckily) had no problems.

2. How many service calls did it take to have the problem fixed?
 One Three
 Two Four or more.

3. If the service should have been covered under the warranty, how much did you have to pay?
 Under \$50. \$200-\$500.
 \$50-\$200. Over \$500.

4. How long did it take for your machine to be repaired under warranty service?

One day. Under one week.
 2-3 days. Under one month.
 Longer.

5. Was your problem solved?

No. The dealer blamed the software, which came from a different source.
 No. The dealer blamed the hardware, which came from a different source.
 No. The dealer said that the computer worked, but it didn't work when I got it home.

No. I returned my computer and received a full refund.
 No. I returned my computer and received a partial refund.

Yes, my computer was repaired.
 Yes, I was given a replacement computer.

6. Were you given a loaner computer while yours was being repaired?

Yes, but I had to pay for it.
 Yes, because provisions for a loaner are included under warranty service or service contract.

No. I was forced to borrow a computer or rent a replacement.
 No. I was forced to purchase a replacement for the duration of the repairs.

7. Do you think states should adopt computer lemon law legislation?

Yes No

8. Do you think the BCS should adopt a public position on this issue?

Yes, in favor of such legislation.
 Yes, opposing such legislation.
 No, the BCS should stay out of it.
 I don't know.

Please free fee to leave additional comments. (Hotline callers will be given 15 seconds to respond.)

Thanks for responding!