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## Introduction

The need to remove unsafe vehicles from our roads is but one of many priorities dictated by the tragic loss of approximately 42,000 lives annually on the Nation's highways. In this country, traffic crashes are the primary cause of paraplegia, a major cause of epilepsy, and the number one killer of Americans under age 34. The annual economic loss to society because of these crashes, in terms of worker productivity, medical costs, insurance costs, etc., is estimated at more than \$150 billion. Clearly, there is a need for dramatic improvement in motor vehicle safety.

The National Traffic and Motor Vehicle Safety Act, originally enacted in 1966 and now recodified as 49 U.S.C. Chapter 301, gives the Department of Transportation's National Highway Traffic Safety Administration (NHTSA) the authority to issue vehicle safety standards and to require manufacturers to recall vehicles with safety-related defects or that do not meet safety standards. Since then, more than 299 million cars, trucks, buses, recreational vehicles, motorcycles and mopeds, as well as 43 million tires and 84 million pieces of motor vehicle equipment, including child seats, have been recalled to correct safety defects. Many of these recalls were initiated voluntarily by the manufacturers, while others were either influenced by NHTSA investigations or ordered by NHTSA via the courts. If a safety defect is discovered, the manufacturer must notify NHTSA, as well as vehicle or equipment owners, dealers, and distributors. The manufacturer is then required to remedy the problem at no charge to the vehicle owner. NHTSA is responsible for monitoring the manufacturer's corrective action for adequacy and for compliance with statutory requirements.

## Purpose

The purpose of this booklet is to answer the most commonly asked questions on how and why recall campaigns are initiated, and to inform consumers of their rights and responsibilities when a vehicle or item of motor vehicle equipment is recalled. It explains how consumers can report a safety-related problem to NHTSA and emphasizes the importance of citizen participation in ensuring that our motor vehicles are as safe as possible.

**When Is a Recall Necessary?**

1. When a motor vehicle or item of motor vehicle equipment (including tires) does not comply with a Federal Motor Vehicle Safety Standard.
2. When there is a safety-related defect in the vehicle or equipment.

Federal Motor Vehicle Safety Standards set minimum performance requirements for those parts of the vehicle that most affect its safe operation (brakes, tires, lighting) or that protect drivers and passengers from death or serious injury in the event of a crash (air bags, safety belts, child restraints, energy absorbing steering columns, motorcycle helmets) and are applicable to **all** vehicles and equipment manufactured or imported for sale in the United States (including the territories) certified for use on public roads and highways.

**What Is a Safety-Related Defect?**

Generally, a safety-related defect is a problem that exists in a motor vehicle or item of motor vehicle equipment that:

1. poses an risk to motor vehicle safety, and
2. may exist in a group of vehicles of the same design or manufacture, or items of equipment of the same type and manufacture.

**Safety Defects Are Usually the Result of Inadequate Design or Manufacturing Error**

Examples Include:

- Steering components that break suddenly causing partial or complete loss of vehicle control.
- Problems with fuel system components, particularly in their susceptibility to crash damage, that result in leakage of fuel and possibly cause vehicle fires.
- Accelerator controls that may break or stick.
- Wheels that crack or break, resulting in loss of vehicle control.
- Engine cooling fan blades that break unexpectedly causing injury to persons working on a vehicle.
- Windshield wiper assemblies that fail to operate or malfunction.
- Seats and/or seat backs that fail unexpectedly during normal use.
- Critical vehicle components that break, fall apart, or separate from the vehicle causing loss of vehicle control or injury to persons inside or outside the vehicle.
- Wiring system problems that result in a fire or loss of lighting.
- Car ramps or jacks that collapse causing injury to someone working on a vehicle.
- Air bags that deploy under conditions for which they are not designed to deploy.
- Child safety seats that contain defective safety belts, buckles, or components that create a risk of injury, not only in a vehicle crash but also in non-operational safety of a motor vehicle.

**Problems with Vehicles or Equipment Generally Not Considered to Be Safety-Related Defects Under Federal Law Include:**

- Air conditioners and radios that do not operate properly.
- Ordinary wear of equipment that has to be inspected, maintained, and replaced periodically. Such equipment includes shock absorbers, batteries, brake pads and shoes, and exhaust systems.
- Nonstructural or body panel rust.
- Quality of paint or cosmetic blemishes.
- Excessive oil consumption.

**How Can I Report a Safety Problem to NHTSA Quickly and Easily?**

If you think you have an auto safety problem, reporting it to NHTSA is an important first step. If the agency receives similar reports from a number of people, this frequently indicates that a safety-related defect that would exist which warrant investigation.

In order to make it convenient to report your safety problem, NHTSA operates the Department of Transportation's (DOT) toll-free Vehicle Safety Hotline telephone service to collect accurate and timely information on vehicle safety problems. Consumers can call *1-888-DASH-2-DOT* (888-327-4236) or 1-800-424-9393 from anywhere in the United States, Puerto Rico, and the Virgin Islands to register complaints or receive recall information about a vehicle they are thinking of buying or already own. The toll-free service also has Spanish-speaking representatives

can accommodate the hearing-impaired by means of teleprinter facilities available in private homes, libraries, or public institutions serving the deaf. The hearing-impaired can make direct inquiry to NHTSA by calling, toll-free, 1-800-424-9153. Safety problems can also be reported through the agency's web site at [www.nhtsa.dot.gov](http://www.nhtsa.dot.gov).

To submit a report to NHTSA by mail, send your letter to:

**U.S. Department of Transportation,  
National Highway Traffic Safety Administration  
Office of Defects Investigation  
400 7th Street, SW  
Washington, DC 20590  
NVS-211**

### **Reporting Defect or Recall Problem Information via the Hotline**

When you call the Hotline to report a vehicle or vehicle equipment problem that may be a safety issue, you will be asked to provide certain critical information needed by the agency's technical staff in evaluating the problem you reported. The information provided is immediately entered into our automated database. A record of your report is printed on a Vehicle Owner's Questionnaire (VOQ) and a copy is given to our technical staff for evaluation. The VOQ is mailed to you for verification of the data, with a request for additional information that was not readily available at the time you reported the problem. We will also mail you a letter of explanation of how your information is used. We request your authorization in writing to allow the agency to provide your personal identifiers (e.g., name, address and telephone number) to the manufacturer of the alleged defective product you own. While you are not required to provide such authorization, being able to share this information with the manufacturer sometimes increases our ability to get a manufacturer to recall a product.

### **Reporting Defect or Recall Problem Information via the Internet**

You may file a defect report directly with NHTSA via the Internet by visiting NHTSA's home page at [www.nhtsa.dot.gov](http://www.nhtsa.dot.gov). Select *Complaint Form* from the index and complete and submit the form available on this web site. The information provided is given to our technical staff for evaluation and is entered into our automated database. You can also obtain a summary of vehicle (and vehicle equipment) failures reported to the agency, as well as safety recalls, service bulletins and investigations, by selecting *Vehicle Safety Hotline*, from the index, then select *Search Databases*. A wide range of other information related to motor vehicle safety is available on this site. Please feel free to browse the entire site.



File a complaint via the Internet

### **When You Submit the Questionnaire to NHTSA, Three Steps Are Taken by the Agency's Staff:**

1. Your VOQ is entered into our consumer complaint automated database. A copy of your report is given to the Office of Defects Investigation's technical staff to assess the information and check for safety-related defects or recall problems. Each report is assessed both individually and combined with other reports contained in our database. The information may become the basis for an investigation. If you report a problem that is already under investigation, your information is added to the investigation file. Also, you may be contacted for additional information.
2. Each week, NHTSA updates the consumer complaint database on our web site, [www.nhtsa.dot.gov/cars/problems](http://www.nhtsa.dot.gov/cars/problems). The summary of each complaint reported to the agency, with the consumer's personal identifiers removed, is available to the public and manufacturers. The reports assist both NHTSA and manufacturers in determining if a safety recall is warranted.

3. An image of each VOQ is made and stored in our consumer complaint automated database. If additional VOQs are received describing the same problem, Office of Defects Investigation (ODI) staff will again review your VOQ along with the new ones to determine whether the issue should be investigated.

### **How Is Your Report Used?**

Information provided on the questionnaire is entered into the consumer complaint automated database and catalogued according to vehicle make, model, model year, manufacturer, and the affected part, assembly, or system. Technical staff conducts a continuous analysis of complaints and trends to determine whether an unusual number of complaints of potential safety-related problems have been received on any specific line of vehicles, tires, or equipment (e.g., child safety seats, jacks, trailer hitches, etc.).

The number of complaints and the severity of the consequences are reviewed by technical staff and measured against the number of cars (or items of equipment) manufactured, and how many years the cars or equipment have been in service. The staff will review the complaints and decide whether the complaints represent either isolated reports or a trend. If a trend is suspected and a problem has a potential for causing a risk to safety, the agency will open an investigation for more detailed analysis of the problem.

### **What Other Services Does the Hotline Perform?**

In addition to receiving safety complaints, the Vehicle Safety Hotline provides consumers with vehicle safety information, responds to specific questions and inquiries about the agency's functions and activities, refers callers with technical questions to appropriate NHTSA staff experts, and, when necessary, refers callers to other agencies. When you call the Hotline and give the operator the make/model and year of the car, the operator can provide you with on-the-spot information concerning safety recalls and agency investigations that may affect your car. This is especially useful for used-car buyers who want to be sure any recall corrections have been made before they purchase a vehicle. NHTSA does not retain information on whether an individual vehicle or item of equipment has had the recall repair completed; however, the Hotline representatives will explain how to obtain from the manufacturers, information on those vehicles needing recall corrective action. Other safety-related information can be obtained from the Hotline. This includes New Car Assessment Program (NCAP) results, vehicle importation instructions, the latest air bag information, drunk driving literature, and a variety of other vehicle safety-related topics. When we mail these items to you, we provide a VOQ with a letter of explanation of how it is to be used.

### **How Many Reports of a Safety Problem Must Be Received before NHTSA Will Look into the Situation?**

There is no set number. Every letter or call reporting an alleged safety problem is reviewed by agency experts. Although NHTSA has no jurisdiction over defects that are not safety-related, it does review each report that suggests a potential safety defect involving groups of motor vehicles or vehicle equipment.

### **How Does NHTSA Conduct Investigations?**

The Office of Defects Investigation (ODI) investigative process consists of several elements:

1. *Screening*--a preliminary review of consumer complaints and other information related to alleged defects to decide whether to open an investigation;
2. *Petition Analysis*--the processing of petitions for defect investigations and safety recall problems;
3. *Investigation*--the investigation of alleged safety defects; and
4. *Recall Management*--investigation of the adequacy of safety recalls.

### **Screening:**

Under the screening process, available information—including but not limited to Vehicle Owner's Questionnaires (both electronically submitted through the DOT Vehicle Safety Hotline or through the Internet and those mailed in), E-Mail, letters, anonymous reports, and manufacturer-submitted information - is reviewed by the Defects Assessment Division (DAD). DAD also reviews incoming service bulletins and other documents prepared by the manufacturers to identify foreign safety recalls, customer satisfaction campaigns, consumer advisories, and similar complaint that should have been conducted as safety recalls in the United States. If DAD believes that the available information indicates that a safety-related trend or catastrophic failure is developing, this information is presented to a panel of ODI staff for a recommendation whether to open a defect investigation.

### **Petition Analyses:**

Any person may submit a petition requesting NHTSA to commence an investigation into an alleged safety defect. After conducting a technical analysis of such a petition, ODI informs the petitioner whether it has been granted or denied. If the petition is granted, a defect investigation is opened. If the petition is denied, the reasons for the denial are published in the *Federal Register*. Similarly, a person may submit a petition requesting NHTSA to hold a hearing on whether a manufacturer has reasonably met its obligation to notify and/or remedy a safety defect or noncompliance with a Federal motor vehicle safety standard. If the petition is granted, a hearing is held to assess the matter and decide what corrective action should be taken. If the petition is denied, the reasons for the denial are similarly published in the *Federal Register*.

**Investigations:**

Investigations are conducted in two phases: the Preliminary Evaluation and the Engineering Analysis.

- Preliminary Evaluation (PE)
- Most PEs are opened on the basis of information submitted by DAD, but they may be opened on the basis of other information. During the PE phase, ODI obtains certain limited information from the manufacturer (including, but not limited to data on complaints, crashes, injuries, warranty claims, modifications, and part sales) and determines whether further analysis is warranted. At this stage, the manufacturer has an opportunity to present its views regarding the alleged defect. PEs are generally resolved within four months from the date they are opened. They are either closed on the basis that further investigation is not warranted, or because the manufacturer has decided to conduct a recall. In the event that ODI believes further analysis is warranted, the PE is upgraded to an EA.
- Engineering Analysis (EA)
- During an EA, ODI conducts a more detailed and complete analysis of the character and scope of the alleged defect. The EA builds on information collected during the PE and supplements it with appropriate inspections, tests, surveys, and additional information obtained from the manufacturer and suppliers. ODI attempts to resolve all EAs within one year from the date they are opened, but some complex investigations require more time. At the conclusion of the EA, the investigation may be closed if the manufacturer has notified the agency that it will conduct a safety recall or if the agency has not identified a safety-related defect. However, if ODI believes that the data developed indicates that a safety-related defect exists, the ODI investigator prepares a briefing to be presented to a panel of experts from throughout the agency for peer review. If the agency panel concurs with ODI's recommendation that a recall should be conducted, ODI notifies the manufacturer (verbally) of the panel's concurrence and may, if appropriate, provide a final opportunity for the manufacturer to present new analysis or data. ODI then sends a Recall Request Letter to the manufacturer.

**Recall Management:**

The Recall Management Division (RMD) maintains the administrative records for all safety recalls, and monitors these recalls to ensure that the scope is appropriate and that the recall completion rate and remedy are adequate. NHTSA's monitoring of recall performance may lead to the opening of a recall investigation if the facts appear to indicate a problem with the recall execution or adequacy. A recall investigation can result in expanding the scope of previously announced recalls, or changing recall remedies.

**What Happens When NHTSA Completes Its Investigation and Believes a Safety Defect Exists?**

If the manufacturer declines to conduct a recall in response to the Recall Request Letter, the Associate Administrator for Enforcement may issue an Initial Decision that a safety-related defect exists. An Initial Decision will be followed by a Public Meeting, at which the manufacturer and interested members of the public can present information and arguments on the issue. Prior to the Public Meeting, the manufacturer is sent copies of all information on which the Government's decision is based. A copy of the file is also made available for public inspection in the agency's Technical Information Services. During the meeting, the manufacturer may attempt to refute the Government's evidence in addition to presenting new information. Public interest groups, other manufacturers, trade associations, and consumers may also present information that will be considered and evaluated by NHTSA's Administrator in making a final decision on whether a safety-related defect exists.

The entire investigative record is then presented to NHTSA's Administrator, who may issue a Final Decision that a safety defect exists and order the manufacturer to conduct a recall.

**If NHTSA Makes a Final Decision That a Defect Exists, Can the Manufacturer Challenge That Decision?**

**Yes.** Once the agency has made a final decision of a safety-related defect and ordered a manufacturer to recall, the manufacturer may challenge that order in a Federal District Court.

The agency can also go to court to compel a manufacturer to comply with its order. Once a case is in court, the burden of proof lies with the agency. In other words, the agency's evidence that a defect exists and that it is safety-related must be sufficient in the opinion of the court to outweigh evidence to the contrary presented by the manufacturer.

While the case is in the courts, however, the manufacturer may be required to notify consumers by letter that the agency did make a final determination of a safety defect, but that the manufacturer is contesting the decision.

### **Do Manufacturers Ever Make Defect Determinations and Initiate Recalls Without a Government Order?**

**Yes.** Most decisions to conduct a recall and remedy a safety defect are made voluntarily by manufacturers prior to any involvement by NHTSA. Through their own tests, inspection procedures and information gathering systems, manufacturers often discover that a safety defect exists or that the requirements of a safety standard have not been met. The manufacturer is obligated to report such findings to the Government and take appropriate action to correct the problem. However, as vehicles age with use, certain design and performance problems may occur which are often reported by owners to NHTSA. These reports form the basis for NHTSA's defect investigations, which often result in significant safety recalls.

### **How Will I Be Notified if a Recall Is Ordered or Initiated?**

Within a reasonable time after the determination of a safety defect or noncompliance, manufacturers must notify, by first-class mail, all registered owners and purchasers of the affected vehicles of the existence of the problem and give an evaluation of its risk to motor vehicle safety. The manufacturer must explain to consumers the potential safety hazards presented by the problem. Names of vehicle owners are obtained from State motor vehicle offices. The letter must instruct consumers on how to get the problem corrected, remind them that corrections are to be made at no charge, inform them when the remedy will be available, how long the remedy will take to perform, and whom to contact if there is a problem in obtaining the free recall work.

If you do not receive a letter of notification from the manufacturer but think that your vehicle might be involved in a recall campaign, call the Vehicle Safety Hotline at 1-888-DASH-2-DOT (888-327-4236, 1-800-424-9393), log onto the NHTSA web site at [www.nhtsa.dot.gov](http://www.nhtsa.dot.gov) or contact the manufacturer or your dealer. Manufacturers of motor vehicle equipment, particularly tire and child safety seats, maintain lists of owners who have registered their products with the manufacturer. When a recall of these items is initiated, the manufacturer uses that list to directly notify these owners of a recall. In addition, manufacturers of these products as well as other equipment are required to notify the public of recalls through various methods (i.e. advertisements, point of purchase posters, etc.) to ensure that as many owners as possible are aware of the recalls. If you are unsure whether your tire or child safety seat is the subject of a recall, you may contact the manufacturer, call the Vehicle Safety Hotline, or log onto the NHTSA web site.

### **What Are the Ways in Which a Recalled Vehicle or Item of Equipment May Be Remedied?**

Once a defect determination is made, the law gives the manufacturer three options for correcting the defect: repair, replacement, or refund. The manufacturer may choose to repair the vehicle; replace the vehicle with an identical or similar vehicle; or refund the purchase price in full, minus a reasonable allowance for depreciation. In the case of equipment, including tires and child safety seats, the manufacturer can either repair or replace.

### **If I Had a Defect Repaired at My Own Expense Before a Manufacturer's Recall, Am I Legally Entitled to Reimbursement from the Manufacturer?**

Yes, under certain conditions. Manufacturers are required to provide reimbursement for certain owner's costs to remedy defect conditions prior to a recall. Manufacturers are required to reimburse owners for costs incurred to remedy a defect based on a start date of either NHTSA's opening date of an Engineering Analysis or one year prior to the manufacturer's notification of a defect to NHTSA, whichever is earlier. The closing date of eligibility for reimbursement of repair of a motor vehicle is 10 days after the manufacturer mails the last of the owner notices informing owners of a cost-free safety defect recall. For replacement equipment, the closing date is either the same

as for motor vehicles or 30 days after the manufacturer's closing of its efforts to provide public notice of the existence of a defect, whichever is later. Documentation of the requested costs is required.

While this is a new requirement, manufacturers have in the past often voluntarily agreed to absorb such costs, and have provided refunds to consumers who had defects corrected prior to a recall, providing that consumers have been able to present documentation to prove that the earlier repairs remedied the defect in question.

### **Are There Any Limitations on My Right to Have My Vehicle Remedied at No Charge?**

**Yes.** There is a limitation based on the age of the vehicle. In order to be eligible for free remedy, the vehicle cannot be more than 10 years old on the date the defect or non-compliance is determined. Under the law, the age of the vehicle is calculated from the date of sale to the first purchaser. For example, if a defect is found in 2003 and a recall ordered, manufacturers are required to make the correction available at no charge only to cars purchased new in 1994 through 2003. However, consumers should realize that even though manufacturers are not obligated to remedy safety defects in older cars, a safety problem may still exist. If you receive notification of a defect on a vehicle older than 10 years, take the responsibility to have your car repaired at your own expense. Eliminate any unnecessary safety risks.

Also, if the manufacturer challenges the agency's final decision of a safety defect, there is no obligation to remedy the defect while the case is in court. If you decide to take your vehicle in for correction after the agency's decision is made but before the case is finally decided and the court decides that the defect is not safety-related, Federal law does not require that the manufacturer reimburse you for the repair work. However, if the court upholds NHTSA's final decision, you may be entitled to reimbursement. Be sure to save all receipts and paperwork so that you can prove the repairs were made.

### **What about Tires?**

The law requires tire manufacturers to repair or replace at no cost to the consumer only those tires purchased within five years of the defect or non-compliance determination. Furthermore, in order to obtain free replacement or repair of a recalled tire, consumers must bring the tires to the dealer within 60 days of receiving the notification letter from the manufacturer. If replacements are not available when you present your recalled tires, get a written acknowledgment from the dealer, and keep it until the dealer notifies you that there are more tires in stock.

### **What Can I Do if a Manufacturer or Dealer Refuses to Repair My Vehicle or Equipment at No Charge after a Recall Is Announced?**

If a dealer refuses to repair your vehicle in accordance with the recall letter you received from the manufacturer, you should immediately notify the manufacturer. In most cases, contractual agreements between a manufacturer and dealers require all dealers to honor the recall and remedy defects at no extra charge, regardless of where the vehicle or equipment was originally purchased. Under the law, if a vehicle recall has been initiated, consumers are entitled to the remedy without charge, within a reasonable time. In most cases, there will be a time lag between the date of the manufacturer's decision that a recall is warranted or the agency's final decision, and the time the remedy is available to consumers. This time is provided to allow manufacturers to identify owners of vehicle or equipment included in the recall, develop remedial procedures, instruct dealers on how to repair the defect, distribute to dealerships the parts necessary for repair or replacement, and send letters to consumers informing them how the recall campaign will be conducted. A dealer is not required by law to remedy a defect in a vehicle brought in before that date. Although consumers demanding immediate correction may feel they are not receiving satisfactory resolution of the problem, there is no legal recourse available at this stage - patience is the only alternative. In instances where a manufacturer needs extended time to develop a remedy, the agency may require the manufacturer to send an interim notice to consumers that contains any short-term actions that the consumer may take to lessen the likelihood that the defect will occur.

### **If the Manufacturer Has Recalled My Vehicle or Equipment for a Safety-Related Defect, Can I Still Bring Independent Legal Action against the Manufacturer for the Injuries I May Have Suffered?**

**Yes.** The law specifically states that the recall remedies are in addition to other available legal remedies. To determine specific State law remedies, you should consult a lawyer, contact your State Attorney General, or your local District Attorney's office.