



U.S. Department
of Transportation
National Highway
Traffic Safety
Administration

DOT Auto Safety Hotline
Vehicle Owner's Questionnaire
To Report Vehicle Safety Defects
1-888-DASH-2-DOT
(1-888-327-4236)
INTERNET: www.nhtsa.dot.gov/hotline

Form Approved OMB No. 2127-0008

FOR AGENCY USE ONLY 335

Date Received

Repository ☐

2003 OCT 20 03 PM 2:07

Reference No.
10006288

OWNER INFORMATION (Type or Print)

Name

Address

City
ROCKFORD

State IL

Zip Code

Daytime Telephone Number

E-mail Address

Evening Telephone Number

Do you authorize NHTSA to provide a copy of this report to the manufacturer of your vehicle? ☐ YES ☒ NO
In the absence of an authorization, NHTSA WILL NOT provide your name or address to the vehicle manufacturer.

Signature of Owner _____ Date ____/____/____

VEHICLE INFORMATION

17 digit Vehicle Identification Number Located at bottom of windshield on driver's side

104-WF35Y7KA

Make
HYUNDAI

Model
SONATA

Model Year
1999

Date Purchased
23-DEC-98

Dealer's Name and Telephone Number

Engine:
No: Cylinders

Fuel Type:

Original Owner
☐

Dealer's City

State

Zip Code

Transmission Type

☐ Antilock Brakes

Powertrain

☐ Cruise Control

Vehicle Component Code
140000 AIR BAGS

Multiple Failure:

FAILED COMPONENT(S)/PART(S) INFORMATION

Incident Date(s)

Failure Mileage
49961

Failure Speed

ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A TIRE FAILURE

Tire Make

Tire Model (Name or Number)

Tire Size (Example P215/65R15)

DOT No. (Example: DOTMALSABC036)

☐ Original Equipment
☐ Prior Repair

Failure Location:

Tire Component Code

Tire Failure Type

ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A CHILD SEAT FAILURE

Make:

Date Manufactured:

Model No./Name:

Seat Type:

Installation System:

Child Seat Component Code:

Failed Part:

APPLICABLE INCIDENT INFORMATION

(Please describe in detail the incident(s), failure(s), condition, and injury(ies).)

Crash

Fire

Number of Persons Injured

Number of Deaths

Reported to Police

☒ Yes ☐ No

☐ Yes ☒ No

1

N

Narrative Description of Incident(s), Crash(es), and Injury(ies).

Please describe (1) events leading up to the failure, (2) failure and its consequences, and (3) what was done to correct the failure; i.e., parts repaired or replaced (and if old part is available).

CONSUMER: LOSS CONTROL AND HIT A SOLID BARRIER AND NONE OF THE AIRBAGS DEPLOYED. DRIVER SUSTAINED A HEAD INJURY. PH.

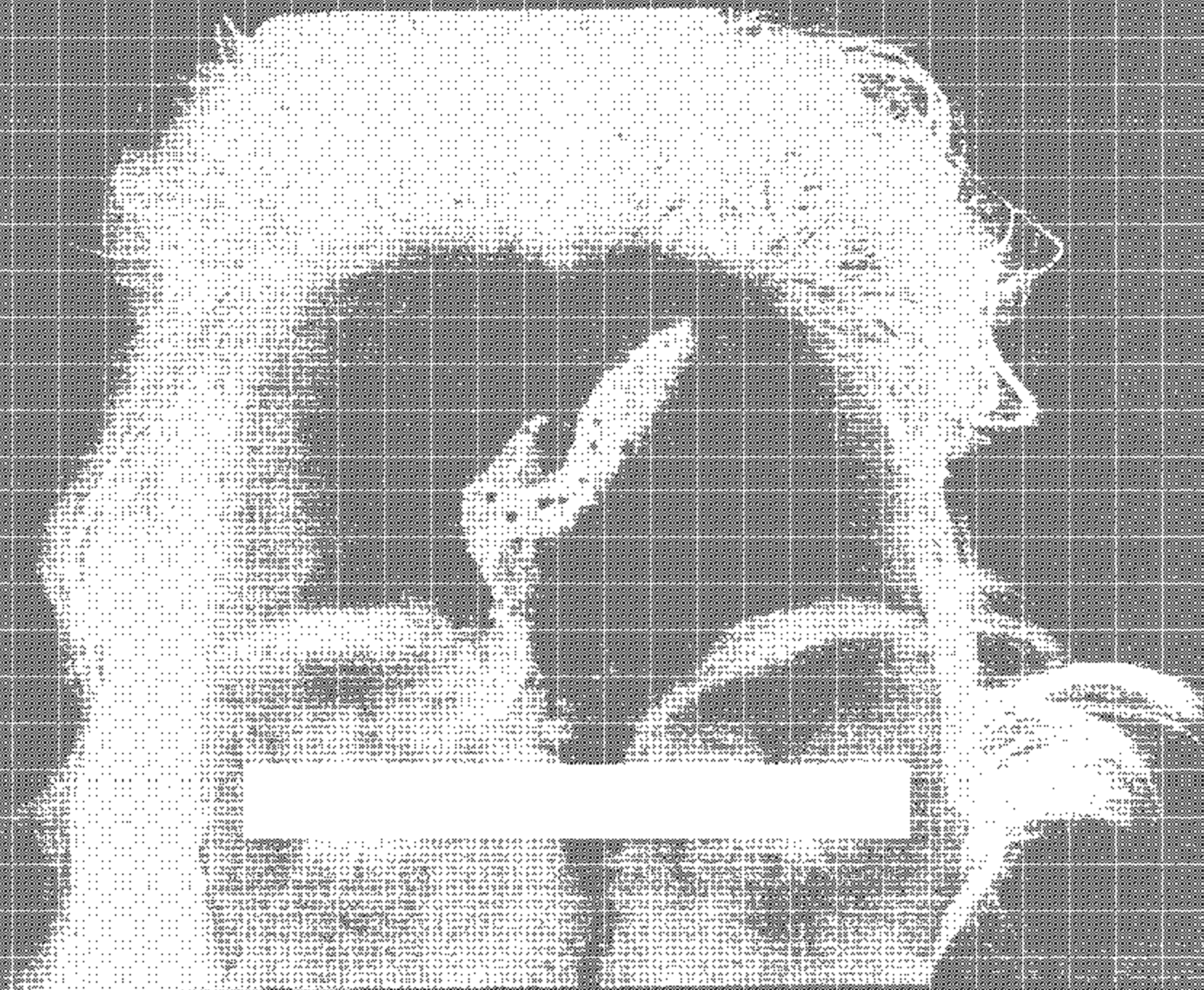
*AK

*Repository
UPDATE*

Include, if available: Police/Fire Department Report, Photos, and Repair Invoice.

ATTACH ADDITIONAL SHEETS IF NECESSARY

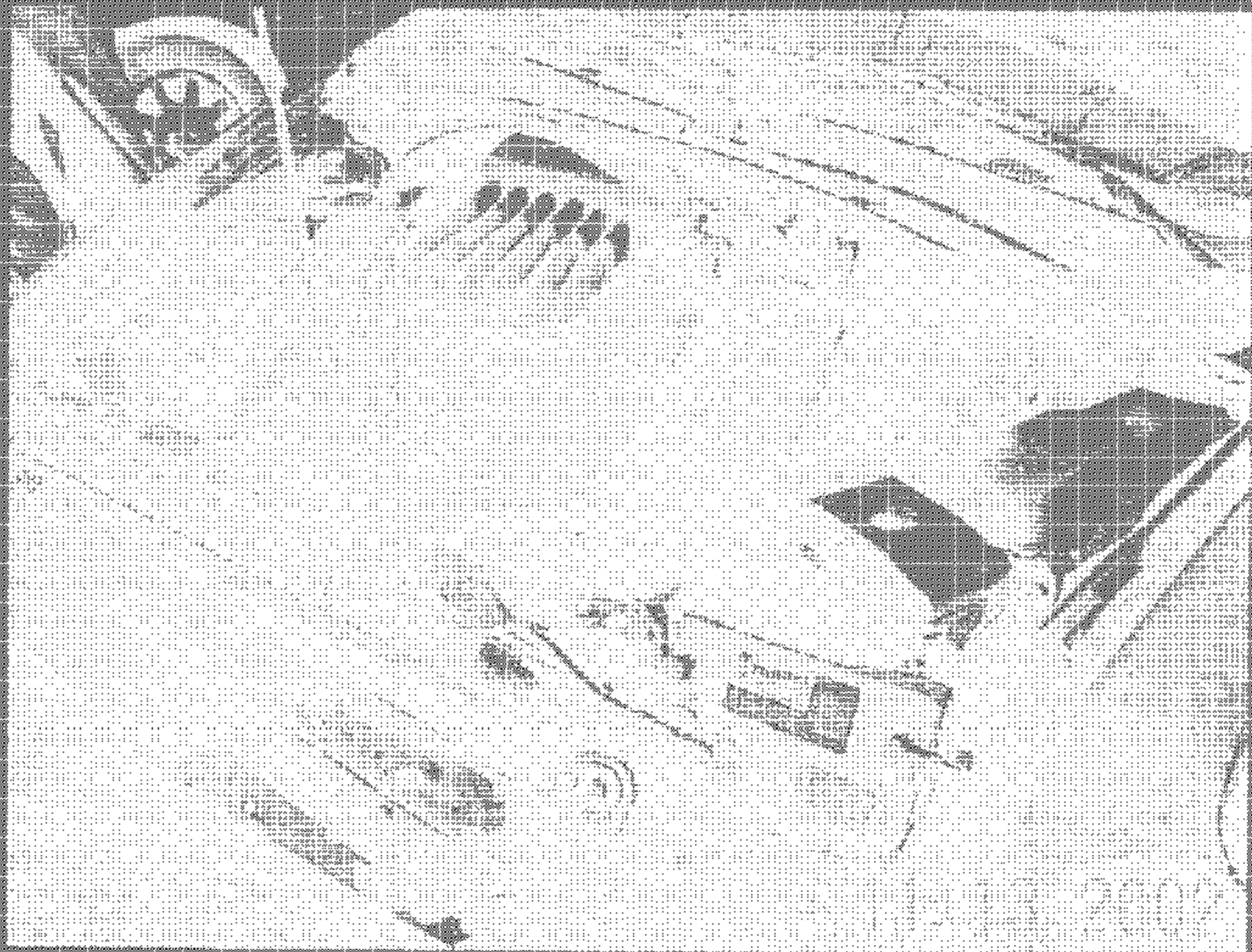
The Privacy Act of 1974 (Public Law 93-579) This information is requested pursuant to authority vested in the National Highway Traffic Safety Act and subsequent amendments. You are under no obligation to respond to this questionnaire. Your response may be used to assist the NHTSA in determining whether a Manufacturer should take appropriate action to correct a safety defect. If the NHTSA proceeds with administrative enforcement or litigation against a manufacturer, your responses, or a statistical summary thereof, may be used in support of the agency's action.

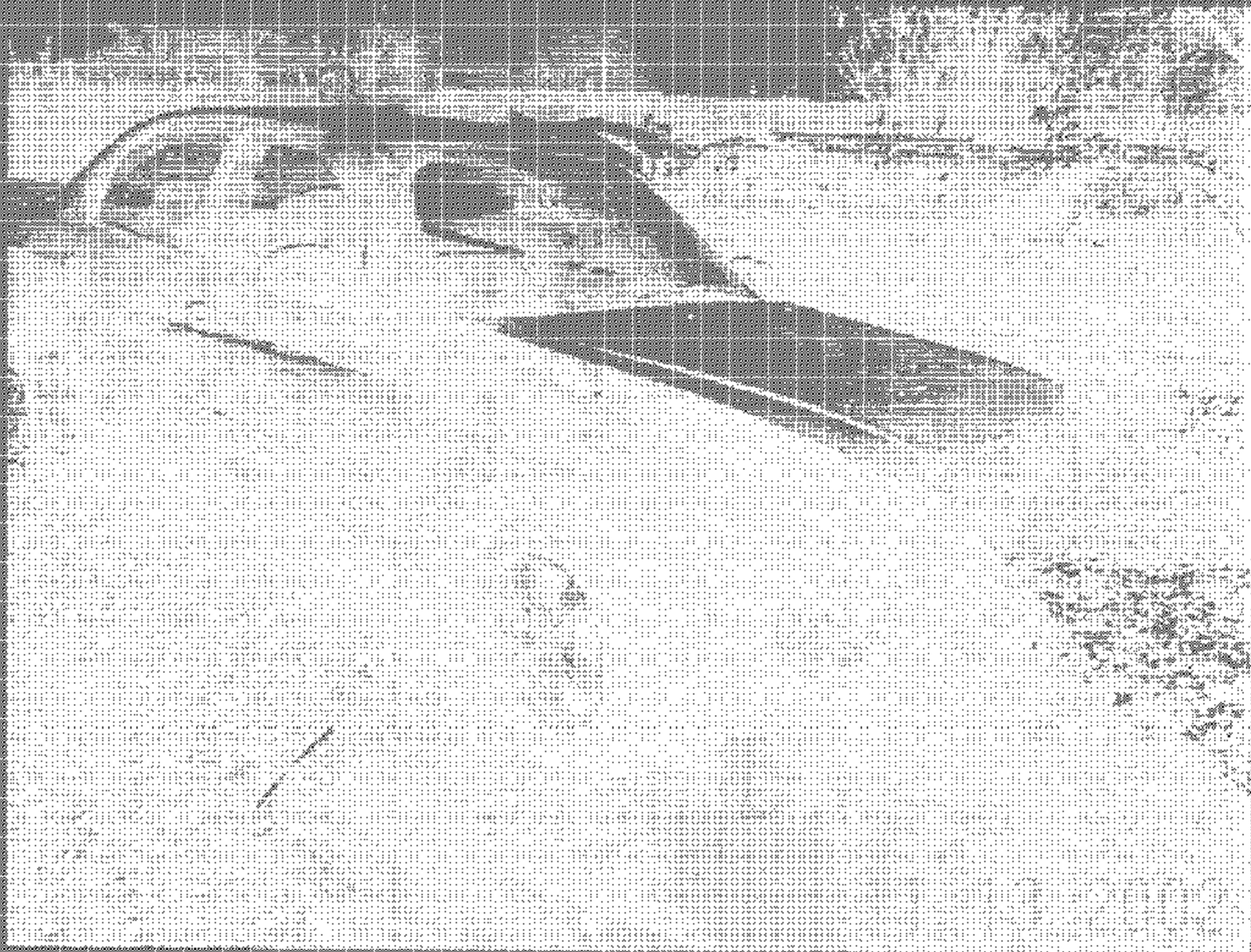


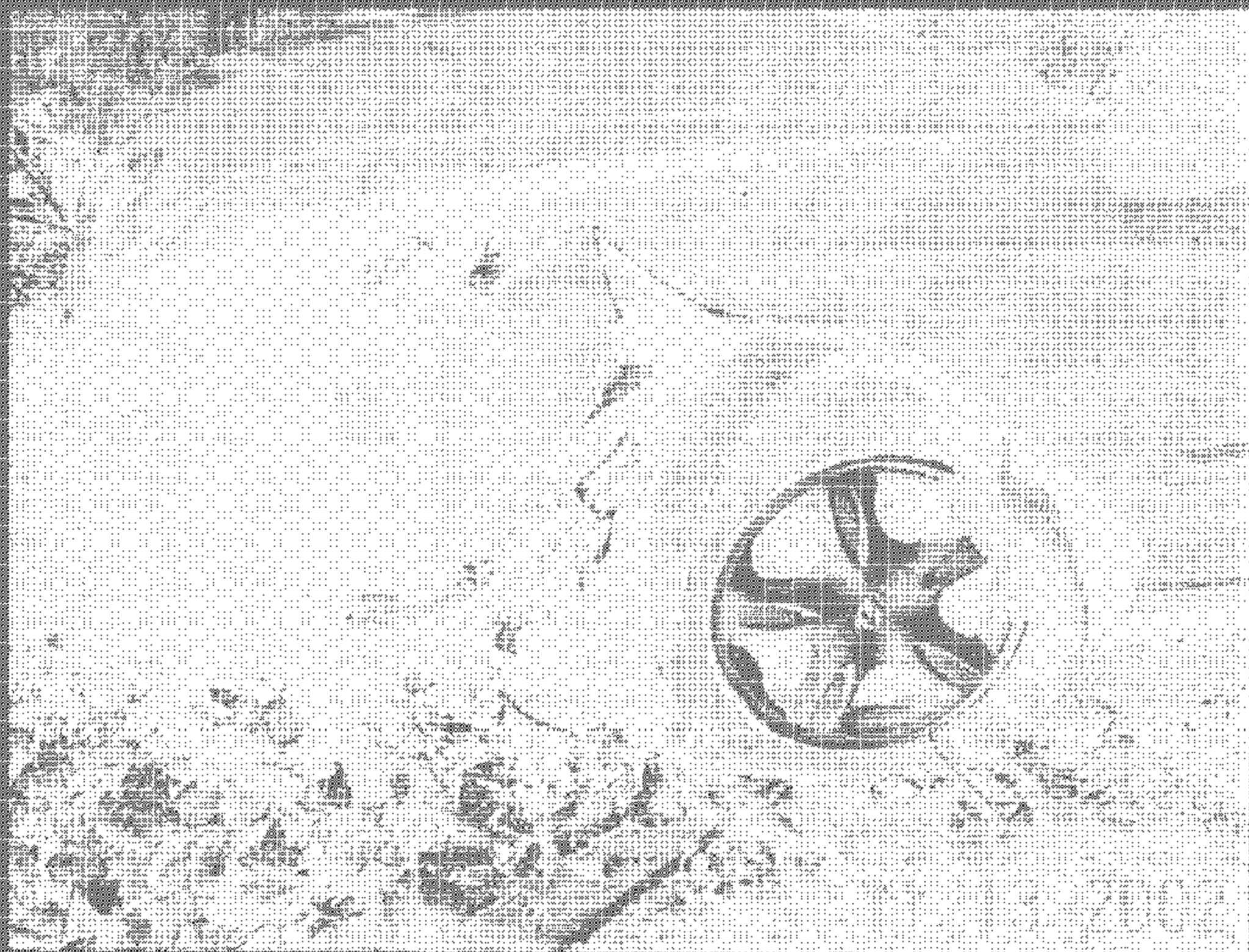
83 Aguilar Santa Ana 303 303 303 303 303 303

Driver: Santa Ana 303 303 303 303 303 303











TO: CHRIS WIACEK DATE: MARCH 18, 2003ORGANIZATION: NHTSA/ODIPHONE: 366-7042

FROM: [REDACTED]

Concerning vehicle photos: will be sending via regular mail tomorrow (sorry, insurance file could not be downloaded for electronic ~~sub~~ transmittal).

7 PAGES FOLLOW

Chris: If photos are sent
by regular mail, they
may be damaged if
they go through the
Contract screening
process. ~~of~~
Al Jumper
3-19-03

TO: CHRIS WIACEK DATE: MARCH 13, 2003

ORGANIZATION: NHTSA/ODI

PHONE: 366-7042

FROM: 

13 PAGES FOLLOW

Administrator
National Highway Transportation Safety Administration
400 7th Street, SW
Washington, D.C. 20590

Rockford, IL

February 15, 2003

P E T I T I O N

A petition to the Administrator of the National Highway Transportation Safety Administration to request a hearing concerning Hyundai Motor America's failure to remedy defects in vehicle occupant crash protection systems, pursuant to 49CFR557 and 49CFR571.208.

Interested party Jon Welch, on behalf of myself and others who have submitted 50 complaints to the NHTSA addressing Hyundai 1999 models' air bag system defects, allege that Hyundai has not met its lawful obligation to remedy same.

My complaint, reference number 10006288 typifies the majority of the experiences of Hyundai consumers who have registered these complaints. Injuries were sustained by my wife in a one-person, one-car accident with deceleration forces that should have caused air bag deployment but did not. The vehicle had been serviced by the dealer three times to correct repeated air bag warning indications (system malfunction light on dash). Additionally, the dealer counselled me to replace the car's battery to correct the cause of the warning indication, which I had done a few weeks before the accident, to no avail, followed by a dealer replacement of a system component (ostensibly).

After the accident, Hyundai responded to my defect claim with investigation findings that obviously distorted the facts of the accident in order to support its position that the accident's deceleration forces did not warrant deployment.

I have reviewed the consumer complaints in the NHTSA database and have found commonality with all of these circumstances. I believe Hyundai is knowledgeable about the unreliability of their crash protection system but will not correct system defects until an order from NHTSA's Administrator pursuant to 49CFR 552 is issued. Accordingly, I request a hearing to establish a basis for such an order.

Mike Viljak
Hyundai Motor America
10550 Talbert Avenue
P.O. Box 20850
Fountain Valley, CA 92728-0850

Rockford, IL

March 11, 2003

File # 719318

Dear Mr. Viljak:

I was given your phone message of March 7, requesting that I furnish Hyundai with color photographs taken at the accident scene. I am not sending the photos, but Hyundai may view them at my residence.

Hyundai paid for a representative, Chuck Baumann, to collect information related to the investigation of my claim. Mr. Baumann and I looked at the vehicle. He told me he would take pictures of it, that he would interview the Rock River Hyundai service manager, and he asked me to give him a copy of the accident report and directions to the accident scene. He said he had another vehicle to inspect in Lisle, Illinois that same day.

You called on February 19 to request accident scene photographs from me. You told me that the purpose of the photos would be to determine whether they would materially add to the investigation, and that the investigation findings might be revised accordingly. I sent copies of the photos to you February 21. You stated March 7 in your message that they are not adequate for your purpose. With this narrative and keyed diagram, they ought to be.

There are two findings: that the majority of the collision force was absorbed below the bumper because the vehicle slid on its undercarriage before colliding with a concrete barrier in the culvert; that the impact scar by the bumper was primarily angular impact involving lateral forces, based on apparent damage to the vehicle. These photos are sufficient to refute the first finding.

The vehicle drove down into the culvert. The vehicle drove through the culvert and continued up and out of it. It drove another 60 meters across a grassy field and came to a stop instantly upon contacting a ten-inch-thick, reinforced concrete earth retaining wall of about thirty inches height. Photo A taken from above, at the point the vehicle entered the culvert shows the direction of travel through it to the point of egress, at the center of the photo. Photo B shows the tire tracks across the field, and Photo C shows the damage to the wall resulting from vehicle impact. Photo D shows the wall from the right side, broken and pushed into the earth behind it. Photo E is the wall viewed from the left and inside the culvert, looking up.

What these photos cannot do is replace a proper analysis of the evidence still available at the accident scene:

If the airbag system operated according to its design as Hyundai contends, then Hyundai has design data that define the speed and angular factors' system deployment thresholds. I invite you to share these factors with me if Hyundai cares to support its statement that in this accident the majority of the collision force energy was absorbed below the bumper and by the vehicle's undercarriage. But this will have to be reconciled with the on-scene incident report furnished to Hyundai February 10.

The report records a large, deep laceration to the driver's forehead with the frontal bone exposed; extensive damage to the left front bumper of the car; intrusion of the passenger compartment of about 24 inches; the dash pushed in; and the air bag did not deploy.

The failure of the air bag to deploy must be addressed. Hyundai's response must do this, and is requested no later than March 26, 2003.

Sincerely,

(B)



(A)



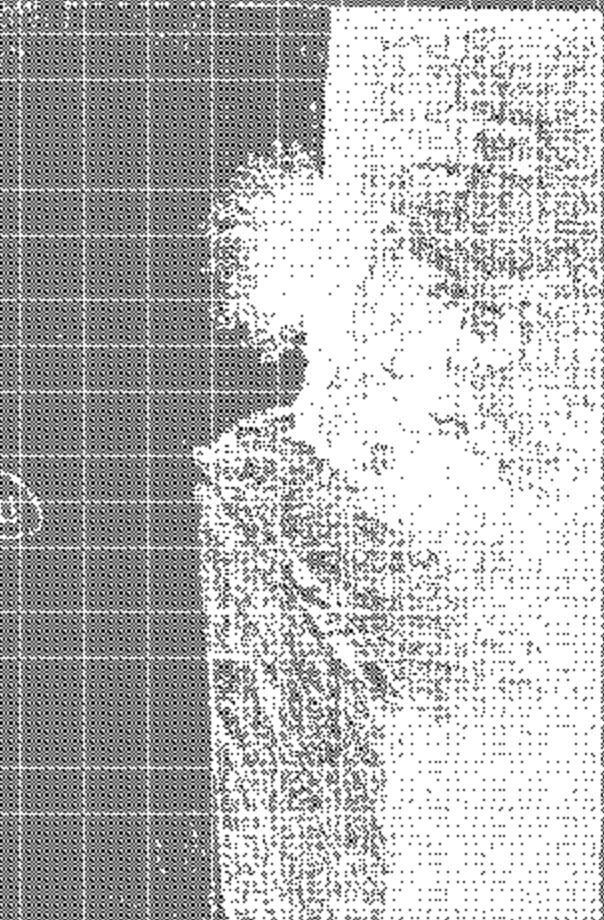
(B)

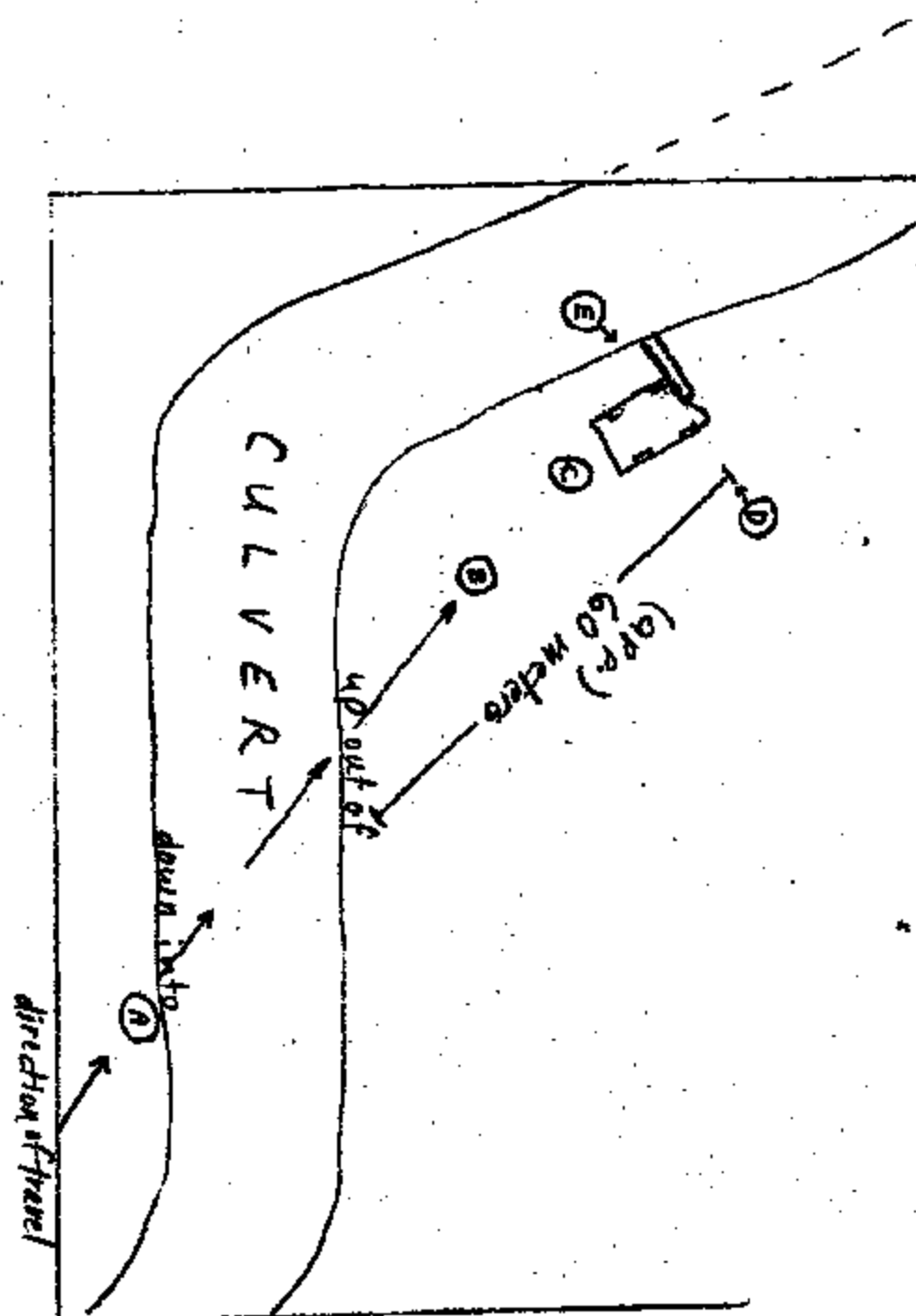


(C)



(A)





Hyundai Motor America
10550 Talbert Avenue
P. O. Box 20850
Fountain Valley, CA 92728-0850

Rockford, IL

February 10, 2003

File # 719318

Dear Hyundai Motor America:

We have received your January 27, 2003 accident investigation findings concerning the frontal airbag system operation. We are not in agreement with the findings. We are litigating to recover our losses. Please reply with the name, title and address of the individual you have designated to receive summons. Your response is requested no later than February 19, 2003.

Your findings are not acceptable because we dispute the facts as well as the process used to determine them. The Sonata drove into a drainage culvert and out of it. The culvert is six feet deep and graded thirty degrees. A vehicle does not slide on its undercarriage up a 30-degree slope. Pictures of the accident track, proving that the vehicle was rolling on its wheels, will be shared with you during discovery. You conclude that the majority of the collision energy was absorbed below the bumper. Enclosed is a photograph of the wall, which shows the collision energy was absorbed initially by the bumper. Your conclusion that the deceleration rate did not merit airbag deployment does not agree with the evidence supported by this photograph and that of the on-scene incident report, also enclosed. Your conclusion that lateral forces acted against activating the system is not supported by any objective evidence, only "it appears". We measured the angle of the wall to the longitudinal axis of the vehicle and found it to be within the 30 degrees your system design specifies (reference page 1-25 of the 1999 Sonata Owners Manual).

Your investigator asked for a copy of the accident report and we furnished it to him. We also gave him a description of the accident location and detailed directions to it. We conclude he did not visit the scene.

We asked you for data addressing the number of malfunction reports and the number confirmed. We also asked you to address your review of the service records. You failed to do so. We have noted similar complaints filed with the National Highway Transportation Safety Commission relating to repeated air bag warning indications and frontal collisions with no air bag deployment. We have entered our own complaint into their database and have ordered investigation reports from a sample of those already registered.

This vehicle had been a gift to Linda Welch on Christmas Day 1998. It was selected as a replacement for her 1991 Sonata primarily because it offered the air bag feature. As you read the enclosed incident report you will see why that particular feature was so important. We relied on it, and its failure when most needed must be addressed.

Sincerely,

INCIDENT REPORT

City of Rockford

A

FDID	INCIDENT NO	EXP NO	MO	DAY	YR	DAY OF WEEK	ALARM TIME
WJ111	02-016230	00	11	07	02	Thursday 5	18:38:00

NARRATIVE

ALS RUN. Eng-11 with #242, #312, #505 and #600 dispatched for a car fire call. As we arrived on scene the alarm operator changed the call to a mva. There were two police officers on scene as we arrived. I radioed for a ambulance to be dispatched. We found a late model Hyundai Sonata involved in a one car accident with a concrete abutment that is part of a flood control drainage ditch. The driver, a 47 yr. old white female, was still sitting behind the steering wheel with her seat belt fastened. The patient was conscious but would not respond to verbal questions. She had a large, deep laceration to her forehead with the frontal bone exposed. She is known to be a diabetic. There was extensive damage to the left front bumper of the car. There was intrusion of the passenger compartment of about 24 inches and the dash was pushed in toward the patient. The air bag did not deploy. While waiting for C-12 to arrive we manually supported her c-spine, applied a no neck c-collar, applied a pressure dressing to the forehead laceration and removed her from the car on a long backboard. We carried the patient to the ambulance and placed the backboard onto the stretcher. We assisted C-12 crew, #477 and #627, with further b1s and a1s treatments prior to transport. We assisted with immobilizing the patient to the board with towel rolls and tape and board straps, applying the cardiac monitor and bp monitor, (bp 148/70, p 100, r 20), blood sugar check (32), administration of IV NS and 25gms dextrose iv. After administration of dextrose the patient became more alert and was able to understand what we were saying to her although she was still very uncooperative. #505 and #600 rode to assist C-12 crew with patient care during transport to Swedish American Hospital.

HYUNDAI

Hyundai Motor America
20150 Talcott Avenue
P.O. Box 20850
Fountain Valley, CA 92728-0850
Telephone 714 965-3000

January 27, 2003

[REDACTED]
Rockford, IL [REDACTED]

File # 719318

Dear [REDACTED]:

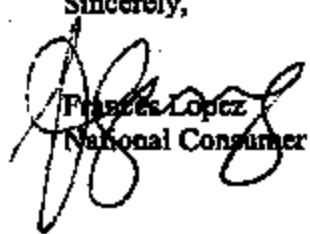
Thank you for your recent correspondence. We have thoroughly reviewed your comments and regret the circumstances you have experienced.

Our inspection confirmed that the airbag system in your vehicle operated according to its design in connection with [REDACTED]'s accident. The Sonata's frontal airbags are not intended to deploy during every impact that is generally directed against the vehicle's front end. Frontal airbags are designed to deploy when a vehicle has sustained a sufficient forward deceleration to trigger the bag sensors. The airbag sensors react to extreme deceleration of vehicle's forward movement.

Based upon the information provided, it appears that your Sonata traveled down an embankment and slid on its undercarriage into a drainage culvert before further colliding with a concrete barrier in the culvert. When, as was the case in this accident, the majority of the collision force energy is absorbed below the bumper and by the vehicle's under carriage, this energy absorption can lead to a deceleration rate that does not merit an airbag deployment. Further, based upon the physical damage to the vehicle, it appears that any impact seen by the bumper in this accident was primarily angular impact involving lateral forces. No malfunctions or defects were found in the airbag system during our thorough inspection. Because of the energy absorption below the bumper and lateral forces involved, the frontal component to [REDACTED]'s collision simply was not sufficient to merit airbag deployment.

If you should have any further concerns that you want to discuss with us, please feel free to write or call our Customer Assistance Center at 1 (800) 633-5151.

Sincerely,


Francis Lopez
National Consumer Affairs

Hyundai Motor America
National Consumer Affairs Department
10550 Talbert Avenue
P.O. Box 20850
Fountain Valley, CA 92728-0850

[REDACTED]
Rockford, IL [REDACTED]
[REDACTED]
November 18, 2002

File # 719318

Dear Hyundai Motor America:

I am forwarding the information and documents you requested. If further information or documentation is needed I will cooperate with you to the best of my ability. Please find included here photographs, insurance payment record, accident report, bill of sale, service records, and the Owner Authorization Request. Other information can be found in the narrative below.

The 1999 Hyundai Sonata, VIN KMHWF35V7X [REDACTED] had accrued approximately 49,900 miles at the time of the incident on November 7, 2002. The motor vehicle accident occurred when Linda Welch was en route home in the evening after her workday. After driving about ten miles, and within one mile of home, a medical condition resulted in loss of control of the vehicle. The vehicle left the roadway and traveled about 100 meters until hitting an earth-retaining wall of 10-inch reinforced concrete about 30 inches in height. Upon impact, the deceleration forces were such that the supplemental restraint system (SRS) should have activated the air bag but did not.

I have added a request to the Owner Authorization, that I may be present for the initial vehicle inspection. I can be contacted after you make the appointment, but please allow 24 hours of advance notification so that I can adjust my work schedule. (During the inspection, photographs in color, including the VIN markings, can be obtained as per your request.)

Your further assistance is requested as follows. Please furnish a written investigation report, including confirmation of the SRS malfunction, along with the cause of the malfunction. Please furnish data addressing the number of SRS malfunction reports received since January 1, 1999 for all Hyundai models as well as the number for 1999 Sonatas particularly. Also, data showing the number of these reports confirmed.

Service records, invoice numbers HYCS31562, HYCS49939 and HYCS51494 show our Hyundai Sonata had a history of recurring SRS warning indications. The corrections include replacements of the air bag wiring harness, air bag module assembly, and front passengers seat air bag module, the latter two occurring within the past four months.

Please address your review of the service records, service procedures and technician qualifications in your investigation report. Include for the air bag module assembly and the front passengers seat air bag module, the serial or identification number for the

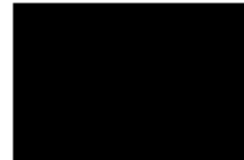
replaced and replacing components (each of the four numbers). Also, include the document identifier numbers that record the source of the replacing components, as well as the disposition of the replaced components.

You have requested an itemized list of damages being claimed. I have included a pre-surgery photograph indicating the appearance of the head injury that would not have occurred except for the manufacturing or service defect. What we are seeking is first, a thorough Hyundai investigation, followed by a Hyundai settlement offer that incorporates these elements:

- Compensation of medical costs;
- Potential medical costs associated with the head injury long term;
- Psychological effects of the visible head injury.

I have family and friends that own Hyundai vehicles, and I hope you can quickly respond to this report and take necessary action. Please contact me if I can assist you in any way.

Sincerely,



Cc: Raymond Raymer

HYUNDAI

Hyundai Motor America
10250 Talbot Avenue
P.O. Box 20860
Fountain Valley, CA 92728-0860
Telephone 714 975-3000

November 12, 2002


Rockford, IL

File # 719318

Dear Jon Welch:

This notice is sent to you in response to your recent inquiry. To assist us in our investigation, you must forward information and/or documents listed below within 30 days from the date of this letter.

- A. Color photographs of your damaged Hyundai, including:
 - 1. Front end, side and rear
 - 2. Engine compartment
 - 3. Front and rear interior
 - 4. Vehicle Identification Number (VIN) plate, top left side of dashboard, next to windshield
- B. Any documents reflecting payments to you by your insurance company.
- C. An itemized list of the damages you are claiming, including lender information, and attach any supporting documents you may have in your possession.
- D. A description of the Hyundai vehicle, including the 17-digit VIN and mileage.
- E. All reports indicating the cause of incident.
- F. The date, location and details of the incident, including the usage of the vehicle prior to the incident.
- G. Purchase agreement/Bill of sale.
- H. Repair/maintenance invoices in your possession.
- I. Signed Owner Authorization Request.

Providing this information will expedite our investigation and ensure a prompt response to your claim. You will be contacted once the documents you submit have been received and reviewed.

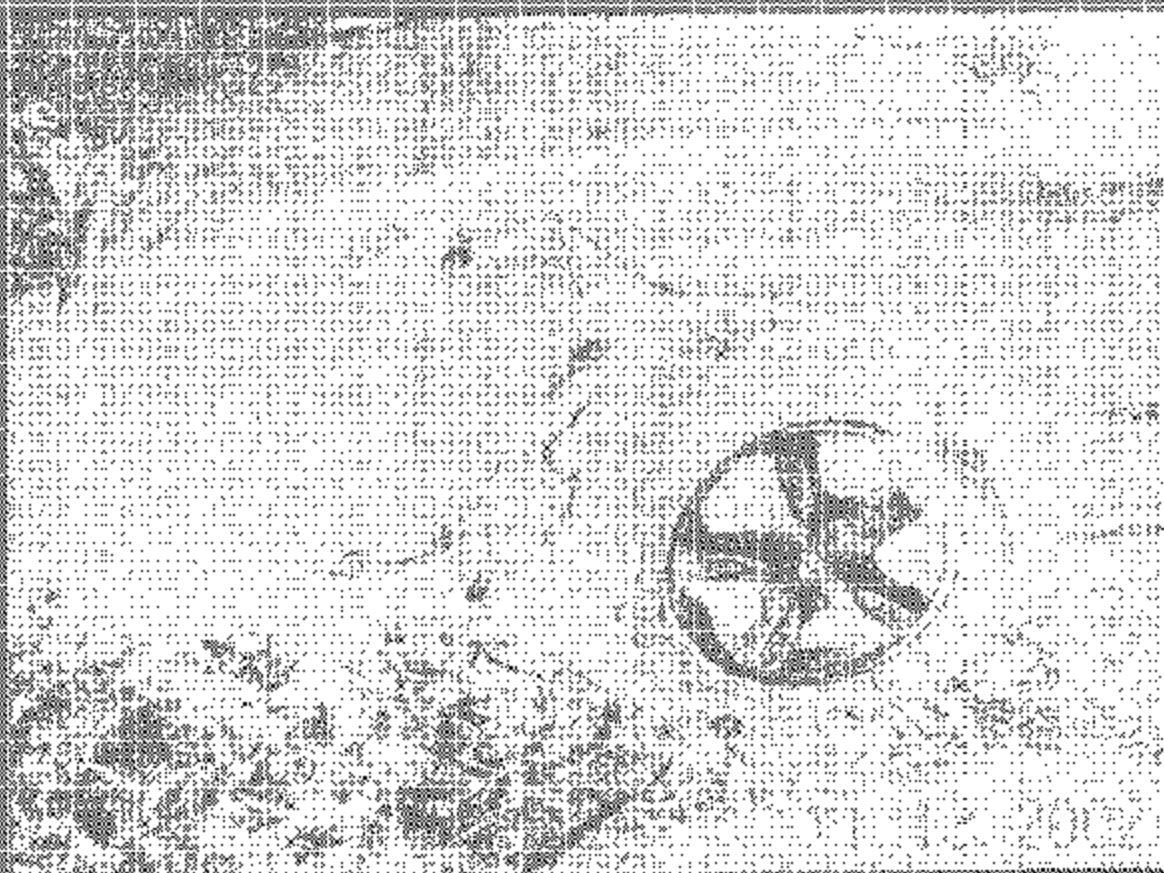
If we do not receive all the information/documents requested within 30 days from the date of this letter, we will presume that you no longer wish to have Hyundai review your claim and we will close your file.

*** Please direct all the correspondence to Hyundai's National Consumer Affairs Department and reference your assigned file number along with a current daytime telephone number. ***

Sincerely,


Frances de Ungria
National Consumer Affairs







**THE ATTACHMENTS TO THIS
DOCUMENT HAVE BEEN REMOVED
TO PROTECT UNWARRANTED
INVASION OF PERSONAL PRIVACY
PURSUANT TO EXEMPTION 6 OF
THE FREEDOM OF INFORMATION
ACT (FOIA), 5 U.S.C. 552(b)(6).**