



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

FOR AGENCY USE ONLY 100216

Date Received

2005 FEB 16

22-NOV-2004

Repository ☐Reference No.
10101543

OWNER INFORMATION (Type or Print)

Name

Address

City

ALVIN

State

TX

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 1/1

VEHICLE INFORMATION

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

4T1BF32K640

Make

TOYOTA

Model

CAMRY

Model Year

2004

Date Purchased

March 25, 2004

Dealer's Name and Telephone Number

Sterling McCall 713-270-3933

Original Owner

☒

Dealer's City

Houston TX

State

TX

Zip Code

77074

Engine:

No. Cylinders 6

Fuel Type:

Transmission Type

☒ Antilock Brakes

Powertrain

☒ Cruise Control

Vehicle Component Code

180000 VEHICLE SPEED CONTROL

Multiple Failure: 4

FAILED COMPONENT(S)/PART(S) INFORMATION

Incident Date(s)

20-JUN-2004

Failure Mileage

16000

Failure Speed

0-40

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: DOTM19ABC036)

☐ Original Equipment☐ Prior Repairs

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), and injury(ies).)

Crash

Fire

Number of Persons Injured

Number of Deaths

Reported to Police

☐ Yes☒ No☐ Yes☒ No

0

0

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).

WHILE APPLYING THE ACCELERATOR PEDAL, THE VEHICLE HESITATED TO ACCELERATE. AFTER APPLYING THE ACCELERATOR PEDAL NUMEROUS TIMES THE VEHICLE ACCELERATED UNCONTROLLABLY. THE CONSUMER WAS ABLE TO MAINTAIN CONTROL OF THE VEHICLE AND DROVE IT TO THE DEALER FOR INSPECTION. THE MECHANIC WAS NOT ABLE TO DUPLICATE THE PROBLEM. *JB

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 response, or a statistical summary thereof, may be used in support of the agency's action.

NATIONAL CENTER FOR DISPUTE SETTLEMENT

In the matter of Arbitration
between

("Customer(s)")

-and-

Toyota Motor Sales USA, Inc
("Toyota")

CASE # 6004210

DECISION

I, Elizabeth McKinley, was appointed pursuant to NCDS rules as Arbitrator to hear and determine disputes which had arisen between the Customer(s),
and Toyota, regarding a 2004 Camry.

By a notice dated October 22, 2004, the parties were advised that a hearing would be conducted at Sterling McCall Toyota, Houston, Texas on November 1, 2004, at 10:00 a.m.

Present on that date were:

Customer

Ms. Donna Martin, Customer Relations Analyst, Toyota (by phone)

Mr. Steve Everett, Field Technical Specialist, Toyota (by phone)

The complaint(s) existing between the parties were set forth on a "Customer Claim Form" received by NCDS on September 30, 2004 and may be summarized as follows:

The Customer states that there is a hesitation when the vehicle is accelerated. The Customer requests that the vehicle be taken off the road until the problem can be resolved and before this problem causes an accident.

SUMMARY OF PRESENTATION:

LIST OF DOCUMENTS RECEIVED DURING THE ARBITRATION:

Customer Claim Form – received September 30, 2004

Repair Order #1008673 – dated July 21, 2004

The Customer purchased a 2004 Toyota Camry on March 25, 2004, (twelve (12) miles approximately). The Customer stated that the entire time that he has had the vehicle he has experienced a problem with a hesitation in accelerating the vehicle. The Customer stated that he has brought the vehicle in on three (3) separate occasions to discuss this problem with the Dealer, but they informed him that this was "characteristic" of the vehicle and that there was nothing that could be done. The only repair order that was made regarding this problem was on July 21, 2004, (17,820 miles). On this repair attempt, the Customer stated that when driving on the feeder road and turning left and letting go of the gas pedal, the vehicle hesitates when the accelerator is engaged again before proceeding down the road. The Dealer informed the Customer that this was a "characteristic" of this type of vehicle so no work was done at that time. The Customer stated that on the two (2) other occasions that he brought the vehicle to the Dealer, he got the same response. The Customer stated that on one (1) occasion he asked the Dealer to test drive his vehicle but was denied because they said that there was nothing that could be done to prevent this from occurring. The Customer stated that he was told that this was the "nature of the vehicle".

The Customer stated that he feels that this problem presents a safety problem and requests that the Manufacturer repair his vehicle. The Customer stated that on two (2) separate occasions his vehicle was almost side-swiped when he (or his wife) was coasting into an area designated as a "yield" area and his vehicle hesitated to respond quickly.

The Manufacturer Representative stated that this problem was indeed a characteristic of this type of vehicle and that the Manufacturer is currently trying to develop a solution to this problem. The Manufacturer Representative stated that this has been a problem in 5-speed transmission vehicles because the computer opens the throttle and it is not opened due to the pressure by your foot. The Manufacturer's Representative stated that this is not a safety issue. The Manufacturer's Representative stated that when the hesitation occurs it is only momentary and is more of an

inconvenience than a safety concern. The Manufacturer Representative stated that the two (2) potential impacts that the Customer discussed may have been caused by the fact that the Customer should not have pulled out so far in the yield area.

The Customer asked how long the Manufacturer has been aware of this problem and how long they have been working on a solution. The Manufacturer Representative stated that this make and model has been out for a little over a year but did not know how long the Manufacturer has been aware of the problem or working on a solution. The Manufacturer Representative stated that working on solutions to problems like this can be very time consuming due to the fact that they have to work with EPA considerations and the like. The Manufacturer Representative stated that they were not sure when the Manufacturer would have a remedy for this problem, but stated that the Manufacturer was trying to come with a resolution for this problem.

The Manufacturer Representative stated that this problem cannot be repaired because no repair exists at this time. The Manufacturer Representative stated that this vehicle has only had one (1) documented repair attempt and no work was done at that time and so this vehicle does not meet the requirements under the Texas Lemon Law. The Manufacturer Representative requested to be relieved of trying to repair a problem that they cannot repair at this time.

After determining that there was no further facts or information to come into evidence, I declared the Arbitration closed.

After reviewing the complaint(s) and hearing the proofs and arguments of the parties and taking into consideration the applicable Manufacturer's new vehicle warranty and applicable warranty law including the applicable State Statute commonly referred to as the "Lemon Law," and after due deliberations, I find and Award as follows:

DECISION:

The Customer's request that Toyota repair the vehicle is hereby **DENIED**.

I have reached this conclusion because I find that there is a problem with this vehicle but that this problem is a characteristic of the vehicle. I do not find that the vehicle has been subject to an unreasonable number of repair attempts.

This constitutes my complete DECISION as to all the complaint(s)
submitted to me for determination.

November 1, 2004


Elizabeth McKinley



National Center for Dispute Settlement

2777 Stemmons Freeway • Suite 140

Dallas, Texas 75201

(214) 638-2700

Fax: (214) 638-4000

DATE: November 3, 2004

CUSTOMER:

CASE #: 6004210

I understand that I am not bound to the Decision of the Arbitrator(s) in my case unless I accept it. If I reject the decision, or am dissatisfied with Toyota's eventual performance, I may pursue other legal remedies, including the use of small claims court. Whether or not I accept the Decision, however, the Decision is admissible in any subsequent legal proceeding concerning the dispute.

I also understand that if I accept the Decision, Toyota will be legally bound by the Decision.

You must mark one of the boxes below, otherwise, NCDS will consider that no response has been made to the Decision and your case will be closed accordingly.

I ACCEPT THE DECISION ()

I DO NOT ACCEPT THE DECISION (✓)

SIGNED: !

DATE:

11/8/04
Next - N.H.W.S.A