



2005 / 10117098  
STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

120 Broadway, New York, NY 10271

ELIOT SPITZER  
Attorney General

212-416-8294

THOMAS G. CONWAY  
Assistant Attorney General In Charge  
Consumer Frauds and Protection Bureau

March 30, 2005

[Redacted]  
Fresh Meadows, NY [Redacted]

10117098

Good to  
10117098  
Also 2/10117259

Our File Number: [Redacted]  
Company: Bay Chevrolet

Dear [Redacted]

On behalf of Attorney General Eliot Spitzer, I am writing to notify you that we have received your correspondence.

We appreciate your alerting us to this matter. We believe the organization shown below may be able to assist you and we are forwarding your correspondence there.

If you do not receive a response in the near future, please follow up directly with that organization. I suggest you attach a copy of this letter or, if appropriate, mention that you are adding new information.

Thank you for contacting us.

Very truly yours,  
*Philip Gamma/cl*

Philip Gamma  
Bureau of Consumer Frauds  
And Protection

cc: National Highway Traffic and Safety Administration  
400 7th Street SW  
Washington, DC 20590

*Maria  
4/8/05*

C [Redacted]  
Utopia, New York [Redacted]

RECEIVED BY

MAR 21 2005

CONSUMER FRAUDS  
ALBANY OFFICE

March 16, 2005

By Certified Mail R/R/R and First Class Mail  
G. Richard Wagoner, Jr.  
President and CEO  
General Motors Corporation  
300 Renaissance Center  
Detroit, MI 48265-3000

*Add to  
10117098  
aka Pd 10117259*

RECEIVED BY  
CONSUMER FRAUDS BUREAU

MAR 24 2005

THE ATTORNEY GENERAL'S OFFICE  
NEW YORK CITY OFFICE

Re: Proposed Safety Recall: Inadequate Horn  
2003 CHEVY VENTURE  
Vin No.: 1GNDX03E43D [Redacted]  
Chevrolet Customer Service File No.: [Redacted]

Dear Mr. Wagoner:

We are writing to provide you with notice of what we consider to be an important safety concern regarding the horn in our 2003 Chevy Venture. It was purchased by Sheryl Gilbert from Valley Stream Chevrolet (with the standard new-vehicle warranty) on June 29, 2004. This letter has become necessary because our complaints to General Motors about the horn in this vehicle have not been handled in a satisfactory manner.

While driving this vehicle we have encountered situations in which the safety of ourselves and others was placed in jeopardy because the vehicle's horn, in our opinion, failed to "produce a sound sufficiently loud to serve as a danger warning."

<sup>1</sup>New York Vehicle and Traffic Law §375(1)(a) mandates that:

Every motor vehicle, operated or driven upon the public highways of the state, shall be provided with adequate brakes and steering mechanism in good working order and sufficient to control such vehicle at all times when the same is in use, and a suitable and adequate horn or other device for signaling, which horn or device shall produce a sound sufficiently loud to serve as a danger warning but shall not be used other than as a reasonable warning nor be unnecessarily loud or harsh.

(Emphasis added.)

*Marie  
4/9/05*

On more than one occasion while using the vehicle's horn attempting to warn: other drivers that their vehicle was drifting into our lane, or distracted pedestrians of our vehicle's presence - - we observed that the intended recipient of the horn's sound appeared to be unaware that our horn was even honked! Because of these first-hand experiences while operating the subject vehicle we verily believe that the horn is: inadequate, not compliant with New York Vehicle and Traffic Law §375(1)(a), and jeopardizing the safety of ourselves and others.

Despite our repeated attempts to have General Motors rectify the vehicle's inadequate horn, using the procedures suggested by General Motors (taking the vehicle to Chevrolet's authorized service department, speaking with Chevrolet's telephone customer assistance center, and contacting the Better Business Bureau), the vehicle remains, in our considered opinion, unsafe - - because its horn is unable to fulfill its essential purpose as a device for signaling a danger warning.

On February 11, 2005, Fred Gilbert brought the vehicle to Bay Chevrolet (Bayside, New York) in order to have Chevrolet rectify the inadequate horn. The Service Advisor requested that the horn be honked while he stood beside the vehicle. After listening to the horn, the service advisor declared that since he could hear the horn, as far as he was concerned, "it worked." Mr. Gilbert explained that a horn needs to be able to "produce a sound sufficiently loud to serve as a danger warning" not just produce a sound that is audible. (Incidentally, the vehicle's radio can also be heard by anyone who is standing beside the vehicle, but that hardly qualifies the radio as a device that can "produce a sound sufficiently loud to serve as a danger warning.")

The vehicle was left with the service department so that they could address a child-safety-restraint recall. When we returned to claim the vehicle, the service advisor reported that he had undertaken a search of GM's internal engineering bulletins regarding a "weak horn" on the Venture and/or complaints about the horn on similar GM vehicles. That search, we were told, revealed that there were indeed other complaints regarding the horn.

The February 11, 2005, invoice from Bay Chevrolet (copy enclosed) paraphrases an internal GM bulletin. That bulletin (a copy of which Bay Chevrolet refused to furnish us) explained, in sum and substance, that a production change eliminating the right hand (high-note) horn and wiring used in previous years was made to the Chevy Venture early in the 2003 model year, and that a single-note horn was now being used.

Bay Chevrolet, relying on that bulletin, refused our request to make a modification to the horn or to install a horn that would "produce a sound sufficiently loud to serve as a danger warning" under the vehicle's warranty. Bay Chevrolet further stated that as an authorized Chevrolet service department they would not modify the horn even if we offered to pay for the modification. Additionally, they advised us that if any modification was made to the horn (by someone other than a General Motors authorized service department), such modification would serve to void the vehicle's warranty - - at least as far as the vehicle's electrical system was concerned.

In light of our first-hand experiences with the vehicle's horn inability to serve its essential purpose as a danger warning device, it is clear to us that the vehicle's existing horn presents a danger to us and to the public at large.

The way things now stand, we are faced with a dilemma: should we attempt to bring the vehicle's horn into compliance with the mandates of Section 375 (1)(a) of New York Vehicle and Traffic Law, we are faced with the potential waiver of the remainder of the 3 year/36,000 mile warranty. We believe the position taken by General Motors to be untenable in terms of our safety.

We trust that as the CEO of General Motors you have greater discretion in how you can handle customer concerns than the General Motors representatives we've encountered to date. Those representatives, although polite and courteous, have not satisfactorily resolved our complaints about the vehicle's inadequate horn.

We therefore call upon you (as CEO of General Motors) to direct that Bay Chevrolet's authorized service department (or another Chevrolet authorized service department nearby) replace our vehicle's existing inadequate horn (under the new-vehicle warranty) with a horn that is able to "produce a sound sufficiently loud to serve as a danger warning". (By the way, the sound produced by the two-note horns which were installed as original equipment in the 1998-2002 Venture [which Fred has heard], are sufficiently loud to serve as a danger warning, and we would accept one of those two-note horns [in good working order] as an adequate and suitable replacement.)

If General Motors, however, persists in their unwillingness to voluntarily correct this important safety issue for us (under the vehicle's warranty), then we would urge the various governmental agencies, consumer groups, and safety organizations to whom we have sent copies of this letter, to fulfill their obligation to the public. We would ask these entities to intervene using their good offices to do the needful, to wit: conduct an investigation into whether the horn in this vehicle is adequate to serve as a danger warning, and then (if it is deemed necessary)<sup>2</sup> initiate efforts to have a safety recall of this vehicle ordered because of its inadequate horn.

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<sup>2</sup>Based upon the determination made by Chevrolet's authorized service department personnel, who after listening to our horn advised us that "it worked" (as detailed above), and the information that we were told (about a search revealing that there were other complaints about the horn), we assume (without knowing for certain) that other Chevy Ventures (manufactured after GM instituted the production change which, we were told, occurred early in 2003), contain a horn similar to one installed in our vehicle.

The hazardous situation caused by marketing a vehicle with a horn that does not "produce a sound sufficiently loud to serve as a danger warning" jeopardizes public safety.

In our opinion, the horn in our Venture is inadequate and needs to be remedied.

Very truly yours,

A large black rectangular redaction box covers the signature area of the letter.

cc:

Association of Trial Lawyers of America, The Leonard M. Ring Law Center,  
1050 31st Street, NW, Washington, DC 20007

New York State Attorney General, The Honorable Elliot Spitzer, The Capitol, Albany, NY  
12224-0341

Commissioner of New York State Department of Motor Vehicles, The Honorable Raymond P.  
Martinez, 6 Empire State Plaza, Albany, NY 12228

Commissioner of New York State Department of Transportation, The Honorable Joseph H.  
Boardman, Governor W. Averill Harriman State Office Campus, 1220 Washington  
Avenue, Albany, NY 12232

Commissioner of New York City Department of Transportation, The Honorable Iris Weinsahl,  
40 Worth Street, New York, NY 10013

Commissioner of New York City Department of Consumer Affairs, The Honorable Gretchen  
Dykstra, New York City Department of Consumer Affairs, 42 Broadway, New York, NY  
10004

Administrator U.S. Dept. of Transportation, Center for Auto Safety, 1825 Connecticut Ave,  
NW, Suite 330, Washington, DC 20009-5708

National Highway Traffic Safety Administration, NHTSA Headquarters, 400 Seventh Street, SW  
Washington, DC 20590

Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590

National Safety Council, 1121 Spring Lake Dr., Itasca, IL 60143-3201

"Car & Travel", 1415 Kellum Place, Garden City, New York 11530-1690

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).