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STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

120 Broadway, New York, NY 10271

ELIOT SPITZER
Attorney General

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

212-416-8294

December 19, 2005

[REDACTED]
Monsey, NY [REDACTED]

Our File Number: [REDACTED]
Company: Daimler Chrysler Corporation

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

*Mary's
1-5-06*



ATTORNEY GENERAL ELIOT SPITZER
STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL
BUREAU OF CONSUMER FRAUDS AND PROTECTION
 120 Broadway, 3rd Floor
 New York, NY 10271-0332
 Tel. (212) 416-8345 Fax (212) 416-8787

COMPLAINT FORM

Consumer Hotline For Hearing Impaired
 1 (800) 777-7666 TDD (800) 788-9898
 www.state.ny.us
 CONSUMER FRAUDS BUREAU

DEC 12 2005

1. PLEASE BE SURE TO COMPLAIN TO THE COMPANY OR INDIVIDUAL BEFORE FILING.

2. PLEASE TYPE OR PRINT CLEARLY IN DARK INK.

3. YOU MUST COMPLETE THE ENTIRE FORM. INCOMPLETE OR UNCLEAR FORMS WILL BE RETURNED TO THE OFFICE OF THE ATTORNEY GENERAL.

4. MAKE SURE YOU ENCLOSE COPIES OF IMPORTANT PAPERS CONCERNING YOUR TRANSACTION.

CONSUMER			
YOUR NAME		HOME TELEPHONE NUMBER	
STREET ADDRESS		BUSINESS TELEPHONE NUMBER	
CITY/TOWN	COUNTY	STATE	ZIP
Monsey	Rockland	New York	
COMPLAINT			
NAME OF SELLER OR PROVIDER OF SERVICES		NAME OF OTHER SELLER OR PROVIDER OF SERVICES	
DaimlerChrysler Corporation		NYS DMV	
STREET ADDRESS		STREET ADDRESS	
1000 Chrysler Drive		6 Empire State Plaza	
CITY/TOWN	STATE	ZIP	
Auburn Hills	Michigan	48326-2768	
CITY/TOWN	STATE	ZIP	
Albany	NY	12228	
TELEPHONE NUMBER		TELEPHONE NUMBER	
248 576 5741		800-225-5368	
DATE OF TRANSACTION	COST OF PRODUCT OR SERVICE	HOW PAID (Check those which apply)	
11/11/2005	\$97.20	☐ Cash ☐ Check ☒ Credit Card ☐ Other	
DID YOU SIGN A CONTRACT?	WHERE DID YOU SIGN THE CONTRACT?	DATE SIGNED	
☐ Yes ☒ No			
WAS PRODUCT OR SERVICE ADVERTISED?	WHERE WAS IT ADVERTISED?	DATE ADVERTISED	
☐ Yes ☒ No			
TYPE OF COMPLAINT (e.g. car, mail order, etc. Use the reverse side of this form to provide details)			
NYS should require DaimlerChrysler Corporation to enact a emissions related recall.			
DATE YOU COMPLAINED TO THE COMPANY OR INDIVIDUAL		PERSON CONTACTED	JOB TITLE
Chrysler ☒ By Mail ☐ By Telephone ☐ In Person		Reimbursements department	unknown
NATURE OF RESPONSE		DATE OF RESPONSE	
Phone Call from manufacturer indicating that no refund will be issued because there is no recall on this car.		11/29/2005	
HAS MATTER BEEN SUBMITTED TO ANOTHER AGENCY OR ATTORNEY? (If "Yes," give name and address)			
☐ Yes ☒ No			
IS COURT ACTION PENDING? (Please describe as necessary)			
☐ Yes ☒ No			
ADDITIONAL INFORMATION			
MANUFACTURER OF PRODUCT		PRODUCT MODEL OR SERIAL NUMBER	
Chrysler/Plymouth		1996 Neon	
ADDRESS		WARRANTY EXPIRATION DATE	
see above			
DID BUSINESS ARRANGE FINANCING? (If "Yes," give name and address of bank or finance company)			
☐ Yes ☒ No N/A			

PLEASE DESCRIBE COMPLAINT ON REVERSE SIDE

BRIEFLY DESCRIBE YOUR COMPLAINT

My 1996 Plymouth Neon is part of a group of vehicles that require, as of 2005, NYS DMV emissions inspection that include computer reading of the On Board Diagnostics (OBDII) system readiness codes. It was determined that my vehicles readiness codes were clearing on ignition key "OFF" cycles. This condition caused the emissions inspection to fail. Technical Service Bulletin # 18-005-01 dated Feb. 16, 2001 states that the Powertrain Control Module (PCM) must be reprogrammed to remedy the condition. After repeated attempts to get local dealers to acknowledge the problem (including charging me for a procedure I didn't ask for), the Nanuet, NY Chrysler dealer performed the required PCM reprogramming at no charge, given that I complained that the previous charge was for a procedure I did not ask for. I spoke with Chrysler corporation customer service and asked for reimbursement for the previous charge, as it was now being applied to the PCM reprogramming. I feel that I am entitled this refund because this car was subject to a recall in Nevada and California for the exact same condition. The TSB states that the California emissions model cars were sold in the northeast. Please refer to attached documents; US EPA 1996 Emission Related Recalls - defect DR-1058; and TSB#18-005-01. I have also included all related inspection reports and receipts related to the related repairs. NYS consumers should not be required to shoulder the burden of this repair cost. The NYS DMV knows of this problem and provides no indication that they are resolving the issue with the manufacturer.

WHAT FORM OF RELIEF ARE YOU SEEKING? (e.g. exchange, repair or money back, etc.) I want a refund from Chrysler Corp. I would like the NYS to require Chrysler Corp to include all vehicles effected by this problem and operating in NY to be included in the recall (#678). I would like NYS DMV to better inform consumers (on web site as minimum) of the specifics of the problems and what costs of expect.

WHO REFERRED YOU TO THIS OFFICE?

NYS DMV

READ THE FOLLOWING BEFORE SIGNING BELOW

PLEASE ATTACH TO THIS FORM PHOTOCOPIES of any papers involved (contracts, warranties, bills received, canceled checks, correspondence, etc.). DO NOT SEND ORIGINALS.

NOTE: In order to resolve your complaint, we may send a copy of this form to the person or firm about whom you are complaining.

In filing this complaint, I understand that the Attorney General is not my private attorney, but represents the public in enforcing laws designed to protect the public from misleading or unlawful business practices. I also understand that if I have any questions concerning my legal rights or responsibilities, I should contact a private attorney. I have no objection to the contents of this complaint being forwarded to the business or person the complaint is directed against. The above complaint is true and accurate to the best of my knowledge.

I also understand that any false statements made in this complaint are punishable as a Class A Misdemeanor under Section 175.30 and/or Section 210.45 of the Penal Law.

Signature

Date:

12/8/05

HAVE YOU ENCLOSED COPIES OF IMPORTANT PAPERS?

Return to: Office of the Attorney General
Bureau of Consumer Frauds and Protection
120 Broadway, 3rd Floor
New York, NY 10271-0332

Powertrain Management: All Technical Service Bulletins**PCM- OBDII Readiness Code Retention**

NUMBER: 18-005-01

GROUP: Vehicle Performance

DATE: Feb. 16, 2001

THIS BULLETIN SUPERSEDES TECHNICAL SERVICE BULLETIN 18-18-97, DATED MAY 9, 1997, WHICH SHOULD BE REMOVED FROM YOUR FILES. THIS IS A COMPLETE REVISION AND NO ASTERISKS HAVE BEEN USED TO HIGHLIGHT REVISIONS.

SUBJECT:
OBDII Readiness Code Retention

OVERVIEW:

This bulletin involves reprogramming the Powertrain Control Module.

MODELS:

1995-1996	(JA)	Cirrus/Stratus/Breeze
1996	(JX)	Sebring Convertible
1996	(LH)	Intrepid/Vision/Concorde/LHS
1996	(PL)	Neon

NOTE:

THIS INFORMATION APPLIES TO FEDERAL EMISSION (SALES CODE NAA) AND CALIFORNIA EMISSION (SALES CODE NAE) MODELS BUILT PRIOR TO NOV. 21, 1995 (MDH1121XX) AND ALL 1995 JA MODELS EQUIPPED WITH A 2.0L ENGINE AND MANUAL TRANSAXLE. THE CALIFORNIA EMISSION MODELS ADDRESSED IN THIS BULLETIN WERE SOLD IN THE NORTHEAST STATES. CALIFORNIA MODELS SOLD IN CALIFORNIA WERE ADDRESSED WITH RECALL 678 DATED SEPTEMBER 1996.

DISCUSSION:

The On Board Diagnostic (OBDII) system includes a monitor called readiness codes. The readiness codes indicate that all OBDII diagnostic tests have been performed and that diagnostic trouble codes (DTC's) can be read. It has been determined that the readiness codes may be cleared upon ignition key "OFF" cycles. Absence of readiness codes may cause owners to fail their emission inspection. To correct this condition, the Powertrain Control Module (PCM) must be reprogrammed.

PARTS REQUIRED:**EQUIPMENT REQUIRED:****NOTE:**

THE MDS2 MUST BE OPERATING WITH CIS CD2075 OR HIGHER

- Flash the PCM using the MDS2 (Mopar Diagnostic System) and DRBIII(R) (Scan Tool).

NOTE:

THE FOLLOWING STEPS ARE REQUIRED BY LAW.

- Type the necessary information on the Authorized Software Update Label p/n 04669020 (Fig. 1). Attach the label to the PCM and cover it with the clear plastic overlay. Type the necessary information on the Authorized Modification Label p/n 04275086 (Fig. 2) and attach the label near the VECI label.

POLICY:

Reimbursable within the provisions of the warranty.

TIME ALLOWANCE:**FAILURE CODE:**

Powertrain Management: All Technical Service Bulletins

Owner Letter

EMISSIONS RECALL TO REPROGRAM YOUR VEHICLE'S POWERTRAIN CONTROL MODULE

Dear Chrysler Passenger Car Owner:

It has been determined that some 1995 Chrysler Cirrus and Dodge Stratus; and 1996 Chrysler Cirrus, Concorde, LHS and Sebring Convertible; Dodge Neon, Stratus and Intrepid; Plymouth Breeze and Neon; and Eagle Vision vehicles may be in violation of California Emissions Standards.

The problem is...

The on-board diagnostic system on your vehicle (identified by the Vehicle Identification Number on the enclosed form), may be missing certain information required by California Air Resources Board (CARB) regulations. Absence of this information will cause your vehicle to fail the required California SMOG Check inspection.

What Chrysler and your dealer will do...

Chrysler will repair your vehicle free of charge (parts and labor). To do this, your dealer will reprogram the powertrain control module. The service will take about one half hour but additional time may be required depending on how service work is scheduled and processed.

What you must do...

- ^ Simply contact your dealer to schedule a service appointment. Ask the dealer to hold the parts for your vehicle or to order them before your appointment.
- ^ Bring the enclosed Owner Notification Form with you to your dealer. It explains the required service to the dealer.

If you don't get this done...

The State of California requires the completion of emission recall repairs prior to vehicle registration renewal. In addition, the State requires that every vehicle must pass an emission test (SMOG Check) every two years and before it is sold. Without the free service we are providing, your vehicle will fail this test.

Further, in order to ensure your full protection under the emission warranty provisions, it is recommended that you have your vehicle serviced as soon as possible. Failure to do so could be determined as lack of proper maintenance of your vehicle.

How the state knows that the recall has been performed...

State of California regulations require Chrysler to provide the Department of Motor Vehicles with a record of all vehicles which have not had the recall service performed. If your vehicle is not on this list, the state will know that the recall has been completed.

Your dealer will provide you with a Vehicle Emission Recall Proof of Correction Form after the recall service is completed. Be sure to save this form since the California Department of Motor Vehicles may require that you supply it as proof of recall completion.

If you need help...

If you have trouble getting your vehicle repaired, please call the Chrysler Customer Center, toll free, at 1-800-853-1403. A representative will assist you in getting your vehicle repaired.

We are sorry for any inconvenience, but trust you understand our interest in clean air and in your continued satisfaction with our products. Thanks for your attention to this important matter.



U.S. Environmental Protection Agency

Cars and Light Trucks

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1996 Calendar Year Emission Related Recalls

<u>Case/Defect</u>	<u>Manufacturer</u>	<u>Campaign Number</u>	<u>Type*</u>	<u>Date of Owner Notif.</u>	<u>Vehicle or Engine Class</u>	<u>Engine Families</u>	<u>Emission Problem</u>
DR-931	Chrysler Corporation	648	I	1/2/96	1989-90 Federal Jeep Wrangler, CJ-7, J10, and Grand Wagoneer; and AMC Eagle	89 KAM2.5T2HEA7 89 KAM4.2T2HEA3 90 LAM4.2T2HEA4 (Fed)	Failure of PCV (positive crankcase ventilation) system solenoid and/or hose causes excessive HC, CO, or NOx depending upon failure mode.
DR-1009	Chrysler Corporation	680	V	3/22/96	1991-95 California Jeep Cherokee, Comanche, and Wrangler with 2.6L engine.	91 MCR2.5T5FEL3 91 MCR150T5FDV4 92 NCR2.5T5FEL4 92 NCR150T5FDV5 93 PCR2.5T5FEPX 94 RCR2.578GAEA 95 SCR2.578GAEA (CA)	Catalytic converter failure due to thermal expansion of the can.
DR-1009	Chrysler Corporation	681	V	5/8/96	1991-95 Federal Jeep Cherokee, Comanche, and Wrangler with 2.5L engine.	91 MCR2.5T5FEL3 92 NCR2.5T5FEL4 93 PCR2.5T5FEPX 94 RCR2.578GAEA 95 SCR2.578GAEA (Fed)	Catalytic converter failure due to thermal expansion of the can.

DR-1058	Chrysler Corporation	878	V	9/23/96	1995 California Dodge Stratus, Chrysler Cirrus 1996 California Dodge Intrepid, Stratus; Chrysler Concorde, LHS, Cirrus; Eagle Vision; Plymouth Breeze (Built thru 11/5/95) 1996 California Chrysler Sebring Convertible; Plymouth Neon (Built thru 11/12/95)	95 SCR2.0VJGF EK 96 TCR2.0VJGF EL {50ST} 96 TCR201V8G2EK 96 TCR215VJG1EK 96 TCR148VJG1EK 96 TCR152VJG1EK 96 TCR122VJG1EK 96 TCR122VJG2EK {CA}	Powertrain Control Module (PCM) software changed for OBDII
DR-1012	General Motors	92-C-51	V	3/12/96	1992 Pontiac Sunbirds with 2.0L L4 engines	92 N1G2.0V8JFH5 {Fed} 92 N1G2.0W8JGHX {CA}	PCV hoses deteriorate resulting in crankcase leaks.
DR-1030	General Motors	96-C-28	V	5/1/96	1996 Cadillac Deville, Concours, Eldorado, Seville & Oldsmobile Aurora	96 TGM4.6VJGF EL {Cadillac} 96 TGM4.6VJGF EL {4.0L, Oldsmobile} {50ST}	Incorrect PCV valve installed.
DR-1034	General Motors	96-C-34	V	6/7/96	1996 Chevrolet & GMC "S" trucks with 4.3L engines and M50 transmissions.	96 TGM4.3P1GF EK {50 ST}	Vehicle control modules (VCM) received the wrong calibration.
DR-1038	General Motors	96-C-32	V	6/28/96	1996 Chevrolet Cavalier, Beretta, Corsica, S-10; GMC Sonoma; Pontiac Sunbird with 2.2L engine. 1996 Isuzu Hombre with 2.2L engine.	96 TGM2.2V8GKEK {50ST Tier 1} 96 TGM2.2V8G2EK {CA TLEV} 96 TGM2.2IBGF EK {50ST Tier 1 LDT}	Fuel leakage from Multex bottom feed injectors due to stressed plastic.

DR-1064	General Motors	SM-2667	V	3/18/96	1995 Chevrolet W4 Tiltmaster & GMC W4 FWD	{50S} 95 SGM5.7C5GAAA	Incorrect tune-up lab installed on the engine air cleaner.
DR-1068(1)	General Motors	95-C-72 FE:6087 Fed SM:2699 CA	O	9/3/96	1992 through 1995 Cadillacs with 4.9L engine which have not had computer chip replaced previously; and 1991 and small number of 1992 Cadillacs which previously had computer chips replaced.	91 M2G4.9V8X6A7 92 N2G4.9V8X6A8 93 P1G4.9V8X6A0 94 R1G4.9V8GAEB 95 S1G4.9V8GAEB (Fed) 91 M2G4.9W8XTA6 92 N2G4.9W8XTA7 93 P1G4.9W8XTAX 94 R1G4.9V8G1EA 95 S1G4.9V8G1EA (CA)	Failed CO when the climate control system was used. New computer chip is installed.
DR-1069	General Motors	SM 2664	V	8/1/96	1992 Chevrolet and GMC C & K and M & L trucks and G vans with 4.3L engine.	92 N3G4.3TBTAAS {50ST}	Replace catalytic converter catalyst beads.
DR-1060	General Motors	SM-2665	V	8/1/96	1992 Chevrolet and GMC C & K trucks and G vans with 5.0L engine and C & K trucks (except Suburbans) and G vans with 5.7L engine.	92 N3G5.7T5TYA6 {50ST}	Replace catalytic converter catalyst beads.
DR-1081	General Motors	SM-2767	V	12/18/96	1997 Chevrolet and GMC M & L trucks with 4.3L engine.	97 VGM4.32PG2EK (CA)	Install the correct vehicle emission control information (VECI) labels.
DR-1042/9618 D58	Hyundai	029 Hyundai EMR-96-001-Mitsubishi	F	5/30/96 Hyundai 7/15/96 Mitsub.	1991 & 1992 High Altitude Hyundai Excels and Scoups, and Mitsubishi	91 MHY1.5V5FFA2 92 NHY1.5V5FFA3 (Fed)	Failed HC & CO. New computer modulator installed. Inspect

					Precis with 1.5L engines		catalytic converter and fuel pump and replace if necessary.
DR-918	Hyundai	909	V	11/23/94	1993 & 1994 Elantra with 1.8L engine	93 PHY1.8V5FF44 94 RHY1.8VJGAEA (Fed)	No start condition below 3 F. Install modulator to adjust coolant temperature signal to control module.
DR-1155	Kia Motors Corporation	3	V	12/13/96	1995 1.8L Sephia	(Fed) 95 SKM1.8VJGFEK (CA) 95 SKM1.8VJG1EK	OBD II systems do not perform as required under all driving conditions. Vehicles relabeled as OBD I on new VECI labels.
DR-998	Mazda	LCE-95/114	V	1/15/96	1995 Millenia and Protegé with 1.5L, 1.8L, 2.3L, & 2.5L engines	95 STK1.5VJGFEK 95 STK1.8VJGFEK (Fed) 95 STK1.5VJG2EK 95 STK1.8VJG1EK (CA) 95 STK2.3VJGFEK 95 STK2.5VJGFEK (50ST)	Vehicles do not meet OBD II requirements as the original VECI label indicated. A new VECI label will be installed to indicate the vehicles are OBD I.
DR-1033	Porsche	9603	V	5/29/96	1986 Porsche 911 Turbo	96 TPR3.6V8GNEK (50ST)	Reversed oxygen sensor sign wires.
DR-1015	Toyota	T04	V	6/6/96	1995 Tercel, 1996 Tercel and Paseo with 1.5L engines	95 STY1.5VHGFEK 96 TTY1.5VHGFEK (50ST)	Bad vacuum signal to MAP sensor due to ice.

* Type: I = Influenced - Voluntary recall after EPA investigation
V = Voluntary - Voluntary recall without EPA investigation
O = Ordered - Ordered recall after EPA investigation

1. This recall was ordered based upon a violation of Section 203 (Prohibited Acts) of the Clean Air Act.

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Last updated on Monday, August 25th, 2003
URL: <http://www.epa.gov/otaq/cert/recall/96recall.htm>

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ACT (FOIA), 5 U.S.C. 552(b)(6).