

Furthermore, Federal Motor Vehicle Safety standards for seating systems includes a requirement that front seats with folding seatbacks be equipped with a locking device, designed to limit the forward motion of the seatback in a collision and to keep the seatback away from front seat occupants.

Defect- Auxillary Fan Defect and Engine Overheating.

3. The vehicle engine overheated. I took my car to the dealer on June 9, 2006 to have this problem corrected, and repairs were completed on June 14, 2006. (Repair Invoice Attached-ATTACHMENT D)

The purpose of the Federal Motor Vehicle Safety standards pertaining to fuel systems/engines are to reduce deaths and injuries occurring from fires that result from fuel spillage during and after motor vehicle crashes, and requires that there be no damage to safety-related parts (e.g., fuel, exhaust and cooling systems). Yet, VOB BMW's service department told me my auxiliary fan was defected, and caused my engine to overheat.

These multiple safety defects caused my car to be out of service for a cumulative total of 26 days. Under, Md. Code Ann., Com. Law II, §14-1501, also known as Maryland's Lemon Law, the dealer should have notified the manufacturer and the MVA when my vehicle was out of service by reason of one or more defects, or conditions for a cumulative total of 20 days. On June 20, 2006, I contacted MVA's Vehicle Services Division to verify if this data had been provided by the dealer, and found that the dealer did not submit any data pertaining to the defects with my vehicle. According to MVA's Vehicle Services Division, this data is needed to tag my vehicle to alert future consumers of the vehicle's history.

Additionally, NHTSA specifies the manufacturer's requirement for reporting safety-related defects to the NHTSA; for providing quarterly reports on defect notification campaigns; for providing copies of communications with dealers and purchasers concerning defects; and for maintaining owner lists. VOB BMW and BMW of North America's failure to comply with safety laws signifies negligence and acting in bad faith.

The need to remove unsafe vehicles from our roads is one of many priorities dictated by the tragic loss of approximately 42,000 lives annually on the Nation's highways. Consequently, safety defects found in vehicles by manufacturers or the NHTSA should be reported in a timely manner in order to result in a timely recall of defective vehicles or parts so that unnecessary harm does not come to the consumers, and to avoid a repeat of the 2004's Ford/Firestone debacle.

In conclusion, the **OVERALL SAFETY LEVEL OF MY VEHICLE HAS BEEN LOWERED SIGNIFICANTLY** based on the multiple safety features that have been inoperable and/or non-compliant with applicable motor vehicle safety standards. These defects have also significantly impaired the use and value of my car. To avoid additional potential for risk of serious injuries resulting from defects and non-compliance, I am

requesting that you replace or repurchase my vehicle. Please contact me within 14 days to discuss this matter.

Sincerely,

[REDACTED]

CC:

Jed Tenhove, General Manager VOB BMW
Carolyn Knipe, Financial Officer, VOB Nissan
Brian Blakeslee, VOB BMW Service Manager
Kerry Jones, Assistant Service Manager
Muhammed Keita, Salesperson #119064
BBB Auto Line
Office of Attorney General, Consumer Protection Division
National Highway Traffic Safety Administration, Office of Defects Investigation

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THE FREEDOM OF INFORMATION
ACT (FOIA), 5 U.S.C. 552(b)(6).**