



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 0-100148

Date Received

07-AUG-2006

Repository

Reference No.
10164709

OWNER INFORMATION (Type or Print)

Name

Address

City DESOTO

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 8/18/06

VEHICLE INFORMATION

17 digit Vehicle Identification Number Located at bottom of windshield on driver's side
JTHBA30G045

Make LEXUS

Model ES

Model Year 2004

Date Purchased 06-FEB-04

Dealer's Name and Telephone Number SEWEEL LEXUS

Engine: No: Cylinders 6

Fuel Type: Gas

Original Owner

Dealer's City DALLAS

State TX

Zip Code

Transmission Type AUTOMATIC

Antilock Brakes
 Cruise Control

Powertrain FRONT WHEEL DRIVE

Vehicle Component Code 180000 VEHICLE SPEED CONTROL

Multiple Failure: 2

FAILED COMPONENT(S)/PART(S) INFORMATION

Incident Date(s) 18-JUL-2006

Failure Mileage 20000

Failure Speed 5

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 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), crash(es), and injury(ies).)

Crash Yes No

Fire Yes No

Number of Persons Injured

Number of Deaths

Reported to Police Y

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).

DT*: THE CONTACT STATED WHILE DRIVING 5 MPH IN A PARKING LOT, THE VEHICLE ACCELERATED FORWARD CRASHING INTO THE FRONT WINDOW OF A CREDIT UNION. THERE WERE NO INJURIES; THERE WAS PROPERTY DAMAGE AND A POLICE REPORT WAS FILED. PRIOR TO THE INCIDENT, THE TRANSMISSION WAS HESITATING AND LURCHING FORWARD. IN 2004, THE DEALERSHIP DETERMINED THERE WAS A COMPUTER PROBLEM WITH THE VEHICLE, HOWEVER THERE WERE NO REPAIRS PERFORMED TO FIX THE PROBLEM. THAT THE VEHICLE'S COMPUTER WAS TRYING TO ADJUST TO THE WAY I DROVE. AS I ATTEMPTED TO PULL INTO THE PARKING SPOT, WITH MY FOOT ON THE BRAKE THE CAR LURCHED FORWARD AS IF IT HAD A MIND OF ITS OWN. AS YOU CAN SEE FROM THE PHOTOS IT TOOK CONSIDERABLE FORCE TO GO OVER THE CURB, TWO STEER AXES INTO THE WINDOW OF THE CREDIT UNION. SEE ATTACHED PHOTOS

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.

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

I HAVE ATTACHED THE LETTER I SENT TO LEXUS HEADQUARTERS WHEN I REPORTED THE VEHICLE FAILURE. LEXUS DECIDED THEY HAD NO LIABILITY WITH RESPECT TO INCIDENT, EVEN AFTER I PROVIDED THEIR TECHNICAL REPRESENTATIVE WITH PHOTOS OF THE ACCIDENT AND 15 PAGES OF OWNER OF THE 2004 ES 330 COMPLAINTS. THESE COMPLAINTS WERE IDENTICAL TO THE PROBLEMS I WAS HAVING. THE ONLY DIFFERENCE WAS THAT ^{THE} MANUFACTURER'S DEFECT LEAD TO AN ACCIDENT IN A CASE THAT COULD HAVE CAUSED SERIOUS INJURY OR DEATH.

ATTACH ADDITIONAL SHEETS IF NECESSARY

U.S. Department of Transportation

National Highway Traffic Safety Administration

400 Seventh St., S.W. Washington, D.C. 20590

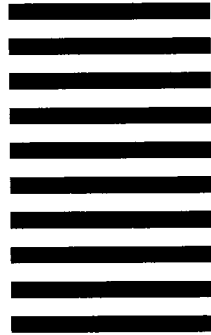
Official Business Penalty for Private Use \$300



NO POSTAGE NECESSARY IF MAILED IN THE UNITED STATES

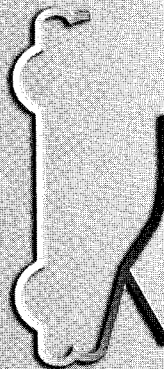
BUSINESS REPLY MAIL
FIRST CLASS PERMIT NO 73173 WASHINGTON, D.C.

POSTAGE WILL BE PAID BY NATL. HWY. TRAFFIC SAFETY ADMIN.



U.S. Department of Transportation
National Highway Traffic Safety Administration
Office of Defects Investigation, NVS-210
400 7th Street, SW
Washington, DC 20590

Think your vehicle has a safety defect?



If so:

Use the enclosed form to file a report.

or visit:

www.safercar.gov

or call:

Vehicle Safety Hotline
888-327-4236



Vehicle Owner's Questionnaire (VOQ)
U.S. Department of Transportation
National Highway Traffic Safety Administration



LETTER SENT TO LEXUS IN
TORRANCE, CA

On 7/18/06, my wife turned into the parking lot of the Army Airforce Exchange Services Credit Union and traveling at approximately a walking pace turned right into a parking space directly in front of the building. Suddenly, the car launched forward at a considerable speed and went over the parking block, snapped off a 2 inch pipe barrier imbedded in the sidewalk, propelled up onto 2 steps and crashed into the double pane floor to ceiling glass window. An off duty police officer was seated on the other side of the window and had to scramble to safety. The policeman then ran outside to see if my wife was injured and told her to turn off the key. There is evidence that the right front wheel was still turning after the car tilted into the flower bed because it had dug a rut in the soil and the tire was streaked with mud showing it was still turning after it came to rest.

It is plain to see that this was a serious accident that could have resulted in serious injury or death to either my wife or the policeman. If this malfunction had occurred at a busy intersection the results would have been catastrophe. I have obtained 15 pages of 2004 ES330 owners complaints to the National Highway Traffic Safety Administration (NHTSA) on Edmunds.com about the car transmission/throttle causing the car to suddenly launch forward, so Lexus certainly knew they had a problem with the 2004 ES330. In fact, I bought my car from Sewell Lexus, Dallas, Texas in February 2004 and took it back in October 2004 complaining that the transmission seem to make the car launch forward, they told me the same thing that they told other complainants "the computer is learning my driving habits". After reading Customer Complaint: ODI case number : 10112425 which stated that her car hesitated and overcompensated she said she was told the car was learning her driving habits and she felt that the response was a smoke screen and unacceptable (I agree).

Some complaints were more to the point and as it turned out accurate. Example, case number 10098023, "the 2004 Lexus has two operating characteristics that are safety related hazards; (1) a hesitation on acceleration which can be dangerous when crossing intersections and (2) A forward lurch when decelerating to a stop which could be very dangerous". Case number 10090855: "when accelerating the vehicle then lurches forward. This problem can cause many accidents and might even end up in injury or death". Lastly, case number 10068323: "Transmission operation very dangerous the dealer states its drive by wire and is normal. I guess until somebody dies they (Lexus) are not going to do any thing about it".

I need to know what is Lexus going to do to compensate me for endangering my wife and others. My wife will not drive this car again and neither will I. I am not going to spend my hard earned money to get another car. If I spend any money it will be on attorneys and I do not want to do that because I want a speedy resolution to the problem.

FRONT POLICE REPORT

SERVICE ASSISTANCE INFORMATION

1. Service # [REDACTED] has been assigned to your incident. Keep this for your records. Refer to it if you contact the Department later for further information or assistance.
2. Copies of your report are available from:
Records Unit
Jack Evans Police HQ
1400 S. Lamar
Dallas, TX 75215
www.dallaspolice.net
Info via recorder
(214) 671-3375
Please note there is a fee for each report researched or copied.
3. **RECORDS UNIT HOURS** are:
Monday through Friday 8:00 a.m. to 5:00 p.m.
Closed on Saturday, Sunday and Holidays
4. **REQUESTS BY MAIL.** Please furnish:
Name of complainant or driver
Date of incident
Location or address of incident
Service number as shown above
5. **Note:** Include check or money order payable to "City of Dallas". **Do not send cash.**
6. Reports are available only to the complainants, their attorneys, or insurance representatives.
7. **No phone requests** for reports or information are allowed.
- IF YOUR VEHICLE IS IMPOUNDED:**
1. Your vehicle will be stored at 1955 Viibig, Dallas, TX 75208
Phone: (214) 670-5116
 2. The fees due on your vehicle can be paid at the Auto Pound by cash or credit card.
 3. You must have a valid driver's license and proof of insurance to claim your vehicle. You may also need proof of ownership.

BACK

TRAFFIC ACCIDENT INFORMATION

The driver of a vehicle in an accident which results in any injury, death or property damage to any one person in the amount of \$1000.00 or more, must file a report with the State of Texas on Form ST-2 (referred to as the Blue Form) only if the accident is not investigated by a police officer.

Blue Forms may be obtained from any of the following sources:

Uniformed Patrol Officers
Uniformed Traffic Officer
All Police Department facilities
The Texas Department of Public Safety

1. Mail completed Blue Forms to the Dept. of Public Safety, Austin, Texas 78773
2. Drivers of motor vehicles involved in an accident are required to exchange names, addresses, vehicle registration numbers and names of their respective motor vehicle liability insurers.
3. If a police report is made, simply follow the instructions on the reverse side of this guide. As accident reports are handwritten, there may be a delay of a few days in obtaining a copy.
4. The Dallas Police Department does not normally file charges on vehicle accidents resulting in property damages only, unless the officer witnessed the accident.
5. Claims arising from vehicle accidents are civil matters. Contact your insurance company, an attorney, or Justice of the Peace.

