

[REDACTED]
Pitman, NJ [REDACTED]

Dear [REDACTED]

NOV 24 2006

Ref No. 10173651

This responds to your November 16, 2006 Vehicle Owner Questionnaire, ODI 10173651, regarding your 2004 Dodge Ram truck. You indicate that you are unhappy with the modifications performed on your truck by Daimler-Chrysler under the terms of Recall 05V-462. In this particular instance, the recall remedy undertaken by Daimler-Chrysler involves modification to the software in the computer that controls various lighting and control functions. This software modification results in the vehicle providing both visual and auditory warnings when the engine is running, the vehicle is in reverse gear, the brake pedal is not depressed, and the driver's side door is opened. You state that you must frequently open the driver's side door of your truck with the engine running in order to back it up and or to connect a trailer to the vehicle's trailer hitch. You state that the service dealer and vehicle manufacturer advised you that a Federal mandate prevents removal of the modification. You have spoken with several individuals at NHTSA, further explained your situation and concerns, and requested that a letter reflecting the subjects discussed be sent to you.

By way of background information, the National Highway Traffic Safety Administration (NHTSA) is authorized to issue Federal motor vehicle safety standards for new motor vehicles and new motor vehicle equipment. NHTSA also has the authority to investigate safety-related defects. Manufacturers of motor vehicles and items of motor vehicle equipment are subject to statutory requirements concerning the recall and remedy of products with defects related to motor vehicle safety. If a manufacturer or NHTSA determines that a safety-related defect exists, the manufacturer must notify purchasers of its product and remedy the problem free of charge.

Recall 05V-462, which applies to your truck and similarly equipped 2003 through 2005 Dodge Ram diesel pickup trucks, resulted from an agency investigation of incidents where trucks had rolled backwards with reverse gear engaged after the operator had exited the vehicle with the engine running. Some of these complaints alleged that this had happened after the shift lever had been placed in "park." Throughout this investigation, Daimler-Chrysler steadfastly argued that these incidents were the result of driver error (i.e., the driver's mistaken belief that the vehicle had been shifted into Park before exiting the vehicle) rather than any defect in the vehicle or its design. NHTSA did not agree with Daimler-Chrysler but agreed to accept that company's offer

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to conduct a recall which would result in the installation of visual and audible warnings alerting operators that the vehicle was not in "park" if they attempted to exit the truck with the engine running.

You wish to know if you may legally have the recall remedy (i.e., the software modification instituting the warnings) removed or reversed. The answer is yes. Insofar as the laws and regulations administered by NHTSA are concerned, a vehicle owner is not obligated to have a recall repair performed and may have their vehicle restored to a pre-recall repair condition if they choose to do so.

Although our laws and regulations do not forbid you from returning the vehicle to its pre-recall condition, we strongly discourage you from doing so. This recall was prompted by numerous reports of injuries or deaths that occurred when these trucks unintentionally backed into or over a driver or passenger who had exited the vehicle. The audible and visual warnings installed by DaimlerChrysler were installed to ensure that the shift lever is firmly in the park position before a driver leaves the vehicle. We urge you, for your own safety and that of other users of the vehicle, to reconsider any modification to this recall repair.

Recall remedies should also be restored before a vehicle is sold or transferred to a new owner. Moreover, any vehicle modification that reverses a recall remedy has the potential to expose the vehicle owner to liability in the event of an accident. We respectfully suggest that you discuss this matter with your attorney before reversing a recall remedy.

You may also wish to know if NHTSA will provide a written "waiver" or "authorization" to have the recall remedy reversed in this case. As a vehicle owner is under no obligation to have the remedy repair performed and is not prohibited from returning the vehicle to its pre-remedy condition, NHTSA is not in a position to execute a "waiver" or "authorize" such an action. Similarly, NHTSA is not in a position to compel Daimler-Chrysler or any other manufacturer to remove or modify a recall remedy unless there is evidence that the remedy is insufficient or ineffective.

Sincerely,



Kathleen C. DeMeter, Director
Office of Defects Investigation
Enforcement

U.S. Department
of TransportationNational 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 100148

Date Received

16-NOV-2006

Repository ☐Reference No.
10173651

ENDR

OWNER INFORMATION (Type or Print)

Name

Address

City

PITMAN

State NJ

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 ____/____/____

VEHICLE INFORMATION

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

3D7KU28C94G

Make

DODGE

Model

RAM

Model Year

2004

Date Purchased

Dealer's Name and Telephone Number

Engine:

No: Cylinders 6

Fuel Type:

Diesel

Original Owner

☒

Dealer's City

State

Zip Code

Transmission Type

AUTOMATIC

☒ Antilock Brakes☒ Cruise Control

Powertrain

4 WHEEL DRIVE

Vehicle Component Code

103000 POWER TRAIN: AUTOMATIC TRANSMISSION

Multiple Failure: 1

FAILED COMPONENT(S)/PART(S) INFORMATION

Incident Date(s)

06-SEP-2006

Failure Mileage

35679

Failure Speed

0

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

0

Number of Deaths

0

Reported to Police

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).

DT*: THE CONTACT STATED WHEN THE VEHICLE WAS PLACED INTO REVERSE OR WHEN THE DOOR NEEDED TO BE OPENED FOR GREATER VISIBILITY WHILE BACKING OR CONNECTING A TRAILER, THE PARKING ALARM SOUNDED. THE SERVICE DEALER AND MANUFACTURER WERE NOTIFIED AND REFUSED TO REMOVE THE ALARM DUE TO FEDERAL MANDATE OF RECALL # 05V462000 (E17) FOR THE POWER TRAIN: AUTOMATIC TRANSMISSION, PARK ALARM.

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 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.