



State of Wisconsin  
Jim Doyle, Governor

**Department of Agriculture, Trade and Consumer Protection**

Rod Nilsestuen, Secretary

JAN 17 2007 PM 9:40

January 17, 2007

CL-10181607-3796

TOYOTA MOTOR SALES USA INC  
DEPT A102  
19001 S WESTERN AVE  
TORRANCE CA 90509-2991

RE: **File 476872** (Refer to this number when contacting our agency)

[REDACTED]  
MADISON WI [REDACTED]

Dear Sir/Madam:

I received a complaint from [REDACTED] concerning an unsatisfactory transaction with your business.

I am providing you with an opportunity to review and comment on this matter before we investigate further. After reviewing the complaint, please send your written response to [REDACTED] and to our office within two weeks.

In your response, please include a statement as to your position regarding resolution of this complaint. Your written response is important so your position can be included in the Department's permanent record.

Thank you for your cooperation and prompt response.

Sincerely,

*Andrea M. Loudon*

Andrea M. Loudon  
Consumer Specialist  
**BUREAU OF CONSUMER PROTECTION**  
FAX: 608 224-4939  
E-mail: [Andrea.Louden@datcp.state.wi.us](mailto:Andrea.Louden@datcp.state.wi.us)

Enc.:

Cc: Center for Auto Safety  
National Highway Traffic Safety Administration

*Agriculture generates \$51.5 billion for Wisconsin*

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Division of Trade &  
Consumer Protection

Claim # 471-336-043 TOYOTA PRIUS ACCIDENT- JANUARY 1, 2001

On January 1, 2007, I was visiting [REDACTED] at their home at [REDACTED] Middleton, WI.

At about 3:30 in the afternoon, I went to move my vehicle (2004 Toyota Prius) to a different parking space in the [REDACTED] driveway. My first two attempts to start the Prius failed. The vehicle remained in park status after inserting the ignition key and pressing the Start button. With the brake depressed, I should have been able to shift into the drive position, but it did not comply. I depressed the brake pedal and removed the ignition key for a minute or so, reinserted the key and attempted again to start the vehicle to move it. Again, there was no response when I tried to move the transmission from park into drive. It remained in park status with the brake light illuminated although the parking brake was released.

This has occurred several times in the past with me and other drivers of this vehicle. Previously, I had asked the Toyota dealer and service people about this phenomenon and was instructed to wait awhile and depress the Start button again and eventually the vehicle would respond correctly.

On January 1, 2007, after the third attempt, the vehicle started and seemed to respond normally. However, when shifted into the drive position the engine raced and the vehicle lurched forward rapidly, even though the accelerator was not depressed. The vehicle braking system was not able to stop the accelerated vehicle even though I applied maximum pressure to the brake pedal. The vehicle continued its forward plunge for about 25 feet, crashing into the [REDACTED] garage, splintering the door and frame and damaging the door opening mechanism. Upon impact, the engine stopped. Substantial damage was obviously inflicted upon the vehicle itself. I was wearing a seat belt and except for a slightly scraped knee, no bodily injuries were incurred.

*It should be noted that the airbag(s) did not deploy as expected with such a front-end collision!*

I called for a AAA towing service, and when it arrived, I was able to start the vehicle and move it so that the tow truck could safely remove it to a Toyota dealer for repair. Fortunately, although there were two other persons in the immediate vicinity, they were not in the path of the vehicle. The weather was mild and the paved driveway was clear with no impediments.

Having driven this vehicle a substantial part of the time during the past three years over 23,000 miles, I am very aware of its functions and capabilities. I had nothing to drink stronger than orange juice and coffee all day and was in possession of all my faculties. *I note that slightly more than one year ago, this vehicle was recalled for service to the electronic control system. There is no doubt in my mind that a malfunction occurred, causing the engine to race out of control as it did.* If this had happened anywhere else, the result could have been disastrous.

Tel: [REDACTED] e-mail [REDACTED]

cc: American Family Claims Adjuster: Adam Reed, American Family Co, 6000 American Parkway, Madison, WI 53783

cc: Smart Motors, 5901 Odana Rd., Madison, WI. 53719-1287 attn : Service Department,

cc: Wisconsin Dept. of Agriculture, Trade & Consumer Protection, P.O. Box 8911, Madison, WI, 53708  
attn: Division of Consumer Protection