



U.S. Department  
of Transportation  
**National Highway  
Traffic Safety  
Administration**

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

April 19, 2007

[REDACTED]  
[REDACTED]  
Baton Rouge, LA [REDACTED]

NVS-216 cag  
Ref. # 10185696

Dear [REDACTED],

Thank you for completing a Vehicle Owner's Questionnaire (VOQ), ODI 10185696, concerning the recall remedy performed on your model year (MY) 2004 Dodge Ram truck. The National Highway Traffic Safety Administration's (NHTSA) Office of Defects Investigation (ODI) received your correspondence on March 20, 2007. We regret any inconvenience our delay in responding may have caused you.

Your VOQ indicates that you are unhappy with the modifications performed on your truck by Daimler-Chrysler under the terms of NHTSA Recall Campaign No. 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. You also state that the service dealer and vehicle manufacturer advised you that a Federal mandate prevents removal of the modification as you had requested. You have spoken with individuals at NHTSA, further explained your situation and concerns, and requested a letter addressing the subjects.

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.

NHTSA Recall Campaign No. 05V-462 applies to your truck and similarly equipped MY 2003 through MY 2005 Dodge Ram diesel pickup trucks. This recall resulted from an agency investigation of incidents where trucks rolled backwards with the reverse gear engaged after the operator had exited the vehicle with the engine running. Some of these complaints alleged that this happened after the shift lever had been placed in "park." Throughout this investigation



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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 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.

Regarding your inquiry of whether you may legally have the recall remedy (i.e., the software modification instituting the warnings) removed or reversed; NHTSA's Office of the Chief Council advises that 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.

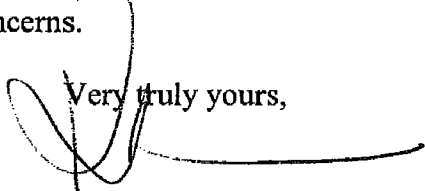
Although our laws and regulations do not forbid you from returning the vehicle to its pre-recall condition, we strongly discourage you from doing so. This recall was prompted by numerous reports of injuries or deaths that occurred when these trucks unintentionally backed into or over a driver or passenger 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 also requested NHTSA to 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.

I hope that this is responsive to your concerns.

Very truly yours,



Kathleen Demeter, Director  
Office of Defects Investigation  
Enforcement