



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 100148

Date Received

2007 DEC 12 AM

Repository ☐

11:50

04-OCT-2007

Reference No.

10204856

OWNER INFORMATION (Type or Print)

Name

Address

City

HENDERSONVILLE

State

NC

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 1/1/07

VEHICLE INFORMATION

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

KNADC165646

Make

KIA

Model

RIO CINCO

Model Year

2004

Date Purchased

01-JUN-04

Dealer's Name and Telephone Number

VICTORY NISSAN

Engine:

No: Cylinders 6

Fuel Type:

Gas

Original Owner

☒

Dealer's City

RICHMOND

State

VA

Zip Code

23294

Transmission Type

AUTOMATIC

☐ Antilock Brakes

☐ Cruise Control

Powertrain

FRONT WHEEL DRIVE

Vehicle Component Code

060000 ENGINE AND ENGINE COOLING

Multiple Failure: 11

FAILED COMPONENT(S)/PART(S) INFORMATION

Incident Date(s)

01-JUN-2004

Failure Mileage

53000

Failure Speed

30

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).

TL*THE CONTACT OWNS A 2004 KIA RIO CINCO. WHILE DRIVING 30, 45, OR 55 MPH, THE VEHICLE STALLED AND SHUT OFF WITHOUT WARNING. THE DEALER WAS UNABLE TO DUPLICATE THE FAILURE AND THE DIAGNOSTIC SHOWED THAT NOTHING WAS WRONG. THE MANUFACTURE STATED THAT THE INVESTIGATION WAS CLOSED SINCE THE DEALER COULD FIND NO FAILURE WITH THE VEHICLE. THE CURRENT AND FAILURE MILEAGES WERE 53,000. 53,016.

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.

Mr. Ronald B. Fields, Chief
Correspondence Research Division
Enforcement
National Highway Traffic Safety Division
400 Seventh Street, S.W.
Washington, D.C. 20590

[REDACTED]
Hendersonville, NC [REDACTED]

October 26, 2007

Dear Mr. Fields:

Thank you for your interest in the problems I have encountered with my 2004 Kia, Rio Cinco. Enclosed, is past correspondence with Kia, and the service records you requested. I have moved 3 times since I purchased the vehicle and unfortunately some of early service records from Victory Kia of Richmond, Virginia have been misplaced or lost. Kia claims they do not have a record of these service reports because Victory Kia is no longer at the place where I purchased the vehicle, but moved down the street a little ways.

I have not driven this vehicle since the last episode of stalling without notice, which was on a Saturday, July 28, 2007. I had the vehicle towed to Paramount Kia, in Ashville, NC on August 3, 2007 which was the nearest Kia dealership, being afraid to drive it anymore. I also had the vehicle towed home, after they could not resolve the problem. What did they think they could accomplish by just driving it 2 times for only a mile? The tow truck operator who towed the vehicle home, does automotive repairs for my husband and volunteered to drive the vehicle on low traffic roads to see if he could duplicate the problem. He experienced the problem after only 300 miles. This has been an ongoing problem and has happened several times.

If this vehicle should stall without warning on a busy highway, it could cause a catastrophic accident injuring or causing death to passengers in my vehicle and perhaps other vehicles. I no longer feel safe driving this vehicle. My conscience will not let me sell the vehicle to someone who could experience the same problems.

I look forward to your recommendations in resolving this problem. Thank you for your help.

Sincerely yours,

[REDACTED]



State of North Carolina

**ROY COOPER
ATTORNEY GENERAL**

Department of Justice
9001 Mail Service Center
Raleigh, NC 27699-9001

CONSUMER PROTECTION
Toll Free In NC
(877) 566-7226
Outside of NC
(919) 716-6000
Fax: (919) 716-6050

September 19, 2007

[REDACTED]
Hendersonville, NC [REDACTED]

RE: File No. [REDACTED]
Kia Motors America Inc
100 Galleria Parkway # 1550
Atlanta, GA 30339-5959

Dear [REDACTED]:

The Consumer Protection Section has received your request for assistance concerning problems you are having with Kia Motors America Inc.

While we are sorry to learn of your problem, there does not appear to be any action we can undertake on your behalf. Your dispute appears to be one of a private nature, not involving a business transaction of the kind that falls within our jurisdiction. If you wish to pursue this matter on your own, you may consult a private attorney.

We hope you understand why we are unable to help you. We encourage you to contact us again if you have a consumer problem which you believe warrants action by our office.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Patricia T. Jones".

Patricia T. Jones
Consumer Protection Specialist
CONSUMER PROTECTION SECTION

September 13, 2007

State of North Carolina
Department of Justice
9001 Mail Service Center
Raleigh, NC 27699-9001

Re:

File No.

Dear

We are in receipt of the letter sent to our office by you dated September 6, 2007. After careful review of the vehicle's available service history and the statements of [REDACTED], Kia Motors America, Inc. has determined that we will continue to repair this vehicle under the terms of the New Vehicle Limited Warranty.

[REDACTED] purchased the vehicle in June, 2004 at Victory Kia in Richmond, VA. There was only one warranty repair performed on the vehicle in Richmond. This repair was for a check engine light. Since the servicing dealer is now closed, and [REDACTED] did not retain her repair orders, the only information we have regarding this repair is what was submitted to Kia by the dealer as a warranty claim. We can only assume that this repair is not related to the stalling concern reported by [REDACTED] because she stated that the check engine light never came on prior to the engine stopping.

On September 27, 2006, [REDACTED] took her vehicle to the dealer in Asheville, NC for a stalling concern. At this time, the dealer performed a technical service bulletin on the vehicle that was intended to address a check engine light concern similar to the one previously experienced by the customer.

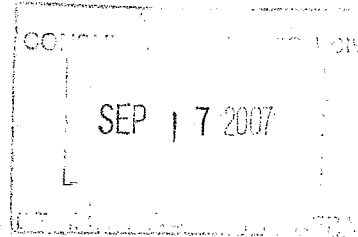
According to the documents in our possession, [REDACTED] did not take her vehicle to a dealer for the stalling concern for twenty-three months even though she delivered the vehicle to those dealers multiple times to have maintenance performed.

[REDACTED] has delivered the vehicle to Paramount Kia of Asheville three times for the stalling concern. The condition has never been duplicated. The dealer in Richmond was also not able to duplicate the concern by the customer's own admission. If the service centers are not able to duplicate the nonconformity, then they will not be able to diagnose what component of the vehicle is malfunctioning.



KIA MOTORS
The Power to Surprise™

KIA MOTORS AMERICA, II
Southern Region
100 Galleria Pkwy, Suite 150
Atlanta, GA 30339-5959
TEL: (678) 385-8500
FAX: (678) 385-8501





KIA MOTORS
The Power to Surprise™

KIA MOTORS AMERICA, INC.
Southern Region
100 Galleria Pkwy, Suite 1550
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The dealer and Kia Motors America, Inc. have unsuccessfully requested that [REDACTED] identify any conditions that are present when the vehicle stalls. There have been several attempts to duplicate and identify the cause of the customer's concern to no avail. Until the stalling concern can be duplicated, no repair can be made to the vehicle.

Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Yasmine Epps", written over a horizontal line.

Yasmine Epps
Consumer Affairs
Southern Region

ATTENTION CONSUMER

THIS IS A COPY OF THE LETTER WE SENT TO THE PARTY AGAINST WHOM YOU HAVE FILED A COMPLAINT. WE ARE SENDING IT TO YOU FOR YOUR INFORMATION. WE WILL CONTACT YOU AGAIN WHEN WE RECEIVE A RESPONSE. WE WILL KEEP YOU INFORMED OF OUR PROGRESS.

CONSUMER PROTECTION SECTION

September 7, 2007

Kia Motors America Inc
100 Galleria Parkway # 1550
Atlanta, GA 30339-5959

RE: File No. [REDACTED]
[REDACTED]
Hendersonville, NC [REDACTED]

Dear Sir:

As of this date, our office has not received any information on our investigation into [REDACTED] complaint. We ask that you advise us, within ten (10) business days of receipt of this letter, of the current status of this matter.

When replying, please include the File Number [REDACTED] so we can more readily locate the proper file.

Very truly yours,

Patricia T. Jones

Patricia T. Jones
Consumer Protection Specialist
CONSUMER PROTECTION SECTION

cc: [REDACTED]

Paramount KIA
NHTSA



KIA MOTORS
The Power to Surprise™

KIA MOTORS AMERICA, INC.
Southern Region
100 Galleria Pkwy, Suite 1550
Atlanta, GA 30339-5959
TEL: (678) 385-8500
FAX: (678) 385-8501

August 29, 2007

[REDACTED]
Hendersonville, NC [REDACTED]

Re: 2004 Kia Rio
KNADC165646 [REDACTED]
Mileage: 53,000
C/A File [REDACTED]

Dear [REDACTED]:

Pursuant to your request for assistance with the above-noted 2004 Rio, please be advised that we performed a review of your vehicle's service history and determined that Kia will continue to repair verifiable defects under the terms of the New Vehicle Limited Basic Warranty.

Kia can not address the concerns you are having with your vehicle until that concern is duplicated by the service department of an authorized Kia dealer. Once your concern is duplicated, Kia can proceed to oversee the repair of your vehicle.

We value you as a Kia customer, and we apologize for any inconveniences that you have experienced.

Sincerely,

Yasmine Epps
Consumer Affairs Analyst
Southern Region

cc: DPSM

Kia Motors America, Inc.
100 Galleria Pkwy, Suite 1550
Atlanta, GA 30339-5959
Attn: Yasmine Epps, Consumer Affairs Analyst
Southern Region

[REDACTED]
Hendersonville, NC [REDACTED]

August 31, 2007

Re: 2004 Kia Rio

KNADC165646 [REDACTED]

C/A File # [REDACTED]

Dear Ms. Epps:

Your response to the problems I am experiencing with my 2004 Kia Rio, is very disappointing. This vehicle does periodically shut off without warning. It is not a frequent occurrence that I would expect your service personnel to experience during just 2 or 3 short test drives.

This problem occurs sporadically. There may be hundreds of miles between occurrences. As well as I can remember, this problem has occurred 9 to 11 time since I purchased the vehicle. The fact that the problem occurs only occasionally, does not reduce the seriousness of the problem. If the engine should shut off on a crowded highway, it could lead to a catastrophic accident, perhaps causing serious injury or death to passengers of my vehicle and the passengers of other vehicles that might be involved in the accident.

I cannot believe that Kia wants to accept the liability for such an accident. I am surprised that Kia does not want to purchase my vehicle and scrap it out to avoid such an accident or perhaps drive the vehicle on your test track to determine the cause, to educate your service personnel

Ms. Epps, this is a good clean, low mileage vehicle. If you personally don't feel there is a problem, I will gladly sell it to you at a bargain price so that you or someone in your family can drive it and experience the problem. Personally, I no longer feel safe driving the vehicle and I had it towed home from Paramount Kia in Asheville, NC.

Sincerely yours,

[REDACTED]
cc: Ms. Patricia Jones - NC Attorney Generals Office

Attorney: Albert Sneed - Van Winkle, Buck, Wall, Starnes & Davis, P.A.

Ms. Patricia T. Jones, Consumer Protection Specialist
State of N.C. Department of Justice
9001 Mail Service Center
Raleigh, NC 2699-9001

[REDACTED]
Hendersonville, NC [REDACTED]
Phone # [REDACTED]

Re: File # [REDACTED]

August 21, 2007

Dear Ms. Jones:

Thank you for your interest in resolving the problems with my 2004 Rio Cinco Kia. This vehicle should never be allowed to be on the highway ever again. If the engine should shut off on a busy highway, it could lead to a catastrophic accident causing injury or death to occupants of my vehicle or perhaps cause a multi-vehicle accident causing injury or death to others.

I had the vehicle towed to Paramount Kia in Asheville on August 3, 2007. After not receiving a call from the dealership, I stopped at the dealership on August 16. They said that they could not find any problems with the vehicle, which is what I was told by the Kia dealer-(Victory Nissan of Richmond) where I purchased the vehicle in June of 2004.

During the time I have owned the Kia, this problem has happened several times. The last time this happened was on July 28, 2007. The first time this happened, was when I lived in Richmond, Virginia. I had the vehicle towed to the dealer. They could find nothing wrong with the vehicle. Unfortunately that service record has been lost.

In reading my owners manual, I noted that it said that if the gas cap was not turned until it clicked 3 or 4 times, the check engine light would come on. The next time the vehicle stopped, I had to remove the gas cap and click it 3 or 4 times before it would start. After that I always made sure that I turned the gas cap until it clicked 3 or 4 times or until it wouldn't click anymore each time I fueled the vehicle. The problem of the vehicle stopping with no warning, continued and each time I have been able to re-start it by removing and turning the gas cap 3 or 4 times or as much as it would click. Sometimes if I hadn't clicked it enough times, it still wouldn't start and I would have to remove the gas cap and click it the same number of times plus a little more in order for it to start. I assumed this was something that I would have to live with. The check engine light never came on prior to the engine stopping, to provide any warning.

As on the enclosed September 27, 2006 Service Report from Paramount Kia, I called this problem to their attention. They said that they performed an ECU update and re-programmed the ECU as needed. Does the update indicate that Kia has experienced this problem on other vehicles? Paramount Kia now says they cannot find a problem. As noted on the 9/27/06 Service

Report, they performed Recall SC036. I never received a recall SC036 notice.

I thank you for your help in resolving this problem. My aim is to get this vehicle off the road so that not anyone is injured or killed.

Since Kia cannot find the problem with this vehicle and thus can't correct it, they will surely want to purchase the vehicle and scrap it out to prevent injury or death to someone in the future.

Sincerely yours,

A large black rectangular redaction box covering the signature area.



State of North Carolina

ROY COOPER
ATTORNEY GENERAL

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Raleigh, NC 27699-9001

CONSUMER PROTECTION
Toll Free In NC
(877) 566-7226
Outside of NC
(919) 716-6000
Fax: (919) 716-6050

August 15, 2007

[REDACTED]
Hendersonville, NC [REDACTED]

RE: File No. [REDACTED]
Kia Motors America Inc
100 Galleria Parkway # 1550
Atlanta, GA 30339-5959

Dear [REDACTED]:

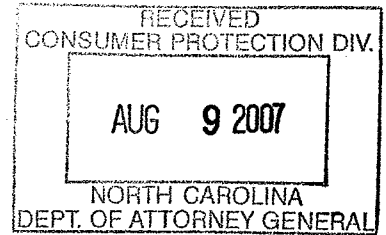
We have received your complaint and set up a file. Before proceeding further, we need to see copies of all the relevant documents involved. This includes the contract or the bill of sale, receipts, and anything else that applies to this situation.

When you reply, please refer to File Number [REDACTED]

Very truly yours,

P. Jones (2012)

Patricia T. Jones
Consumer Protection Specialist
CONSUMER PROTECTION SECTION



Mr. Ed Leon, Case Manager
Kia Motors America
Consumer Affairs Department
P.O. Box 52410
Irvine, CA 92619-2410

[REDACTED]
Hendersonville, NC [REDACTED]
Phone # [REDACTED]

August 2, 2007

Dear Mr. Leon:

Per your instructions, I have scheduled my vehicle, Reference #K1340770, into Paramount Kia on August 3, 2007. I appreciate your help.

As we discussed, the engine on this vehicle shuts off when driving down the road. This has happened several times when I lived in Richmond, Virginia where I purchased this Rio Cinco in June of 2004. I took the vehicle to the Kia dealership on West Broad Street where I purchased it, for the problem. They said that they checked for this problem, but did not find anything wrong, but the problem persisted. I moved to North Carolina in February, 2006 and the problem persisted. I took the vehicle to Paramount Kia in Asheville on September 27, 2006. They said that it was a computer problem and was corrected. The problem persisted.

Frankly, I no longer feel safe driving this vehicle. Fortunately this problem has generally occurred on secondary roads during low traffic conditions. If the engine should shut off while traveling on a busy interstate, the results could be catastrophic. Even on secondary roads I don't feel it is safe for a 70 year old lady to be stranded on the side of the road.

I no longer feel safe driving the vehicle. My conscience won't let me sell this vehicle to another person, setting them up for a catastrophic accident.

If this is the only Kia that has experienced this problem, then I surely have a lemon. If there have been problems such as this, on other Kias, then shame on Kia for not stepping up to the plate with a recall.

Please advise promptly how Kia wants to resolve this problem. Thank you for replying promptly.

Sincerely yours,
[REDACTED]

cc: General Manager-Paramount Kia of Asheville, North Carolina
North Carolina Attorney General
Mr. Albert Sneed-Van Winkle, Buck, Wall, Starnes & Davis, P.A.

THE ATTACHMENTS TO THIS
DOCUMENT HAVE BEEN REMOVED
TO PROTECT UNWARRANTED
INVASION OF PERSONAL PRIVACY
PURSUANT TO EXAMPTION 6 OF
THE FREEDOM OF INFORMATION
ACT (FOIA), 5 U.S.C. 552(b)(6).