NVS-200

CIL-10259029-1602

[redacted]

[redacted]

Santa Clara CA [redacted]

2009 FEB 12 PM 1:12

2009 FEB 12 PM 1:12

cc: Administrator, NHTSA

January 22, 2009

BMW of North America, LLC
PO Box 1227
Westwood NJ 07675-1227

RE: Safety of Door Lock Failure (and Inconvenience)

To Whom it may Concern:

Within our company, there are three late model BMW's that have something in common. All three cars have had problems with the door locks:

Car #1: 2006 BMW 750Li; VIN WBAHN835X6[redacted]; January 7, 2009; Front door would not lock. Took to Stevens Creek BMW. Under Warranty. Lock was replaced, then latch was replaced.

Car #2: 2004 BMW 545i; VIN WBANB33514[redacted]; January 21, 2009; Front Passenger door would not unlock. Took to Stevens Creek BMW. Car no longer under warranty. Service department called to say that the Door Lock Actuator needed to be replaced and quoted $2100.00 for the repair. The reason stated for such a high cost of repair was that since the door would not open, there would be a lot of extra labor to do the job and that the door panel would inevitably be destroyed in the process and would need to be replaced as well. The $2100.00 repair was declined, whereupon Stevens Creek BMW wanted to charge $185.00 before it would release the car. That $185.00 amount was contested and finally negotiated down to $92.50 (half) and reluctantly paid so that the car could be taken to another shop. The repair was done, properly, at Keystone Auto Service, 2525 Keystone Ave, Santa Clara CA 95051, for a grand total of $372.77.

Car #3: 2002 BMW 745i; VIN: WBAGL63422[redacted]; Rear Passenger door won't unlock. The car has not been taken in for repairs as we want to know what the best course of action is. We are reluctant to take it into Stevens Creek BMW and get the same treatment as with Car #2. We also feel that there is a trend here and BMW should take steps to uphold its reputation as a high quality car manufacturer.

AA
1:15pm
2/12/09
NJ

Comments:

Car #1, although covered under warranty, was still a major inconvenience as the owner was taking some friends to dinner. Since the car could not be locked, its owner was not comfortable leaving the car unattended (so dinner had to be cancelled). Besides the inconvenience, there is the issue of Safety. A door latch should not go bad on such a new car, especially a BMW.

Car #2 is barely out of warranty (exp. November 19, 2008). This door malfunction also caused an inconvenience as its owner couldn't use the front passenger seat. More importantly, this malfunction is a MAJOR Safety Issue. If this had happened while someone was sitting in the front passenger seat, that person could be trapped inside the vehicle in an emergency. It is hard to understand why this door was ever designed this way. Why isn't there a way to manually unlock the front passenger door in case the automatic system fails?

Car #3 is a similar situation to Car #2 and just a little further out of warranty (May 24, 2008). It's a different door, but still, why are these items failing on BMW's?

We are seeking Customer Satisfaction from BMW. We would like to know what steps BMW plans to take to assure us that we are not going to continue having these problems. We want to know if there is, indeed, a way to open a locked door in the event that the automatic unlock feature fails. We expect compensation for the $465.27 ($372.77 at Keystone Auto Service + $92.50 at Stevens Creek BMW) spent to repair Car #2. We want direction on how BMW plans to remedy the current repair needed on Car #3.

Thank you,

[redacted]

[redacted] phone
fax
[redacted]

Enclosures: 2 pages RE: Car #1; 5 pages RE: Car #2

CC: Administrator, NHTSA, 400 Seventh Street, SW., Washington DC 20590

CUSTOMER: [redacted]

[redacted]

SANTA CLARA, CA

HOME: [redacted] N/A

BUS.:

STEVENS CREEK BMW MOTORSPORT
4343 STEVENS CREEK BLVD
SANTA CLARA, CA 95051
(408) 984-0794
stevenscreekbmw.com

INVOICE

PAGE 1

SERVICE ADVISOR: 912 JOHN DEPALMA

COLOR	YEAR	MAKE/MODEL	VIN	LICENSE	MILEAGE IN/OUT	TAG
GRAY	02	BMW 750LI	WBAGN83502 [redacted]	[redacted]	26257/26257	

DEL DATE	PROM DATE	WARR EXP	PROMISED	PO NO	PAYMENT	INV DA
31OCT06	01JUN06	31OCT2011	17:00 07JAN09	0.00	CASH	07JAN09

R.O OPENED	R.O READY	OPTIONS:	EQP:24781 ENG:4.8 Liter
08:55 07JAN09	14:47 07JAN09		

LINE OPCODE TECH TYPE HOURS	LIST	NET	TOTAL
A STANDARD OPERATION			
CAUSE: .			
0000105 STANDARD OPERATION			
949 WMC			(N/C)
FC: 859905O1MP			
PART#:			
COUNT:			
CLAIM TYPE:			
AUTH CODE:			
PARTS: 0.00 LABOR: 0.00 OTHER: 0.00		TOTAL LINE A:	0.00
26257 PERFORMED STANDARD OPERATION.			
**********			
B PERFORMING SERVICE VEHICLE CHECK			
CAUSE: .			
0000624 PERFORMING SERVICE VEHICLE CHECK			
949 WMC			(N/C)
FC: 85990101MP			
PART#:			
COUNT:			
CLAIM TYPE:			
AUTH CODE:			
PARTS: 0.00 LABOR: 0.00 OTHER: 0.00		TOTAL LINE B:	0.00
26257 PERFORMED SERVICE VEHICLE CHECK.			
**********			
C CUST STATES THAT FRONT PASS DOOR WILL NOT LOCK			
CAUSE: .			
5121590 Removing and installing or replacing lock of left or right front door			
949 WC			(N/C)
1 51-21-7-202-136 LOCK, COMPLETE, FRONT			

Car #1

PAYMENT IN FULL REQUIRED PRIOR TO RELEASE OF VEHICLE

METHODS OF PAYMENT
WE ACCEPT THE FOLLOWING:
CASH MASTERCARD VISA AMEX COMPANY OR PERSONALIZED CHECKS FOR LESS THAN $ 1,000.00 WITH THE FOLLOWING

1) CHECK GUARANTEE CARD
2) VALID DRIVER'S LICENSE
3) NAME AND ADDRESS (NO P.O IMPRINTED ON CHECK

NOTICE TO CONSUMER:
I acknowledge notice and oral approval of any additional customer or warranty work performed and/or increase in the original estimate price. I also acknowledge and approve all repairs as itemized and/or receipt of vehicle. I also acknowledge receipt of additional consumer warranty and service information contained in the Parts & Service Warranty Disclaimer.

ORIGINAL ESTIMATE $ _____ AUTHORIZED REVISED ESTIMATE $ _____

CUSTOMER SIGNATURE

X

DESCRIPTION	TOTALS
LABOR AMOUNT	
PARTS AMOUNT	
GAS, OIL, LUBE	
SUBLET AMOUNT	
MISC. CHARGES/ADJ.	
TOTAL CHARGES	
LESS INSURANCE	
SALES TAX	
PLEASE PAY THIS AMOUNT	

BAR# AF088254 *EPA# CAL000218943*
P&A#

CUSTOMER COPY

CUSTOMER: [redacted]

[redacted]

SANTA CLARA, CA

HOME: [redacted]

BUS: [redacted]

STEVENS CREEK BMW MOTORSPORT
2443 STEVENS CREEK BLVD
SANTA CLARA, CA 95051
(408) 984-0794
stevenscreekbmw.com

REPAIR ORDER

PAGE 2

SERVICE ADVISOR: 912 JOHN DEPALMA

COLOR	YEAR	MAKE/MODEL	VIN	LICENSE	MILEAGE IN/OUT	TAG
GRAY	06	BMW 750LI	WBAHN83556[redacted]	[redacted]	26257/26257	

DEL DATE	PROD DATE	WARR EXP	PROMISED	PO NO	PAYMENT	INV DATE
31OCT06	D10LJN06	31OCT2011	17:00 07JAN09		0.00 CASH	07JAN09

RO OPENED	READY	OPTIONS
08:55 07JAN09	04:47 07JAN09	DLR:24781 ENG:4.8 Liter

LINE	OPCODE	TECH	TYPE	HOURS	LIST	NET	TOTAL (N/C)
	RIGHT: 12011						
	FC: 52107290						
	PART#:						
	COUNT:						
	CLAIM TYPE:						
	AUTH CODE:						

PARTS: 0.00 LABOR: 0.00 OTHER: 0.00 TOTAL LINE C: 0.00

26257 VERIFIED CONCERN.FOUND THE LATCH TO BE DEFECTIVE.REPLACED PASSENGERS DOOR LATCH WITH CONFORT ACCESS.RECHECKED AND DOOR LOCKS PROPERLY NOW.

****

PLEASE BE ADVISED YOU CANNOT EXTEND MAINTENANCE OR WARRANTY COVERAGE UNLESS YOU ARE CURRENTLY COVERED. BMW IS OFFERING A 6 YEARS OR 100,000 MILES MAINTENANCE IF YOU ARE CURRENTLY UNDER THE PROGRAM FOR MODELS FROM 2003 ON UP. SEE YOUR SERVICE ADVISOR FOR DETAILS OR YOUR FINANCE DEPT. THANK YOU FOR YOUR BUSINESS.

Car #1

PAYMENT IN FULL REQUIRED PRIOR TO RELEASE OF VEHICLE

METHODS OF PAYMENT
WE ACCEPT THE FOLLOWING:
CASH MASTERCARD VISA AMX COMPANY OR PERSONALIZED CHECK $2,000.00 WITH THE FOLLOWING

1) CHECK GUARANTEE CARD
2) VALID DRIVERS LICENSE
3) NAME AND ADDRESS (NO P.O. IMPRINT) ON CHECK

NOTICE TO CONSUMER:
I acknowledge notice and oral approval of any additional customer or warranty work performed and/or increase in the original estimate price. I also acknowledge and approve all repairs as itemized and/or receipt of vehicle. I also acknowledge receipt of additional consumer warranty and service information contained in the Parts & Service Warranty Disclaimer.

ORIGINAL ESTIMATE $ _____ AUTHORIZED REVISED ESTIMATE $ _____

CUSTOMER SIGNATURE

X

DESCRIPTION	TOTALS
LABOR AMOUNT	0.00
PARTS AMOUNT	0.00
GAS, OIL, LUBE	0.00
SUBLET AMOUNT	0.00
MISC. CHARGES/ADJ.	0.00
TOTAL CHARGES	0.00
LESS INSURANCE	0.00
SALES TAX	0.00
PLEASE PAY THIS AMOUNT	0.00

BAR# AF088254 *EPA# CAL000218943*
P&A#

CUSTOMER COPY

CUSTOMER: [redacted]

[redacted]

SAN JOSE, CA [redacted]

HOME: [redacted]

BUS: [redacted]

496847

WORKORDER:

PAGE: 1

STEVENS CREEK BMW MOTORSPORT

4343 STEVENS CREEK BLVD.

SANTA CLARA, CA 95051

(408) 984-0794

stevenscreekbmw.com

408/961 3158

SERVICE ADVISOR: 452 LUU, CLAUDE

COLOR	YEAR	MAKE/MODEL	VIN	LICENSE	MILEAGE IN/OUT	TAG
BLC	04	BMW 545I	[redacted]		46395/	

DEL DATE	PROD DATE	WARR EXP	PROMISED	PO NO	PAYMENT	INV. DA
19NOV04	DD01AUG04	19NOV2008	17:00 21JAN09	0.00	CASH	

R.O. OPENED	READY	OPTIONS: DLR:22083 ENG:4.4 Liter
21JAN2009 10:06		

LINE	OP CODE	TECH	TYPE	DESCRIPTIONS/INSTRUCTIONS
# A	51		CC	CUSTOMER REPORTS THAT THE FRONT PASSENGER DOOR WILL NOT UNLOCK

****

Preliminary Estimate : $185.00

****

Service Manager
Scott Fuller

Car #2

THIS IS NOT AN INVOICE

BY LAW, YOU MAY CHOOSE ANOTHER LICENSED SMOG CHECK FACILITY TO PERFORM ANY NEEDED REPAIRS OR ADJUSTMENTS WHICH THE SMOG CHECK TEST INDICATES ARE NECESSARY.

I, the registered vehicle owner, hereby authorize the repair work herein set forth to be done along with the necessary material and agree that you are not responsible for any delays caused by unavailability of parts or delays in parts shipments by the supplier or transporter. I hereby grant you and/or your employees permission to operate the vehicle herein described on streets, highways or elsewhere for the purpose of testing and/or inspection. An express mechanic's lien is hereby acknowledged on the above vehicle to secure the amount of repairs thereto. I hereby appoint STEVENS CREEK BMW as my attorney in fact and empower you to negotiate and cash any draft or instrument issued in payment of this repair order by any third party in my name and to sign my name thereto. Receipt of vehicle described herein for repair or alteration is hereby acknowledged by dealer. Said customer is hereby modified that the said property, or its contents, is not insured or protected to the amount of actual cash value thereof, or otherwise, by the undersigned dealer against loss occasioned by theft, fire or vandalism while the property remains with the dealer. Customer states no articles of personal property have been left in the vehicle, and the dealer is not responsible for payment of reasonable attorney fees and costs in the event suit is brought for collection. I authorize warranty work to be performed on my vehicle. In the event the work performed is not accepted for warranty payment by the manufacturer, then I, the customer, will be held responsible for the outstanding balance. This agreement in no way limits your warranty coverage. If this situation does occur, then you will receive documentation of denied warranty for your records.

PRELIMINARY ESTIMATE $

WHICH INCLUDES A HAZARDOUS WASTE DISPOSAL FEE OF $

AUTHORIZED BY: X _____

TERMS: CASH OR APPROVED CREDIT CARDS UNLESS PRIOR ARRANGEMENTS HAVE BEEN MADE

ALL PARTS REMOVED WILL BE DISCARDED UNLESS OTHERWISE REQUESTED PRIOR TO BEGINNING WORK. ALL PARTS ARE NEW UNLESS OTHERWISE SPECIFIED.

DATE	TIME	PHONE # OR IN PERSON	AUTHORIZED BY	ADDITIONAL AMOUNT $
REASON				REVISED TOTAL $
DATE	TIME	PHONE # OR IN PERSON	AUTHORIZED BY	ADDITIONAL AMOUNT $
REASON				REVISED TOTAL $
DATE	TIME	PHONE # OR IN PERSON	AUTHORIZED BY	ADDITIONAL AMOUNT $
REASON				REVISED TOTAL $

LOCATION _____ QUALITY CONTROLLED BY _____ MILES _____

BAR# AF088254 EPA# CAL000218943 P&A#

CUSTOMER COPY

CUSTOMER #: [redacted]

[redacted]

SAN JOSE, CA [redacted]

HOME: [redacted]

BUS: [redacted]

STEVENS CREEK BMW MOTORSPORT
4343 STEVENS CREEK BLVD
SANTA CLARA, CA 95051
(408) 984-0794
stevenscreekbmw.com

496847

INVOICE

DUPLICATE 1
PAGE 1

SERVICE ADVISOR: 452 CLAUDE LUU

COLOR	YEAR	MAKE/MODEL	VIN	LICENSE	MILEAGE IN/ OUT	TAG
BLC	04	BMW 545I	[redacted]		46395/46395	

DEL DATE	PROD. DATE	WARR. EXP.	PROMISED		PAYMENT	INV. DATE
19NOV04	01AUG04	19NOV2008	17:00 21JAN09	0.00	CASH	21JAN09

R.O. OPENED	READY	OPTIONS
10:06 21JAN09	13:48 21JAN09	DLR:22083 ENG:4.4 Liter

LINE	OPCODE	TECH	TYPE	HOURS		LIST	NET	TOTAL
A CUSTOMER REPORTS THAT THE FRONT PASSENGER DOOR WILL NOT UNLOCK								
	51 BODY EXTERIOR-							
		7056	CC			185.00		185.00
	DIS DISCOUNT							
		999	CDI			-92.50		-92.50

PARTS: 0.00 LABOR: 92.50 OTHER: 0.00 TOTAL LINE A: 92.50

46395 DOOR LOCK ACTUATOR STUCK IN THE LOCKED POSITION 1.00 CHECKED DOOR LOCK ACTUATOR CONFIRMED WILL NOT UNLOCK. ACTUATOR ACTIVATES AND CLICKS BUT WILL NOT OPEN FROM EITHER INSIDE OR OUTSIDE. PULLED BACK UPPER SECTION OF DOOR PANEL AND TRIED TO GAIN ACCESS TO ACTUATOR ASSEMBLY, WAS NOT ABLE TO ACCESS THE ACTUATOR WITHOUT DAMAGING THE DOOR PANEL. HOOKED UP VEHICLE TO DIAGNOSTIC TESTER AND TRIED TO ACTIVATE LOCK, SAME RESULT. CUSTOMER DECLINED FURTHER DIAGNOSIS. RECOMMEND REPLACEMENT OF FRONT PASSENGER DOOR LOCK ACTUATOR WITH DOOR PANEL (HIGH PROBABILITY OF DAMAGE OCCURING TO DOOR PANEL SINCE THE DOOR CANNOT BE OPENED) $2100.00. CUSTOMER DECLINED REPAIRS.

car #2

****

EST: 185.00 21JAN09 10:06 SA: 452

RECOMMEND REPLACEMENT OF FRONT PASSENGER DOOR L OCK ACTUATOR $2100.00 (INCLUDES REPLACEMENT OF DOOR PANEL).

PLEASE BE ADVISED YOU CANNOT EXTEND MAINTENANCE OR WARRANTY COVERAGE UNLESS YOU ARE CURRENTLY COVERED. BMW IS OFFERING A 6 YEARS OR 100,000 MILES MAINTENANCE IF YOU ARE CURRENTLY UNDER THE PROGRAM FOR MODELS FROM 2003 ON UP. SEE YOUR SERVICE ADVISOR FOR DETAILS OR YOUR FINANCE DEPT. THANK YOU FOR YOUR BUSINESS.

PAID

STEVENS CREEK BMW

PAYMENT IN FULL REQUIRED PRIOR TO RELEASE OF VEHICLE

METHODS OF PAYMENT
WE ACCEPT THE FOLLOWING:
CASH MASTERCARD VISA AMX COMPANY OR PERSONALIZED CHECK $2,000.00 WITH THE FOLLOWING

1) CHECK GUARANTEE CARD
2) VALID DRIVERS LICENSE
3) NAME AND ADDRESS (NO P.O.IMPRINTED ON CHECK

NOTICE TO CONSUMER:
I acknowledge notice and oral approval of any additional customer or warranty work performed and/or increase in the original estimate price. I also acknowledge and approve all repairs as itemized and/or receipt of vehicle. I also acknowledge receipt of additional consumer warranty and service information contained in the Parts & Service Warranty Disclaimer.

ORIGINAL ESTIMATE $ _____ AUTHORIZED REVISED ESTIMATE $ _____

CUSTOMER SIGNATURE

X

DESCRIPTION	TOTALS
LABOR AMOUNT	92.50
PARTS AMOUNT	0.00
GAS, OIL, LUBE	0.00
SUBLET AMOUNT	0.00
MISC. CHARGES/ADJ.	0.00
TOTAL CHARGES	92.50
LESS INSURANCE	0.00
SALES TAX	0.00
PLEASE PAY THIS AMOUNT	92.50

BAR# AF088254 *EPA# CAL000218943*
P&A#

CUSTOMER COPY

STEVENS CREEK BMW
4343 STEVENS CREEK BLVD
SANTA CLARA, CA 95051

TIME 2:25 PM DATE 01/21/09
TERM# 00003NN6 MER# 000451030034990
TRAN TYPE SALE
#xxxxxxxxxxx
CARD TYPE MASTERCARD
SEQ # 028
TICKET # 0000070979
AUTH CODE 05515Z

TOTAL $92.50

CUSTOMER COPY

Car #2

Keystone Auto Service

2525 Keystone Ave
Santa Clara, CA 95051-7118
Shop Phone: (408) 246-7708
Fax: (408) 247-9256
Email: keystoneautoservice@pacbell.net

Invoice

47057

Estimate Ref #25,592
Date Printed: 01/21/2009
Printed Time: 4:32 pm
BAR REG # AM186630
EPA CAL-000179782

Hat/Ref:

Time Promised:

[redacted]
[redacted]
San Jose, CA [redacted]
Home: [redacted]
Cell: [redacted]

2004 BMW 545I V8 4.4L 4398CC FI GAS N N62
VIN: WBANB33514B[redacted]
License: [redacted]
Unit #:
DOM:

Mileage In: 46,395
Mileage Out: 46,395

Date Written: 01/21/2009
Written By: Deckard
Save Old Parts: No

Job Name	Description	Technician	Qty	List	Extended
Request		**Huy**			
Note/Title					
Request estimate for right front door lock					
Right front door lock	**POWER DOOR LOCK ACTUATOR - POWER DOOR LOCK AC...**	**Huy**			
Part 51217167074	OEM - POWER DOOR LOCK ACTUATOR - Front Door - Lock Actuator - Right		1.00	188.24	188.24
Labor 1	Work Requested - POWER DOOR LOCK ACTUATOR - POWER DOOR LOCK ACTUATOR - Replace - Front Door - One Side				165.00
Work Performed - Replaced passenger front door lock and recode					

Car #2

Warranty does not cover towing.
Warranty work must be performed at this shop only.
Warranty on used parts is 30 days. No labor warranty.
Warranty on new parts is 12 months or 12,000 miles (unless noted otherwise). Labor warranty is 90 days.
In the event an attorney is retained to bring suit for collection of any sum due, customer is responsible for all collection & attorney fees.
10% finance charge will accrue if payment is not received. Will also apply if payment does not clear.
After 24 hour of completion notification we are not held responsible for damage due to vehicle.

Payment Date	Type	Method	Amount
		Payment Totals:	

Parts:	$188.24
Labor:	$165.00
Sublet:	$0.00
Misc:	$0.00
Hazmat:	$4.00
Supplies:	$0.00
Tax:	$15.53
Invoice Total:	**$372.77**

I hereby authorize the above repair work to be done along with the necessary material and hereby grant you and/or your employees permission to operate the car or truck he[redacted] elsewhere for the purpose of testing and/or inspection. An express mechanic's lien is hereby acknowledged [redacted]t of repairs thereto.

Authorized By [redacted] Date 1/21/09 Time _____

Keystone Auto Service
2525 Keystone Ave
Santa Clara, CA 95051
(408) 246-7708

C O P Y
01/21/2009 16:58:14
Sale:

Transaction #	6
Card Type:	MasterCard
Acc:	**********
Entry:	Swiped
Clrk #	1
Invoice #	47057
Total:	372.77
Reference No.:	0006
Auth.Code:	045212
Response:	AP

CUSTOMER COPY

Thank You!

Car #2