



DEC

8 2009

DOT Auto Safety Hotline

U.S. Department
of TransportationNational Highway
Traffic Safety
Administration**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

30-MAR-2009

Repository ☐Reference No.
10263609**OWNER INFORMATION (Type or Print)**

Name

Address

City YARMOUTH

State ME

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 authorized signature, your name or address to the vehicle manufacturer. ☒ NO
Signature of Owner [Signature] Date 4/7/09

VEHICLE INFORMATION

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

JM1NA3513M

Make

MAZDA

Model

MIATA

Model Year

1991

Date Purchased

3-91

Dealer's Name and Telephone Number

MORONG FALMOUTH

Engine:

No: Cylinders 4

Fuel Type:

GAS

Original Owner

☒

Dealer's City

FALMOUTH

State

ME

Zip Code

04105

Transmission Type

☐ Antilock Brakes

Powertrain

Multiple Failure:

Incident Date(s)

10-JAN-2009

☐ Cruise Control**FAILED COMPONENT(S)/PART(S) INFORMATION**

Vehicle Component Code: 110000 ELECTRICAL SYSTEM

Failure Mileage

24000

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).

TL*THE CONTACT OWNS A 1991 MAZDA MIATA. THE CONTACT STATED THAT THE BATTERY WAS HOUSED IN THE TRUNK OF THE VEHICLE. MAZDA RECENTLY DEVELOPED A NEWER BATTERY MODEL CALLED A FLOODED CELL BATTERY. HE NOTICED THAT THE BATTERY WAS LEAKING AROUND THE CAPS AND HE WAS CONCERNED WITH LIQUID ACID BEING PRODUCED BY THE BATTERY. THE MANUFACTURER OFFERED TO REPLACE THE BATTERY IF IT WAS COVERED UNDER WARRANTY. THE DEALER STATED THAT THE BATTERY WOULD HAVE TO FAIL AN ELECTRICAL TEST IN ORDER FOR THEM TO MAKE THE REPLACEMENT. THE ELECTRICAL TEST WAS NOT PERFORMED AND NO REPAIRS HAVE BEEN MADE TO DATE. THE CURRENT AND FAILURE MILEAGES WERE LESS THAN 24,000.

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.

Narrative Description of Incident(s), Failure(s), Crash(es), and Injury(ies)

PLEASE SEE ATTACHED - MAZDA HAS NOT RESPONDED TO MY
2/7/09 LETTER

ATTACH ADDITIONAL SHEETS IF NECESSARY

U.S. Department
of Transportation

National Highway
Traffic Safety
Administration

1200 New Jersey Avenue SE.
Washington, D.C. 20077-9382

Official Business
Penalty for Private Use \$300



NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

BUSINESS REPLY MAIL

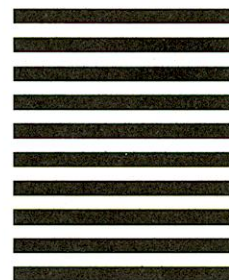
FIRST-CLASS MAIL

PERMIT NO. 1888

WASHINGTON, DC

POSTAGE WILL BE PAID BY ADDRESSEE

US Department of Transportation
National Highway Traffic Safety Administration
Office of Defects Investigation, NVS-210
1200 New Jersey Avenue SE.
Washington, D.C. 20077-9382



Think your vehicle
has a safety defect?



If so:

Use the enclosed
form to file a report.

or visit:

www.safercar.gov

or call:

Vehicle Safety Hotline
888-327-4236



Vehicle Owner's Questionnaire (VOQ)
U.S. Department of Transportation
National Highway Traffic Safety Administration



December 30, 2008

Mazda North American Operations
Customer Assistance Center
PO Box 19734
Irvine, CA 92623

To Whom It May Concern:

I am writing to express my concern that the battery that is being sold by your dealers as an OEM replacement for the Mazda Miata battery is in fact not an AGM battery but is a flooded cell battery. I purchased a replacement battery in August 2007 and have discovered that there is acid leakage around the individual cell caps. I have discussed this with two local Mazda dealers, Morong Falmouth and Goodwin's Mazda and have not received what I feel is an adequate response to my concern. They have indicated that the battery would have to fail an electrical test in order to qualify for a warranty replacement. As acid appears to be escaping from the sealed caps, I'm sure that the battery must be outgassing through these caps as well.

As Mazda originally determined that AGM technology should be utilized given the environment that battery would be housed in, I do not think that a flooded cell battery is an appropriate replacement. The potential for damage to the interior of my trunk and any personal property stored there posed by a flooded cell battery, is unacceptable.

In this case, I believe that the original specification for an AGM battery was appropriate and selling a flooded cell battery as an OEM replacement is very deceptive.

I look forward to your response.

Sincerely,

[REDACTED]
[REDACTED]
Yarmouth, ME [REDACTED]



January 13, 2009

[REDACTED]
Yarmouth, ME [REDACTED]

Dear [REDACTED]

Thank you for your letter regarding your 1991 Mazda Miata and your request for a solution on battery replacement.

Please accept our apologies for any inconvenience this battery replacement has caused you, as it is never our intention to have anyone less than completely satisfied with any aspect of his or her Mazda ownership experience.

Please note that the original battery in your vehicle is covered by a pro-rated warranty. For the first twelve months, Mazda covers 100% of the replacement cost; from 13-24 months, Mazda covers 50% of the cost; and from 25-36 months, Mazda covers 25% of the replacement cost. Please refer to the Warranty Information Book supplied with your vehicle for additional information. Coverage on a replacement battery is 36 months or 50,000 miles.

Your concern and request has been documented for our corporate record, which is vehicle specific. These records are evaluated as part of our continuous goal to provide only the highest quality products and service to our customers. I have called the dealer and they advised that you must provide a receipt to warranty the battery. Feel free to give me a call to discuss this so that I may verify the date you purchased the battery and if it's been replaced to further assist you and where it was replaced.

Again, thank you for taking the time bringing this matter to our attention and allowing us to respond to your inquiries.

Sincerely,

A handwritten signature in dark ink, appearing to read 'David Cruz'.

David Cruz
Specialist, Customer Assistance
800 222 5500 ext 1138

February 7, 2009

Mazda North American Operations
Customer Assistance Center
PO Box 19734
Irvine, CA 92623

To Whom It May Concern:

I recently received the attached response to my December 30, 2008 letter. It fails to address my concern regarding Mazda's decision to sell a flooded cell battery as an OEM replacement for the AGM battery that came as standard equipment in my 1991 Mazda Miata.

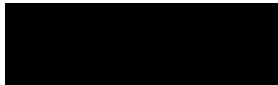
In response to the dealers position regarding a sales receipt; I did in fact present the original sales slip for the battery but they refused to proceed as I did not have a sales slip for the battery that my current battery replaced. Subsequently, they have admitted to me they were wrong in their demand but failed to provide this information to you.

Additionally, had the dealer been better informed regarding warranty procedures, I probably would have received a new battery and none of this correspondence would have been necessary.

As I have had time to contemplate the danger that this battery poses, I now know that there are safer alternatives for purchase that duplicate the design characteristics of the original battery shipped with the vehicle.

I still look forward to an appropriate response to my concern regarding Mazda's decision to substitute a flooded cell battery for the OEM AGM battery.

Sincerely,


Yarmouth, ME 