



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

1200 New Jersey Avenue SE.
Washington, DC 20590

September 11, 2009

NVS-216 mec
Ref. # 10281088

Dear [REDACTED]

Thank you for your email dated August 11, 2009, concerning the incident with your model year (MY) 2006 Hyundai Sonata and your questions related to its stop lamp safety recall (Safety Recall No. 09V122). Mr. Larry Hershman forwarded your email to the National Highway Traffic Safety Administration's (NHTSA) Office of Defects Investigation for a response. Your correspondence was received on August 18, 2009.

NHTSA is the Federal agency responsible for improving safety on our Nation's highways. We are authorized to order manufacturers to recall and repair vehicles or items of motor vehicle equipment when our investigations indicate that they contain safety defects in their design, construction, or performance. We also monitor the adequacy of manufacturers' recall campaigns. In order for the agency to initiate an investigation, we look carefully at the body of consumer complaints and other available data to determine whether a safety defect may exist. We cannot act on isolated problems or resolve disputes between individual owners, dealers, or manufacturers.

Thank you for sharing your experience, and we appreciate the opportunity to respond to your questions. Our responses below correspond to each of your questions.

1. Is not possible to proof negligency inside Hyundai to resolve this problems if they were aware of this since 2006?

In closing our Preliminary Evaluation without committing to further agency action we resolved that Hyundai's commitment to conduct a safety recall was sufficient at the time. By doing so, the agency is not prevented from pursuing an investigation into the timeliness of Hyundai's decision to conduct a safety recall. Mr. Hershman's suggestion that you file a complaint using our online VOQ form is a mechanism by which you can be assured that your concerns regarding the amount of time it took for Hyundai to decide to conduct a safety recall will be documented and the best way for us to determine whether that issue should be pursued.



2. Why the DOT do not obligate car companies to publish recalls like this in the major national newspaper?

The manner by which manufacturers must provide public notice concerning safety recalls is governed by statute (see 49 U.S.C. § 30119). That statute requires that motor vehicle manufacturers notify owners by first class mail. It does not require them to undertake additional efforts such as newspaper announcements.

3. Is the DOT able to push Hyundai to perform a worldwide recall? Is my understanding all the suspect components come from the same provider in Korea.

We do not have the authority to make Hyundai conduct a worldwide recall. Our jurisdiction is limited to vehicles imported or sold within the U.S. and its territories.

4. Why the DOT did not ask companies like Hyundai to issue the recall campaigns right away after an investigation is closed. Why 2 additional months?

By "issue the recall campaigns right away" we assume you mean the owner notification letters about the safety defect and the safety recall that you, and other Hyundai owners, were to receive. We do not have information at present explaining why several months elapsed between the time Hyundai decided the vehicles had a safety defect to the time it mailed its owner notification letters. That being said, it is not unusual for a motor vehicle manufacturer to require some time to issue its letters. The manufacturer must formulate a letter to meet precise requirements under Federal regulation, and then must have a draft of that letter approved by NHTSA. It must then undertake printing and mailing those notifications, which typically number in the tens of thousands if not in hundreds of thousands or millions. Also, vehicle manufacturers are required to mail letters to the most recent registered owners of the vehicles which, as a practical matter, means the vehicle manufacturer must request and then obtain non-public owner information from each and every State's department of motor vehicles.

5. What happens if somebody get hurt or result in a fatality due to this problem just because the users did not receive on time communication from Hyundai?

We are not aware of anything under Federal law that prevents an owner from pursuing a private cause of action against a motor vehicle manufacturer in this instance. Also, as explained above, the agency may pursue a line of inquiry into unreasonable delays in the making of safety defect determinations and execution of safety recalls. These investigations could lead to imposition of several civil penalties against a manufacturer.

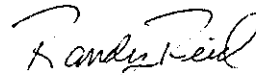
6. How Hyundai is going to check every user receives the Hyundai letter neither...I hope they will have the same luck!!!

As a practical matter, since owner letters must be and are mailed by first class mail, there is no way for any manufacturer to confirm receipt of its letters by each and every owner. Also, it is up to each individual owner whether to take the time to have their vehicle

remedied, and there is no limitation on when they may do so, and as a result owners are not motivated by a deadline. Nevertheless, manufacturers can monitor the number of vehicles on which the remedy has been performed and determine which particular vehicles have been remedied, and when, using the Vehicle Identification Numbers which are collected at the time of the remedy servicing. This information can serve as an indicator in measuring whether an owner notification campaign was performed correctly and in a timely manner.

I hope this information is useful. Should you encounter a safety-related problem with a motor vehicle or item of motor vehicle equipment in the future, you can complete an electronic Vehicle Owner's Questionnaire online at <http://www.nhtsa.dot.gov/ivoq>. Also, a summary listing of vehicle owners' complaints, safety recalls, manufacturers' service bulletins, etc. can be obtained at <http://www.nhtsa.dot.gov/cars/problems>.

Sincerely,

A handwritten signature in black ink, appearing to read "Randy Reid". The signature is fluid and cursive, with the first name "Randy" and last name "Reid" clearly distinguishable.

Randy Reid, Chief
Correspondence Research Division
Office of Defects Investigation
Enforcement