



U.S. Department
of Transportation

**National Highway
Traffic Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

June 8, 2011

[REDACTED]

Westwood, MA [REDACTED]

NVS-216 nam
Ref. No. 10316475

Dear [REDACTED]

Thank you for your correspondence concerning your model year (MY) 2008 Smart Fortwo vehicle. Your letter was received by the National Highway Traffic Safety Administration's (NHTSA) Office of Defects Investigation.

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 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 defect may exist. We cannot act on isolated problems or resolve disputes between individual owners, dealers, or manufacturers.

We appreciate the report you provided. Reports from motorists are a very important source of information for us. In your letter you indicated that you experienced problems with a speed sensor that failed and an axle bolt that sheared off the hub assembly. You are requesting reimbursement from Smart for repair cost and an extension of the vehicle's clutch warranty to 100,000 miles, or replacement of the clutch for free.

A review of our database relative to the problems associated with vehicle speed sensors and axle bolts shearing revealed no similar problems to that which you encountered in your MY 2008 Smart Fortwo vehicle. At this time, there is insufficient evidence to warrant opening a safety defect investigation. The information you provided has been entered into our database. It will be considered with future reports to identify any safety defect trends that may require our attention. A brochure explaining the investigation process is enclosed for your information or you may visit our web site at www-odi.nhtsa.dot.gov/recalls/recallprocess.cfm.

We sympathize with you concerning your request to have Smart reimburse you for the repair cost and replace your clutch or extend the warranty; however, this type of complaint does not fall under our jurisdiction. If you have not done so, you may consider contacting your local Consumer Protection Agency, Better Business Bureau, or the Massachusetts Office of the

Attorney General regarding your problem and your rights under your State's law. In addition, the Federal Trade Commission (FTC) has jurisdiction over non-safety defects, paint, fraud, or deception, warranty and dealership problems, remuneration matters, and fair trade practices. There are three ways to contact the FTC: by toll-free telephone at 1-877-FTC-HELP (1-877-382-4357); by mail at Federal Trade Commission, CRC-240, Washington, DC 20580; and by using the Internet complaint form at www.ftc.gov/ftc/complaint.htm.

Should you encounter a safety-related problem with a motor vehicle or motor vehicle equipment in the future, we would appreciate it if you would complete an electronic Vehicle Owner's Questionnaire online at www.nhtsa.dot.gov/ivoq or call the Auto Safety Hotline at 1-888-327-4236. Also, a summary listing of vehicle owners' complaints, safety recalls, manufacturers' service bulletins, etc., can be obtained at www.nhtsa.dot.gov/cars/problems.

Sincerely yours,

A handwritten signature in cursive script that reads "Randy Reid".

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

Enclosure