

INFORMATION ACT (FOIA), 5 U.S.C. 552(B)(6)



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  
FEB 28 2011  
14-JAN-2011

Repository   
Reference No.  
10376725

**OWNER INFORMATION (Type or Print)**

Name [REDACTED]  
Address [REDACTED]  
City CEDAR CREEK State TX Zip Code [REDACTED]

Daytime Telephone Number [REDACTED]  
Evening Telephone Number [REDACTED]  
E-mail Address [REDACTED]

The information you provide will be used to identify potential safety-related defects. We may share your information with the applicable vehicle manufacturer during an investigation or recall in accordance with the routine uses described in the agency's Privacy Act notice. See 49 FR 53971 (Sep. 3, 2004).

**VEHICLE INFORMATION**

17 digit Vehicle Identification Number Located at bottom of windshield on driver's side  
SUXFF0C58AL [REDACTED] Make BMW Model X5 Model Year 2010  
Date Purchased 2/20/10 Dealer's Name and Telephone Number BMW of Austin 512-343-3500 Engine: No: Cylinders 6 Fuel Type: DIESEL  
Original Owner  Dealer's City Austin State TX Zip Code 78729  
Transmission Type AUTO  Antilock Brakes  Cruise Control Powertrain Multiple Failure: Incident Date(s) 13-OCT-2010

**FAILED COMPONENT(S)/PART(S) INFORMATION**

Vehicle Component Code: 150000 SEAT BELTS Failure Mileage 5000 / 4000 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: DOTM9ABC036)  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 Number of Deaths 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 2010 BMW X5 DIESEL. THE CONTACT STATED THAT THE DRIVER SIDE SEATBELT WOULD NOT RETRACT WHEN SECURING THE SEAT BELT. THE CONTACT STATED THAT HE WOULD HAVE TO DRIVE WITHOUT THE SEATBELT SECURED. THE FAILURE OCCURRED ON AN INTERMITTENT BASIS FOR FOUR MONTHS. THE VEHICLE WAS INSPECTED BY A DEALER WHO INFORMED THE CONTACT THAT HE WOULD NEED TO REPLACE THE SEATBELT. THE VEHICLE WAS NOT REPAIRED. THE FAILURE MILEAGE WAS APPROXIMATELY 5,000.  
4,000

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 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.

February 12, 2011

Randy Reid Chief  
Correspondence Research Division  
US Department of Transportation  
National Highway Traffic Safety Administration  
Office of Defects Investigations, NVS-210  
1200 New Jersey Avenue SE  
Washington, DC 20077-9382

RE: VIN: 5UXFF0C58AL [REDACTED]

Dear Sir or Madam,

I purchased the BMW new on February 22, 2010 from BMW of Austin. In May the seat belt started to twist causing it to jam at the pillar or in some cases not retract after I released the belt. At this point, I was not concerned because it would only occur periodically.

Due to worsening of the problem, I made an appointment at the dealership for August 24, 2010. At that time, the mileage on the vehicle was 4,202. (Copy of invoice attached) The Service Advisor, Richard Ehlert, checked out the seat belt and reported everything was working properly then informed me to release the belt slower as this might keep the belt from twisting.

Over time, the problem worsened and on occasions, I was unable to wear the belt because it would not release from the pillar.

Before Christmas, I called and made another appointment (8,500miles) for January 5<sup>th</sup>, 2011. Once again, Richard Ehlert looked at the seatbelt and said it would need to be replaced because the belt was twisted and he had a hard time getting it to release. He stated that he had seen this problem before; however, he would need to check with BMW before replacing it.

Ten days later, on January 14<sup>th</sup>, I called Richard Ehlert to inquiry about a response and was informed BMW would cover 50% of the cost of the belt because it was my fault the belt was twisting due to me not releasing it properly. Over the years, I have owned dozens of new and used cars and I have never had a seat belt problem like this.

Richard recommended I call the BWM Customer Relations number located in the owners manual and see if they could help. The woman I spoke with was very helpful and said she would call the dealership herself. Within fifteen minutes, she returned my call and told me she did not have the authority to override BMW's decision even though she did not agree with it.

Following the call with Customer Relations, I contacted Paxton Briggie, the sales representative, from whom I purchased the vehicle. He informed me that someone from the service department would return my call. A week later, after not hearing from anyone, I left a message. To date, I have not received a return call.

I appreciate your attention to this matter.

Best regards,  
[REDACTED]  
[REDACTED]  
Cedar Creek, TX [REDACTED]  
[REDACTED]



**BMW OF AUSTIN**  
 7011 McNEIL DRIVE  
**AUSTIN, TEXAS 78729**  
 MAIN (512) 343-3500 PARTS (512) 343-3560  
 SERVICE (512) 343-3555

CELL: [REDACTED]

CUSTOMER NO. <b>59607</b>	ADVISOR <b>RICHARD EHLERT</b>	TAG NO. <b>324</b>	INVOICE DATE <b>08/24/10</b>	INVOICE NO. <b>BFCS245218</b>
[REDACTED]	LABOR RATE [REDACTED]	MILEAGE <b>4,202</b>	COLOR <b>PLAT BRONZE</b>	STOCK NO. <b>LT77836</b>
<b>CEDAR CREEK, TX</b>	YEAR / MAKE / MODEL <b>10/BMW SAV/x5 xDr35d/x5 xDr35d</b>	DELIVERY DATE <b>02/20/10</b>	DELIVERY MILES <b>24</b>	
[REDACTED]	VEHICLE I.D. NO. <b>5 U X F F 0 C 5 8 A L</b>	SELLING DEALER NO. <b>13501</b>	PRODUCTION DATE	
[REDACTED]	F. T. E. NO.	P. O. NO.	R. O. DATE <b>08/21/10</b>	
RESIDENCE PHONE [REDACTED]	BUSINESS PHONE	COMMENTS	<b>MO: 4203</b>	

**JOB# 1 CHARGES**-----

LABOR-----  
**J# 1 05BMZ10**      \*EXHAUST CONCERNS      TECH(S):340      **WARRANTY**  
 CLIENT STATES EXHAUST FLUID LOW  
 EXHAUST FLUID NOT FILLED FROM FACTORY. REFER TO SI B16 03 10  
 CONNECTED TO ISID INTERROGATED FAULT MEMORY, NO RELAVENT  
 FAULTS STORED. RAN TEST PLAN B1365-D7SCRRES AND FOUND THE  
 PASSIVE TANK WAS LOW. REFILLED BOTH TANKS AND TEST DROVE  
 VEHICLE TO VERIFY RESET OF FLUID LEVELS. BOTH TANKS ARE FULL  
 NOW. VERIFIED PROPER OPERATION.

PARTS-----	QTY----	FP-NUMBER-----	DESCRIPTION-----	UNIT PRICE----	
	1	83-19-0-440-158	DIESEL EXHAUST FLUI		
			TOTAL - PARTS		<b>0.00</b>

**JOB# 1 TOTALS**-----  
**JOB# 1 JOURNAL PREFIX BFCS**      **JOB# 1 TOTAL**      **0.00**

**JOB# 2 CHARGES**-----

LABOR-----  
**J# 2 10BMZ01**      BODY INTERIOR TRIM      TECH(S):340      **0.00**  
 CUST STATES DRIVER'S SEAT BELT TWISTS WHEN RETRACTING.  
 OPERATES AS DESIGNED, NO FAULT FOUND.  
 DRIVERS SEAT BELT OPERATES AS DESIGNED, NO FAULT FOUND.

**JOB# 2 TOTALS**-----  
**JOB# 2 JOURNAL PREFIX, BFCS**      **JOB# 2 TOTAL**      **0.00**

**JOB# 3 CHARGES**-----

LABOR-----  
**J# 3 21BMZCW**      CAR WASH      TECH(S):2000      **INTERNAL**  
 CUSTOMER REQUESTS CAR WASH  
 COMPLETED

**JOB# 3 TOTALS**-----  
**JOB# 3 JOURNAL PREFIX BFCS**      **JOB# 3 TOTAL**      **0.00**

COMMENTS-----  
 WAITER 99

**STATEMENT OF DISCLAIMER**  
 The factory warranty constitutes all of the warranties with respect to the sale of this item/items. The Seller hereby expressly disclaims all warranties, either expressed or implied, including any implied warranty of merchantability or fitness for a particular purpose. Seller neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of this item/items.

**TERMS: STRICTLY CASH**  
 I hereby authorize the repair work hereinafter set forth to be done along with the necessary material and agree that you are not responsible for loss or damage to vehicle or articles left in vehicle in case of fire, theft or any other cause beyond your control or 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 above vehicle to secure the amount of repairs thereto.

**X**

**NOTICE PURSUANT TO §70.001, TEXAS PROPERTY CODE**  
 I AM THE PERSON OR AN AGENT ON BEHALF OF THE PERSON, WHO IS OBLIGATED TO PAY FOR THE REPAIR OF THE MOTOR VEHICLE SUBJECT TO THE REPAIR CONTRACT. I UNDERSTAND THAT THIS VEHICLE IS SUBJECT TO REPOSSESSION IN ACCORDANCE WITH §9.503, TEXAS BUSINESS AND COMMERCE CODE, IF A WRITTEN ORDER FOR PAYMENT FOR REPAIR ON THE VEHICLE IS STOPPED, DISHONORED BECAUSE OF INSUFFICIENT FUNDS, NO FUNDS, OR BECAUSE THE DRAWER OR MAKER OF THE ACCOUNT ON WHICH IT IS DRAWN HAS BEEN CLOSED.

Signature of Person Responsible or Agent for Person Responsible **X**