



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

16-FEB-2011

APR 11 2011

Repository ☐

Reference No.
10382978

Daytime Telephone Number

E-mail Address

Evening Telephone Number

OWNER INFORMATION (Type or Print)

Name

Address

City

EWA BEACH

State HI

Zip Code

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

1N4BA41E54C

Make

NISSAN

Model

MAXIMA

Model Year

2004

Date Purchased

5/1/04

Dealer's Name and Telephone Number

New City Nissan, Honolulu (808) - 524-2111

Engine: 5 speed

No: Cylinders

V6 3.5L

Fuel Type:

Premium

Original Owner

☒

Dealer's City

Honolulu

State

HI

Zip Code

96819

Transmission Type

Auto

☒ Antilock Brakes

☒ Cruise Control

Powertrain

Automatic

Multiple Failure:

Incident Date(s)

01-JUN-2010

FAILED COMPONENT(S)/PART(S) INFORMATION

Vehicle Component Code: 103000 POWER TRAIN: AUTOMATIC TRANSMISSION

Failure Mileage

55000

Failure Speed

20-35MPH

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 2004 NISSAN MAXIMA. THE CONTACT WAS ATTEMPTING TO DECELERATE WHEN THE VEHICLE BEGAN TO JERK AND SWITCH GEARS VIOLENTLY. THE VEHICLE WAS TAKEN TO THE DEALER WHERE THEY PERFORMED A DIAGNOSTIC TEST WHICH CONFIRMED THAT THE TRANSMISSION HAD FAILED AND WOULD NEED TO BE REPLACED. THE CONTACT WAS AWAITING A RESPONSE FROM THE MANUFACTURER IN REGARDS TO THE FAILURE BEFORE PROCEEDING WITH REPAIRS. THE VEHICLE WAS NOT REPAIRED. THE CURRENT MILEAGE WAS 62,000 AND THE FAILURE MILEAGE WAS 55,000.

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.

Dear NHTSA:

Thank you for your follow up on the issue of my vehicle. In this report I will tell you my experience with this vehicle. I have also enclosed a diagnostic of the vehicle, and the vehicle determination that there is a transmission malfunction. I have purchased this 2004 Nissan Maxima, brand new from the dealership back in May 2004. I am the first owner of this vehicle, and I can also tell you that I have done all the recommended vehicle maintenance. My vehicle is treated with the most superb and loving care you can imagine. Everyone tells me that I know how to treat my cars right and that I keep my vehicles in excellent running condition. I never put any abuse on vehicles whatsoever. Not to deviate from the subject, but I had a twenty one year old car that ran great after all this time. It is 1989 Chevrolet Blazer 4x4, and it ran much better than this 2004 Nissan Maxima that I purchased.

My Nissan Maxima showed its first signs of a transmission failure back in June 2010 (mileage 55,000). The vehicle would shift with difficulty while in second and third gears and would make very minor jerks (at first). About three days later I took it to my mechanic at Tony Nissan, and they said your vehicle is due for a flush soon. They told me that the jerks will go away once I perform the automatic transmission flush. Once the flush was completed the jerks were not as bad as before. However once my car reached about 60,000 miles the jerks began to worsen greatly then before. I contacted Tony Nissan and they said sometimes the vehicle will take time to get used to the new fluid.

At about 61,700 miles the vehicle was beginning to give me fear of even going behind the wheel of it. The vehicle will sometimes jerk extremely violently, especially after about 30 minutes of driving, to the point where the engine is really warm. There was one occasion where the vehicle jerked really violently while I was decelerating at about 35 MPH, I thought I was rear ended; but it turned out it was just my transmission. The vehicle has also caused an injury of an occupant in the vehicle at February 20, 2011. My grandma in-law was riding with me when the vehicle jerked really violent and her head jerked with the car. Immediately after that jerk she reported pain on her neck, my neck was pretty sore as well. So I pulled the vehicle over and turned my hazard lights. I did not want to continue driving the vehicle; in case it jerked violently again, thinking I might worsen the condition of her neck. She told me she was in a great deal of pain, so I called the ambulance. The ambulance took her to the nearest hospital fifteen minutes away. After waiting in the hospital, the Doctor confirmed that her neck was severely sprained and she would have to wear a cast on it for almost two months. The doctor also told me that if she had experienced more stress on her neck, she could have broken it, and it may have led to paralysis. I felt extremely terrible about this whole incident.

My next goal was to find out what exactly is wrong with my car. I took the car in again to the same mechanic I did previously. Upon inspection of the vehicle they found that I have a bad transmission, and as a result of the bad transmission they also concluded that my transmission fluid has turned black, as oppose to a red-pink color like it should be. The mechanics at Tony Nissan told me that I should notify Nissan Corporate about this issue, and see if they will provide help on this vehicle for you. They also said that no vehicle that is properly maintained and not abused like mine, should experience a transmission failure this early. I also want to remind that when I experienced these problems I was still in the power train coverage warranty. But after being told that it just needed a transmission flush, myself and the mechanics felt that it was not a transmission issue. I contacted Nissan headquarters, and after many heated arguments and long waits, they told me that they do acknowledge that something is totally wrong the make and model, but they don't have the "financial means of providing support to the consumer." They have also stated that "we are turning down complaints even if they may be right, because we don't have the money." With these remarks being said by Nissan headquarters it tells me that they know very well something is wrong, but they don't want to spend the money to resolve it. I also want to state that this year and make of vehicles, are likely to have a great probability of failure. The 2004 Nissan Maxima SE model was the first Nissan sold to the public to have a five Speed automatic. Nissan was building four speed automatics before this. This is also the first year of the Nissan Maxima being built in Smyrna, Tennessee. Previous Maxima makes were built in Japan. I have also decided to talk anyone I see with a Nissan Maxima of similarity to mine in years and model. To my surprise 9 out of 10

people have also reported jerking similar to mine. I have talked to over 40 random people so far. The mileage for their Nissans was similar to mine, if not lower. These are just random people I will see when I fill up gas or go grocery shopping. Many people also told me that they just don't have the money to repair their car. Many of them have just finished making payments or are still making payments! The reason they don't have money is because the repair would be over \$6,000. Take a look at my invoice as proof. These people also tell me that they have no choice, but to drive the vehicle, in the condition that it is in. For many of these people they cannot afford to have another car. All these people carry the great risk of getting injured like my relative did or losing control of their vehicle and getting into a accident. Some have told me that they have experienced incidents where they have no control of the car and nearly crashed, because the car was stuck in gears. What will it take for there to be a recall on these vehicles? Maybe by the time it is too late and somebody dies from a vehicle incident, maybe then you guys might take action against Nissan.

If you guys are interested in seeing more incidents please take a look at these sites where over a thousand consumers have wrote about their experiences.

<http://www.lemonlawclaims.com/Nissan%20transmission%20defect.htm>

http://www.consumeraffairs.com/automotive/nissan_maxima.html

<http://www.edmunds.com/nissan/maxima/2004/consumer-reviews.html>

I ask NHTSA to please take a stand for us consumers, about the safety here. Please carefully look into this issue. You guys have taken a stand many times and have made a true difference in the safety of our roads. It is not about the money to me, it is about the safety. Why should a six year old vehicle, behave in this manner. And have a failure in one of the most major components of a vehicle right after the warranty. I really appreciate your time, into taking a look at this manner.

Sincerely,



CUSTOMER #: 61342

492590



94-1299 Ka Uka Blvd. · Waipahu, HI 96797
Phone: (808) 680-7160 Fax: (808) 487-8925
WWW.TONYGROUP.COM

INVOICE

PAGE 1

EWA BEACH, HI

HOME: [REDACTED] CONT: N/A

BUS: [REDACTED] CELL: [REDACTED]

SERVICE ADVISOR: 60648 HENRIETTA A NOBRIGA

COLOR	YEAR	MAKE/MODEL	VIN	LICENSE	MILEAGE IN / OUT	TAG	
SILVER	04	NISSAN MAXIMA	1N4BA41E54C		62477/62477	T565	
DEL DATE	PROD DATE	WARR EXP.	PROMISED	PO NO.	RATE	PAYMENT	INV DATE
08MAY04 IS							
08MAY04 DD	03MAR04		WAIT 15FEB11		0.00	CASH	15FEB11
R.O. OPENED		READY	OPTIONS: ENG:3.5 Liter Gas				

08:07 15FEB11 10:29 15FEB11

LINE OPCODE TECH TYPE HOURS LIST NET TOTAL

A CUSTOMER STATES HAD THE TRANSMISSION FLUSH DONE IN JULY 2010 AND HE
IS SAYING THE TRANSMISSION FLUID IS BLACK /IT'S NOT SHIFTING
PROPERLY- CHECK & ADVISE-WHEN COLD IT IS OKAY- DRIVE IT AWHILE
IT ACTS UP

CAUSE: TRANS INTERNAL MALFUNCTION

TRANS ALL AUTOMATIC/MANUAL TRANSMISSION CONCERNS,
EXAMPLE - HARD TO GET OUT OF GEAR, WHEN IN
GEAR CAR REVS, HARD SHIFT, SLUGGISH SHIFT,
ETC....

60584 C 0.00 0.00

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

62477 TRANS INTERNAL MALFUNCTION CHECKED TRANS FLUID-FOUND FLUID
LEVEL FULL, FLUID IS BURNT AND BLACK IN COLOR. NO DTC'S STORED. TEST
DROVE- VERIFIED HARSH DOWN SHIFT WHILE DRIVING. CORRECT TRANS FLUID WAS
PUT IN LAST VISIT PER TRANS FLUSH. REC TO REPLACE TRANS ASSY. PNA PARTS
3209.00 LABOR 2993.50 + TX. NISSAN CONSUMER 1 800 NISSAN1. WILL OFFER
15% OFF PARTS AND LABOR. WARRANTY FOR REMA IS 12/12. CALL ET TA AT
680-7356 . ONWER WILL NEED TO ORDER AND PREPAY FOR TRANSMISSION.

B MULTI-POINT VEHICLE INSPECTION

INSP MULTI-POINT VEHICLE INSPECTION

60584 ISP

GBRAKE BRAKE INSPECTION IN GREEN

60584 ISP

GTIRE TIRE INSPECTION IN GREEN

60584 ISP

PARTS: 0.00 LABOR: 0.00 OTHER: 0.00 TOTAL LINE B: 0.00

62477 PERF MPI

TERMS

Payment upon delivery of parts or completion of service; 30 days net on approved credit.
A Service Charge at the Annual Percentage Rate of 18% per annum (Monthly Rate is
1.5%) will be applied to all past due accounts. Customer shall pay all applicable costs
and/or reasonable atones' fees to the extent permitted by law as to the collection of
payments due under this agreement.

I HAVE READ, UNDERSTAND AND ACCEPT ALL PROVISIONS OF THE
WARRANTY STATEMENT. ALL ITEMS LISTED IN THE ABOVE WERE
RECEIVED IN GOOD CONDITION.

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 express 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.

DESCRIPTION

TOTALS

LABOR AMOUNT

PARTS AMOUNT

GAS, OIL, LUBE

SUBLET AMOUNT

MISC. CHARGES

TOTAL CHARGES

LESS INSURANCE

SALES TAX

PLEASE PAY
THIS AMOUNT

CUSTOMER SIGNATURE