



INFORMATION Redacted PURSUANT TO THE FREEDOM OF INFORMATION ACT (FOIA), 5 U.S.C. 552(B)(6)

U.S. Department of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590

National Highway Traffic Safety Administration

August 14, 2013

The Honorable Scott Garrett
Member, U.S. House of Representatives
266 Harristown Road, Suite 104
Glen Rock, NJ 07452

NVS-216 et
Ref. No. 10384142

Dear Congressman Garrett:

Thank you for your correspondence on behalf of your constituent, [REDACTED], who wrote concerning his wife's model year (MY) 2002 Lexus LS430 vehicle. The National Highway Traffic Safety Administration's (NHTSA) Office of Defects Investigation (ODI) is pleased to respond.

NHTSA is the Federal agency responsible for improving safety on our Nation's highways. We are authorized to order manufacturers to recall and repair motor 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 trend may exist. However, we do not have authority to act on isolated problems or resolve disputes between individual owners, dealers, or manufacturers.

[REDACTED] indicates the gas cylinders that support the hood and trunk lid in his wife's MY 2002 Lexus LS430 failed. On October 30, 2010, the trunk lid came down without warning and struck [REDACTED] on the head resulting in an injury. [REDACTED] reported this incident to NHTSA in November 2010 (ODI No. 10363481, enclosed). [REDACTED] recommends that Lexus replace the gas cylinders with spring supports that are more reliable. In addition, he requests compensation for the agony his wife endured because of her injury.

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We have reviewed our database in an effort to identify whether a safety defect trend exists with regard to gas-filled struts that support the hood and the trunk lid in MY 2002 Lexus LS430 vehicles. At this time, there is insufficient evidence to warrant opening a safety defect investigation or to initiate a recall. We have enclosed a brochure for [REDACTED] information explaining the NHTSA investigation and recall process which is also on our web site at www-odi.nhtsa.dot.gov/recalls/recallprocess.cfm.

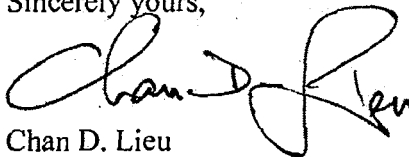
In addition to [REDACTED] report in November 2010, he filed another report concerning this problem in February 2011 (ODI No. 10384142, enclosed). Also, he filed a report with NHTSA regarding a similar problem with his MY 1993 Lexus LS400 in August 2006 (ODI No. 10165699, enclosed). All of [REDACTED] information was entered into our complaint database. Under our regular procedures, NHTSA staff contacts the vehicle owner only if we require additional information, not in every one of the 50,000 complaints we receive in an average year. His information will be considered with future reports to identify any safety defect trends that may require our attention.

[REDACTED] request for compensation for his wife's injury does not fall under our jurisdiction. [REDACTED] may ask his dealership for a meeting with a Lexus district manager regarding his problem. In addition, the Federal Trade Commission (FTC) has jurisdiction over 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.ftccomplaintassistant.gov.

Your constituent may also consider contacting the Better Business Bureau (BBB) Auto Line. The BBB offers free mediation/arbitration to resolve disputes under guidelines established by the FTC. Remedies include repair, reimbursement, repurchase or replacement, depending on program eligibility. [REDACTED] can visit their web site at www.bbb.org to file a complaint and review eligibility information, or call the BBB Auto Line at 1-800-955-5100.

I hope this information is helpful. If you have any questions, please contact me or Ms. Nancy L. Lewis, Associate Administrator for Enforcement, at (202) 366-3217.

Sincerely yours,



Chan D. Lieu
Director, Governmental Affairs,
Policy and Strategic Planning

Enclosures

cc: Washington Office