



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

1200 New Jersey Avenue SE.  
Washington, DC 20590

October 11, 2011

[REDACTED]

NVS-216 nam  
Ref. No. 10409759

Las Vegas, LV [REDACTED]

Dear [REDACTED]

Thank you for your correspondence concerning your daughter's model year (MY) 2001 Mercedes-Benz ML320 vehicle. Your letter was received by the National Highway Traffic Safety Administration's (NHTSA) Office of Defects Investigation (ODI).

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. You indicate that your daughter experienced unintended brake application of the right front wheel in her MY 2001 Mercedes-Benz ML320 vehicle at various speeds. The local Mercedes-Benz dealer has been unable to duplicate the problem.

On February 1, 2007, ODI opened preliminary evaluation No. 07-007 (summary enclosed), for complaints of alleged unintended brake application to one or more wheels that may occur due to an electronic stability program system malfunction in MY 2000 through MY 2001 Mercedes-Benz ML320 vehicles. The investigation was closed on July 7, 2007, due to a low volume rate of complaints. We will continue to monitor reports of this problem and take appropriate action if necessary. The information you provided has been entered into our database. For your information, the investigation and recall process can be found on our web site at [www-odi.nhtsa.dot.gov/recalls/recallprocess.cfm](http://www-odi.nhtsa.dot.gov/recalls/recallprocess.cfm).

[REDACTED]

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](http://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](http://www.nhtsa.dot.gov/cars/problems).

Sincerely yours,



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

Enclosure



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# ODI RESUME

**Investigation:** PE 07-007  
**Date Opened:** 02/01/2007  
**Investigator:** Steve Mchenry  
**Approver:** Frank S. Borris II  
**Subject:** ELECTRONIC STABILITY CONTROL MALFUNCTION  
**Date Closed:** 07/11/2007  
**Reviewer:** Jeffrey L. Quandt

## MANUFACTURER & PRODUCT INFORMATION

**Manufacturer:** MERCEDES-BENZ USA, LLC.  
**Products:** 2000-2001 MERCEDES M CLASS  
**Population:** 95,900 (Estimated)  
**Problem Description:** UNCOMMANDED BRAKE APPLICATION TO ONE OR MORE WHEELS MAY OCCUR DUE TO ELECTRONIC STABILITY PROGRAM (ESP) SYSTEM MALFUNCTION.

## FAILURE REPORT SUMMARY

	ODI	Manufacturer	Total
<b>Complaints:</b>	5	7	10**
<b>Crashes/Fires:</b>	0	0	0
<b>Injury Incidents:</b>	0	0	0
<b>Fatality Incidents:</b>	0	0	0
<b>Other*:</b>	0	462	462

\*Description of Other: WARRANTY CLAIMS FOR ESP YAW RATE SENSOR REPLACEMENT

\*\* Count indicates duplicate reports received by ODI and manufacturer.

## ACTION / SUMMARY INFORMATION

**Action:** THIS PRELIMINARY EVALUATION HAS BEEN CLOSED.

### Summary:

ODI OPENED PE07-007 AFTER RECEIVING 4 COMPLAINTS WITHIN A 6 WEEK PERIOD ALLEGING INCIDENTS OF UNCOMMANDED BRAKE APPLICATION IN MODEL YEAR (MY) 2000 THROUGH 2001 MERCEDES M CLASS SPORT UTILITY VEHICLES. INFORMATION CONTAINED IN THE REPORTS OR GATHERED IN SUBSEQUENT CONSUMER INTERVIEWS INDICATED THAT THE INCIDENTS WERE CAUSED BY FAULTS IN THE ELECTRONIC STABILITY PROGRAM (ESP) SYSTEM WHICH WERE REPAIRED BY REPLACING THE YAW RATE SENSORS. ALTHOUGH THE SAME YAW RATE SENSOR IS USED IN APPROXIMATELY 800,000 OTHER MERCEDES M-CLASS, C-CLASS AND SLK MODELS, TO DATE THERE HAS BEEN ONLY ONE RELATED COMPLAINT TO ODI IN THOSE VEHICLES.

DURING THIS INVESTIGATION MERCEDES BENZ PROVIDED ODI WITH 327 COMPLAINTS RELATED TO THE ESP SYSTEM IN THE MY 2000 THROUGH 2001 M CLASS VEHICLES. SEVEN OF THE COMPLAINTS SUBMITTED BY MERCEDES ALLEGED INCIDENTS OF UNCOMMANDED BRAKE ACTIVATION WHILE DRIVING, WITH TWO OF THESE INVOLVING VEHICLES IDENTIFIED IN THE ODI COMPLAINTS. NONE OF THE INCIDENTS RESULTED IN CRASH OR INJURY. HOWEVER, THE OWNERS DID EXPRESS SAFETY CONCERNS DUE TO THE SUDDEN, UNEXPECTED CHANGE IN VEHICLE SPEED AND DIRECTION.

ON MAY 10, 2007 MERCEDES BENZ MET WITH NHTSA TO PROVIDE A TECHNICAL PRESENTATION AND CONDUCT A DRIVING DEMONSTRATION OF THE ESP SYSTEM PERFORMANCE WITH SIMULATED ELECTRICAL FAULTS IN THE YAW RATE SENSOR. MERCEDES SHOWED THAT THE ESP SYSTEM IS PROGRAMMED TO DIAGNOSE ELECTRICAL FAULTS AND THAT BRAKE APPLICATIONS RESULTING FROM YAW RATE SENSOR ELECTRICAL FAULTS ARE VERY SHORT IN DURATION (0.3 SECONDS OR LESS) AND DO NOT AFFECT VEHICLE CONTROL OR STABILITY.

NINE OF THE CONSUMER COMPLAINTS TO ODI AND MERCEDES ALLEGED BRAKE ACTIVATIONS LONGER THAN 0.3 SECONDS, WITH SEVERAL ALLEGING THAT THE INCIDENT LASTED UNTIL THE VEHICLE CAME TO A STOP. A COMPLAINT VEHICLE THAT ALLEGED MULTIPLE INCIDENTS WAS EVALUATED BY ODI AT THE VEHICLE RESEARCH AND TEST CENTER (VRTC) IN EAST LIBERTY, OHIO. VRTC WAS UNABLE TO DUPLICATE THE CONDITION.

DUE TO THE LOW COMPLAINT RATE AND ONLY ONE NEW COMPLAINT TO ODI OR MERCEDES SINCE JANUARY 2007, THIS INVESTIGATION HAS BEEN CLOSED. ODI WILL CONTINUE TO MONITOR COMPLAINTS IN THE SUBJECT VEHICLES AND OTHER MERCEDES PRODUCTS USING THE SAME YAW RATE SENSOR AND MERCEDES WILL PROVIDE UPDATES ON FIELD EXPERIENCE (COMPLAINTS, FIELD REPORTS AND WARRANTY CLAIMS) THROUGH THE END OF 2007.