



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

1200 New Jersey Avenue SE.
Washington, DC 20590

January 30, 2012



NVS-216 et
Ref. No. 10438289

Dear [Redacted]

Thank you for your correspondence concerning your model year (MY) 2000 Volvo S70 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.

You indicate that while driving your MY 2000 Volvo S70, the ETS light illuminated, accelerated on its own, and then went into limp mode. This is the safety defect identified in NHTSA Safety Recall Campaign No. 06V-441 that is caused by a problem with the electronic throttle system software and electronic throttle module. You went to a dealership and asked them to replace the throttle module, which was previously worked on in 2003 under warranty. In addition, you state your vehicle had the recall for the software upgrade completed 2007. You paid for the repair because the dealer told you the vehicle is out of warranty. However, you are seeking reimbursement from Volvo because you feel the problem is related to the throttle body module and software recall.

Federal regulations require a manufacturer conducting a safety recall of motor vehicles or motor vehicle equipment to reimburse owners who have paid to obtain a remedy for the problem within a reasonable time, which in many instances is one year, prior to the manufacturer's notification. Certain restrictions apply, including the need to submit certain documents to the manufacturer. Owners should follow the instructions in the recall notification letter to file a claim. Owners who feel that their claim was wrongfully denied should pursue the matter with the manufacturer.

Although the problem you described is similar to the recall, the remedy is based on specific fault codes displayed by your vehicle. The fault codes determine whether the repairs are eligible for the recall remedy and what components are to be replaced, repaired or updated by the dealer. We recommend you contact Volvo Customer Care Center for further assistance at 1-800-458-1552.

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,

A handwritten signature in black ink that reads "Randy Reid". The signature is written in a cursive style with a large initial "R".

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