


INFORMATION Redacted PURSUANT TO THE FREEDOM OF

 <p>U.S. Department of Transportation National Highway Traffic Safety Administration</p>		<p>INFORMATION ACT (FOIA), 5 U.S.C. 552(B)(6) DOT Auto Safety Hotline</p> <p><b>Vehicle Owner's Questionnaire</b> To Report Vehicle Safety Defects 1-888-DASH-2-DOT (1-888-327-4236) INTERNET: www.nhtsa.dot.gov/hotline</p>		<p>FOR AGENCY USE ONLY 100148</p> <p>Date Received <b>JAN 19 2012</b> 08-DEC-2011</p>		<p>Repository <input type="checkbox"/></p> <p>Reference No. 10439053</p>	
<p>PERSONAL INFORMATION (Type or Print)</p> <p>Name: [REDACTED]</p> <p>Address: [REDACTED]</p> <p>City: FORTINE State: MT Zip Code: [REDACTED]</p>				<p>Daytime Telephone Number: [REDACTED] E-mail Address: [REDACTED]</p> <p>Evening Telephone Number: [REDACTED] (Daughter)</p>			
<p>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).</p>							
<p><b>VEHICLE INFORMATION</b></p>							
<p>17 digit Vehicle Identification Number Located at bottom of windshield on driver's side 4JGAB74E81A [REDACTED]</p>				<p>Make MERCEDES BENZ</p>		<p>Model ML55</p>	<p>Model Year 2001</p>
<p>Date Purchased OCT 2009</p>		<p>Dealer's Name and Telephone Number MOUNTAIN AUTO &amp; MARINE (406) 257-2628</p>		<p>Engine: No: Cylinders 8</p>		<p>Fuel Type: High OCTANE GAS</p>	
<p>Original Owner <input type="checkbox"/></p>		<p>Dealer's City KALISPELL</p>		<p>State MT</p>	<p>Zip Code 59901</p>		
<p>Transmission Type <input checked="" type="checkbox"/> Antilock Brakes <input checked="" type="checkbox"/> Cruise Control</p>		<p>Powertrain</p>		<p>Multiple Failure(s) ESP AND BAS Lites ON DASH ON</p>		<p>Incident Date(s) 03-JUL-2011</p>	
<p><b>FAILED COMPONENT(S)/PART(S) INFORMATION</b></p>							
<p>Vehicle Component Codes: 180000 VEHICLE SPEED CONTROL, 030000 SERVICE BRAKES, HYDRAULIC</p>						<p>Failure Mileage 79836</p> <p>Failure Speed from Stop Very High</p>	
<p><b>ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A TIRE FAILURE</b></p>							
<p>Tire Make</p>		<p>Tire Model (Name or Number)</p>			<p>Tire Size (Example P215/65R15)</p>		
<p>DOT No. (Example: DOTM9ABC036)</p>		<p><input type="checkbox"/> Original Equipment <input type="checkbox"/> Prior Repair</p>		<p>Failure Location:</p>			
<p>Tire Component Code</p>				<p>Tire Failure Type:</p>			
<p><b>ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A CHILD SEAT FAILURE</b></p>							
<p>Make:</p>		<p>Date Manufactured:</p>		<p>Model No./Name:</p>			
<p>Seat Type:</p>		<p>Installation System:</p>					
<p>Child Seat Component Code:</p>		<p>Failed Part:</p>					
<p><b>APPLICABLE INCIDENT INFORMATION</b> (Please describe in detail the incident(s), Failure(s), Crash(es), and injury(ies).)</p>							
<p>Crash <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>		<p>Fire <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>		<p>Number of Persons Injured 1</p>		<p>Number of Deaths 0</p>	<p>Reported to Police N</p>
<p><b>Narrative Description of Incident(S), Crash(es), and Injury(ies).</b> 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).</p> <p>TL* THE CONTACT OWNS A 2001 MERCEDES ML55. THE CONTACT STATED THAT THE VEHICLE WAS EXHIBITING BRAKING ISSUES AND WAS TAKEN TO THE DEALER. THE DEALER FOUND THAT THE LATERAL ACCELERATION SENSOR NEEDED TO BE REPLACED. THE VEHICLE WAS REPAIRED BUT THE FAILURE RECURRED WITHIN THREE WEEKS OF THE REPAIR. THE CONTACT WAS DRIVING THROUGH A CAR WASH WHEN THE VEHICLE ABNORMALLY ACCELERATED AND CRASHED INTO A WALL. THE CONTACT WAS REPORTED AS INJURED. A POLICE REPORT WAS NOT FILED OF THE INCIDENT. THE VEHICLE WAS NOT REPAIRED. THE CURRENT AND THE FAILURE MILEAGE WAS 79,836. This vehicle has been repaired costing my bro \$3,574.55 and my \$500.00 deductible. I pd. \$1,271.03 to Mercedes garage for a (throttle sensor) and yaw sensor in Spokane, Wa. 1st time in Spokane. But 6 times taken this vehicle to DeMarois Mercedes dealer, 3 times for the ESP and BAS lites always coming on. I believe a bad part was put on.</p>							
<p>Include, if available: Police/Fire Department Report, Photos, and Repair Invoice.</p>				<p>ATTACH ADDITIONAL SHEETS IF NECESSARY</p>			
<p>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 to 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.</p>							

Cont on back

**Narrative Description of Incident(s), Failure(s), Crash(es), and Injury(ies)**

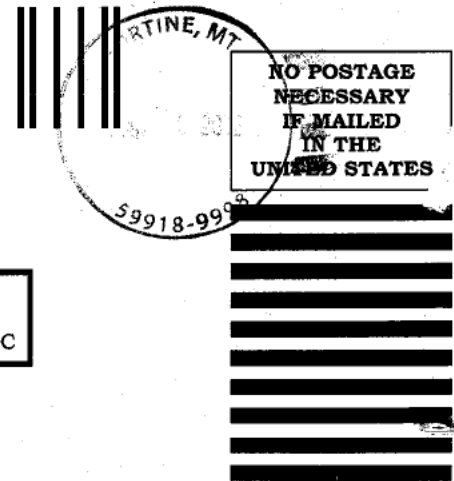
*in Missoula (the foot was fixed for) on 6-10-11. Three weeks later the Mercedes ran away with me. I was stopped at a car wash to go in, the vehicle sped up twice. My foot pushing on the brake as hard as I could. It sped thru the car wash over huge bolder rocks (Big) crossed a busy Hwy 93 and stopped on a dirt road headed back to the car wash. Probably a total of 2 blocks & maybe 100 MPH. After hitting the huge bolders the vehicle was airborne and landed hard on the tires. I was hurt from the awful jolt. And was in the hosp 2 days with a \$4,000.00 bill. The car wash*  
ATTACH ADDITIONAL SHEETS IF NECESSARY *(Cont on paper)*

US Department of Transportation

**National Highway Traffic Safety Administration**

1200 New Jersey Avenue SE, Washington, D.C. 20077-9382

Official Business  
Penalty for Private Use \$300



**BUSINESS REPLY MAIL**  
FIRST-CLASS MAIL PERMIT NO. 1888 WASHINGTON, DC

POSTAGE WILL BE PAID BY ADDRESSEE

**US Department of Transportation  
National Highway Traffic Safety Administration  
Office of Defects Investigation, NVS-210  
1200 New Jersey Avenue SE.  
Washington, D.C. 20077-9382**



**Think your vehicle has a safety defect?**



**If so:  
Use the enclosed form to file a report.**

**or visit:  
www.safercar.gov**

**or call:  
Vehicle Safety Hotline  
888-327-4236**



Vehicle Owner's Questionnaire (VOQ)  
U.S. Department of Transportation  
National Highway Traffic Safety Administration

Cont  
owner saw it happen and came to my  
rescue. The ESP lite was on. So he drove the  
mercedes in his yard. I was lucky as a lot  
of people including me could have been killed!  
And nobody would have ever checked on what  
really happened! The vehicle when stopped was  
headed back to the car wash maybe 100 yds.,  
not far to his yard. The vehicle sat in his  
yard and a wk later my Ins (Hartford)  
adjuster came. This time (the 1st to Spokane) as  
I thought Missoula had had the vehicle a  
lot of times already. There are only 2 mercedes  
Benz garages I can take the vehicle too, which  
only has ever been in a mercedes garage since  
I've owned this vehicle 2 yrs. Bought in Kalispell  
Car dealer in Oct 2009. I'm the 3rd owner of this  
vehicle ( [REDACTED] ) I have contacted and told  
Mercedes Benz USA LLC, customer assistance center  
in Montvale NJ what has happened to me and  
this ML 55. I've rec'd a lot of excuses. Like  
my vehicle is 11 yrs. old & off of warranty. Yes it  
is. Also they say it could have been taken  
to an outside garage (not a Benz dealer), over?

Cont from front pg.

not since Lisa owned it. So they say they will do nothing! and not liable for anything - Even my hosp & Dr bills. Ha. A Kalispell atty wanted \$50,000 to take my case on this - No Way - Can I pay that to get justice.

Well, thanks for hearing my story.

[REDACTED]  
Fortine, mt [REDACTED]

P.S. I do not want anyone killed in any of these Mercedes listed on the paper I'm sending on the ESP and BAS problems. Maybe some have, and the accident never investigated.

I believe a faulty part caused my problem. the part that was fixed for in Missoula on 6-9-11 & put on 6-10-11.

It is a 500 mi round trip for me from my home to a Mercedes dealer. The man said the part was important & unsafe to drive, so I had to get a motel room for 6-9-11. & the part installed the next day.

My 2001 ML 320 is having the ESP/BAS light problem, accompanied by four episodes of the car locking up one of the wheels as though the ESP thinks we're going into a spin (even though we may be driving at 30 mph on a straightaway). I took the car into the dealer, and initially got a computer code indicating a problem with the ABS pump -- which I didn't believe, because that shouldn't make only one wheel lock up. After a week or so, when the problem recurred, I returned to the dealer; and this time the code indicated a bad yaw rate sensor -- which makes more sense to me: if the yaw rate sensor is feeding bad data to the computer, the car thinks it is going into a spin, and engages ESP.

<http://www.benzworld.org/forums/w163-m-class/1336514-yaw-rate-sensor-esp-bas-light.html>

My MB dealership told me "When the light goes on, it indicates the computer has detected a fault in the system. It doesn't necessarily mean the computer has shut down the ESP, or that BAS or ESP will not engage when needed." In other words, a faulty wheel speed sensor, ABS pump, relay, lateral acceleration sensor, yaw sensor, or brake switch (or any number of things) will make the light go on -- but ESP is not turned off unless you manually turn it off.

<http://www.benzworld.org/forums/w163-m-class/1336514-yaw-rate-sensor-esp-bas-light.html>

The Yaw Rate Sensor is located near the shifter assembly and the center console must be removed. But you must be careful here, up to VIN #371934, there are two different sensors, a Yaw Rate Sensor and a Lateral Acceleration Sensor. As of VIN #371935 there is only one where they comprised both into one Yaw Rate/Lateral Accel. Sensor.

<http://www.benzworld.org/forums/w163-m-class/1336514-yaw-rate-sensor-esp-bas-light.html>

Electronic Stability Program (ESP) Compares Intended Course (Via Steering and Braking Inputs) To Vehicle Response (Via Lateral Acceleration, Yaw, and Individual Wheel Speeds) and Then Brakes Individual Front or Rear Wheels and/or Reduces Excess Engine Power As Needed To Help Correct Understeer or Oversteer

Brake Assist Senses Emergency Braking Via The Speed At Which Driver Presses The Brake Pedal and Applies Maximum Available Power Boost To Reduce Overall Stopping Distance

<http://autos.yahoo.com/mercedes-benz/m-class/2001/ml55-amg/features.html>

Report Date : August 17, 2011 at 04:01 PM

NHTSA Action Number : PE07007

NHTSA Action Number : PE07007

NHTSA Recall Campaign Number : N/A

Vehicle Make / Model: Model Year(s):

MERCEDES BENZ / M CLASS 2000-2001

MERCEDES BENZ / ML320 2000-2001

MERCEDES BENZ / ML430 2000-2001

MERCEDES BENZ / ML55 2001

Manufacturer : MERCEDES-BENZ USA, LLC.

Component(s) :

SUSPENSION:AUTOMATIC STABILITY CONTROL (ASC)

Date Investigation Opened : February 1, 2007

Date Investigation Closed : July 11, 2007

**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.

<http://www->

[odi.nhtsa.dot.gov/cars/problems/defect/results.cfm?action\\_number=PE07007&SearchType=QuickSearch&summary=true](http://www-odi.nhtsa.dot.gov/cars/problems/defect/results.cfm?action_number=PE07007&SearchType=QuickSearch&summary=true)

The ML has both, a yaw rate sensor, which senses a turning motion around the vertical axis, and a lateral acceleration sensor. As MB DOC says, the yaw rate sensor doesn't fail often. I wonder how the dealer diagnosed it? Which diagnostic error codes were set? Usually when the ESP/BAS malfunction indicator light comes on, it's a failed brake pedal switch, which is around \$15.

<http://www.peachparts.com/shopforum/showthread.php?t=166389>

Remedy: DEALERS WILL REPAIR THE VEHICLES FREE OF CHARGE. THE SAFETY RECALL IS EXPECTED TO BEGIN DURING SEPTEMBER 2011. OWNERS MAY CONTACT MERCEDES-BENZ AT 1-800-367-6372.



Mercedes-Benz

Description of Vehicle

MODEL: ML55 AMG
TYPE: 4WD Sport-Utility Vehicle
ENGINE: 5.5 Liter V8 24-Valve SOHC
COLOR: Azure Blue, Metallic
UPHOLSTERY: Black Leather

Standard Features



Engine AMG Modified: 342 bhp @ 5,500 rpm
376 lbft @2800-4500 rpm
100k mi. Spark Plugs
Twin-Plug Ignition
Variable Int. Manifold
5-Spd AMG Auto. Trans: Drive-Adaptive Touch Shift
Dual Exhaust System
4-Wheel Traction Control
Downhill Traction System
ESP w/Brake Assist
Dual Range Transfer Case
Rack & Pinion Steering
Power Steering
Indpdnt. AMG Suspension: F & R double A-Arms
F Torsion-Bar Springs
R Coil Springs
Gas Pressure Dampers
F & R Swaybars
18" 5 Spoke AMG Wheels
285/50R 18 Tires



Air Conditioning
Glass Sunroof/Pollen Flt.
Rain Sensing, Front Wprs.
Power Windows
AMG Lthr & Wood Trim
Front Power Seats w/Mem.
Heated Front Seats
Push-Button Low Range
Cruise Control
Remote Central Locking
Int. Illumination Switch
F & R Reading Lamps
HmeInk/F&R 12v pwr out.
4 Folding Cupholders
MCS w/AM/FM/WB Cass.
Trip Computer w/Compass
GPS Navigation System
Bose Sound System
CD & Phone Pre-Wiring
220 lb Rated Roof Rack
Privacy Glass
Pwr Rr Qtr Vent Windows
Auto Dimming Mirrors
Pwr Folding Side Mirrors
Flexible Service System

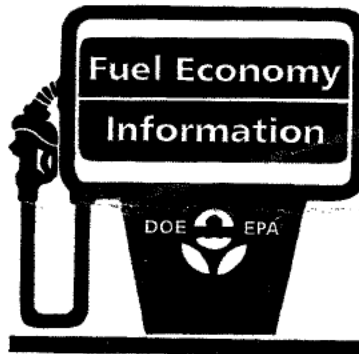


Mercedes-Benz SRS:
Front Dual-Stage Airbags
Frt & Rear Side Airbags
4 Ht. Adj. Seatbelts
4 Emerg.Tensioners
TeleAid Emg. Call System
BabySmart System
Rear Childseat Anchors
Fully Boxed Steel Frame
F & R Crumple Zones
Reinforced Body Cage
4-Wheel Disc Brakes
4-Channel ABS
Off-Road Mode for ABS
Xenon Headlamps w/wshrs
Front & Rear Foglamps
Anti-Theft System
Glass Breakage Detector
Anti-Tow Sensor
Panic Button Remote
Clone Proof Remote Code
Heated Rearview Mirrors
Rear Window Defroster
Rear Wiper/Washer
Lockable Safebox

Compare this vehicle to others in the FREE FUEL ECONOMY GUIDE available at the dealer.

CITY MPG

14



HIGHWAY MPG

17

Actual Mileage will vary with options, driving conditions, driving habits and vehicle's condition. Results reported to EPA indicate that the majority of vehicle with these estimates will achieve between

11 and 17 mpg in the city and between
14 and 20 mpg on the highway

2001 ML55 AMG
5.5 Liter V8 Fuel Inj
5-Speed Electronic Automatic Transmission

Estimated Annual Fuel Cost \$1,551

For Comparison Shopping, all vehicles classified as Spec.Purp. Veh.

have been issued mileage ratings ranging from

12 to 25 mpg city and
15 to 31 mpg highway

Manufacturers Suggested Retail Price

\$65,900

Option Packages

Optional Equipment

Option Subtotal
Destination & Delivery

Total

4 Year/50,000 mile warranty, maintenance and Roadside Assistance Program

Ordered from then taken to Calif. then arrived in Mt. I bought from Josh Tublos a dealer at Mountain Auto & Marine in Kalispell

\$.00
645.00

\$66,545.00

SOLD TO: BARRIER MOTORS, INC.
MERCEDES-BENZ OF BELLEVUE
BELLEVUE WA, 98005

SHIP TO: SAME

TREAD LIGHTLY! ON PUBLIC AND PRIVATE LAND



4JGAB74E81

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