



U.S. Department
of Transportation

**National Highway
Traffic Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

May 1, 2012

[REDACTED]

Kapaa, HI [REDACTED]

Dear [REDACTED]

NVS-216 nlm
Ref. No. 10454120

Thank you for your correspondence concerning your model year (MY) 2009 Mini Cooper JKW Clubman vehicle. The National Highway Traffic Safety Administration's (NHTSA) Office of Defects Investigation received your correspondence.

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 trend may exist. We do not have authority to act on isolated problems or resolve disputes between individual owners, dealers, or manufacturers.

You received NHTSA Safety Recall Campaign No. 12V-008 stating that BMW is recalling certain MY 2007 through MY 2011 Mini Cooper vehicles produced from November 14, 2006, through, January 18, 2011. The recall states that the electric auxiliary water pump that cools the turbocharger has an electric circuit board that can malfunction and overheat. You contacted BMW about having the recall remedy performed on the island of Kauai. However, BMW told you they no longer have a representative on the island and instructed you had to ship the vehicle to Oahu at your expense. You are requesting that BMW ship the vehicle to the dealership in Oahu at their expense and complete the recall.

Chapter 301 of Title 49 of the United States Code (U.S.C.) requires a manufacturer of motor vehicles or motor vehicle equipment that contain a defect relating to motor vehicle safety or fail to comply with a Federal motor vehicle safety standard to remedy the defect or noncompliance without charge. However, our statute does not require manufacturers to reimburse owners for additional costs associated with implementing a safety recall (e.g., lost wages while the vehicle is being repaired, car rentals, repairs not performed by an authorized dealership, damage caused by

the defect, etc.). Nor does the statute authorize the Federal government to reimburse vehicle owners for any costs associated with safety recalls or assist vehicle owners in obtaining reimbursements for costs associated with an alleged defect. We suggest that you continue to work with BMW to resolve this issue.

Should you encounter a safety-related problem with a motor vehicle or motor vehicle equipment in the future, you can complete an electronic Vehicle Owner's Questionnaire online at www.nhtsa.gov. Also, a summary listing of vehicle owners' complaints, safety recalls, manufacturers' service bulletins, etc. can be obtained from our web site. .

Sincerely,

A handwritten signature in black ink that reads "Randy Reid". The signature is fluid and cursive, with the first name "Randy" and last name "Reid" clearly distinguishable.

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