

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

**Subject:** FW: Violation of recall campaign 08V-161 - Hyundai Sonata airbag  
**Date:** Thursday, August 16, 2012 11:48:44 AM  
**Attachments:** [Sonata recall violation001.pdf](#)  
**Importance:** High

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**From:** [REDACTED]  
**Sent:** Thursday, August 16, 2012 2:06 AM  
**To:** [consumeraffairs@hmausa.com](mailto:consumeraffairs@hmausa.com)

**Subject:** Violation of recall campaign 08V-161 - Hyundai Sonata airbag  
**Importance:** High

Good day,

Please see attached PDF file regarding Hyundai Motor America's refusal to service my 2006 Hyundai under recall campaign 08V-161.

A copy of this correspondence will be mailed to Administrator at NHTSA.

Thank you for your assistance,

[REDACTED]

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**Sent:** Thursday, August 16, 2012 11:44 AM

**Subject:** FW: Violation of recall campaign 08V-161 - Hyundai Sonata airbag  
**Importance:** High

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**From:** RMD.ODI (NHTSA)  
**Sent:** Thursday, August 16, 2012 10:59 AM

**Subject:** FW: Violation of recall campaign 08V-161 - Hyundai Sonata airbag  
**Importance:** High

Attach is a consumer complaint. They say that they are mailing the complaint in as well, but

NAM  
082112  
TGW

I thought I should send this correspondence on to you anyway.

Thanks.

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[REDACTED]

**Sent:** Thursday, August 16, 2012 2:06 AM

**To:** [consumeraffairs@hmausa.com](mailto:consumeraffairs@hmausa.com)

**Subject:** Violation of recall campaign 08V-161 - Hyundai Sonata airbag

**Importance:** High

Good day,

Please see attached PDF file regarding Hyundai Motor America's refusal to service my 2006 Hyundai under recall campaign 08V-161.

A copy of this correspondence will be mailed to Administrator at NHTSA.

Thank you for your assistance,

[REDACTED]

[REDACTED]  
Peoria, AZ [REDACTED]

August 15<sup>th</sup>, 2012

Administrator  
National Highway Traffic Safety Administration  
1200 New Jersey Avenue, SE  
Washington, DC 20590

Dear Sir or Madam,

My wife and I own a 2006 Hyundai Sonata. We purchased the car, used, in 2007. My wife has had service performed at Larry Miller Hyundai here in Peoria since taking ownership of the vehicle. The original delivery date of the car to a Hyundai

Shortly after taking possession of the car, the "passenger air bag off" light would illuminate even when I, a good 160 pounds, was sitting in the passenger seat. My wife took the car in for service in July of 2007 (invoice attached). The service manager at the time advised that he could not repeat the error after inspection. He also offered to possibly remedy the situation by sending the seat back, but said that the car would be kept for as many as four days while the service was performed. My wife was advised the airbag would not be a problem unless the light was on and the car was in an accident concurrently. The vehicle was under warranty at the time.

The "passenger air bag off" light activated intermittently over the course of our ownership of the car, but not frequently enough to warrant the loss of the vehicle for days.

Immediately after taking the vehicle in for a scheduled maintenance service on June 8th, 2012, the airbag light on the dash and the "passenger airbag off" light started illuminating constantly. We took the car back to Larry Miller Hyundai and advised Dirk Dunham, our service representative, of the problem. He offered to find the cause of the lights illuminating for a "service charge" of their standard rate. After I explained that this problem was not occurring before the vehicle being serviced, he offered to look at the vehicle for free.

When we picked the vehicle up from Dirk, he advised that there was nothing visibly wrong with the system and that he had a mechanic "clear the error code" from the car's computer. The next day, the problem repeated itself. I again called and complained, and he took the car back again. During a phone call the next day, he advised that the seat

would have to be either repaired or replaced, but at a charge to us of approximately \$1100.

My wife and I were extremely frustrated, for we were advised that this service could be completed at any time and now Larry Miller Hyundai was refusing to fix the problem. We then researched all safety recalls for 2006 Hyundai Sonatas and found recall number 08V-161 – a recall for exactly the same problem we were experiencing. I placed a phone call to Dirk and told him that our issue was covered under this recall and that the repair should be completed at no cost to us, the vehicle owner. He then told us that the recall does apply to 2006 Sonatas, but that our VIN number was not included under this campaign.

My next phone call was to Hyundai Customer Service, as the directions on the safety recall advised. The first representative, an Andrew, pulled up the recall and stated “Yes. Most model year 2006-2008 Sonatas are affected.” I advised him that Larry Miller Hyundai refused to perform the service for free, he recommended that I contact another local dealership to see if they would complete the repair without charge. He also opened a case number for my complaint, which was #4101790.

I placed a call to Chapman Hyundai in Phoenix. Their service department also advised that the repair would be charged at the \$1100 rate because this was not a covered vehicle under the campaign.

My next phone call was to Hyundai Customer Service for the second time. This time, I spoke to a representative named Erica. She was nice enough to place a phone call to Larry Miller Hyundai’s service department. They told her that they would do a “50%, 50% split” on the repair charge. When I questioned her about the legality of charging for the resolution of a safety recall, she advised that she had never heard of a dealer splitting repair costs.

Afterwards, I called the service department at Larry Miller Hyundai and asked to speak to the manager. During a long, heated conversation with the new service manager, Alexander, I stated that 393,714 vehicles were included under the recall and that it was difficult to believe that our car was left out. Again, he advised me that the recall was “VIN specific” and that our vehicle was not covered.

I proceeded to contact the Hyundai Customer Service again and ask for a list of the VIN numbers that were included. They said that they did not have a list and could not provide me with that information.

My next phone call was to the NHTSA toll free number. The representative advised that the recall was VIN specific. When I asked if the NHTSA was in possession of the VIN numbers, I was told that he had no such information available and that I should contact Hyundai Customer Service.

Administrator  
August 15, 2012  
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In the initial safety recall letter to Mr. Daniel Smith from Hyundai Motor America, found at <http://www-odi.nhtsa.dot.gov/acms/cs/jaxrs/download/doc/ACM9359424/RCDNN-08V161-3128.pdf> - Section 573.6(c)(4) states "All of the model year 2006 through 2008 Hyundai Sonatas may potentially be affected."

It is my belief that Hyundai does not want to complete this repair that should be covered, for free, and with a rental car free of charge, as stated under the recall. I also believe our efforts are being delayed so we will either pay the money for the repair or not have the service performed at all.

The recall letter states "If you are still not satisfied that we have remedied this situation without charge, and within a reasonable amount of time" that we can contact the Administrator. This situation warrants a complaint for both issues.

Your prompt attention and attempt at resolution will be greatly appreciated.



Enclosures (1)

Cc: Hyundai Motor America  
Cc: Pat Wallace, US Department of Transportation  
Cc: Delia Lopez, US Department of Transportation  
Cc: General Manager, Larry Miller Hyundai

503324

3046864

LARRY MILLER HYUNDAI

12 V. 8633 W. BELL RD.  
PEORIA, AZ 85382  
(623) 815-4550



\*INVOICE\*

PEORIA, AZ  
HOME: [REDACTED] BUS:

PAGE 1

SERVICE ADVISOR: 421 STAN DAVIS

COLOR	YEAR	MAKE/MODEL	VIN	CY/CENSE	MILEAGE IN/OUT	TAG	
	06	HYUNDAI SONATA	5NPEU46F96H		26908/26908	T9296	
DEL DATE	PROD DATE	WARR EXP	PROMISED	PO NO	RATE	PAYMENT	INV DATE
26DEC05	IS		WAIT 19JUL07		89.00	CASH	19JUL07
R/O OPENED		READY		OPTIONS: DLR:AZ019 ENG:3.3 Liter			
13:44	19JUL07	14:33	19JUL07				

LINE	OP CODE	TECH	TYPE	HOURS	LIST	NET	TOTAL
A			Lube Oil & Filter Change				
			1 Lube Oil & Filter Change			6.25	6.25
			1 5*5* 5-20 ENG OIL		10.75	10.75	10.75
			1 26320*3C100 SERVICE KI		8.95	8.95	8.95
			1 121513*23000 GASKET OIL		0.75	0.75	0.75

26908 COMPLETED OIL CHANGE CHECKED AND TOPPED OF FLUIDS. SET TIRE PRESSURE. REPLACED OIL DRAIN PLUG GASKET

B CK OPERATION OF PASSENGER AIR BAG LIGHT/C/S WITH ADULT SITTING IN SEAT AIR BAG OFF LIGHT STILL COMES ON  
400 TESTED SYSTEM  
459 MCMAHAN, BRANDON LIC#: 6607

(N/C)

26908 INSPECT AND ADVISE AIRBAG SYSTEM SCAN TESTED SRS SYSTEM FOR ANY PRESENT TROUBLE CODES. NO CODES PRESENT AT THIS TIME. HAD MANAGER TEST DRIVE VEHICLE WITH CUSTOMER TO VERIFY ANY CONCERNS. NO PROBLEMS FOUND AT THIS TIME.

C C/S BRAKE LIGHT WAS ON-NOT ON NOW  
600 INSPECTED & TESTED BRAKE SYSTEM  
459 MCMAHAN, BRANDON LIC#: 6607

(N/C)

26908 INSPECT AND ADVISE BRAKE LIGHT INSPECTED AND SCAN TESTED ABS/TSC SYSTEM. NO TROUBLE CODES FOUND AT THIS TIME. TOPPED OFF BRAKE FLUID. INSPECTED BRAKES AND BRAKE FLUID/ LINES. NO PROBLEMS FOUND AT THIS TIME.

EST: 032#08 19JUL07 13:44 SA: 421

CUSTOMER PAY SHOP CHARGE FOR REPAIR ORDER

3.50

Disclaimer of Warranties: Any warranties on the products sold hereby are those of the manufacturer. LARRY MILLER HYUNDAI HEREBY EXPRESSLY DISCLAIMS ALL WARRANTIES, EITHER EXPRESSED OR IMPLIED, INCLUDING ANY IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE and Larry Miller Hyundai, neither assumes nor authorizes any other person to assume for it any liability in connection with this sale. For a detail of your warranty see your service advisor/consultant or ASMT.  
SUPPLIES: A token charge not to exceed 8% of the labor charge is included for supplies used on your vehicle. Applicable supply items are aerosols, solvents, rags, wipes, protective gloves, nuts, bolts, washers, tape, pins, towels, solder, wire, sealers, battery cleaners, lubricant spray and etc.  
A HAZARDOUS WASTE DISPOSAL charge will be made for hazardous material removed from your vehicle. Hazardous waste include: Oils, gasoline, antifreeze, freon, tires, batteries, etc.

DESCRIPTION	TOTALS
LABOR AMOUNT	
PARTS AMOUNT	
GAS OIL/ WASH	
SUBLET AMOUNT	
MISC. CHARGES/ADJ.	
TOTAL CHARGES	
LESS INSURANCE	
SALES TAX	
PLEASE PAY FOR THIS AMOUNT	

CUSTOMER SIGNATURE

CUSTOMER COPY