U.S. Department of Transportation

National Highway Traffic Safety Administration

DOT Auto Safety Hotline

Vehicle Owner's Questionnaire

To Report Vehicle Safety Defects
1-888-DASH-2-DOT
(1-888-327-4236)
INTERNET:www.nhtsa.dot.gov/hotline

FOR AGENCY USE ONLY 100148

Date Received	Repository
MAR - 8 2013	☐
04-FEB-2013	Reference No. 10496305

OWNER INFORMATION (Type or Print)

Name	[redacted]		
Address	[redacted]	Daytime Telephone Number [redacted]	E-mail Address [redacted]
City PALM DESERT	State CA	Zip Code [redacted]	Evening Telephone Number

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).

VEHICLE INFORMATION

17 digit Vehicle Identification Number Located at bottom of windshield on driver's side	Make	Model	Model Year
WBAAM3343YF[redacted]	BMW	323I	2000

Date Purchased	Dealer's Name and Telephone Number			Engine: No: Cylinders	Fuel Type:
4/2000					
Original Owner ☐	Dealer's City	State	Zip Code		

Transmission Type			Multiple Failure:	Incident Date(s)
Auto	☒ Antilock Brakes ☒ Cruise Control	Powertrain	YES	22-DEC-2012 (93,000 miles) 14-July-2006 (47000 miles)

FAILED COMPONENT(S)/PART(S) INFORMATION

Vehicle Component Code: ENGINE (PWS)	Failure Mileage	Failure Speed
	~~47000~~ 93000	20MPH

ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A TIRE FAILURE

Tire Make	Tire Model (Name or Number)	Tire Size (Example P215/65R15)
DOT No. (Example: DOTMAL9ABC036)	☐ Original Equipment ☐ Prior Repair	Failure Location:
Tire Component Code		Tire Failure Type:

ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A CHILD SEAT FAILURE

Make:	Date Manufactured:	Model No./Name:
Seat Type:	Installation System:	
Child Seat Component Code:	Failed Part:	

APPLICABLE INCIDENT INFORMATION

(Please describe in detail the incident(s), Failure(s), Crash(es), and injury(ies).)

Crash	Fire	Number of Persons Injured	Number of Deaths	Reported to Police
☐ Yes ☒ No	☐ Yes ☒ No	0	0	N

Narrative Description of Incident(S), Crash(es), and Injury(ies).
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).

TL - THE CONTACT OWNS A 2000 BMW 323I. THE CONTACT STATED THAT THE CHECK ENGINE LIGHT, EML, AND DSC WARNING LAMP ILLUMINATED. THE CONTACT ALSO MENTIONED THAT THE VEHICLE WENT INTO LIMP MODE AND FAILED TO ACCELERATE OVER 20 MPH. THE VEHICLE WAS TAKEN TO AN INDEPENDENT MECHANIC. THE TECHNICIAN DIAGNOSED THAT THE ENGINE THROTTLE BODY AND ENGINE DME NEEDED TO BE REPLACED. THE MANUFACTURER WAS [redacted] MADE AWARE OF THE FAILURE. THE VEHICLE WAS REPAIRED. THE FAILURE MILEAGE ~~WAS 47,000~~ AND THE CURRENT MILEAGE WAS 93,000. MAH

MM
This is the second time I have had the car stall/go into limp mode due to throttle body and engine DME failure the first incident was at 47,000 miles and reported to NHTSA and BMW in July 2006 ODI # 10166054

Include, if available: Police/Fire Department Report, Photos, and Repair Invoice. ATTACH ADDITIONAL SHEETS IF NECESSARY

[redacted]
Palm Desert, CA [redacted]

February 5, 2013

Ludwig Willisch, CEO and President
BMW of North America, LLC
300 Chestnut Ridge Road
Woodcliff Lake, NJ 07677

RE: 2000 BMW 323i (VIN WBAAM3343YF[redacted] – LOSS OF ENGINE POWER ON HIGHWAY

Dear Mr. Willisch:

The purpose of this letter is to request that you review the costly repairs to my **2000 BMW 323i with only 93,480 miles** which has ***required TWO (2) throttle housing assemblies/engines to be replaced within the last 6 years (July 2006 & December 2012)*** causing sudden loss of engine power with the car going into limp mode while driving without prior warning.

My BMW is now on its THIRD throttle housing assemble and basic control unit. **Most people NEVER have to replace one throttle body assembly and basic control unit in a car's lifetime, much less having to replace two.**

The first time my car had a sudden loss of power without warning was on July 14, 2006 (odometer 47,000 miles) and occurred while I was driving at freeway speeds and was barely able to get to the shoulder without causing an accident. At this time, I noticed the EML, Check Engine Soon and DSC lights came on simultaneously before the car went into limp mode and had to be towed to the dealership.

Sterling BMW in Newport Beach, California, diagnosed a throttle body malfunction and replaced the engine throttle body, the engine wiring harness and programmed the DME at a cost of $2942.52, for which I received a goodwill payment of $1246.26 and was appreciative. Sterling had my car on-and off for a month as I had to return it three times for additional repairs for the same problem as they could not seem to get it fixed.

The second time my car lost power while driving and again had to be towed to Sterling BMW was just seven months later, on February 15, 2007, when the warning lights again went on simultaneously. On this occasion, the faulty exhaust camshaft sensor was replaced at a cost of $331.32.

The most recent incident began on December 22, 2012, when my BMW suddenly began to run rough and lost power, and I was unable to accelerate more than 20 mph. Luckily, I was able to drive slowly to my garage without injury to myself or others. At this time, I again noticed the EML, Check Engine Soon and DSC lights came on simultaneously. I took my car to my local BMW specialist for diagnosis and repair (odometer 93,480 miles).

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[redacted]
Palm Desert, CA [redacted]

The problem was diagnosed as yet another throttle body malfunction! The throttle housing assembly was replaced, a new basic control unit was installed, the engine DME was replaced and the DME had to be reprogrammed at a total cost of $2,922.76.

Unfortunately, this happened as I was leaving town for the Christmas holidays and incurred rental car expenses so that I could keep my promise to visit my parents. A copy of my Enterprise car rental invoice is attached. I also lost the use of the only car I drive for 3 weeks from December 28, 2012 until January 12, 2013, as my mechanic tried to find out why it was having the same problems it had just 6 years earlier.

In hindsight, it appears that in 2006, Sterling BMW did NOT correct the power acceleration loss problem and merely added expensive parts and services hoping to hit upon a solution rather than taking the time to diagnose and repair the actual problem, i.e., why did Sterling BMW replace the engine wiring harness in 2006 as it seemingly had nothing to do with the acceleration loss issue?

Moreover, why did the engine throttle assembly/body and basic control unit installed by Sterling BMW in 2006 fail just 6 years and 46,000 miles later?

As the repairs listed below are not covered by an extended warranty, I am requesting that BMW reimburse me in full for my repair costs (labor and materials) and car rental based on goodwill due to: (1) Sterling BMW's failure to properly and correctly diagnose and repair the acceleration loss problem in 2006 requiring the same parts and problem to be repaired in 2012; (2) the low mileage and excellent condition of my car; and (3) that these problems appear to be due to some kind of design or manufacturing defect that caused repeated problems with acceleration power loss while driving on the highway. Copies of all invoices are attached.

Replaced Engine Throttle Body, Engine Wiring Harness, Programmed DME and Cleaned Speed Sensors;
@ Sterling BMW, Newport Beach, CA
07/14/2006 Mileage 47,558 Cost: **$ 2942.52**

Replaced EDK Motor – Parts Warranty & Throttle Body
@Sterling BMW, Newport Beach, CA
07/21/2006 Mileage 47,559 Cost: n/c

Replaced Main Relay – Parts Warranty
@Sterling BMW, Newport Beach, CA
07/24/2006 Mileage 47,645 Cost: n/c

Replaced Faulty Exhaust Camshaft Sensor
@Sterling BMW, Newport Beach, CA
02/15/2007 Mileage 52,157 Cost: **$ 331.32**

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[redacted]
Palm Desert, CA [redacted]
[redacted]

Replace Throttle Body Engine, Replace Engine DME, Program DME to Engine
@ European Car Repair
12/26/2012 Mileage 93,480 Cost **$ 2911.76**

Enterprise Car Rental 12/22/2012 – 12/26/2012 Cost **$ 409.45**

Total spent on repairs due to engine defect	**$ 6595.05**
Less 2006 good will reimbursement	**$(1246.26)**
Total repair + rental car costs 2006 - 2013	**$ 5348.79**

This does not even begin to address the diminution in value to this car from this continuing problem. A quick survey of the Internet, NHTSA and any number of auto safety/consumer sites will turn up numerous BMW owner complaints regarding this problem, which is not just costly, but a safety issue.

Despite the serious nature of the loss of power problem, BMW has not extended the warranty, undertaken a voluntary recall or offered to FULLY reimburse repair costs to remedy this problem. I urge you to take responsibility for this problem before someone is seriously injured.

Thank you for your consideration and I look forward to your reply and a satisfactory resolution to my problem. You may contact me at the above address or by phone at 760-636-0902.

Sincerely,

[redacted]

Encl.

Copies of Sterling BMW repair invoices: 7/14/2006, 7/21/2006, 7/24/2006 & 2/15/2007

Copies of European Car Repair invoice & test results: 1/12/2013

Copy of Enterprise Car Rental Invoice: 1/26/2013

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European Car Repair

79-141 Country Club Drive Suite B
Bermuda Dunes, California 92203
760.345.8864
BAR Reg #209075
EPA # CAL000360902

Work Order

Owner [redacted] **License No.** [redacted] **W.O. No.:** 5439
Address: [redacted] **Make:** BMW **Date:** 1/12/2013
Palm Desert, CA [redacted] **Model:** 323I **Written By:** VA
Phone: [redacted] **Year:** 2000 **Mileage:** 93480 **Time Promised:**
VIN No.: WBAAM3343YF[redacted]

I hereby authorize the repair work to be done along with the necessary material, and hereby grant your employees permission to operate the vehicle described above on streets and highways, or elsewhere for the purpose of testing and/or inspection.

SUBJECT TO THE CONDITIONS ON THE REVERSE SIDE OF THIS CONTRACT. PLEASE READ REVERSE SIDE. CUSTOMER ACKNOWLEDGES RECEIPT OF A COPY HEREOF:

X_____ TERMS: CASH unless other arrangements made in advance.

			Rate per Hour	Charge
		VEHICLE HAS ACCELERATION LOSS POWER PERFOR		
		DiAGNOSE DME MOTOR ELECRONICS MS42		
		PULL CODES, READ TEST REPORT, EVALUATE TRBL		
VA	2 Hrs.	REPLACE THROTTLE BODY ENGINE	$98	$196.00
VA	1 Hr.	REPLACE ENGINE DME. (121049)	$98	$98.00
VA	2 Hrs.	PROGRAM DME TO VEHICLE, IL INFO LINE ONLY 487	$98	$196.00
		PERFORM SHORT TEST REALIGN EWS TO NEW DME		
		CHECK ALL FLUID LEVELS, CHECK ALL LIGHTS		
		CHECK BRAKES FRONT (5MM) REAR (8MM)		
		AiR BAG LIGHT ON DIAG, PRINT EROR CODE, RESET		
			Total Labor:	$490.00

Quantity	U/M	Part No.	Description	List Price	Net Price	Extension
1	Each	13 54 1 433 414	THROTTLE HOUSING ASSY	$0.00	$645.22	$645.22
1	Each	1 12 14 7 526 754	BASIC CONTROL UNIT	$0.00	$1,597.15	$1,597.15
					Total Parts:	$2,242.37

Sub Total:	$2,732.37
Haz-Mat Disposal Charge:	$0.00
Sales Tax:	$179.39
W.O. Total:	$2,911.76
Payments:	$2,911.76
Balance Due:	$0.00

Method of Payment		Amount
N/A	014107	$2,911.76
	Total Payment:	$2,911.76

European Car Repair - Over 25 years in Business.
www.europeancarrepair.com

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Test Report

Date/Time 12/28/2012 17:29

Menu Path Bmw\Start New Session\3 Series\E46\323i_M52/TU_TOUR\USA_LHD\Control Units\Drive\DME Motor Electronics MS42\Read Codes

VIN Code: WBAAM3343YF[redacted]
Job Number: V0LV0
Registration Number: V40

Fault Codes

DTC Code	DTC Status	DTC Content
A9		Engine-throttle output-stage shutoff after diagn. Error

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Component/ System	Fault Code	Monitor Strategy Description	Malfunction Criteria	Threshold value	Secondary Parameter	Enable/Disable Conditions	Time Required	MIL illum.
Variable Camshaft Timing (VANOS)	P1525/ P1529	circuit continuity (outlet/inlet)	voltage current range (min/max)	< 2,9 V 0,02 A < I < 2,0 A	low-side driver	not active active	1,25 sec/ continuous	two driving cycles
	P1519/ P1522	rationality check	alignment to crankshaft position sensor (15 samples)	inlet camshaft > 480° ± 8,6° crank angle	engine speed camshaft revs. VANOS	> 680 rpm ≥ 32 revs. not active	2,0 sec/ once per engine starts up	
	P1520/ P1523			outlet camshaft > 265° ± 8,6° crank angle				
Injection Valve	P0201 to P0206	circuit continuity - ground circuit continuity - open	voltage range (min/max)	6,0 V < U < 1,8 V 13,5 V < U < 4,3 V	battery voltage	7,5 V < Ubatt < 17V	immediately/ continuous	two driving cycles
Idle Air Control Valve	P1509 P1550	circuit continuity	voltage current range (min/max)	< 2,9 V 0,02 A < I < 2,0 A	low-side driver	not active active	1,25 sec/ continuous	two driving cycles
	P0505	functional check	actual - desired rpm	>+200 / >-100 rpm	vehicle/engine speed coolant temperature idle adaptation engine load purge valve trigger	0 km/h / idle 82 < TKW °C < 110 finished < 200 mg/stroke < 7%	20 sec/ continuous	
ECM	P0600	bus check	CAN messages	> 600 msec	battery voltage	> 10 V	immediately/ continuous	two driving cycles
	P0601	self check (watchdog)	RAM and ROM check	invalid check-sum on	at power up/down			
Knock Sensor	P0325/ P0330	circuit continuity range check (min)	min. signal output (average of 3 samples)	< MAP values (depends on coolant temperature and load)	engine speed	> 2500 rpm	6 revs./ continuous	two driving cycles

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Test Report

Date/Time 12/28/2012 17:28

Menu Path Bmw\Start New Session\3 Series\E46\323i_M52/TU_TOUR\USA_LHD\Control Units\Drive\DME Motor Electronics MS42\ECU Information

VIN Code: WBAAM3343YF[redacted]
Job Number: ~~V0LV0~~
Registration Number: ~~V40~~

BMW 3271

ECU Information

Name	Value
Part number, basic control module	7526753
Hardware version index	15
Coding index	00
Date of manufacture,calendar week	04
Date of manufacture,year	00
Diagnosis index	C0
Amendment index	00
Part number,programmed control module	7526765
Program version	15
Chassis Number	WBAAM3343YF[redacted]
Type approval number(authority number)	7505556
Programming date	15.7.06
Kilometre reading/mileage during calibration	600
Calibration ID 1	7526753
Calibration ID 2	7526766

13-54-1-433-414.
Hella
Throttle Body F.I $649.27.

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[redacted]

Palm Desert, CA

[redacted]

$1.32
US POSTAGE
FIRST-CLASS
071V00702624
92211
000079447

U.S. Dept. of Transportation
NHTSA
Office of Defects Investigation
NVS-210
1200 New Jersey Avenue SE.
Washington D.C. 20077-9382