



U.S. Department
of Transportation

**National Highway
Traffic Safety
Administration**

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

1200 New Jersey Avenue, SE
Washington, DC 20590

November 14, 2013

Ms. Mary Jane Sheppard, Esq.
Attorney at Law
680 Blue Oak Drive
Ukiah, California 95482

NVS-216 am
Ref. No. 10533555

Dear Ms. Sheppard:

Thank you for your correspondence concerning your client, [REDACTED], and her model year (MY) 2007 Lexus ES350 vehicle. The National Highway Traffic Safety Administration's (NHTSA) Office of Defects Investigation received your correspondence. We regret any inconvenience our delay in responding may have caused you.

NHTSA is the Federal agency responsible for improving safety on our Nation's highways. We are authorized to order manufacturers to recall and repair motor 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 indicate on September 7, 2007, [REDACTED] purchased a pre-owned certified MY 2007 Lexus ES350 from a Lexus dealer. On August 31, 2012, the vehicle's steering began to make a clicking noise and had a vibration. [REDACTED] took the vehicle to her mechanic and he replaced the steering intermediate shaft per a Lexus technical service bulletin (TSB Article No. ST001-07) dated April 25, 2007. You state that the dealer should have known of and corrected the steering problem before your client purchased the vehicle. [REDACTED] requested a reimbursement, but the dealer and Lexus declined to do so. Therefore, you request assistance from NHTSA in obtaining reimbursement for your client.

NHTSA is aware of TSB No. ST00-07 concerning the steering intermediate shaft in certain MY 2007 Lexus ES350 vehicles. However, the issuance of a TSB does not necessarily reflect the existence of a safety-related defect in accordance with the National Traffic and Motor Vehicle Safety Act. Therefore, NHTSA cannot require Lexus to perform the corrective action described in the TSB on your client's vehicle at no cost. We recommend that you and your client continue to work with Lexus and the dealer to resolve this matter.

Your request for assistance in obtaining a reimbursement for your client does not fall under our jurisdiction. If you have not done so, you may consider contacting the California Office of the Attorney General regarding your problem and rights under the State law. You may also ask your dealership for a meeting with Lexus district manager regarding your problem.

If you have not done so, you may consider contacting the Federal Trade Commission (FTC). The FTC has jurisdiction over non-safety defects, paint, fraud or deception, warranty and dealership problems, remuneration matters, and fair trade practices. There are three ways to contact the FTC: by toll free telephone at 1-877-FTC-HELP (1-877-382-4357); by mail at Federal Trade Commission, CRC-240, Washington, DC 20580; and by using the Internet complaint form at www.ftccomplaintassistant.gov.

You may also consider contacting the Better Business Bureau (BBB) Auto Line. The BBB offers free mediation/arbitration to resolve warranty disputes under guidelines established by the FTC. Remedies include repair, reimbursement, repurchase or replacement, depending on program eligibility. You can visit their web site at www.bbb.org to file a complaint and review eligibility information, or call the BBB Auto Line at 1-800-955-5100.

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.gov 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 our web site.

Sincerely,

A handwritten signature in cursive script that reads "Randy Reid".

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