

CL-10553386-2529

LAW OFFICES OF [REDACTED]  
A Professional Corporation  
[REDACTED]  
Walnut Creek, CA  
[REDACTED]

NOV 13 2013

Telephone [REDACTED]

6 November 2013

[REDACTED]  
Attorney at Law

**VIA EMAIL (customerrelations@bmwusa.com) AND REGULAR MAIL**

BMW of North America, LLC  
300 Chestnut Ridge Road  
Woodcliff Lake, NJ 07677-7731

Re: Defective Air Bag System/2006 750Li

Dear Sir/Madam:

I own a 2006 750 Li which I recently had in for service at BMW Concord, 1967 Market Street, Concord CA 94520 due to an indicator light of a defect in the air bag system. At the dealership service department, I was informed that the indicator light was on due to a defect in the driver side seat sensor for the airbag system. I was also informed that passenger side airbag seat sensor had been identified as defective in a prior service bulletin and that if it had been the passenger side, there would be no charge to replace it, but since it was the driver side, I would have to pay the cost to replace it. The charge to replace the driver side sensor was \$1,363.38 (see enclosed invoice). Although I am sure that you are familiar with the airbag sensor issue, I have also enclosed just one of the many articles detailing this problem.

I am writing to inquire how it is that a defect in one portion of the airbag system is covered by a service bulletin but a defect in another portion of the airbag system is not covered and how it is that replacing the passenger side sensor is free but replacing the driver side sensor cost me \$1,363.38. Please explain this disparity, since both sensors are part of the same system and if there is a covered defect in one sensor, the other sensor should also be covered. Alternatively, please reimburse me for the \$1,363.38 that I had to pay to replace the driver side sensor.

Thank you in advance for your prompt attention to this matter.

Very Truly Yours,

[REDACTED]

Cc: NHTSA Consumer Safety Division (via reg. mail; w/encl.)

NM:  
11/15/13  
SMD

# BMW recalling 200,000 vehicles

Recommend 03

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Below: [Discuss](#) [Data](#) [Related](#)

Front air bag may not deploy in a crash in various models

**AP** Associated Press

updated 8/13/2008 3:15:52 PM ET

WASHINGTON — BMW AG said Wednesday it was recalling 200,000 vehicles over concerns that the front passenger air bag may not deploy in a crash in various models.

The German automaker said the recall involves the 2006 3 Series, the 2004-2006 5 Series, and the 2004-2006 7 Series in the United States.

The National Highway Traffic Safety Administration said in a posting on its Web site that small cracks could deactivate the front passenger air bags.

NHTSA said the air bag warning lamp and the passenger air bag "on-off" light would remain on. The head probe could be affected, the government said.

BMW spokesman Tom Plucinsky said there were no injuries or accidents reported.

If the seat detection mat fails to sense that a person is sitting in the passenger seat, it deactivates the air bag. Plucinsky said the company noticed that the air bag light indicated a deactivated air bag even when a passenger sat in the seat.

NHTSA opened an investigation into the issue in September 2007 and upgraded its probe in January. In addition to Wednesday's recall, the ongoing investigation also includes the 2004-2006 Z4, 2006 X5, 2006 6 Series and several other models.

BMW had received 23,739 warranty claims over the air bag system issue by early January, NHTSA said. Plucinsky said why the additional vehicles under NHTSA's investigation were not part of the recall.

To respond to the problem, BMW said it would extend the warranty to 10 years without any mileage limit for the 2006 3 Series with standard seat, 2004-2005 Z4, 2004-2006 7 Series, 2006 X5, and 2004-2006 5 Series with standard seat.

BMW said under the extended warranty program, the detection mat in a vehicle with the air bag system problem would be replaced at no cost to the customer.

Owners can contact BMW at (800) 525-7417.

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Recommend

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Florida cyber-bullying suspect: Truth will never come out because victim 'went to hell' (NBC News)

Dad burned teenage daughter to death for contacting fiance: Yemen police (NBC News)

Surprise! There's a Dungeon Under This Guy's New Home (Village)

### From around the web

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Sonoma Wine Company Adopts Pigging to Cut Energy Use (CA Energy Efficiency Model)

Kelly Blue Book Names 10 Best Used Cars U

10 Cars That Retain Their Value When You S

Top 18 Car Redesigns for 2013 (Kelley Blue Book

A New Activity for Couples: Ditching Harley-D

The Ultimate Deep Diver (The Boeing Company)

CUSTOMER #: 6D [REDACTED]

732333

**BMW Concord  
MINI of Concord**

1887 MARKET STREET CONCORD, CALIFORNIA 94620  
19261 692-3877

\*INVOICE\*

LAFAYETTE, CA [REDACTED]

PAGE 2

BAR # ARD045668 EPA # CAR000088278  
CAL000293752

HOME: [REDACTED] CONT: [REDACTED]  
BUS: [REDACTED] CELL: [REDACTED]

SERVICE ADVISOR: 689 CRAIG C BARLOW

COLOR	YEAR	MAKE/MODEL	VIN	LICENSE	MILEAGE IN/OUT	TAG
MONACO BLU	05	BMW 750LI SEDAN	WBAHN83576D [REDACTED]	[REDACTED]	67510/67514	TP637

DLI DATE	PROD DATE	WARR EXP	PROMISED	PO NO	RATE	PAYMENT	INV DATE
13NOV05	IS01SEP05	13NOV2009	18:00	02NOV13	0.00	CASH	02NOV13

R.O. OPENED: 07:17 02NOV13  
 READY: 13:59 02NOV13  
 OPTIONS: STK: WBAHN83576D [REDACTED] DLR: 04497  
 ENG: 8-4.8L-FI

LINE OPCODE TECH TYPE HOURS LIST NET TOTAL  
 B CUSTOMER HAD CAR AT M SERVICES THEY STATED CONCERN FAILS UNDER STB

MEMO INFORMATION LINE  
 406 CCB 0.00 0.00  
 \*\*\*\*\*

F MAINT DONE OUTSIDE  
 MEMO INFORMATION LINE  
 406 ISE (N/C)  
 \*\*\*\*\*

\*\* ADD ON: CLIENT REQUEST REPAIR DRIVERS SIDE SEAT MAT AND PROGRAMM  
 S151 REPLACED DRIVERS SEAT MAT  
 406 CCB 855.99 855.99

25 52-10-1-945-543 CLAMP:529500 1.12 1.12 28.00  
 1 65-77-6-930-683 SENSOR MAT, FRONT 258.60 258.60 258.60

67514 CLIENT AUTHORIZED REPLACEMENT OF DRIVERS SEATMAT REMOVE AND  
 REPLACE FAILING DRIVERS SIDE SEATMAT. CHECK OPERATION ON COMPLETION OF  
 REPAIR. FOUND SEATMAT OPERATING NORMALLY AT THIS TIME. NO PROGRAMMING  
 REQUIRED.)

EST: 195.00 02NOV13 07:17 SA: 689

EST: 1,975.84 02NOV13 08:46 SA: 689  
 CONTACT: PAUL [Signature]

SHUTTLE CC created 2013-10-31 THANK YOU FOR DOING BUSINESS WITH BMW CONCORD  
 02:34:00pm taken by Natalée  
 Reposa lafayette

BUSINESS HOURS SERVICE DEPARTMENT HOURS Monday-Saturday 7:00 a.m. to 6:00 p.m.	PARTS DEPARTMENT HOURS Monday-Friday 8:00 a.m. to 5:30 p.m. Saturday 8:00 a.m. to 3:00 p.m.	ORIGINAL ESTIMATE	FINAL REVISED ESTIMATE	DESCRIPTION	TOTALS
		\$ 195.00	\$ 1363.38	LABOR AMOUNT	1050.99
NOTICE TO CUSTOMER: PLEASE READ IMPORTANT INFORMATION ON BACK.				GAS, OIL, LUBE	0.00
[REDACTED]				SUBLET AMOUNT	0.00
[REDACTED]				MISC. CHARGES	0.00
[REDACTED]				TOTAL CHARGES	1337.59
[REDACTED]				LESS INSURANCE	0.00
[REDACTED]				SALES TAX	25.79
[REDACTED]				PLEASE PAY THIS AMOUNT	1363.38

WARNING: Motor vehicles contain chemicals known to the State of California to cause cancer and birth defects or other reproductive harm. These chemicals are contained in many vehicle components and replacement parts, vehicle fluids, and paints and materials used to maintain vehicles, including, but not limited to, fuel, oil, batteries, brakes, and wheel balancing weights. When you service, clean or maintain your car, you will be exposed to these chemicals contained in used oil, waste and replacement fluids, fumes, grease, paint, touch-up paint, carbon replacement parts, and performance team component wear. When we service your car, we will return used components to you upon request. Used parts and components contain chemicals known to the State of California to cause cancer and birth defects or other reproductive harm. To minimize your exposure when servicing, maintaining or cleaning your vehicle: 1) work in a well-ventilated area; 2) do not smoke, drink or eat while working; 3) wash your hands when finished or when taking a break; and 4) follow all manufacturer instructions pertaining to proper use and maintenance of motor vehicles and vehicle components.  
 Provided in accordance with Proposition 65 in Cal. Health & Safety Code, §26249.5 et seq. For further information about Proposition 65, visit <http://www.cdph.ca.gov/prop65>.  
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CUSTOMER COPY

CUSTOMER #: 6D [REDACTED]

732333

**BMW Concord  
MINI of Concord**

1967 MARKET STREET CONCORD, CALIFORNIA 94520  
(925) 682-3677

\*INVOICE\*

BAR # ARD046586 EPA # CAR00008278  
CAL000299752

LAFAYETTE, CA

PAGE 1

HOME: [REDACTED] CONT: [REDACTED]  
BUS: [REDACTED] CELL: [REDACTED]

SERVICE ADVISOR: 689 CRAIG C BARLOW

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H.Q. OPENED	READY	OPTIONS:	STK: WBAHN83576D [REDACTED]	DLR: 04497
07:17	02NOV13	13:59	02NOV13	

LINE OPCODE TECH TYPE HOURS LIST NET TOTAL

A BMW/MINI OF CONCORD SUPPLIED LOANER VEHICLE. ALL VEHICLES ARE DUE BACK WITHIN 18 HOURS OF COMPLETION OF REPAIRS. ALL VEHICLE ARE NON-SMOKING VEHICLES. THANK YOU FOR YOUR BUSINESS.

LOANER BMW/MINI OF CONCORD SUPPLIED LOANER VEHICLE. ALL VEHICLES ARE DUE BACK WITHIN 18 HOURS OF COMPLETION OF REPAIRS. ALL VEHICLE ARE NON-SMOKING VEHICLES. THANK YOU FOR YOUR BUSINESS.

406 TSE (N/C)

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B FREE COURTESY INSPECTION  
FCI DEFAULT

406 CCB 0.00 0.00

67514 COURTESY INSPECTION PERFORM COURTESY INSPECTION AS PER CHECKLIST, SUPPLY ESTIMATE FOR NEEDED REPAIRS.

\*\*\*\*\*

C PER CALIFORNIA CODE REGULATION, CK & INFLATE EACH OPERATING TIRE TO RECOMMENDED TIRE PRESSURE RATING W/AIR OR NITROGEN, AS APPROPRIATE @ THE TIME OF PERFORMING ANY MAINTENANCE/REPAIR. DOCUMENT MEASUREMENT AFTER THE SERVICE IS PERFORMED.

TP DEFAULT

406 CCB 0.00 0.00

67510 AS PER CA REGULATION SET TIRE PRESSURE FRONT 29 REAR 33

\*\*\*\*\*

D PERFORM AIR BAG WARNING LIGHT TESTING: CK FAULTS, TEST MODULE RELEVANT TO CODE, CK FOR BULB/LIGHT VISUALLY CK ACCESSIBLE ELECTRICAL CONN/HARNESS, RESISTANC / /

S151 FOUND DRIVER SIDE SEAT MAT TO BE CAUSE

406 CCB 195.00 195.00

67514 FOUND SRS WARNING ON. INTERROGATE FAULT MEMORY AND FOUND FAULT 9763 DRIVERS SEATMAT FAULT STORED. PERFORM TEST PLAN AND FOUND DRIVERS SEATMAT HAS OPEN CIRCUIT. CHECK FOR WARRANTY COVERAGE AND FOUND NONE TO APPLY TO DRIVERS SEATMAT. SUPPLY ESTIMATE FOR NEEDED REPAIRS.

ORIGINAL ESTIMATE	FINAL REVISED ESTIMATE	DESCRIPTION	TOTALS
\$	\$	LABOR AMOUNT	
		PARTS AMOUNT	
		GAS, OIL, LUBE	
		SUBLET AMOUNT	
		MISC. CHARGES	
		TOTAL CHARGES	
		LESS INSURANCE	
		SALES TAX	
		PLEASE PAY THIS AMOUNT	

BUSINESS HOURS  
SERVICE DEPARTMENT HOURS  
Monday-Saturday 7:00 a.m. to 6:00 p.m.

PARTS DEPARTMENT HOURS  
Monday-Friday 8:00 a.m. to 5:30 p.m.  
Saturday 8:00 a.m. to 3:00 p.m.

NOTICE TO CUSTOMER: PLEASE READ IMPORTANT INFORMATION ON BACK.

I ACKNOWLEDGE NOTICE AND ORAL APPROVAL OF AN INCREASE IN THE ORIGINAL ESTIMATE PRICE.

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WARNING Motor vehicles contain chemicals known to the State of California to cause cancer and birth defects or other reproductive harm. These chemicals are contained in motor vehicle components and replacement parts, vehicle fluids, and parts and materials used to maintain vehicles, perform their own component work. When we inspect your car, we will return used components to you upon request. Used part/component contains chemicals known to the State of California to cause cancer and birth defects or other reproductive harm. To minimize your exposure when servicing, maintaining or cleaning your vehicle: 1) work in a well-ventilated area; 2) do not breathe, drink or eat while working; 3) wash your hands when finished or when taking a break; and 4) follow all manufacturer instructions pertaining to proper use and maintenance of motor vehicles and vehicle components.

BMW CONCORD  
1967 MARKET STREET  
CONCORD, CA 94520

11/02/2013  
Merchant ID:  
Terminal ID:  
313244010887

14:47:07  
000000001764872  
02645477

CREDIT CARD  
[REDACTED] SALE

CARD #  
INVOICE  
Batch #:  
Approval Code:  
Entry Method:  
Mode:  
Tax Amount:

XXXXXXXXXX [REDACTED]  
732333  
000948  
002494  
Swiped  
Online  
\$0.00

SALE AMOUNT

\$1363.38

CUSTOMER COPY

LAW OFFICES OF [REDACTED]  
A Professional Corporation  
[REDACTED]  
Walnut Creek, CA [REDACTED]



NHTSA Consumer Safety Division  
1200 New Jersey Avenue, SE, West Building,  
Washington, DC 20590

20590

