



U.S. Department  
of Transportation

**National Highway  
Traffic Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

November 30, 2015

[REDACTED]  
Fair Lawn, NJ [REDACTED]

NEF-160 nwh  
Ref. No. 10725031

Dear [REDACTED]

Thank you for your correspondence concerning your model year (MY) 2005 MINI Cooper. 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 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 that on May 26, you took your MY 2005 MINI Cooper to a local dealer for a State safety inspection. You state that your vehicle had a problem with a "Comprehensive Component" test, which kept reading incomplete. In order to pass the State inspection, the incomplete recording on the display needs to show as "ready." You assert that prior to the test your vehicle did not display a check engine light or have any fault codes. The dealer determined the source of the problem is in the engine control module. However, you feel the cost the dealer is charging to replace module is exorbitant. Furthermore, you believe the problem may have been addressed by a recall.

We checked our database, but we could not locate a safety recall for the problem you describe with your MY 2005 MINI Cooper vehicle. According to the repair order you provided; your vehicle's O2 sensor was defective. This problem resulted in your vehicle failing the OBDII system comprehensive component test for emissions. Please note that NHTSA has no jurisdiction over vehicle emission problems or repairs not related to a safety recall. Vehicle emissions fall under the authority of the Environmental Protection Agency.

As for the cost of the repair, you may consider contacting your local Consumer Protection Agency or the New Jersey Office of the Attorney General regarding your problem and rights under the law. You may also ask your dealer to arrange a meeting with a BMW/MINI district manager to discuss your problem. In addition, The Federal Trade Commission (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 (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](http://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](http://www.bbb.org) to file a complaint and review eligibility information, or call the BBB Auto Line at (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](http://www.nhtsa.gov) or call the Auto Safety Hotline at (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 black ink that reads "Randy Reid". The signature is written in a cursive, flowing style.

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