



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

May 18, 2017

[REDACTED]
Raleigh, NC [REDACTED]

NEF-109 nam
Ref. No.10854049

Dear [REDACTED]

The National Highway Traffic Safety Administration's (NHTSA), Office of Defects Investigation appreciates the report you provided concerning your model year (MY) 2012 Hyundai Elantra. Last year our office received an unprecedented increase in the number of correspondence due to the Takata air bag recalls. Our limited resources were overwhelmed and we are now just getting to your letter. We regret any inconvenience this delay 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 that Hyundai decided that the accident you experienced did not in any way involve NHTSA Safety Recall Campaign No. 15V-871, that addressed defective electronic stability control (ESC) sensor may inappropriately apply the brakes resulting in a crash. You are requesting reimbursement from Hyundai for cost of vehicle totaled in the accident and request NHTSA to investigate this incident.

Our technical experts review each and every call, letter, and online report of an alleged safety problem filed with NHTSA. Although we have no jurisdiction over defects that are not safety-related, we do review each report that suggests a potential safety defect involving groups of motor vehicles or vehicle equipment. There is no established number of reports that must be filed before NHTSA investigates an issue. In some cases, an investigator from the Office of Defects Investigation may call to clarify information from your report. Unfortunately, the large volume of reports received by the Agency does not permit a return call for each report filed.

As stated above, NHTSA does not get involve in disputes between individual owner, dealers, or manufacture. We have no authority to have Hyundai reverse or review their decision regarding your claim. Chapter 301 of Title 49 of the United States Code (U.S.C.) requires a manufacturer of motor vehicles or motor vehicle equipment that contain a defect relating to motor vehicles safety or fail to comply with a Federal motor vehicle safety standard to remedy the defect or noncompliance without charge. While the National Traffic and Motor Vehicle Safety Act requires a manufacturer to remedy a noncompliance or safety-related defect without charge, it does not require manufacturers to reimburse vehicle owners for additional costs associated with a safety recall (e.g., lost wages while vehicle is being repaired, car rentals, repairs not performed by an authorized dealership, damage caused by the defect, etc.). Vehicle issues concerning warranty, maintenance, dealer customer service, and reimbursement claims do not fall under NHTSA's jurisdiction.

We have enclosed a brochure explaining NHTSA's investigation and recall process, which is also on our website at www-odi.nhtsa.dot.gov/recalls/recallprocess.cfm. We recommend using our vehicle identification number (VIN) lookup tool periodically, to access recall information provided by the manufacturer conducting the recall which may not be posted yet on NHTSA's site (www.nhtsa.gov/recalls). 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.dot.gov/ivoq or call the Auto Safety Hotline at 888-327-4236.

Sincerely,



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

Enclosure