



U.S. Department
of Transportation

**National Highway
Traffic Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

November 30, 2016

The Honorable Johnny Isakson
United States Senator
One Overton Park, Suite 970
Atlanta, GA 30339

NEF-160 rrr
Ref. No. 10923688

Dear Senator Isakson:

Thank you for your correspondence on behalf of your constituent, [REDACTED] concerning a model year (MY) 2013 Volkswagen Passat. Your letter was forwarded to the National Highway Traffic Safety Administration (NHTSA). I am pleased to respond.

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.

[REDACTED] indicates that she owned a MY 2013 Volkswagen Passat that had defective Takata air bags. She asserts Volkswagen did not have a remedy for the safety hazard, so she decided to trade the vehicle. However, [REDACTED] states that the dealer devalued the vehicle by \$3000.00 as a result of the incomplete recall. She is aware of the \$200 million record civil penalty paid by Takata due to the defective air bags. Therefore, [REDACTED] requests that \$3000.00 from the Takata penalty be awarded to her as compensation for her devalued vehicle.

NHTSA is aware of Volkswagen's delay in producing the air bag inflators for Recall 16V-078 (enclosed). The recall addresses a problem with drivers-side front air bag inflators produced by Takata that may rupture in a frontal crash and disperse metal fragments in certain MY 2012 through MY 2014 Volkswagen Passat vehicles. We understand [REDACTED] frustration; however, it is not unusual for manufacturers to have an inadequate inventory of recall parts or a final remedy shortly after a recall is announced. Recall parts availability and recall remedies can be affected by numerous factors including, but not limited to, redesign, testing, manufacturing, and logistics.

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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 vehicle safety or fail to comply with a Federal Motor Vehicle Safety Standard to remedy the defect or noncompliance without charge. However, our statute does not require manufacturers to compensate owners for expenses or financial losses associated with a safety recall (e.g., lost wages while the vehicle is being repaired, car rentals, repairs not performed by an authorized dealership, damage caused by the defect, loss of vehicle value, etc.). Nor does the statute authorize the Federal government to compensate vehicle owners for expenses or financial losses associated with a safety recall or assist vehicle owners in obtaining compensation for an alleged defect.

██████████ may consider contacting her local Consumer Protection Agency or the Georgia Office of the Attorney General regarding her problem and rights under the State laws. 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.

I hope this information is helpful. If you have any questions, please contact me or Mr. Jeffrey M. Giuseppe, Acting Associate Administrator for Enforcement, at 202-493-2631.

Sincerely yours,



Alison Pascale
Director, Governmental Affairs,
Policy and Strategic Planning

Enclosure

cc: Washington Office

Recall Detail

23-NOV-2016

Recall Num: 16 V 078 000	573 Date: 09-FEB-2016	573 Date Rcvd: 10-FEB-2016	Potentially Affected: 659,493	Potentially Defective: 659,493
Mfr Recall Num:				
Subject: Driver's Frontal Air Bag Inflator May Rupture		Remedy Type: Fix/Repair	RP Num:	FMVSS Num:
Recall Type: Defect	Recall Effect: Crash Worthiness	NHTSA Inv Num: EA15-001	Influenced by: ODI	
Problem Exp: Other		Manufacturer: Volkswagen Group of America, Inc.	Recall Status: CONDUCTING RECALL	
Problem Descr: Volkswagen Group of America, Inc. (Volkswagen) is recalling certain model year 2010-2014 Golf and Jetta SportWagen, 2007-2010 Passat sedans and wagon, 2012-2014 Passat sedan and Eos, 2009-2014 CC, 2009-2012 Audi Q5, and 2010-2011 Audi A5 Cabriolet vehicles. Upon deployment of the driver's frontal air bag, excessive internal pressure may cause the inflator to rupture.				
Consequence: In the event of a crash necessitating deployment of the driver's frontal air bag, the inflator could rupture with metal fragments striking the vehicle occupants potentially resulting in serious injury or death.				
Remedy Type: Volkswagen will notify owners, and dealers will replace the driver's frontal air bag inflators, free of charge. Volkswagen issued an interim notification to owners on April 12, 2016. Volkswagen will notify owners again once parts are available. Volkswagen owners may contact Volkswagen customer service at 1-800-893-5298. Audi owners may contact Audi customer service at 1-800-253-2834.				
Notes: Owners may also contact the National Highway Traffic Safety Administration Vehicle Safety Hotline at 1-888-327-4236 (TTY 1-800-424-9153), or go to www.safercar.gov .				
MFR Knowl Dt: 22-JAN-2016	Prod Change Dt:	Mfr Press Release Dt:	NHTSA Press Release Dt:	
Stop Sales:	Regional:			
Supplier: Takata	Mfr Toll Free Num:			