



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

January 23, 2018

The Honorable Scott Peters
Member, U.S. House of Representatives
4350 Executive Drive, Suite 105
San Diego, CA 92121

NEF-109 rrr
Ref. No. 10957333

Dear Congressman Peters:

Thank you for your correspondence on behalf of your constituent, [REDACTED] concerning his model year (MY) 1991 Mazda Miata. I am pleased to respond.

The National Highway Traffic Safety Administration (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 appreciate the report you provided. Reports from motorists are a very important source of information for NHTSA. We received a report from [REDACTED] on February 27, 2017, which he entered through our www.nhtsa.gov website (Ref. No. 10957333, enclosed). Please note that when a motorist contacts NHTSA, their complaint does not automatically open a formal investigation by our agency. The information from your constituent's report was entered into our complaint database and reviewed by our staff to determine if a safety defect trend exists that may require our attention. NHTSA staff may follow up and contact a vehicle owner who submitted a complaint if we require additional information. Also, contacts initiated by our agency to obtain additional information do not automatically open a formal investigation.

We reviewed our database in an effort to identify whether a safety defect trend exists with regard to the supplemental restraint system in MY 1991 Mazda Miata vehicles, which includes air bags, clock springs, and control modules. At this time, there is insufficient evidence to indicate a defect trend that warrants opening a safety defect investigation or the initiation of a recall.

NHTSA understands [REDACTED] frustration in not being able to locate a new replacement air bag for his 1991 Miata. However, there are no federal requirements for manufacturers to maintain an inventory of parts for older vehicles like [REDACTED] Miata. There is also no requirement that seat belts or air bags cannot fail or wear out over the life of the vehicle, however long that may be. With the exception of parts used for a recall remedy, NHTSA has no authority over whether a dealer uses new or used parts in vehicle repairs and we cannot compel a dealer to install used parts in a vehicle. We note that the Miata is a very popular vehicle among automotive enthusiasts and that internet forums and websites often provide invaluable resources

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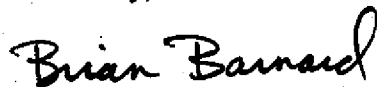
The Honorable Scott Peters

for parts sources and independent repair facilities that specialize in meeting the needs of owners of vintage cars like [REDACTED] If [REDACTED] pursues other resources and expands his search, he may be able to find a solution to his problem.

The information you provided has been entered into our database and added to [REDACTED] initial report. It will be considered with future reports to identify any safety defect trends that may require our attention. For [REDACTED] information, an explanation of NHTSA's investigation and recall process is on our website at www-odi.nhtsa.dot.gov/recalls/recallprocess.

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

Sincerely,



Brian Barnard
Director, Governmental Affairs,
Policy and Strategic Planning

Enclosure

cc: Washington Office



U.S. Department
of Transportation

National Highway
Traffic Safety
Administration

DOT Auto Safety Hotline
Vehicle Owner's Questionnaire
To Report Vehicle Safety Defects
1-888-DASH-2-DOT
(1-888-327-4236)
INTERNET: www.nhtsa.dot.gov/hotline

FOR AGENCY USE ONLY 100148

Date Received

27-FEB-2017

Repository ☐Reference No.
10957333**OWNER INFORMATION (Type or Print)**

Name

Address

City

SAN DIEGO

State

CA

Zip Code

Daytime Telephone Number

E-mail Address

Evening Telephone Number

The information you provide will be used to identify potential safety-related defects. We may share your information with the applicable vehicle manufacturer during an investigation or recall in accordance with the routine uses described in the agency's Privacy Act notice. See 49 FR 53971 (Sep. 3, 2004).

VEHICLE INFORMATION

17 digit Vehicle Identification Number Located at bottom of windshield on driver's side

JM1NA3515M1

Make

MAZDA

Model

MIATA

Model Year

1991

Date Purchased

Dealer's Name and Telephone Number

Engine:

No: Cylinders 4

Fuel Type:

Gas

Original Owner

☐

Dealer's City

State

Zip Code

Transmission Type

☐ Antilock Brakes

Powertrain

REAR WHEEL DRIVE

Multiple Failure:

1

Incident Date(s)

16-MAR-2016

FAILED COMPONENT(S)/PART(S) INFORMATION

Vehicle Component Code: 140000 AIR BAGS

Failure Mileage

88225

Failure Speed

ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A TIRE FAILURE

Tire Make

Tire Model (Name or Number)

Tire Size (Example P215/65R15)

DOT No. (Example: DOTM19ABC036)

☐ Original Equipment
☐ Prior Repair

Failure Location:

Tire Component Code

Tire Failure Type:

ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A CHILD SEAT FAILURE

Make:

Date Manufactured:

Model No./Name:

Seat Type:

Installation System:

Child Seat Component Code:

Failed Part:

APPLICABLE INCIDENT INFORMATION

(Please describe in detail the incident(s), failure(s), crash(es), and injury(ies).)

Crash

☐ Yes ☒ No

Fire

☐ Yes ☒ No

Number of Persons Injured

Number of Deaths

Reported to Police

N

Narrative Description of Incident(S), Crash(es), and Injury(ies).

Please describe (1) events leading up to the failure, (2) failure and its consequences, and (3) what was done to correct the failure; i.e., parts repaired or replaced (and if old part is available).

IN 2015 THE SRS LIGHT STARTED FLASHING AND I TOOK THE CAR IN TO JOHN WINE MAZDA FOR REPAIRS. ON 10/28/2015 THEY REPLACED THE CLOCK SPRING MODULE FOR \$634.45 WHICH DID NOT FIX THE PROBLEM. ON 11/2/2015 THEY REPLACED THE DIAGNOSTIC MODULE OF \$485.00 WHICH DID NOT FIX THE PROBLEM. THEY STATED PARTS WERE NO LONGER AVAILABLE TO FIX THE PROBLEM AND ON 11/13/2015 THEY SAID THE BATTERY AND BACKUP BATTERY MODULE NEEDED TO BE REPLACE BUT THE MODULE HAD BEEN DISCONTINUED. I RESEARCHED AVAILABILITY AND ONLY USED MODULES WERE AVAILABLE AND JOHN HINE MAZDA SAID THEY COULD NOT INSTALL USED PARTS. FINALLY ON 3/16/2016 THEY HAD A FACTORY REPRESENTATIVE CHECK OUT THE AIR BAG AND HE SAID IT NEEDED TO BE REPLACED BUT WAS NO LONGER AVAILABLE AS IT HAD BEEN DISCONTINUED. AT THIS TIME THEY SAID I NEEDED TO PROVIDE A NEW AIR BAG WHICH I OBVIOUSLY CAN'T- AND THE DISCONNECTED AIR BAG MODE AND TAPED THE WIRING SO IT WAS NO LONGER CONNECTED. I NOW AM EXPECTED TO DRIVE MY CAR WITHOUT THE PROTECTION OF AN AIR BAG WHICH I CONSIDER A SAFETY VIOLATION. *JS

Include, if available: Police/Fire Department Report, Photos, and Repair Invoice.

ATTACH ADDITIONAL SHEETS IF NECESSARY

The Privacy Act of 1974-Public Law 93-579 This information is requested pursuant to authority vested in the National Highway Traffic Safety Act and subsequent amendments. You are under no obligation to respond to this questionnaire. Your response may be used to assist the NHTSA in determining whether a manufacturer should take appropriate action to correct a safety defect. If the NHTSA proceeds with administrative enforcement or litigation against a manufacturer, your response, or a statistical summary thereof, may be used in support of the agency's action.