



U.S. Department
of Transportation

**National Highway
Traffic Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

July 20, 2018

The Honorable Deb Fischer
United States Senator
1110 Circle Drive, Suite F2
Scottsbluff, NE 69361

NEF-109 rrr
Ref. No. 11098548

Dear Senator Fischer:

Thank you for your correspondence on behalf of your constituent, [REDACTED] concerning his model year (MY) 2013 Volkswagen CC vehicle. The Federal Motor Carrier Safety Administration forwarded your correspondence 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 vehicles or motor vehicle equipment when our investigations indicate that they contain safety defects in their design, construction, or performance. We also monitor the completion rates and adequacy of manufacturers' recall campaigns.

[REDACTED] has two concerns stemming from a safety recall involving his Volkswagen CC. The first issue relates to the pace of the recall and the availability of parts to fix the defect. The second concern stems from his dissatisfaction from having the defective part fail and then paying out of his own pocket to have that part replaced with another potentially defective part.

As to [REDACTED] understandable concerns about the recall, he states that he received notice from Volkswagen for NHTSA Safety Recall Campaign No. 17V-509 in August 2017. This involves a defect in the fuel pump control module for certain MY 2009 through MY 2016 Volkswagen CC vehicles that can interrupt or cut off power to the fuel pump and suddenly disable the car. Volkswagen's remedy is to install a redesigned fuel pump control module. However, the August 2017 notice also advised that the remedy parts were not available at that time.

We are most certainly aware that parts availability is a problem in many recalls. In 2015, NHTSA held a public hearing involving Fiat Chrysler Automobiles' (FCA) recall performance failures that led to a consent order and record civil penalties. Nonetheless, it is not unusual for manufacturers to have an inadequate inventory of recall parts after a recall is announced and parts availability can be affected by numerous factors including, but not limited to, redesign, testing, manufacturing and logistics. According to Volkswagen, parts for this recall are now available and owners either have, or will soon, receive notices to that effect in their mail. Once he receives this notice, [REDACTED] should contact Volkswagen or his dealer to schedule an appointment immediately.

The Honorable Deb Fischer

██████████ second concern, stemming from his incurring expenses in paying for replacement of defective parts with what may also be defective replacement parts, is more easily addressed than his first. Federal regulations require a manufacturer conducting a safety recall of motor vehicles or motor vehicle equipment to reimburse owners who have paid to repair a safety defect. In most cases, manufacturers will reimburse owners for paid repairs one year prior to the manufacturer's recall notification. Since ██████████ had to have the defective parts replaced in March 2018 when the recall was already in progress, he should follow the instructions in the final recall notification letter to file a claim. He can contact Volkswagen or his dealer for further assistance.

In addition to seeking reimbursement, ██████████ should take his vehicle to his dealer to ensure that the parts installed in March 2018 do not contain the defect found in the original parts. As the replacement fuel pump control modules are just now becoming available, his vehicle may have been repaired with a defective part. Therefore, he should have that replacement part inspected and may need to have a new fuel pump control module installed by an authorized dealer per the recall.

I hope this information is helpful. If you have any questions, please feel free to contact me at 202-366-2386.

Sincerely,



Brian Barnard
Director, Governmental Affairs,
Policy and Strategic Planning

cc: The Washington Office