



CL-11186451-6825
National Transportation Safety Board

Washington, DC 20594

Office of the Managing Director

March 8, 2019

Dear [REDACTED]

This is in reply to your recent letter regarding your 2008 Mercedes-Benz Smart Car, which caught fire while idling in your driveway, following its recall and repair by Mercedes-Benz.

To provide you some background, we are an independent federal agency charged by Congress with investigating every civil aviation accident in the United States and significant accidents in the other modes of transportation -- railroad, highway, marine, and pipeline. We determine the probable cause of the accidents we investigate and issue safety recommendations aimed at preventing future accidents. In addition, we coordinate the resources of the federal government and other organizations to provide assistance to victims and their family members affected by major transportation disasters. We derive this authority from Title 49 of the *United States Code*, Chapter 11. We do not regulate the automotive industry or any other transportation industry. Those responsibilities have been assigned to the respective agencies of the US Department of Transportation.

The regulation of motor vehicle safety equipment, the investigation of potential vehicle defects, and the supervision of recalls are the responsibility of another federal agency, the National Highway Traffic Safety Administration (NHTSA). As a courtesy, we have forwarded your letter to NHTSA. If you wish to contact NHTSA directly with your complaint, you can do so at <https://www-odi.nhtsa.dot.gov/VehicleComplaint/> or write to the following address:

**NHTSA Headquarters
1200 New Jersey Avenue, SE
West Building
Washington, DC 20590**

Best wishes to you.

Sincerely,

A handwritten signature in black ink, appearing to read "Shavonne L. Austin".

Shavonne L. Austin
Chief
Executive Secretariat

cc: w/Enclosure
Executive Secretariat
NHTSA

[REDACTED]
Land O Lakes, Florida [REDACTED]

Cell: [REDACTED] Email: [REDACTED]

January 16th, 2019

National Transportation Safety Board
490 L'Enfant Plaza SW
Washington, DC 20594
Attn: Ms. Deborah Hersman, CEO Safety Council

Mercedes-Benz USA, LLC
1 Mercedes-Benz Dr.
Sandy Springs, GA 30328
Attn: Mr. Dietmar Exler, President and CEO

Mercedes-Benz of Tampa
4400 N. Dale Mabry Highway
Tampa, Florida 33614
Attn: Mr. Alexander Glickman, General Manager

Re: Safety Hazard 2018 Recall Notice for 2008 Smart Car (VIN #VMEEJ31X68K [REDACTED])

Dear executives and to whom it may concern:

I am the owner of the above referenced 2008 Smart Car automobile. While not my primary use vehicle, I purchased it for use as a flat tow vehicle behind my motor coach when I travel. In June of 2018, I

Continued on page two.

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received the enclosed Mercedes-Benz recall notice prompting me to contact my local Mercedes-Benz dealer/repair facility to affect repairs that would prevent the possibility of an engine fire. I contacted the local Mercedes-Benz dealer, Mercedes-Benz of Tampa and was advised that the repair parts were not available at that time for my car. In August 2018, I was contacted by Mercedes-Benz of Tampa via phone and was advised that they now had the necessary parts to complete the subject recall for my 2008 Smart Car. Accordingly, I made a service appointment for the recall repair. I picked up my Smart Car with the recall repairs completed and drove it home safely August 7th, 2018. The dealer repair work order and a photograph of my car on the dealer's car lift are enclosed. On the morning of December 12th, 2018, my car went up in flames parked in my driveway next to my motor coach. It had been idling for approximately five minutes warming up from a chilly night prior. I have enclosed numerous pictures of the aftermath. Fortunately, no person was injured. The Smart Car and my driveway were not as fortunate. If the fire had occurred while driving, someone could have been seriously hurt or killed. If the car had been in a garage, the garage could have caught on fire.

The purpose of this letter is to hopefully save someone's life and/or property by prompting action.

Currently my now "totaled" Smart Car is in storage and available for inspection with notice. I'm available by phone at [REDACTED] or email [REDACTED] to discuss the matter. My prayer is for Mercedes-Benz USA to correct this dangerous problem for other Smart Car owners before someone else experiences my misfortune or worse.

Thank you for your attention.

Yours truly [REDACTED]

Enclosures:

Recall Notice, Dealer Recall Work Order and 29 Photographs



Mercedes-Benz USA, LLC

Christian Treiber
Vice President
Customer Services

IMPORTANT SAFETY RECALL

This INTERIM notice applies to your vehicle: WMEEJ31X68K
Replace Rear Insulation Mat
NHTSA Recall #18V273

June, 2018

WMEEJ31X68K

Land O Lakes, FL



Dear smart Owner,

This notice is sent to you in accordance with the requirements of the National Traffic and Motor Vehicle Safety Act.

Daimler AG (DAG), the manufacturer of smart vehicles, has decided that a defect which relates to motor vehicle safety exists in certain Model Year (MY) 2008 - 2009 smart fortwo vehicles.

What is the Concern?

On certain MY 2008-2009 smart fortwo coupe and cabrio vehicles (451 platform), the rear insulation mat in the engine compartment may deform, deteriorate, and loosen over time, allowing the mat to contact hot exhaust system components, which would increase the risk of a fire.

To remedy this issue, an authorized smart dealer will replace the rear insulation mat in the engine compartment on the affected vehicles. The replacement insulation mats are currently not available.

We are working to obtain the necessary parts to correct this condition as quickly as possible. As parts become available, we will send you another letter asking you to take your vehicle to an authorized smart dealer to have the recall completed free of charge.

Should you have any concerns or questions regarding your vehicle before you receive the next recall letter when parts are available, please contact an authorized smart dealer. If for any reason a dealer is unable to provide a remedy, please contact us at 1-800-367-6372. A vehicle identification number (VIN)-based recall lookup tool on our smartusa.com website, offers a search function that will indicate whether a vehicle has been subject to a safety recall, and whether that vehicle has had the free remedy performed. Please visit www.smartusa.com/recall.

If you are no longer the vehicle owner, or have a change of address, please complete the reverse side of this letter and return the complete letter in the enclosed envelope. If this is a leased vehicle and the lessor and registered owner receive this notice, please forward this information by first class mail to the lessee within 10 days to comply with federal regulations.

If an authorized smart dealer for any reason is unable to remedy the situation without charge, or within a reasonable amount of time once parts are available, pursuant to law 49 U.S.C. Chapter 301, you may submit a complaint to the Administrator, National Highway Traffic Safety Administration, 1200 New Jersey Avenue, S.E., Washington, D.C. 20590 or call the toll-free Auto Safety Hotline at 1-888-327-4236 (TTY 1-800-424-9153); or go to <http://www.safercar.gov>.

We regret any inconvenience this situation may cause you.

Sincerely,

Mercedes-Benz USA, LLC

A Daimler Company
One Mercedes-Benz Drive
Sandy Springs, GA 30328
Phone (770) 705-0600

CUSTOMER #: [REDACTED]

MERCEDES-BENZ OF TAMPA

4400 N. DALE MABRY, TAMPA, FLORIDA 33614

PHONE: (813) 873-2360

www.MBofTampa.com

MVR# 39327

INVOICE

CONTEMPORARY PHOT

PORT ORANGE, FL [REDACTED]

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SERVICE DEPARTMENT HOURS
7:00 a.m. to 7:00 p.m. MON-FRI
7:00 a.m. to 4:00 p.m. SAT

Mercedes-Benz

HOME: [REDACTED]

BUS: [REDACTED] CELL: [REDACTED] SERVICE ADVISOR: 807719 Raphael D Brites D

COLOR	YEAR	MAKE/MODEL	VIN	LICENSE	MILEAGE IN / OUT	TAG	
	08	SMART Smart for two	WMEEJ31X681		72854/72854	T1778	
DEL. DATE	PROD. DATE	WARR. EXP.	PROMISED	PO NO.	RATE	PAYMENT	INV. DATE
30OCT08	DD18SEP08		17:00 07AUG18			CASH	07AUG18
R.O. OPENED		READY	OPTIONS: DLR:0000 ENG:1.0 Liter				

10:53 07AUG18 12:28 07AUG18

LINE OPCODE TECH TYPE HOURS LIST NET TOTAL

A PERFORM RECALL CAMPAIGN 2018060010 REPLACE DAMPNING IN REAR ENGINE

COMPARTEMENT 2008-2009 SMART

CAUSE: campaign

020000 OF CODE 02-2326

808391 WTS

1 451-682-00-61 INSULATION

8 000-994-21-18 WASHER

(N/C)

(N/C)

(N/C)

PARTS: 0.00 LABOR: 0.00 OTHER: 0.00 TOTAL LINE A: 0.00

performed campaign

EST: 48.78

07AUG18 10:53 SA: 807719

FREE CAR WASH WITH ANY SERVICE/\$29.95 VALUE
COMP MERCEDES BENZ LOANER \$45.00/DAY VALUE

Mercedes-Benz

WARRANTY STATEMENT AND DISCLAIMER: PLEASE SEE THE DEALERSHIP'S LIMITED WARRANTY ON THE REVERSE SIDE OF THIS REPAIR INVOICE.

By signing below, you acknowledge that you were notified of and authorized the Dealership to perform the services/repairs itemized in this Invoice and that you received (or had the opportunity to inspect) any replaced parts as requested by you. The vehicle is being returned to you in exchange for your payment of the Amount Due.

*SHOP SUPPLY COSTS: We have added a charge equal to 15% of the total cost of labor and parts, not to exceed \$50, to the Repair Order. This charge represents costs and profits to the motor vehicle repair facility for miscellaneous shop supplies and waste disposal. The State of Florida requires a \$1.00 fee to be collected for each new tire sold in the state [s.403.718], and a \$1.50 fee to be collected for each new or remanufactured battery sold in the state [s.403.7185].

ALL PARTS ARE NEW UNLESS OTHERWISE INDICATED.

DESCRIPTION	TOTALS
LABOR AMOUNT	0.00
PARTS AMOUNT	0.00
ADJUSTMENT	0.00
SUBLET AMOUNT	0.00
MISC. CHARGES *	0.00
TOTAL CHARGES	0.00
LESS INSURANCE	0.00
SALES TAX	0.00
PLEASE PAY THIS AMOUNT	0.00

DATE CUSTOMER SIGNATURE

AUTHORIZED DEALERSHIP REPRESENTATIVE SIGNATURE

REMIT TO: 445 Atlanta South Pkwy, Suite 135
College Park, GA 30349