



U.S. Department
of Transportation
**National Highway
Traffic Safety
Administration**

RL-11461473-1000

1200 New Jersey Avenue SE.
Washington, DC 20590

October 19, 2022

The Honorable Peter Welch
Member, U.S. House of Representatives
128 Lakeside Avenue, Suite 235
Burlington, VT 05401

NEF-109 rrr
Ref. No. 11461473

Dear Representative Welch:

Thank you for the letter on behalf of your constituents, [REDACTED], and their model year (MY) 2018 Chrysler Pacifica Hybrid vehicle. Your letter was forwarded to the National Highway Traffic Safety Administration's (NHTSA) Office of Defects Investigation. I am pleased to respond.

NHTSA is the Federal agency responsible for improving safety on our Nation's roadways. We are authorized to order manufacturers to recall and repair vehicles or motor vehicle equipment when our investigations indicate that they contain safety defects, such as in their design, construction, or performance. Among other activities, we also monitor the completion rates and adequacy of manufacturers' recall campaigns.

We appreciate the report you provided. Reports from motorists are a very important source of information for NHTSA. As their correspondence references, the [REDACTED] submitted a report regarding the same vehicle problem through our Vehicle Safety Hotline, which we received on April 20, 2022. Please note that when a motorist contacts NHTSA, the complaint does not automatically open a formal investigation by our agency. However, the information from the reports are entered into our complaint database, where they are reviewed by NHTSA staff in conjunction with other relevant data to determine if a safety defect trend exists that may require the agency's attention. NHTSA staff may follow up and contact a vehicle owner who submitted a complaint if we require additional information.

In this case though, the [REDACTED] report already concerns a NHTSA Safety Recall Campaign: No. 22V-077. Stellantis (formerly Fiat Chrysler Automobiles) is recalling certain MY 2017 and MY 2018 Pacifica Plug-In Hybrid Electric Vehicles. Information provided by Stellantis regarding this recall indicates that a vehicle fire can occur when parked, even with the ignition in the "Off" position. This presents an urgent fire risk and it is important to follow the manufacturer's instructions on how and where to park this vehicle.

We understand the [REDACTED] concerns with any delay they have experienced in receiving the recall remedy for Recall 22V-077. Stellantis has now developed a remedy for this recall and recently notified NHTSA that owners will soon be receiving letters notifying them how to obtain the remedy. Specifically, Stellantis filed an updated recall filing with NHTSA on September 22, 2022 indicating that the company “will notify dealers and begin mailing Final Owner Letters on or about 10/11/2022.”¹

For further background on the recall process and timing, under NHTSA’s regulations, a manufacturer must file a Defect Information Report (DIR) not more than 5 working days after determining a safety related defect exists in a vehicle. See 49 C.F.R. 573.6. This timing requirement applies even if the manufacturer has not yet acquired enough parts to repair all vehicles or identified a specific remedy for the defect at the time of the DIR’s filing. Recall final remedies and parts availability can be affected by numerous factors including, but not limited to, redesign, testing, manufacturing, and logistics. Also, depending on the volume of vehicles involved in a recall, some manufacturers may conduct the recall in phases.

We understand the [REDACTED] were not satisfied with the solutions offered by Stellantis and were looking for other options. NHTSA’s statutory and regulatory authorities require the vehicle manufacturer to remedy a defect in one of several ways. These options are set forth in 49 U.S.C. § 30120 and include: repairing the vehicle; replacing the vehicle with an identical or reasonably equivalent vehicle; or refunding the purchase price, less a reasonable allowance for depreciation. The statute permits the manufacturer to choose which of these remedies to use for a particular recall. In this case, Stellantis has elected to provide a free repair for the affected vehicles, as described above.

To monitor a manufacturer’s recall repairs and timeliness, following the filing of a DIR, NHTSA regulations also establish regular reporting and notification requirements to ensure the agency and public remain updated on the recall campaign, the associated remedies, and the manufacturer’s progress in remedying affected vehicles. In particular, the manufacturer is required to report to NHTSA its recall completion rates on a quarterly basis once the remedy becomes available for any vehicles in the recall population. The specific documentation and filings relating to these filings are also available on NHTSA’s website.

Now that a remedy is available for this recall, we encourage the [REDACTED] to obtain the remedy for their vehicle as soon as possible. In addition, the [REDACTED] may continue to work with Stellantis and their dealer to explore the potential for an amicable resolution to their problem. They may also ask their dealership for a meeting with a Stellantis district manager to discuss their problem. The [REDACTED] may also consider contacting their local Consumer Protection Agency or continue to work with the Vermont Attorney General’s Office regarding their problem and rights under State law. In addition, the Federal Trade Commission (FTC) regulates and investigates warranty and dealership problems, reimbursement matters, and fair-trade practices. If

¹ See Part 573 Safety Recall Report, No. 22V-077, Chrysler (FCA US, LLC) (Sept. 22, 2022), available at <https://static.nhtsa.gov/odi/rcr/2022/RCLRPT-22V077-6946.PDF>.

the [REDACTED] believe this issue potentially relates to such a practice, they may contact the FTC to discuss the matter. 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.

Finally, the [REDACTED] may consider contacting the Better Business Bureau (BBB) Auto Line. The BBB offers free mediation/arbitration to resolve warranty disputes under guidelines established by the FTC. Remedies include repair, reimbursement, repurchase or replacement, depending on program eligibility. The [REDACTED] can visit the BBB's website at www.bbb.org to file a complaint and review eligibility information or call the BBB Auto Line at 800-955-5100.

I hope this information is helpful. If you have any questions, please feel free to contact me at ron.thaniel@dot.gov.

Sincerely,

[REDACTED]

Ron Thaniel
Director, Governmental and External Affairs,
Office of Governmental Affairs, Policy and
Strategic Planning