



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



March 29, 2023

[REDACTED]
Edmond, OK [REDACTED]

NEF-109 ela
Ref. No. 11510560

Dear [REDACTED]:

Thank you for the letter about your model year (MY) 2007 Mercedes-Benz ML500 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. You state that your vehicle was affected by the defect identified in NHTSA Safety Recall Campaign No. 22V-315, which addresses a problem with reduced brake power due to moisture accumulation in the brake booster in certain MY 2007 Mercedes-Benz ML500 vehicles, and owners were advised not to drive the vehicle until the recall is completed. You request compensation for the rental car expenses you incurred.

Chapter 301 of Title 49 of the United States Code (U.S.C.) does not require manufacturers to reimburse owners for additional expenses associated with a safety recall, such as alternate transportation, as a result of the defect. Nor does the statute authorize the Federal government to reimburse vehicle owners for any additional expenses associated with safety recalls or to assist vehicle owners in obtaining reimbursements for additional expenses associated with an alleged defect. However, we entered your information into our database where it will be used with other reports to identify any safety defect trends that may require our attention. You can learn more about NHTSA's investigation and recall process on our website at www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/mvdefectsandrecalls_808795.pdf.

We encourage you to continue to work with Mercedes-Benz and your dealer to explore the potential for an amicable resolution to your problem. You may also ask your dealership for a meeting with a Mercedes-Benz district manager regarding your problem. You could consider contacting your local Consumer Protection Agency or the Oklahoma Attorney General's Office regarding your problem and rights under state law. In addition, the Federal Trade Commission (FTC) regulates and investigates unfair, deceptive or fraudulent practices in the marketplace.

Therefore, if you believe this issue potentially relates to such a practice, you 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, you may also 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. You can visit their website at www.bbb.org to file a complaint and review eligibility information or call the BBB Auto Line at 800-955-5100.

If you encounter a safety-related problem with a motor vehicle or motor vehicle equipment in the future, please complete an electronic Vehicle Owner's Questionnaire online at www.nhtsa.gov or call the Vehicle Safety Hotline at 888-327-4236. Also, you may review owners' complaints, safety recalls, manufacturers' service bulletins, etc., on our website.

Sincerely,

A handwritten signature in cursive script that reads "Randy Reid".

Randy Reid, Chief
Consumer Engagement Division
Office of Defects Investigation
Enforcement