



National Highway Traffic Safety Administration

NOV 10, 2003

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Mr. Robert Babcock Manager, Government Affairs Hyundai America Technical Center, Inc. 5075 Venture Drive Ann Arbor, MI 48108

NVS-212lbs RQ03-007

Dear Mr. Babcock:

This letter is to inform you that the Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) has opened a Recall Query (RQ03-007) to investigate the adequacy of the scope of a prior safety recall of certain Kia Sportage and Sephia vehicles. The recall action replaced the front safety belts in Model Year (MY) 1995-1998 Kia Sportage and Sephia models due to a "false latch" condition in the buckle. NHTSA was notified of the prior recall by your letter dated August 16, 2002, and the specifics of the campaign were delineated in Kia Technical Service Bulletin No. 027, dated December 2002. NHTSA identified the previous recall as Campaign No. 02V-216. As part of this investigation, this letter requests certain information.

This office has received nine (9) consumer complaints that allege incomplete or false latch of the subject safety belt buckles installed in Kia Sephia and Sportage vehicles manufactured after the production dates covered under NHTSA Campaign No. 02V-016. Copies of these consumer complaints were provided to Kia by FAX on October 22, 2003.

Unless otherwise stated in the text, the following definitions apply to these information requests:

- Subject vehicles: MY 1999-2001 Kia Sephia and MY 1999-2002 Kia Sportage vehicles manufactured for sale or lease in the United States.
- Subject Components: Original equipment front (driver and passenger) safety belt buckle assemblies installed in the subject vehicles.
- KIA: Kia Motors Corporation, all of its past and present officers and employees. whether assigned to its principal offices or any of its field or other locations, including all of its divisions, subsidiaries (whether or not incorporated) and affiliated enterprises and





all of their headquarters, regional, zone and other offices and their employees, and all agents, contractors, consultants, attorneys and law firms and other persons engaged directly or indirectly (e.g., employee of a consultant) by or under the control of Kia (including all business units and persons previously referred to), who are or, in or after 1994, were involved in any way with any of the following related to the alleged defect in the subject vehicles:

- a. Design, engineering, analysis, modification or production (e.g. quality control);
- b. Testing, assessment or evaluation;
- Consideration, or recognition of potential or actual defects, reporting, record-keeping and information management, (e.g., complaints, field reports, warranty information, part sales), analysis, claims, or lawsuits; or
- d. Communication to, from or intended for zone representatives, fleets, dealers, or other field locations, including but not limited to people who have the capacity to obtain information from dealers.
- Alleged defect: The unintended release of the front safety belt due to a false latch condition that may allegedly exist in the buckle assemblies.
- Document: "Document(s)" is used in the broadest sense of the word and shall mean all original written, printed, typed, recorded, or graphic matter whatsoever, however produced or reproduced, of every kind, nature, and description, and all non-identical copies of both sides thereof, including, but not limited to, papers, letters, memoranda, correspondence, communications, electronic mail (e-mail) messages (existing in hard copy and/or in electronic storage), faxes, mailgrams, telegrams, cables, telex messages, notes, annotations, working papers, drafts, minutes, records, audio and video recordings. data, databases, other information bases, summaries, charts, tables, graphics, other visual displays, photographs, statements, interviews, opinions, reports, newspaper articles, studies, analyses, evaluations, interpretations, contracts, agreements, jottings, agendas, bulletins, notices, announcements, instructions, blueprints, drawings, as-builts, changes, manuals, publications, work schedules, journals, statistical data, desk, portable and computer calendars, appointment books, diaries, travel reports, lists, tabulations, computer printouts, data processing program libraries, data processing inputs and outputs. microfilms, microfiches, statements for services, resolutions, financial statements. governmental records, business records, personnel records, work orders, pleadings, discovery in any form, affidavits, motions, responses to discovery, all transcripts, administrative filings and all mechanical, magnetic, photographic and electronic records or recordings of any kind, including any storage media associated with computers, including, but not limited to, information on hard drives, floppy disks, backup tapes, and zip drives, electronic communications, including but not limited to, the Internet and shall include any drafts or revisions pertaining to any of the foregoing, all other things similar to any of the foregoing, however denominated by Kia, any other data compilations from which information can be obtained, translated if necessary, into a usable form and any other documents. For purposes of this request, any document, which contains any note. comment, addition, deletion, insertion, annotation, or otherwise comprises a non-identical copy of another document shall be treated as a separate document subject to production. In all cases where original and any non-identical copies are not available.

"document(s)" also means any identical copies of the original and all non-identical copies thereof. Any document, record, graph, chart, film or photograph originally produced in color must be provided in color. Furnish all documents whether verified by the manufacturer or not. If a document is not in the English language, provide both the original document and an English translation of the document.

Other Terms: To the extent that they are used in these information requests, the terms
"claim," "consumer complaint," "dealer field report," "field report," "fleet," "good will,"
"make," "model," "model year," "notice," "property damage," "property damage claim,"
"rollover," "type," "warranty," "warranty adjustment," and "warranty claim," whether
used in singular or in plural form, have the same meaning as found in 49 CFR 579.4.

In order for my staff to evaluate the alleged defect, certain information is required. Pursuant to 49 U.S.C. § 30166, please provide numbered responses to the following information requests. Insofar as Kia has previously provided a document to ODI, Kia may produce it again or identify the document, the document submission to ODI in which it was included and the precise location in that submission where the document is located. When documents are produced, the documents shall be produced in an identified, organized manner that corresponds with the organization of this information request letter (including all individual requests and subparts). When documents are produced and the documents would not, standing alone, be self-explanatory, the production of documents shall be supplemented and accompanied by explanation.

Please repeat the applicable request verbatim above each response. After Kia's response to each request, identify the source of the information and indicate the last date the information was gathered.

- 1. State, by model and model year, the numbers of subject vehicles manufactured by Kia for sale or lease in the United States.
- State the number of each of the following, received by Kia, or of which Kia is otherwise aware, which relate to, or may relate to, the alleged defect in the subject vehicles:
 - Consumer complaints, including those from fleet operators;
 - Field reports, including dealer field reports;
 - c. Reports involving a crash, injury, or fatality, based on claims against the manufacturer involving a death or injury, notices received by the manufacturer alleging or proving that a death or injury was caused by a possible defect in a subject vehicle, property damage claims, consumer complaints, or field reports;
 - d. Property damage claims;
 - e. Third-party arbitration proceedings where Kia is or was a party to the arbitration; and,
 - f. Lawsuits, both pending and closed, in which Kia is or was a defendant or codefendant.

For subparts "a" through "c," state the total number of each item (e.g., consumer complaints, field reports, etc.) separately. Multiple incidents involving the same vehicle are to be counted separately. Multiple reports of the same incident are also to be counted separately

(i.e., a consumer complaint and a field report involving the same incident in which a crash occurred are to be counted as a crash report, a field report and a consumer complaint).

In addition, for items "c" through "f," provide a summary description of the alleged problem and causal and contributing factors and Kia's assessment of the problem, with a summary of the significant underlying facts and evidence. For item "f", identify the parties to the action, as well as the caption, court, docket number, and date on which the complaint or other document initiating the action was filed.

- 3. For each item (complaint, report, claim, notice, or matter) within the scope of your response to Request No. 2, state the following information:
 - a. Kia's file number or other identifier used;
 - The category of the item, as identified in Request No. 2 (i.e., consumer complaint, field report, etc.);
 - Vehicle owner or fleet name (and fleet contact person), address, and telephone number;
 - d. Vehicle's VIN;
 - e. Vehicle's make, model and model year;
 - f. Vehicle's mileage at time of incident;
 - g. Incident date;
 - h. Report or claim date;
 - Whether a crash is alleged;
 - Whether property damage is alleged;
 - k. Number of alleged injuries, if any; and,
 - 1. Number of alleged fatalities, if any.

Provide this information in Microsoft Access 2000, or a compatible format, entitled "REQUEST NUMBER TWO DATA."

- 4. Produce copies of all documents related to each item within the scope of Request No. 2. Organize the documents separately by category (i.e., consumer complaints, field reports, etc.) and describe the method Kia used for organizing the documents.
- 5. State, by model and model year, a total count for all of the following categories of claims, collectively, that have been paid by Kia to date that relate to, or may relate to, the alleged defect in the subject vehicles: warranty claims; extended warranty claims; claims for good will services that were provided; field, zone, or similar adjustments and reimbursements; and warranty claims or repairs made in accordance with a procedure specified in a technical service bulletin or customer satisfaction campaign.

Separately, for each such claim, state the following information:

- a. Kia's claim number,
- b. Vehicle owner or fleet name (and fleet contact person) and telephone number;
- c. VIN:
- d. Repair date:
- e. Vehicle mileage at time of repair;

- f. Repairing dealer's or facility's name, telephone number, city and state or ZIP code;
- g. Labor operation number,
- h. Problem code;
- Replacement part number(s) and description(s);
- j. Concern stated by customer, and,
- k. Comment, if any, by dealer/technician relating to claim and/or repair.
- 6. Describe in detail the search criteria used by Kia to identify the claims identified in response to Request No. 5, including the labor operations, problem codes, part numbers and any other pertinent parameters used. Provide a list of all labor operations, labor operation descriptions, problem codes, and problem code descriptions applicable to the alleged defect in the subject vehicles. State, by make and model year, the terms of the new vehicle warranty coverage offered by Kia on the subject vehicles (i.e., the number of months and mileage for which coverage is provided and the vehicle systems that are covered). Describe any extended warranty coverage option(s) related to the alleged defect that Kia offered for the subject vehicles and state by option, model, and model year, the number of vehicles that are covered under each such extended warranty.
- 7. Produce copies of all service, warranty, and other documents that relate to, or may relate to, the alleged defect in the subject vehicles, that Kia has issued to any dealers, regional or zone offices, field offices, fleet purchasers, or other entities. This includes, but is not limited to, bulletins, advisories, informational documents, training documents, or other documents or communications, with the exception of standard shop manuals. Also include the latest draft copy of any communication in the above categories that Kia is planning to issue within the next 120 days.
- 8. State the engineering and corresponding service part number(s) of the subject front safety belt and buckle assemblies installed in each MY and model of the subject vehicles. Also state separately, the engineering and corresponding service part number(s) of the front safety belt and buckle assemblies installed in each MY and model of the MY 1995-1998 Kia Sephia and Sportage vehicles recalled in Kia's safety defect campaign of August 15, 2002. Identify by name and address, suppliers of all original equipment front safety belt/buckle assemblies for each of the engineering and service part numbers stated above.
- 9. Describe all assessments, analyses, tests, test results, studies, surveys, simulations, investigations, inquiries and/or evaluations (collectively, "actions") that relate to, or may relate to, the alleged defect in the subject vehicles that have been conducted, are being conducted, are planned, or are being planned by, or for Kia. For each such action, provide the following information:
 - a. Action title or identifier;
 - b. The actual or planned start date;
 - c. The actual or expected end date;
 - d. Brief summary of the subject and objective of the action;
 - Engineering group(s)/supplier(s) responsible for designing and for conducting the action;
 and.

f. A brief summary of the findings and/or conclusions resulting from the action.

For each action identified, provide copies of all documents related to the action, regardless of whether the documents are in interim, draft, or final form. Organize the documents chronologically by action.

- 10. Describe in chronological order all modifications or changes made by, or on behalf of, Kia in the design, material composition, manufacture, quality control, supply, or installation of the subject components, from the start of production to date, which relate, or may relate, to the alleged defect in the subject vehicles. For each such modification or change, provide the following information:
 - The date or approximate date on which the modification or change was incorporated into vehicle production;
 - A detailed description of the modification or change;
 - c. The reason(s) for the modification or change;
 - d. The part numbers (service and engineering) of the original component;
 - The part number (service and engineering) of the modified component;
 - f. Whether the original unmodified component was withdrawn from production and/or sale, and if so, when;
 - g. When the modified component was made available as a service component; and,
 - Whether the modified component can be interchanged with earlier production components.

Also, provide the above information for any modification or change that Kia is aware of which may be incorporated into vehicle production within the next 120 days.

- 11. State the number of each of the following sold by Kia that may be used in the subject vehicles by component name, part number (both service and engineering/production), model and model year of the vehicle in which it is used and month/year of sale including the cut-off date for sales, if applicable:
 - Subject components; and,
 - Any kits that have been released, or developed, by Kia for use in service repairs to the subject component/assembly.

For each component part number, provide the supplier's name, address, and appropriate point of contact (name, title, and telephone number). Also identify by make, model and model year, any other vehicles of which Kia is aware that contain the identical component, whether installed in production or in service, and state the applicable dates of production or service usage.

- 12. Provide Kia's assessment of the alleged defect in the subject vehicle, including:
 - a. The causal or contributory factor(s);
 - b. The failure mechanism(s);

- c. The failure mode(s);
- d. The risk to motor vehicle safety that it poses;
- What warnings, if any, the operator and the other persons both inside and outside the
 vehicle would have that the alleged defect was occurring or subject component was
 malfunctioning; and,
- f. The consumer reports provided to Kia in connection with this investigation.

This letter is being sent to Kia pursuant to 49 U.S.C. § 30166, which authorizes NHTSA to conduct any investigation that may be necessary to enforce Chapter 301 of Title 49 and to request reports and the production of things. It constitutes a new request for information. Kia's failure to respond promptly and fully to this letter could subject Kia to civil penalties pursuant to 49 U.S.C. § 30165 or lead to an action for injunctive relief pursuant to 49 U.S.C. § 30163. (Other remedies and sanctions are available as well.) Please note that maximum civil penalties under 49 U.S.C. § 30165 have increased as a result of the recent enactment of the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act, Public Law No. 106-414 (signed November 1, 2000). Section 5(a) of the TREAD Act, codified at 49 U.S.C. § 30165(b), provides for civil penalties of up to \$5,000 per day, with a maximum of \$15 million for a related series of violations, for failing or refusing to perform an act required under 49 U.S.C. § 30166. This includes failing to respond to ODI information requests.

If Kia cannot respond to any specific request or subpart(s) thereof, please state the reason why it is unable to do so. If on the basis of attorney-client, attorney work product, or other privilege, Kia does not submit one or more requested documents or items of information in response to this information request, Kia must provide a privilege log identifying each document or item withheld, and stating the date, subject or title, the name and position of the person(s) from, and the person(s) to whom it was sent, and the name and position of any other recipient (to include all carbon copies or blind carbon copies), the nature of that information or material, and the basis for the claim of privilege and why that privilege applies.

Kia's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by January 8, 2004. Please refer to RQ03-007 in Kia's response to this letter. If Kia finds that it is unable to provide all of the information requested within the time allotted, Kia must request an extension from me at (202) 366-5218 no later than five business days before the response due date. If Kia is unable to provide all of the information requested by the original deadline, it must submit a partial response by the original deadline with whatever information Kia then has available, even if an extension has been granted.

If Kia claims that any of the information or documents provided in response to this information request constitute confidential commercial material within the meaning of 5 U.S.C. § 552(b)(4), or are protected from disclosure pursuant to 18 U.S.C. § 1905, Kia must submit supporting information together with the materials that are the subject of the confidentiality request, in accordance with 49 CFR Part 512, to the Office of Chief Counsel (NCC-113), National Highway Traffic Safety Administration, Room 5219, 400 Seventh Street, S.W., Washington, D.C. 20590. Kia is required to submit two copies of the documents containing all information for which confidentiality is claimed (except only one copy of blueprints) and one copy of the documents from which information claimed to be confidential has been deleted.

If you have any technical questions concerning this matter, please call Mr. Lee Strickland of my staff, at (202) 366-5201.

Sincerely,

Letes C. Ong, for Thomas Z. Cooper, Chief

Vehicle Integrity Division

Office of Defects Investigation

785013

From:

To: Date: Young, Beverly <NHTSA>, Jimenez, Alberto <NHTSA>

5/23/01 6:43PM

Subject

Car Talk VOQ submission

- * This data was submitted via a fill-in form at the Cartalk web sits
- (http://www.cartalk.care.com/Tools/nhtsa.pl) If you have any problems
- or suggestions regarding the format of this submission, send email

* to webmaster@cartalk.com

SUBMISSION DATE: Wednesday, May 23rd 2001 at 4:43:54 PM

VECHICLE OWNER'S QUESTIONNAIRE

OWNER INFORMATION

NAME:

ADDPFSS:

L,

TELEPHONE: >

NHTSA authorized to send a copy of this report to the manufacturer. No

VEHICLE INFORMATION

VIN: KNAFB1215Y5848877

MAKE: KIA MODEL: Sephia YEAR: 2000

ODOMETER: 10400

PURCHASE DATE: NEW OR USED: New

DEALER NAME: Fred Brown Kla Hyundia

ADDRESS: Bryan, TX 77601

ENGINE SIZE: CYLINDERS: 4

FUEL INJECTION: Yes

TURBO: No

FUEL TYPE:

ANTILOCK BRAKES: Yes CRUISE CONTROL: Yes DRIVETRAIN: Front



DRIVER AIRBAG: Yes
PASSENGER AIRBAG: Yes
3-POINT BELT: Yes
MOTOR BELT: No
2-POINT BELT: No
BODY STYLE: 4-Door

FAILED COMPONENT(S)/PART(S) INFORMATION

COMPONENT: 1.) Front windshield weathering

- 2.)Driver's seatbelt
- 3.)Leaking Off pan
- 4.)Burnt out circuit to radiator fan
- 5.)Door locks that work 5 out of an times
- 6.)Hom not deploying
- 7.)Back doors that stick
- 8.)Dome fight that flickers intermittently on and off when
- all doors are shut

PART NAME(S):

LOCATION: Left Front

NUMBER OF FAILURES: 1.)3

2.)continually until

fixed

3.)1

4.)1

- 6.)continuelly
- 6,)continually
- 7.)occassionally
- 8.)occaselonally

DATE(S) OF FAILURES: 03/00, 06/00, 09/00, 11/00, 01/01

MILEAGE AT FAILURE(S): I don't recall

SPEED AT FAILURE(S): 70, 40, 90, 60

MANUFATURER CONTACTED: No

NHTSA CONTACTED: No

APPLICABLE ACCIDENT INFORMATION

ACCIDENT: No FIRE: No



NUMBER OF PERSONS INJURED: NUMBER OF FATALITIES: ESTIMATED PROPERTY DAMAGE: \$

DRIVER AIRBAG DEPLOYED: PASSENGER AIRBAG, DEPLOYED:

REPORTED TO POLICE:

INFORMATION ON TIRE FAILURE(S) (IF APPLICABLE)

DOT NUMBER: DOT TIRE MANUFACTURER: TIRE NAME: TIRE SIZE:

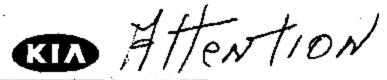
ADDITIONAL COMMENTS

I've had my car in and out of the shop so many times that I'm clear on what the dates are, but the trend seems to be every few months something new happens.

END OF FORM

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The Privacy Act of 1974-Public Law \$3-579 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 this quasiformatic. 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 cummary thereof, may be used in support of the agency's action.



Kia Motors America, Inc. Southern Region 100 Catteria, Suite 1550 Atlanta, GA 30339-5950

678-385-R500) - PAX 678-385-R50 (

December 22, 2000

West Palm Beach, FL 33417

We have completed our investigation of the accident which occurred on November 21, 2000 involving vehicle identification number KNAFB1213X5774513.

Our findings indicated that all systems in question were operating properly at the time of the inspection. Consequently, we must deny any assistance in this matter. We would recommend that you contact your insurance company for resolution.

Thank you for the opportunity to investigate your concern.



Consumer Affairs

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A DEFECTIVELY DESIGNED LATCH, SINCE WHEN THE TAB IS INSERTED SECURELY

SEATED INTO THE LATCH, IT PULLS OUT WHEN PULLED, OR WHEN ONE LEANS FORWARD SLIGHTLY STRESSING THE SEAT BELT. IT IS VERY, VERY DANGBROUS,

AND I INFORMED THE CLOSEST DEALER TO MY LOCATION, BAY RIDGE KIA WHEN

I BROUGHT THE CAR IN FOR CORRECTION OF RECAIL ITEMS, BUT THE BELT WAS NOT ON THE LIST. I AM INFORMING DOT IN THE HOPE OF PREVENTING ANYONE FROM BEING INJURED BY THIS DEFECT. I WENT BACK TO THE DEALER AND AT MY EXPENSE IMMEDIATELY ORDERED A NEW LATCH SECTION

OF THE BELT, PART NO. OKZAB-57-680-96. OF COURSE I ASKED, IF THAT PART HAD BEEN MODIFIED? THE ANSWER WAS, NO SURPRISE, YES. I ALSO HAD SENT

Include, if available: Police/Fire Department Report, Photos, and Repuir Involce,

ATTACH ADDITIONAL SHEETS, IE NECESSARY

The Privacy Act of 1974-Public Law 93-579 This information is requested periods to authority vested in the Mathematical Highway Tradic Spirity Act and submanaged and definished. You are under no obligation to respect this questionnelly. You are not properly a section to correct a select definit. If the HITTLE practical with administrative enterprise action to correct a select deficit. If the HITTLE practical with administrative enterprise columns of the present a manufacture, your response, or a stabilish sension of the privalent of the agency's action.

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RECEIVE

03 MAR - 4 PM 8: 23

OFFICE DEFECTS INVESTIGATION

National Highway Traffic Safety Administration 400 Seventh Street S.W. Washington, DC. 20590

February 21, 2003

Dear Sir:

We own a 1997 Kia Sephia and a 2000 Kia Sephia. We received a copy of the enclosed safety recall for our 1997 Kiz Sephia for a problem with the seathelt. This letter is being written concerning our 2000 Kia Sephia. The problem discussed in the recall is the exact problem we are having with the seathelt in the 2000 Sephia. At various times, the driver's seathelt is emitting a false "clicking" sound letting us to believe it is secure, wherein shortly thereafter the seafbelt will become unfastened. My problem comes in that I have just surpassed the company's warranty when this problem began. The mechanic at Ertic Kia informed me that the problem is the same as that in the recall however, there is no current recall on this model and my warranty is expired. I then called Kia's Consumer Assistance Center and they told me that it is my responsibility to pay all costs associated with the repair because this model and year has not been ordered to have a recall for safety belts.

Therefore, I would like it to go on record that there is a problem with the 2000 Kin Sephia scatbelts. I wish there was some way to know just how many scatbelts Kia has already replaced on the 2000 Sephia's that were covered under warranty?

Thank you for any assistance you can offer in this problem.

Sincerely

						<u>:</u>					eromed	ON & No. 2177-0008
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Include, if available: Police/Fire Department Report. Photos, and Repel Drypton. ATTACH ADDITIONAL SHETTS IF NPCPSSARY
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Include, if available: Police/Fire Department Report. Photos, and Repair Invoice.

ATTACH ADDITIONAL SHIPTS IF NETTHERAPY

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			ADDITION	ALΠ	EMS TO	E CD	IPLETED W	EDI REPO	RTDIG	<u>A CHILD</u>	SKAT PAILURE				
Make:	··						Manufacture			Model No.	/Nome:				
Seat Type			<u> </u>		de deserva	Inșta	lation System	<u> </u>							
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					um describ	e in des	of the incidents	1 Fattress	. Grash(e	s), and intu	_				
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or a stetlet	1 MANUAL P.	y there	of, may be see	e in eas	pert of the	ngmec	setten.				ftigation against a ma		, , , ,		

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