



OFFICE OF DEFECTS &
INVESTIGATIONS

November 18, 2011

2011 NOV 22 P 12:31

Jeffrey Quandt
Chief, Vehicle Control Division
Office of Defects Investigation
National Highway Traffic Safety Administration
1200 New Jersey Ave., S.E.
Washington, DC 20590

Re: PE11-025

Dear Mr. Quandt:

With this letter, BMW is responding to NHTSA's Information Request dated September 29, 2011 in the above captioned matter. As agreed with the agency, BMW would be responding to Questions 1 through 4 by November 18, 2011. Accordingly, the materials contained herein are BMW's response to Questions 1 through 4 of the Information Request. As also agreed with the agency, BMW would respond to Questions 5 through 9 by December 16, 2011.

As requested, BMW has repeated each question verbatim and provided our response accordingly. Our detailed responses are contained in the attachments.

Should you have any questions pertaining to the information enclosed with this letter, please contact me at (201) 571-5360, or Martin Rapaport of my staff at (201) 571-5208.

Sincerely,

Company
BMW of North America, LLC

BMW Group Company

Mailing address
PO Box 1227
Westwood, NJ
07675-1227

Office address
300 Chestnut Ridge Road
Woodcliff Lake, NJ
07677-7731

Telephone
(201) 307-4000

Fax
(201) 571-5479

Website
bmwusa.com

Jan Urbahn
General Manager
Safety Engineering & Intelligent Transportation Systems

Attachment:

CD No. 1

**BMW Response
to
NHTSA PE11-025
18 Nov 2011
(Questions 1 - 4)**

OFFICE OF DEFECTS &
INVESTIGATIONS

2011 NOV 22 P 12:31

1. State, by model and model year, the number of subject vehicles BMW has manufactured for sale or lease in the United States. Separately, for each subject vehicle manufactured to date by BMW, state the following:
 - a. Vehicle identification number (VIN);
 - b. Make;
 - c. Model;
 - d. Model Year;
 - e. Ignition key technology (i.e. Comfort Access equipped);
 - f. Version of shift-by-wire control software installed at delivery;
 - g. Date of manufacture;
 - h. Date warranty coverage commenced; and
 - i. The State in the United States where the vehicle was originally sold or leased (or delivered for sale or lease).

Provide the table in Microsoft Access 2003 or 2007, or a compatible format, entitled "PE11-025 PRODUCTION DATA."

Response:

The source of this information is our vehicle production database and is current as of 30 September 2011.

The number of subject vehicles BMW has manufactured for sale or lease in the United States by Model and Model Year is contained in Table 1.

Model	Model Year	US Production
745I	2002	10,586
745LI	2002	7,639
745I	2003	6,754
745LI	2003	14,004
760LI	2003	679
745I	2004	5,402
745LI	2004	10,335
760I	2004	64
760LI	2004	458
745I	2005	2,392
745LI	2005	4,856
760I	2005	86
760LI	2005	164
750I	2006	6,860
750LI	2006	20,487
760I	2006	93
760LI	2006	581
750I	2007	4,039
750LI	2007	12,162
760LI	2007	214
750I	2008	3,298
750LI	2008	10,418
760LI	2008	102

Table 1.

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(Questions 1 - 4)**

Attachment "PE11-025 PRODUCTION-DATA" on CD No. 1 contains the requested information. Tab "US Production" contains all subject vehicles manufactured for sale or lease in the United States. There are 35 VINs which do not have a US state of sale; however, we are including them as they were produced for sale or lease in the United States. Tab "Software Level" indicates the software level for the subject vehicles. There are 1,102 vehicles in which a software level was not contained in the vehicle production database. Tab "Comfort Access Equipped" contains the list of subject vehicles equipped with the Comfort Access option.

2. **State the number of each of the following, received by BMW, or of which BMW is otherwise aware, which relate to, or may relate to, the alleged defect in the subject vehicles:**
- a. **Consumer complaints, including those from fleet operators;**
 - b. **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 BMW is or was a party to the arbitration; and,**
 - f. **Lawsuits, both pending and closed, in which BMW is or was a defendant or codefendant.**

For subparts "a" through "d," 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 BMW's assessment of the problem, with a summary of the significant underlying facts and evidence. For items "e" and "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.

Response:

The source of this information is our customer contact database, various field report databases, and certain legal databases, and is current as of 30 September 2011.

The number of reports, if any, by category, that may relate to the alleged defect is provided in Table 2. Table 2 also includes the number of reports, if any, in which an allegation, of the type noted in 2(c), is contained within the specific report in that category.

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Category	Number	Number Including Allegation of Crash	Number Including Allegation of Injury	Number Including Allegation of Fatality
Consumer Complaints	1	0	0	0
Field Reports	45	0	5	0
Dealer Field Reports	1	0	0	0
Property Damage Claims	0	0	0	0
Third-Party Arbitration Proceedings	0	0	0	0
Lawsuits	0	0	0	0

Table 2.

For the field reports, although no crashes are indicated in the table, there are instances in which the owner has stated that the vehicle allegedly rolled. In some of those cases, as noted in the table, the owner has also stated that they have allegedly received an injury.

A "summary description of the alleged problem and causal and contributing factors and BMW's assessment of the problem, with a summary of the significant underlying facts and evidence" for items "c" through "f" is provided in response to Question 9.

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

Provide this information in Microsoft Access 2003 or 2007, or a compatible format, entitled "PE11-025 REQUEST NUMBER TWO DATA."

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Response:

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Attachment "PE11-025-REQUEST-NUMBER-TWO-DATA" on CD No. 1 contains the requested information. Separate tabs are provided for the one consumer complaint, the field reports, and the one dealer field report. Note in the attachment that there are some incidents in which a field report does not exist as the vehicle was not able to be inspected. Nevertheless, BMW received information from the field about the incident, and therefore, is including that information as a "field report". Those incidents are identified on the field report tab. For those incidents, there is no field report copy to provide in response to Question 4.

The consumer complaint codes and code descriptions utilized in the search are contained in Table 3.

Consumer Complaint Code	Code Description
2410	Automatic Transmission – Shift between gears rough/harsh
2411	Automatic Transmission – Slips will not engage gear / shifts erratically
2412	Automatic Transmission – Shifts at wrong times
2413	Automatic Transmission – Delay/Hesitation between gears
2414	Automatic Transmission – Gear Selector difficult to operate
2415	Program Warning Indicator Light
2416	Leaking
2417	Other Transmission Issues
2307	Transmission – Transmission manual – Shift Lever
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Table 3.

**BMW Response
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(Questions 1 - 4)**

The field report, and dealer field report codes and code descriptions utilized in the search are contained in Table 4.

Field Report / Dealer Field Report Code	Code Description
2400	Automatic Transmission
2453	Parking Lock
3441	Parking Brake
6132	Ignition
194	Movement in Park

Table 4.

- 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 BMW used for organizing the documents.**

Response:

The source of this information is our customer contact database, various field report databases, and certain legal databases, and is current as of 30 September 2011.

Attachment "CONSUMER-COMPLAINT" on CD No. 1 contains a copy of the one consumer complaint.

Attachment "FIELD-REPORTS" on CD No. 1 contains copies of the field reports. Each field report is a separate file. As noted above in response to Question 3, there are some incidents in which a field report does not exist as the vehicle was not able to be inspected. Nevertheless, BMW received information from the field about the incident, and therefore, is including that information as a "field report". For those incidents, there is no field report copy to provide in response to Question 4.

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 - c. Vehicle owner or fleet name (and fleet contact person);
 - d. Vehicle owner address, city, and state;
 - e. Vehicle owner telephone number;
 - f. Vehicle owner email address;
 - g. Vehicle’s VIN;
 - h. Vehicle’s make, model and model year;
 - i. Vehicle’s mileage at time of incident;
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PE11-025

BMW

11/18/2011

CONSUMER-COMPLAINT

INFORMATION Redacted PURSUANT TO THE FREEDOM OF

BMW of North America, LLC
BMW Group Company

INFORMATION ACT (FOIA), 5 U.S.C. 552(B)(6)

Customer Service Request Detail # 201126600819

Customer

Name:	[REDACTED]
Preferred Communication Method:	
Work #:	
Home #:	
Cell #:	[REDACTED]
Street Address:	[REDACTED]
Apt/Ste:	
City/State/Zip:	Saint Petersburg, FL [REDACTED]

Service Request

Service Request #:	201126600819
Brand:	BMW
Type:	Inquiry
Source:	Phone
Current Status:	Closed
Date Opened:	9/23/2011 04:02PM
Created By:	Schuster, Rachel
Rep Assigned:	Miller, Kara
Date Assigned:	9/29/2011 05:40PM
Assigned Dealer:	
Identified Dealer:	
Date Resolved:	
Resolve Rep:	
Date Closed:	9/29/2011 06:00PM
Close Rep:	Miller, Kara
Issue Note:	recall inquiry / multiple issues w/ veh not diagnosed.

Vehicle

VIN:	WBAGN63454D [REDACTED]
Chassis # (US):	[REDACTED]
Chassis # (Non - US):	
Year:	2004
Model:	745Li
Mileage:	
Sale:	03/30/04
In Service Date:	03/30/04
Production Date:	11/28/03

Code Descriptions

SR Code	SR Code Desc	Main Group	Defect Code	Defect Code Desc
SV09	RECALL/CAMPAIGN CONTACT	NO OPEN RECALLS ON VEHICLE	EA01	NO OPEN RECALLS ON VEHICLE
SV06	TECHNICAL ASSISTANCE / INFORMATION	TRANSMISSION - AUTOMATIC TF	2415	Automatic Transmission - Program Warning Indicator L

Solution Notes

Created	Solution
9/23/2011	Wtr adv most of these issues do not reflect recall history (other than brakes) but red warning light indicate serious problems and wtr recommended taking veh to dlr for diagnosis, preferably by tow. Wtr adv since wty has expired these repairs cust pay.
9/29/2011	wtr adv that there are no open recalls on the veh-wtr adv there are only two states a recall can exist in open or closed-wtr adv that service history is avail through dlr and should be able to confirm past repairs-wtr adv that dlr inf her that they see n

Attachments

File Name	Comments

Customer Service Request Detail # 201126600819

Activity Status:	Done	Activity Updated:	9/23/2011 04:52PM
Activity Type	Customer Interaction	Activity Updated By:	Malpass, Joe
Activity Assigned To:	Schuster, Rachel	Email From:	
Activity Created:	9/23/2011 04:03PM	Email To:	
Activity Created By:	Schuster, Rachel		
Activity Description:	Recall Inquiry		

Note Created:	Note Created By:	Note Type:

Activity Status:	Done	Activity Updated:	9/23/2011 04:52PM
Activity Type	Customer Interaction	Activity Updated By:	Malpass, Joe
Activity Assigned To:	Malpass, Joe	Email From:	
Activity Created:	9/23/2011 04:46PM	Email To:	
Activity Created By:	Malpass, Joe		
Activity Description:	Cust stts is experiencing multiple issues w/ vehicle, wtk if related to prev recalls >>		

Note Created: 9/23/2011 04:46PM	Note Created By: Malpass, Joe	Note Type: Customer Interaction
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<p>>> Wtr adv no open recalls, previous recall work already completed at Bert Smith would carry two years warranty coverage on any changed components. Cust stts experiencing similar issue w/ brakes as symptoms prior to recall - pedal almost to floor before stopping power is achieved. Cust stts veh also shows multiple warning lights, sometimes red sometimes yellow. Cust stts veh will not always engage park or drive gear. Cust stts veh stalled while performing u-turn once. cust stts seat heaters get too hot. Cust stts dlr tried to repair issues w/ drain hoses overflowing water to veh interior but problem has returned.</p> <p>Wtr adv most of these issues do not reflect recall history (other than brakes) but red warning light indicate serious problems and wtr recommended taking veh to dlr for diagnosis, preferably by tow. Wtr adv since warranty has expired these repairs are likely to be customer pay.</p>	
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Activity Status:	Done	Activity Updated:	9/29/2011 05:59PM
Activity Type	Dealer Interaction	Activity Updated By:	Miller, Kara
Activity Assigned To:	Miller, Kara	Email From:	
Activity Created:	9/29/2011 05:40PM	Email To:	
Activity Created By:	Miller, Kara		
Activity Description:	wtr called out to dlr (spoke with tony) to verify if any transmission recall work had been performed on the veh.dlr conf no trans recall work.		

Note Created:	Note Created By:	Note Type:

Activity Status:	Done	Activity Updated:	9/29/2011 05:59PM
Activity Type	Customer Interaction	Activity Updated By:	Miller, Kara
Activity Assigned To:	Miller, Kara	Email From:	
Activity Created:	9/29/2011 05:58PM	Email To:	
Activity Created By:	Miller, Kara		
Activity Description:	ccibi for recall inquiry>>		

Note Created: 9/29/2011 05:58PM	Note Created By: Miller, Kara	Note Type: Customer Interaction
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Customer Service Request Detail # 201126600819

<p>>>cci for clarification on what parts were under recall and why only certain brake parts were refunded-cst sttd that she did report the pump issue and the resulting leaking issues to the nhtsa-cst sttd that her current trans issue is a recall listed on website and she believes is a recall on her car that was never completed-cst repeatedly asks for confirmation on whether her veh was ever effected by the trans issue-cst sttd that the dlr says they see transmission work done under warr. wtr adv that there are no open recalls on the veh-wtr adv there are only two states a recall can exist in open or closed-wtr adv that service history is avail through dlr and should be able to confirm past repairs-wtr adv that dlr inf her that they see no trans recall work-wtr adv that no open recalls means either her veh was never effected or it was and the work was closed out-wtr adv that this is mandated by nhtsa-wtr adv there is not a choice to comply bmwna is obligated by law to inform cst by mail and that if work completed in order to close out recall the work and parts would be inspected first-wtr adv if she requires further assistance in this matter to call cr back and speak with cam joe.</p>	
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PE11-025

BMW

11/18/2011

DEALER-FIELD-REPORT

BMW of North America Pink Sheet Report

This technical report is submitted to responsible Service Engineering Member when the information herein can benefit Quality & Service Engineering Department.

Model/Model Year:	745LI US / 2002	Chassis:	DR03067
Production Date:	05/2002	Dealer Name:	DAVE WALTER, INC.
Repair Date:	12/02/2003	Dealer Location:	450 W. EXCHANGE ST.
Actual Mileage:	22162	City / State:	AKRON / OH
Defect Code:	2400		

Complaint:

PUT CAR ON A FLATSTALL PUT CAR IN PARK SHUT CAR OFF GOT OUT OF CAR AND CAR STARTED ROLLING ? CHECKED ALL FAULT MEMORY NO FAULTS GOT BACK INTO CAR PUT BRAKE ON STARTED CAR PUT INTO PARK THEN INTO REV THEN DRIVE AND BACK INTO PARK AND ALL HELD CAR WAS OK? ANY ANSWERS WOULD BE HELPFUL CONTACT ME AT 330762-0791THANKYOU TIM ROBINSON

Correction: