



U.S. Department
of Transportation

**National Highway
Traffic Safety
Administration**

ODI RESUME

Investigation: RQ 17-003
Date Opened: 05/18/2017
Investigator: Scott Yon
Approver: Stephen Ridella
Subject: Scope and Timeliness

Date Closed: 12/22/2021
Reviewer: Tanya Topka

MANUFACTURER & PRODUCT INFORMATION

Manufacturer: Kia Motors America
Products: Vehicles subject to Recall No. 17V-224
Population: 618,160

Problem Description: Model Year (MY) 2011-2014 Optima, MY 2012-2014 Sorento, and MY 2011-2013 Sportage vehicles equipped with "Theta II" engines covered by Recall No. 17V-224. The recall addressed a condition which could cause the engine to seize and the vehicle to stall.

FAILURE REPORT SUMMARY

	ODI	Manufacturer	Total
Complaints:	N/A	N/A	N/A
Crashes/Fires:	N/A	N/A	N/A
Injury Incidents:	N/A	N/A	N/A
Fatality Incidents:	N/A	N/A	N/A

ACTION / SUMMARY INFORMATION

Action: This investigation is closed. Kia has entered into a Consent Order with the Agency.

Summary:

NHTSA opened Recall Query (RQ) 17-003 to investigate the timeliness and scope of Kia's Theta II GDI engine recall (Recall No. 17V-224), and Kia's compliance with reporting requirements. On November 23, 2020, the Agency entered into a Consent Order with Kia to administratively resolve NHTSA's assertions of violations of law in connection with RQ17-003. NHTSA's assertions included that Kia may be liable for civil penalties on multiple grounds, including that Recall No. 17V-224 was untimely and Kia's recall report contained certain inaccuracies.

Under the Consent Order, Kia agreed to a total civil penalty of \$70,000,000. The total civil penalty included a payment of \$27,000,000 as a Non-Deferred Amount. Kia also agreed to a sum of \$27,000,000 as an Abeyance Amount to be deferred and held in abeyance pending its satisfactory completion, as reasonably determined by NHTSA, of the requirements of the Consent Order. Kia also agreed to a \$16,000,000 Performance Obligation Amount to be expended by Kia to fulfill specified Safety Data Analytics Infrastructure obligations. The Consent Order also includes other terms designed to enhance Kia's safety practices, and requires Kia to retain a Third-Party Auditor who directly reports to NHTSA.

Other than RQ17-003, the Consent Order is not intended to affect any other current or future investigation of NHTSA which may involve vehicles equipped with Theta II GDI engines. In particular, Engineering Analysis (EA) 21-003 (which is upgraded from Preliminary Evaluation (PE) 19-004) continues NHTSA's evaluation of certain performance and design issues relating to the Theta II and other engines.

Nothing in the Consent Order discharges Kia from any obligation to comply with the Safety Act or regulations thereunder, including the obligation to carry out recalls in accordance with the law, and to initiate a recall upon any future determination by Kia, or upon any finally adjudicated order from NHTSA, that vehicles equipped with Theta II GDI engines contain a defect related to motor vehicle safety or do not comply with an applicable FMVSS.

This RQ is closed. Closure of this RQ has no bearing on the terms of the Consent Order, including Kia's ongoing performance obligations, and does not represent a determination by the agency as to Kia's performance under the Consent Order to date.