



U.S. Department
of Transportation

**National
Highway
Traffic Safety
Administration**

OFFICE OF DEFECTS INVESTIGATION

ODI RESUME

Investigation: AQ18002

Prompted By: Recall No. 17V-761, 17V-810, 18V-157, and 18V-163
Chronology

Date Opened: 04/23/2018

Date 07/11/2024

Closed:

Investigator: Choon Lee

Reviewer: Alexander Ansley

Approver: Tanya Topka

Subject: Daimler Trucks North America Recalls

MANUFACTURER & PRODUCT INFORMATION

Manufacturer: Daimler Trucks North America, LLC

Products: 2002-2018 Western Star 6900, 2002-2018 Western Star 4700, 2005-2013 Freightliner Century, 2002-2018 Western Star 5700, 2007-2018 Thomas Built Buses Minotour, 2011-2017 FCCC XCR, 2002-2011 Western Star 4900 SA, 2002-2017 Freightliner Coronado, 2002-2018 Western Star 4900, 2011-2016 Freightliner Columbia Glider, 2011-2017 FCCC XCL, 2011-2017 FCCC XBR, 2002-2017 Freightliner Century Class, 2002-2017 Freightliner Cascadia, 2002-2017 Freightliner Columbia, 2006-2007 Western Star 4900EX, 2011-2017 FCCC XCM

Population: 464,361

Problem Description: NHTSA opened this audit query to inquire into the scope and timeliness of Recall Nos. 17V-761, 17V-810, 18V-157, and 18V-163 filed by Daimler Trucks North America.

ACTION/SUMMARY INFORMATION

Action: This investigation is closed. Daimler Trucks North America, LLC (DTNA) entered into a Consent Order with the Agency.

Summary:

On April 23, 2018, the National Highway Traffic Safety Administration ("NHTSA") opened Audit Query (AQ18002) to assess the timeliness and scope of four recalls filed by Daimler Trucks North America, LLC ("DTNA"). NHTSA subsequently expanded AQ18002 to examine the timeliness and scope of three additional DTNA recalls and compliance with early warning reporting and manufacturer communications reporting requirements. NHTSA and DTNA entered into a Consent Order on December 29, 2020, to resolve NHTSA's assertions that certain recalls within the scope of AQ18002 were untimely, DTNA failed to timely submit certain manufacturer communications to NHTSA, and DTNA failed to submit field reports to NHTSA as required.

As part of the Consent Order, DTNA agreed to a total civil penalty of thirty million dollars (\$30,000,000), of which ten million dollars (\$10,000,000) was paid on January 12, 2021. Also, of that total civil penalty, DTNA agreed to spend five million dollars (\$5,000,000) on the specific

performance obligations to develop advanced data analytics capabilities to enhance its ability to detect and study emerging safety-related defect trends on its vehicles (“Safety Data Analytics infrastructure”) and an advanced data analytics and reporting platform that integrates data on emerging safety-related defect trends on its vehicles and recall lessons learned (“Safety Communications Platform”). The Consent Order also held fifteen million dollars (\$15,000,000) of the civil penalty in abeyance pending DTNA’s satisfactory completion of the requirements of the Consent Order, and its compliance with the Safety Act, and regulations thereunder. NHTSA and DTNA agreed to a two-year term for the Consent Order—with an option for NHTSA to extend the Consent Order for an additional year, if warranted.

In the Consent Order, DTNA agreed to numerous performance obligations, including monthly meetings with NHTSA to discuss potential safety issues, recent manufacturer communications, and recall decision-making, among other things; quarterly meetings with NHTSA to discuss DTNA’s progress on the performance obligations under the Consent Order, including the Safety Data Analytics infrastructure and Safety Communications Platform, and any issues related to compliance with the Consent Order, Safety Act, or regulations; development of written procedures and employee training materials to help DTNA comply with its legal obligations to timely identify and report safety defects and noncompliances, submit complete and accurate recall filings, and timely submit manufacturer communications and field reports to NHTSA; and identifying and reporting previously unreported manufacturer communications and field reports. Also, via the Consent Order, DTNA acknowledged that the failure or inability to identify a specific root cause, develop an adequate remedy or repair, or confirm the affected population of vehicles are not bases for delaying filing a recall with NHTSA.

On December 22, 2022, NHTSA extended the Consent Order for a term of one year due to concerns about DTNA’s compliance with its recall-related obligations. Specifically, NHTSA expressed concerns about the completeness of DTNA’s recall reports and issues identified with owner notification letters during the term of the Consent Order, as well as the length of time that DTNA took to consider a straightforward noncompliance issue before filing a recall and DTNA’s interactions with NHTSA during the term of the Consent Order. NHTSA addressed these concerns with DTNA during the third year of the Consent Order. The extended term of the Consent Order expired on December 28, 2023.

Based on the Consent Order, this investigation, AQ18002, is closed. Closure of this AQ has no bearing on the terms of the Consent Order or DTNA’s ongoing legal obligations, and it does not represent a determination by NHTSA as to DTNA’s performance under the Consent Order.