

Petition to the
National Highway Traffic Safety Administration

Now comes Derek A. Colvin, an interested person (hereinafter, Petitioner), and Petitions the National Highway Traffic Safety Administration (hereinafter, NHTSA) to commence a proceeding to decide whether to issue an Order directed to Porsche Cars North America, Inc., a subsidiary of Stuttgart, Germany-based Porsche AG (hereinafter, Porsche) concerning the notification and remedy of a failure of a motor vehicle or item of replacement equipment to comply with an applicable motor vehicle safety standard or a defect in such vehicle or equipment that relates to motor vehicle safety.

Facts Necessitating Order of National Highway Traffic Safety Administration

Petitioner is the owner of a 2013 Porsche 911 Carrera S Cabriolet with approximately 45,700 miles, which is equipped with a standard 7-speed manual transmission. This model year is part of the 991.1 variants of the Porsche 911, which began production in the middle of 2012 and continued through 2016. Petitioner's motor vehicle was manufactured in November of 2012 and first sold in 2013.

The 991.1 variants of the Porsche 911 are the first passenger cars in the world to use a 7-speed manual transmission. The 7-speed transmission used is manufactured and designed by ZF Friedrichshafen AG for Porsche.

While innovative in many respects, Petitioner alleges that the 7-speed manual transmissions used in the early 991 variants of the Porsche 911 contain a manufacture or design defect which renders the vehicle unable to illuminate backup lamps as required by the Federal Motor Vehicle Safety Standards when an actuator located inside of the transmission prematurely fails. (See 49 CFR § 571.108).

In order for the backup lamps to function properly in such vehicles equipped with the 7-speed manual transmission, an actuator must move inside of the manual transmission and make contact with a backup switch that is threaded into the transmission from the outside. The actuation occurs as the gearbox engages and disengages reverse gear.

Petitioner alleges that this internal actuator is prone to failure because of a defect in the design or manufacturing of the transmission, the actuator itself, or the backup switch.

The failure of this actuator – experienced by Petitioner – causes the actuator to completely detach inside of the transmission.

When the actuator detaches, the backup lamps cannot illuminate when the vehicle gearbox is shifted into reverse gear. Without backup lamps, a vehicle is not in compliance with Federal Motor Vehicle Safety Standards.

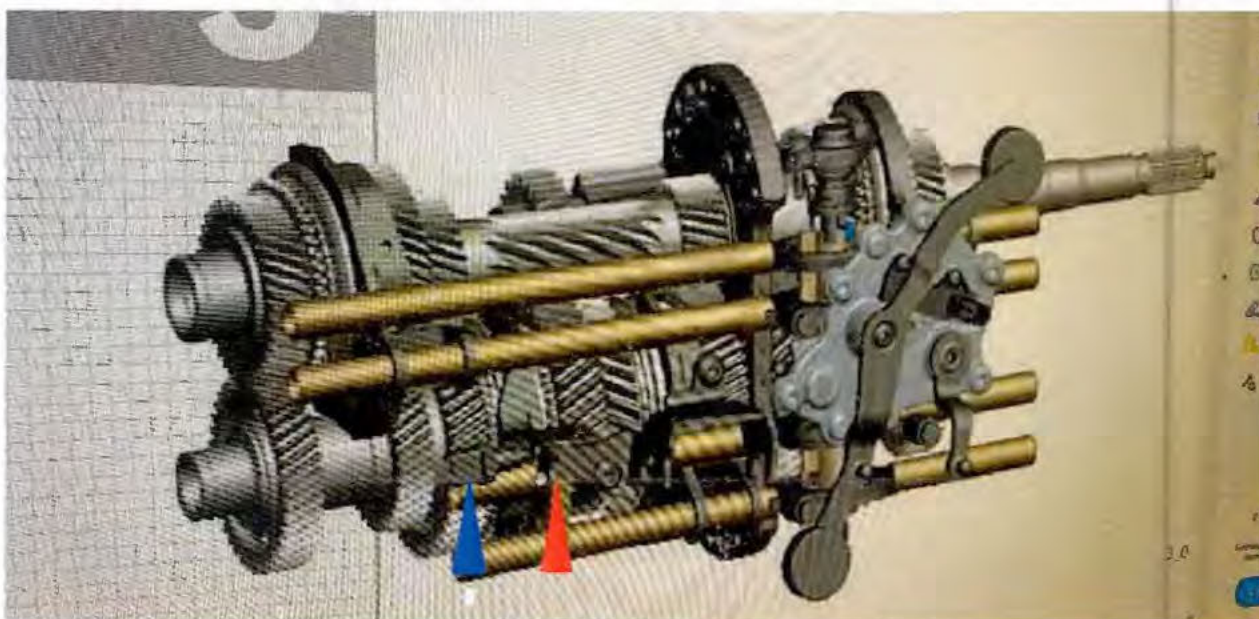
Petitioner is reminded of the phrase *res ipsa loquitur* and believes that the failure of this particular part speaks for itself.

Petitioner is unaware of any similar failure occurring in any modern vehicle and presumes that no manual transmission is intentionally designed and manufactured to have the internal actuator that engages the backup switch simply fall off during the vehicles usable life – certainly not in 7 years and under 50,000 miles.

A vehicle is in reverse gear for a very small fraction of its operation and the actuator serves a very important and very simple function. Unlike most transmission components, the actuator at issue remains stationary for an overwhelming majority of the vehicles operation.

In addition to the inherent safety risk created by inoperable backup lamps, the detached actuator itself also has the potential to create a safety risk as the actuator may come into contact with other components in the gearbox during detachment.

For illustration purposes, the following is a diagram believed by Petitioner to accurately represent the internal gearshift mechanism for the manual transmission present in the 2013 Porsche 911. The backup switch is identified with the blue cone and what is believed to be the actuator is identified with the red cone:



In identifying the failure of this internal actuator, Petitioner's vehicle was diagnosed by a Porsche trained technician with over 40 years' experience and also by a technician at a Porsche dealership. No warning lights have displayed on Petitioner's dashboard at any point.

Porsche, through one of its dealership, advised Petitioner that the proper repair for the failure of this actuator is to replace the entire transmission at a cost of over \$15,000. Porsche was advised of the facts and circumstances of the failure experienced by Petitioner and declined to cover this repair through any goodwill.

Although the actuator could, in theory, be replaced for a small fraction of the cost of a new transmission, Porsche has effectively prevented Petitioner from having his factory transmission properly repaired.

In addition to not offering the actuator for purchase or offering repair through dealership technicians, Porsche contractually prohibits the transmission manufacturer from selling the actuator or repairing defective gearboxes at ZF service centers – according to representatives for ZF North America, Inc., and the German counterpart.

Petitioner has experienced this failure along with other Porsche owners. In fact, Porsche has known about this failure since at least July of 2018, when a Porsche dealership technician inspected a 2013 Porsche 911 with 56,671 miles due to the reverse lights being inoperable and “found switch to engage lights missing.” Porsche replaced that transmission under warrant and has examined or replaced other transmissions for this precise issue since that time. Porsche has approved and declined repair through goodwill for other owners.

Petitioner is not in a position to determine the precise number of 2013 Porsche 911 motor vehicles that have experienced a manifestation of this defect; however, based on the unique nature of this failure and the known examples, the Petitioner believes that all 2013 Porsche 911 motor vehicles with manual transmissions, along with any other model years sharing this same transmission, are prone to this failure, and that the actuator will detach as owners continue to drive their vehicles near 50,000 miles.

Petitioner would note that Porsche has changed the model number assigned to the manual transmission and the model currently offered for purchase is the third iteration – therefore, it is possible that this defect was addressed in newer iterations. This information could be provided by Porsche during an investigation to potentially narrow the scope of this Petition and the remedy sought.

If an investigation does not occur and an Order is not issued by NHTSA, motor vehicle owners are left virtually powerless against Porsche and will be left with motor vehicles that are not in compliance with Federal Motor Vehicle Safety Standards. It is unlikely that many effected owners will be able and willing to pay over \$15,000 for a transmission replacement in order to have functioning backup lamps – the repair that Porsche recommends for this failure. The price is prohibitive and disproportionate to the failure presented. The financial burden of repairing this failure or engineering an appropriate solution should be borne by Porsche. Motor vehicle owners should not be forced to rely upon their own ingenuity to work around this defect or failure.

For all of these reasons, Petitioner alleges that a defect is present in 2013 Porsche 911 motor vehicles equipped with a 7-speed manual transmission and in such motor vehicles sharing the same transmission. This defect causes the failure of the internal actuator that engages the backup lamps and creates a substantial vehicle safety issue that should be addressed.

Brief Description of the Substance of the Order Which Should be Issued

The Petitioner respectfully requests that NHTSA grant this Petition and at the appropriate time, Order Porsche to notify all owners of a 2013 Porsche 911 equipped a manual transmission that there is a defect that may result in an inability to illuminate backup lamps and may cause a failure to safely operate the motor vehicle.

Further, Petitioner requests that the Order include any other model year Porsche 911 that share the same manual transmission.

Additionally, Petitioner requests that NHTSA Order Porsche to remedy the defect by repairing the defective actuator inside of the transmission with safe equipment, or by replacing the transmission with a new transmission containing safe equipment.

In the alternative, the Petitioner requests that NHTSA issue an Order to include all vehicles that are confirmed to experience the failure identified *supra* and to offer any appropriate repair or alternative exchange of the motor vehicle or compensation for the motor vehicle to such motor vehicle owners as permitted by law.

Name and Address of Petitioner:

Derek A. Colvin

[REDACTED]

I thank you for your attention and consideration.

[REDACTED]

Derek Colvin

Administrator
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