



SEPTEMBER 20, 2023

**VIA EMAIL**

Mr. J.S. (Jurassic) Park  
VP / Chief Safety Officer  
Kia America, Inc.  
111 Peters Canyon Road  
Irvine, CA 92606-1790

NEF-103jmt  
RQ23-005

Dear Mr. Park:

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 (RQ23-005) to investigate allegations of vehicle rollaway while in Park in model year (MY) 2015-2019 Kia Soul EV vehicles manufactured by Kia America, Inc. (Kia), and to request certain information.

Previous allegations of vehicle rollaway for MY 2015-2016 Kia Soul EV vehicles were the subject of safety recall 20V-389, which identified a defect in the parking mechanism that can result in unintended vehicle movement when the vehicle is left unattended, and the parking brake is not used. A software update to the electronic parking brake (EPB) logic was provided as the remedy for the recalled model years, with the same logic being included as standard equipment for MY 2017-2019 Kia Soul EV vehicles. The updated EPB logic engages the parking brake automatically when the vehicle is turned off while shifted into Park.

This office has received three reports of vehicle rollaway while in Park in MY 2015-2019 Kia Soul EV vehicles. Consumers are alleging that unintended vehicle movement is occurring when the vehicle is shifted to Park and the parking brake is not engaged. One consumer reported a rollaway collision, resulting in property damage. A copy of the reports will be provided to you electronically for your review and information.

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

- **Subject vehicles:** All MY 2015-2019 Kia Soul EV vehicles manufactured for sale or lease in the United States, including, but not limited to, the District of Columbia, and current U.S. territories and possessions.
- **Subject recall:** NHTSA Recall 20V-389 / Kia Recall SC191, issued on July 2, 2020, including all revisions.

- **Subject component:** All components related to the subject vehicles' parking mechanism within the reduction gear unit (RGU).
- **Alleged defect:** Vehicle rollaway while in Park.
- **Kia:** Kia America, Inc. and its parent company Kia Corporation, all of their past and present officers and employees, whether assigned to their principal offices or any of their field or other locations, including all of their 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 were involved in any way as of January 1, 2009, 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;
  - c. 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, lawsuits or arbitrations; 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.
- **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 Kia 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,” “fire,” “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 C.F.R. § 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 number of subject vehicles Kia has manufactured for sale or lease in the United States. Separately, for each subject vehicle manufactured to date by Kia, state the following:
  - a. Vehicle identification number (17-character VIN);
  - b. Make;
  - c. Model;
  - d. Model Year;
  - e. Subject component part number and design version installed as original equipment;
  - f. Whether the subject vehicle was included in the subject recall; and if so, provide the remedy date (MM/DD/YYYY);
  - g. Date of manufacture (MM/DD/YYYY);
  - h. Date warranty coverage commenced (MM/DD/YYYY); and

- i. The State in the United States where the vehicle was originally sold or leased, or delivered for sale or lease (postal abbreviation).

Provide the table in Microsoft Access 2010, or a compatible format, entitled “PRODUCTION DATA.”

2. 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:
  - a. Consumer complaints, including those from fleet operators;
  - b. Field reports, including dealer field reports;
  - c. Reports involving a crash, injury or fatality;
  - d. Property damage claims;
  - e. Third-party arbitration proceedings, both pending and closed, 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 “f”, 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 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.

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. Kia’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), email address and telephone number (please use distinct fields for each data type);
  - d. Vehicle owner or fleet street address, city, state (postal abbreviation), and ZIP code (please use distinct fields for each data type);
  - e. Vehicle’s 17-character VIN;
  - f. Vehicle’s make, model and model year (please use distinct fields for each data type);
  - g. Vehicle’s mileage at time of incident (numeric data type);
  - h. Incident date (MM/DD/YYYY);
  - i. Report or claim date (MM/DD/YYYY);
  - j. Whether the driver was present in the vehicle when the alleged defect occurred;
  - k. Whether the vehicle was powered “on” or “off” when the alleged defect occurred;
  - 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 2010, 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. Describe in detail the search methods and search criteria used by Kia to identify the items in response to Request No. 2.
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), email address and telephone number (please use distinct fields for each data type);
- c. Vehicle owner or fleet street address, city, state (postal abbreviation), and ZIP code (please use distinct fields for each data type);
- d. 17-character VIN;
- e. Repair date (MM/DD/YYYY);
- f. Vehicle mileage at time of repair (numeric data type);
- g. Repairing dealer’s or facility’s name, telephone number, city and state or ZIP code (please use distinct fields for each data type);
- h. Labor operation number(s);
- i. Problem code(s);
- j. Diagnostic trouble code(s);
- k. Whether the reduction gear unit and/or related components were repaired or replaced;
- l. Replacement part number(s) and description(s);
- m. Concern stated by customer;
- n. Cause as stated on the repair order;
- o. Correction as stated on the repair order; and
- p. Additional comments, if any, by dealer/technician relating to claim and/or repair.

Provide this information in Microsoft Access 2010, or a compatible format, entitled “WARRANTY DATA.”

6. Describe in detail the search methods and search criteria used by Kia to identify the claims in response to Request No. 5, including the labor operations, problem codes, diagnostic trouble codes, part numbers and any other pertinent parameters used.

7. Provide a list of all labor operations, labor operation descriptions, problem codes, problem code descriptions, diagnostic trouble codes, and diagnostic trouble code descriptions applicable to the alleged defect in the subject vehicles. State whether the diagnostic trouble codes are automatically reported to the warranty database electronically or manually entered into the warranty database by a claims administrator.
8. 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) 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.
9. 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 that Kia is planning to issue within the next 120 days.
10. 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 (identify whether the action was related to the subject recall);
  - 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;
  - e. 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.

11. Describe 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 component, from the start of production to date, which relate to, or may relate to, the alleged defect in the subject vehicles and MY 2020-Present Soul EV vehicles (even if the newer vehicles are not sold in the U.S.). For each such modification or change, provide the following information:
  - a. The date or approximate date on which the modification or change was incorporated into vehicle production;
  - b. A detailed description of the modification or change;
  - c. The reason(s) for the modification or change;

- d. The part number(s) (service and engineering) of the original component;
- e. The part number(s) (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
- h. 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.

12. Provide responses to each item below and all related design and/or test documents:
  - a. Detailed description of the design and function of the EPB capabilities, including the design parameter in terms of the minimum, nominal and maximum forces.
  - b. Detailed description of the design and function of the EPB activation and release logic.
  - c. DV / PV documentation relating to the durability and hold capability of the EPB in the subject vehicles.
  - d. Any design changes related to the EPB from prototype to the present and their reasons.
13. State the number of each of the following that Kia has sold 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*):
  - a. Subject component; and
  - b. 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.

14. Furnish Kia's assessment of the alleged defect in the subject vehicles, 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;
  - e. 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 reports included with this inquiry.
15. Provide all documentation relating to Kia's investigation of the subject defect which preceded the subject recall, including:

- a. A detailed list of all complaints considered during the investigation;
- b. Kia's disposition of each considered complaint;
- c. The decision-making criteria used in deciding to issue the subject recall;
- d. The decision-making criteria used in selecting the remedy for the subject recall;
- e. Kia's assessment of the effectiveness of the remedy to avoid rollaway incidents.

### **Legal Authority for This Request**

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. It constitutes a new request for information.

### **Civil Penalties**

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.) The Vehicle Safety Act, 49 U.S.C. § 30165(a)(3), provides for civil penalties of up to \$26,315 per violation per day, with a maximum of \$131,564,183 for a related series of daily violations, for failing or refusing to perform an act required under 49 U.S.C. § 30166. *See* 49 C.F.R. § 578.6(a)(3). This includes failing to respond completely, accurately, or in a timely manner 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.

### **Confidential Business Information**

If Kia's response contains any information that you claim is confidential business information, Kia must request two secure electronic file transfer links from Joseph Teitelman at joseph.teitelman@dot.gov. One secure electronic file transfer link is for your request for confidential treatment and will be directed to NHTSA's Office of the Chief Counsel. Please see enclosure 2 for additional instructions on submitting a request for confidential treatment that is compliant with 49 C.F.R. Part 512 (specifically, a request for confidential treatment must include the four required parts that are discussed in enclosure 2). The second secure electronic file transfer link is for your non-confidential response to this letter. Do not submit any confidential business information along with your non-confidential submission. Please refer to RQ23-005 in Kia's response to this letter and in a request for confidential treatment that Kia may submit.

**Due Date**

Kia's response to this letter must be submitted to this office by November 22, 2023. 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) 366-6178 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 you have any technical questions concerning this matter, please call Joseph Teitelman of my staff at (202) 366-3243.

Sincerely,

*Peter Kivett*

Pere Kivett, Chief  
Vehicle Defects Division C  
Office of Defects Investigation

Enclosure 1, The subject reports referenced in the introduction of this letter may be viewed at the NHTSA.gov website using the following ODI reference numbers: 11480710, 11500986, 11537405.

Enclosure 2, Information for Requests for Confidential Treatment.

## ENCLOSURE – INFORMATION FOR REQUESTS FOR CONFIDENTIAL TREATMENT

If you believe that your response contains any material that you claim is confidential business information, submit these materials to NHTSA's Office of the Chief Counsel in accordance with 49 C.F.R. Part 512. **All requests for confidential treatment must be submitted directly to the Office of the Chief Counsel. Upon request, ODI will provide you with a secure file transfer link for your submission to the Office of the Chief Counsel.**

Requests for confidential treatment are governed by Part 512. A current version of this regulation is available on the internet at <http://www.ecfr.gov> by selecting Title 49 "Transportation," selecting "Parts 500 – 599" and then selecting Part 512 "Confidential Business Information."

### How to request confidential treatment:

NHTSA is currently treating electronic submission as an acceptable method for submitting confidential business information to the agency under Part 512. If you claim that any of the information or documents provided in your response constitutes confidential business information within the meaning of 5 U.S.C. § 552(b)(4), or are protected from disclosure pursuant to 18 U.S.C. § 1905, you must request a secure file transfer link from the ODI contact listed in your Information Request. ODI will copy a representative from the Office of the Chief Counsel on the secure file transfer link for your request for confidential treatment. You must submit supporting information together with the materials that are the subject of the confidentiality request, in accordance with Part 512, to the Office of the Chief Counsel. Do not send a hardcopy of a request for confidential treatment to NHTSA's headquarters.

Your request must include a request letter that contains supporting information, pursuant to Part 512.8. Your request must also include a certificate, pursuant to Part 512.4(b) and Part 512, Appendix A.

You are required to submit one unredacted "confidential version" of the information for which you are seeking confidential treatment. Pursuant to Part 512.6, the words "ENTIRE PAGE CONFIDENTIAL BUSINESS INFORMATION" or "CONFIDENTIAL BUSINESS INFORMATION CONTAINED WITHIN BRACKETS" (as applicable) must appear at the top of each page containing information claimed to be confidential. In the latter situation, where not all information on the page is claimed to be confidential, identify each item of information for which confidentiality is requested within brackets: "[ ]."

You are also required to submit one redacted "public version" of the information for which you are seeking confidential treatment. Pursuant to Part 512.5(a)(2), the redacted "public version" should include redactions of any information for which you are seeking confidential treatment (i.e., the only information that should be unredacted is information for which you are **not** seeking confidential treatment).

For questions about a request for confidential treatment, please contact Dan Rabinovitz in the Office of the Chief Counsel at [Daniel.Rabinovitz@dot.gov](mailto:Daniel.Rabinovitz@dot.gov) or (202)366-8534.