



U.S. Department
of Transportation
**National
Highway
Traffic Safety
Administration**

ODI RESUME

OFFICE OF DEFECTS INVESTIGATION

Investigation: PE24013

Prompted By: VOQ Review

Date Opened: 05/08/2024

Date 01/16/2025

Closed:

Investigator: Jayson Winick

Reviewer: Peter Kivett

Approver: Tanya Topka

Subject: Inadvertent Automatic Emergency Braking

MANUFACTURER & PRODUCT INFORMATION

Manufacturer: Fisker Group Inc

Products: 2023 Fisker Ocean

Population: 6,971

Problem Description: Inadvertent activation of the automatic emergency braking system resulting in sudden vehicle deceleration, increasing the risk of a crash.

FAILURE REPORT SUMMARY

	ODI	Manufacturer	EWR D&I	Other	Total	EWR Field Reports
All Incidents:	21		0	0		0
Crashes/Fires:	0		0	0		0
Injury Incidents:	2		0	0		0
Number of Injuries:	2		0	0		0
Fatality Incidents:	0	0	0	0	0	0
Number of Fatalities:	0	0	0	0	0	0

ACTION/SUMMARY INFORMATION

Action: This Preliminary Evaluation (PE) is closed without a manufacturer action.

Summary:

On May 8, 2024, the Office of Defects Investigation (ODI) opened PE24013 to investigate reports of inadvertent activation of the automatic emergency braking (AEB) system in model year (MY) 2023 Fisker Ocean vehicles manufactured by Fisker Group Inc. (Fisker). The complaints allege the activation of AEB without an apparent roadway obstruction in the vehicle's forward path, resulting

in sudden vehicle deceleration. This sudden deceleration occurs without adequate warning or input from the driver. The braking applications range from momentary, partial application resulting in rapid loss of speed to full application, which brings the vehicle to a complete stop in the travel lane.

ODI sent Fisker an Information Request (IR) letter on May 20, 2024. On June 17 and 19, 2024, Fisker and its affiliates filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code. Fisker provided an incomplete response to the IR on July 1, 2024. Limited information pertaining to system validation and failure data was provided. Fisker subsequently requested more time to provide additional responsive files due to limited available resources. Fisker sent additional responsive files on September 9, 2024, September 17, 2024, and December 16, 2024, but Fisker's response did not contain sufficient information for ODI to fully evaluate the alleged safety defect.

Further, on December 27, 2024, the Fisker employees with whom ODI had been corresponding informed ODI that all Fisker employees were being "dismissed" as of that date. ODI therefore does not anticipate receiving any further responsive submissions such that it can fully evaluate the reports that led to this investigation. ODI performed phone interviews and sent a survey to consumers to obtain more information and validate the allegations. Additionally, ODI reviewed allegations of the alleged safety defect that were submitted to various online forums. Most of these reports were similar in nature to the reports received by ODI. Some of the reports in online forums appear to be duplicative reports that were also submitted to ODI. Based on the responses received and analysis of similar online reporting, there was no clear trend in the following factors pertaining to the allegations: reoccurrence of events (i.e., single or multiple incidents), speed immediately prior to the event, whether the event concluded in a reduction of speed or a full stop, roadway conditions, and warning immediately prior to the event.

To date, between the reports provided by Fisker and complaints made directly to the agency, ODI is aware of over 20 reports alleging inadvertent AEB activation. Before the employees were dismissed, Fisker's testing done in response to the inadvertent AEB allegations reportedly did not result in any inadvertent AEB activations. The "Manufacturer" and "Total" counts in the above table have been left blank because of a pending request for confidential treatment by Fisker that could not be timely addressed given the company's status. This information factored into ODI's investigation and analysis.

The available information does not warrant further action at this time. The closing of this investigation does not constitute a finding by NHTSA that a safety-related defect does not exist. Additionally, the Agency notes that the Vehicle Safety Act states: "A manufacturer's filing of a petition in bankruptcy under chapter 7 or chapter 11 of title 11 does not negate the manufacturer's duty to comply with section 30112 or sections 30115 through 30120 of this title," which include the recall provisions of the Act. The Agency reserves the right to take additional action if warranted by future circumstances. To review the ODI reports cited in the Closing Resume ODI Report Identification Number document, go to [NHTSA.gov](https://www.nhtsa.gov).