



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

# ODI RESUME

OFFICE OF DEFECTS INVESTIGATION



**Investigation:** RQ24009  
**Prompted By:** 23V838  
**Date Opened:** 04/25/2024  
**Investigator:** Alexa Ardron                      **Reviewer:** Gregory Magno  
**Approver:** Tanya Topka  
**Subject:** Recall 23V838 Remedy Effectiveness

## MANUFACTURER & PRODUCT INFORMATION

**Manufacturer:** Tesla, Inc.  
**Products:** 2012 – 2024 Model Y, X, S, 3 and Cybertruck equipped w/ Autopilot  
**Population:** 2,031,220 (Estimated)

**Problem Description:** Evaluate the adequacy of Recall 23V838, including the prominence and scope of Autopilot controls to address misuse, mode confusion, or usage in environments the system is not designed for.

## FAILURE REPORT SUMMARY

	ODI	Manufacturer	EWR D&I	Other	Total	EWR Field Reports
<b>All Incidents:</b>	0	0	0	20	20	0
<b>Crashes/Fires:</b>	0	0	0	20	20	0
<b>Injury Incidents:</b>	0	0	0	0	0	0
<b>Number of Injuries:</b>	0	0	0	0	0	0
<b>Fatality Incidents:</b>	0	0	0	0	0	0

**Description of Other:** Crashes falling within the three primary categories, reported primarily to the SGO.

## ACTION/SUMMARY INFORMATION

**Action:** A Recall Query has been opened.

**Summary:**

The Office of Defects Investigation (ODI) is opening a Recall Query to assess the remedy adequacy of Recall 23V838. On December 12, 2023, Tesla filed a Defect Information Report (Recall 23V838) applicable to all Tesla models produced and equipped with any version of its Autopilot system, which Tesla described as an SAE Level 2 (L2) Advanced Driver Assistance System (ADAS). Autopilot is the simultaneous engagement of Tesla’s Traffic-Aware Cruise Control (TACC) and Autosteer. In describing the safety defect, Tesla’s Defect Information Report (DIR) explained that “the prominence and scope of the system’s controls may be insufficient to prevent driver misuse,” and Tesla committed to the deployment of a multipart remedy aimed at

improving system and engagement controls and reducing mode confusion.

EA22002 (upgraded from PE21020) was opened to investigate whether Tesla's Autopilot contained a defect that created an unreasonable risk to motor vehicle safety and involved extensive crash analysis, human factors analysis, vehicle evaluations, and assessment of vehicle control authority and driver engagement technologies. The work conducted in these investigations aligns with Tesla's conclusion in its 23V838 recall filing. During EA22002, ODI identified at least 13 crashes involving one or more fatalities and many more involving serious injuries in which foreseeable driver misuse of the system played an apparent role.

Tesla filed Recall 23V838 to address concerns regarding the Autopilot system investigated in EA22002. Following deployment of the remedy in Recall 23V838, ODI identified concerns due to post-remedy crash events and results from preliminary NHTSA tests of remedied vehicles. Also, Tesla has stated that a portion of the remedy both requires the owner to opt in and allows a driver to readily reverse it. Tesla has also deployed non-remedy updates to address issues that appear related to ODI's concerns under EA22002. This investigation will consider why these updates were not a part of the recall or otherwise determined to remedy a defect that poses an unreasonable safety risk.

ODI is therefore opening this Recall Query investigation to further evaluate the adequacy of the remedy for recall 23V838.