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By Recall Management Division at 11:48 am, Feb 03, 2010

10V-035  
(2 Pages)

**Gulf States Toyota, Inc.**  
1375 Enclave Parkway  
Houston, Texas 77077  
(713) 580-3300

*Via Federal Express*

January 26, 2010

Mr. Daniel Smith  
Associate Administrator for Enforcement  
National Highway Traffic Safety Administration  
1200 New Jersey Avenue, SE  
Washington, DC 20590

Re: FMVSS 110 Load Carrying Capacity Modification Labels – Noncompliance  
Information Report Pursuant to 49 CFR Part 573

Dear Mr. Smith:

Gulf States Toyota, Inc. (GST) hereby submits this letter to report a failure to comply with FMVSS 110. GST was informed by Toyota Motor Sales (TMS) that it had determined that vehicles imported and/or distributed and accessorized by TMS were in noncompliance with certain labeling requirements of FMVSS 110. Specifically, some vehicles sold by TMS to GST and/or others between September 1, 2005 and June 2, 2008 were sold without requisite load carrying capacity modification labels and some vehicles sold after June 2, 2008 were sold with conservatively inaccurate modification labels.

Working with TMS, GST is investigating the extent to which vehicles accessorized by and sold through GST may face similar issues. GST applied load carrying capacity modification labels to vehicles accessorized and sold through GST beginning as of June 2, 2008 with VIN specific weights based on information provided by TMS and data developed independently by GST. GST is in the process of receiving necessary information from the vehicle importer and conducting a VIN by VIN review to determine the specifics of any necessary remedial safety recall campaign with regard to vehicles previously accessorized and sold through GST as of September 1, 2005 through June 1, 2008. GST will update NHTSA with regard to such information as it becomes available and file an amended Noncompliance Information Report.

Very truly yours,

J.C. Fassino  
Sr. Vice President

cc: Jacqueline Glassman

## Noncompliance Information Report

1. Vehicle Manufacturer Name: Gulf States Toyota, Inc. (Distributor)
2. Identification of Affected Vehicles: Model years 2006 through 2009 Sienna and additional vehicles to be determined.
3. Total Number of Vehicles Potentially Affected: To be determined.
4. Percentage of Vehicles Estimated to Actually Experience Noncompliance: Close to 100%.
5. Description of Noncompliance: FMVSS 110 S10.1 requires, as of September 1, 2005, the addition of load carrying capacity modification labels if weight exceeding the lesser of 1.5% GVWR or 100 pounds is added to a vehicle between final vehicle certification and first retail sale of the vehicle. The load carrying modification label is to display, within certain parameters, the amount by which the load carrying capacity of the vehicle is reduced. GST has determined that it sold vehicles between September 1, 2005 and June 2, 2008 without the requisite labels. GST is in the process of investigating the scope and specifics surrounding this noncompliance.

In addition, FMVSS 110 S10.2 includes certain accuracy requirements as of June 2, 2008 with regard to changes in the load carrying capacity of the vehicles. GST customized each label to reflect the actual weight added to each vehicle relying in part on weight information supplied by TMS and in part on more data developed independently by GST. GST's investigation includes a review of the underlying data used to develop those labels.

6. Test results and other information: GST is conducting a VIN by VIN review, in part using information being provided by TMS, to determine the actual net weight difference as the result of accessories added by GST and to determine any requisite remedial action.
7. Description of Corrective Repair Action: To be determined.
8. Recall Schedule: To be determined.
9. Dealer Notification Schedule: To be determined.