

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED, AND EMAIL

October 16, 2012

Ms. Nancy Lummen Lewis
Associate Administrator for Enforcement
National Highway Traffic Safety Administration
1200 New Jersey Ave., S.E.
Washington, DC 20590

**Re: Recall Campaign
Door – Soft Close Automatic
2005-07 BMW 7-Series
(Vehicles with Comfort Access and Soft Close Automatic Options)**

Dear Ms. Lewis:

This notice is sent to you in accordance with the requirements of the National Traffic and Motor Vehicle Safety Act of 1966 and 49 CFR Part 573.

Pursuant to Section 573.6(c), we submit the following information.

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|----|---|---|
| 1. | <u>Manufacturer:</u> | Bayerische Motoren Werke AG (BMW) |
| | <u>Designated Agent:</u> | Thomas C. Baloga
Vice President, Engineering-US
BMW of North America, LLC
200 Chestnut Ridge Rd. (Bldg. 150)
Woodcliff Lake, NJ 07677 |
| 2. | <u>Make:</u> | BMW |
| | <u>Model Year / Model:</u> | 2005-07 / 7-Series (with Comfort Access and Soft Close Automatic options) |
| | <u>Inclusive Dates of Manufacture:</u> | August 23, 2004 – September 3, 2007 |
| 3. | The number of vehicles affected is approximately 7,485. | |
| 4. | The percentage of vehicles estimated to actually contain the condition is 100%. | |
| 5. | This recall involves the door latching system of 7-Series vehicles equipped with both the "Comfort Access" (CA) and "Soft Close Automatic" (SCA) options. The SCA system includes a control cam which is operated via an electric motor and is used to depress the door release lever which unlatches the door. | |

In rare cases, due to the SCA software functionality, and the geometric design of the control cam, the cam may stop rotating at a position where the door release lever is depressed. If this were to occur, the door may not latch. This condition would be noticeable to the vehicle occupant. If the vehicle occupant then held the door closed in an attempt for it to latch, the cam would rotate for a few seconds and then stop (as part of the SCA software function). When the cam stopped rotating, it could be in a position where the door would appear to be latched closed, although it

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BMW Group Company

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would only be closed due to the internal pressure of the SCA system and cam. An external influence, such as an irregular road surface, or inadvertent interior contact with the door, could lead to an unexpected opening of the door.

6. On May 31, 2007, the Japanese Ministry of Land and Infrastructure Transport (MLIT), during a meeting at MLIT with BMW Japan, asked BMW about two (2) complaints that the MLIT had received alleging problems with inadvertent door opening on 7-Series vehicles in Japan. BMW AG reviewed the information and concluded that the issue was not safety-related. Nevertheless, BMW AG decided to perform a product update campaign in Japan for vehicles that experience this condition. Vehicles that experience the condition would receive updated SCA software at their next dealer visit.

During July and August 2007, BMW and MLIT discussed the product update campaign. The MLIT was of the opinion that a safety-related campaign was necessary. Although BMW still believed that the issue was not safety-related, BMW accepted the position of the MLIT and modified the product amendment campaign to that of a safety campaign.

On September 4, 2007, in accordance with 49 CFR 579, BMW NA submitted a Part 579 report to NHTSA. As noted in BMW's Part 579 report, at that time, "...due to extremely rare occurrences in the field, US vehicles that experience this problem will be repaired at a dealer." The field continued to be monitored.

In October 2007, NHTSA contacted BMW about several field reports that the agency had received from BMW via the Early Warning Reporting (EWR) system. BMW timely responded, but no further follow-up by the agency occurred.

In February 2008, even though critical cases were unlikely, in order to address a number of SCA failure modes including inadvertent door opening, a Service Information Bulletin (SIB) was issued to BMW dealers. The SIB described a number of conditions that could occur as a result of problems with the SCA system, and the associated repair solutions. One of these conditions was the unlikely occurrence of the door opening due to an external influence. At that time, BMW believed that a Service Information Bulletin was an appropriate response for the few conditions occurring in the field.

Between January and February 2008, NHTSA contacted BMW again and inquired as to whether there would be any activity in the US for vehicles in the field. BMW informed NHTSA that a Service Information Bulletin (SIB) for the US market was planned to be issued very soon (and provided the SIB to NHTSA). Vehicles that were at the dealer for this condition and also vehicles that were at a dealer for other service, would receive the updated SCA software via a general software update. BMW also stated that a production change (SCA software update) was issued in 2007 in order to address the SCA condition. NHTSA again asked BMW about the several field reports that the agency had provided in October 2007, and that were provided to BMW (in January/February 2008). BMW stated that the field reports could be related to the SCA issue. There was no further contact from NHTSA on this issue until May 2011.

On May 4, 2011, NHTSA requested vehicle production figures based upon the SIB. BMW provided the production figures to NHTSA.

On August 20, 2012, NHTSA contacted BMW. NHTSA provided 9 consumer complaints (Vehicle Owner Questionnaires ("VOQs")) that they had received which

the agency thought might pertain to the issue. NHTSA requested BMW's input on these consumer complaints.

On October 3, 2012, BMW met with NHTSA to discuss this issue. BMW discussed the possibility of a Service Action as approximately 70-80% of the affected vehicles had already received the remedy (updated software) because the specific SCA updated software was included in a general software update.

On October 4, 2012, NHTSA provided 3 field reports to BMW that BMW had submitted to NHTSA via the EWR system. Two of the field reports were the same reports that NHTSA had provided to BMW in early 2008.

On October 9, 2012, BMW decided to conduct a voluntary recall.

BMW has not received any reports, nor is BMW otherwise aware of any accidents or personal injuries related to this issue.

7. Not applicable.
8. BMW will conduct a recall campaign to remedy the affected vehicles. Affected vehicles will be programmed with updated software for the Soft Close Automatic (SCA) system.

BMW will begin and expects to complete dealer notification in October 2012. BMW expects to begin and complete owner notification in November 2012.

9. Not applicable.
10. A copy of the Service Bulletin will be submitted when available. A draft copy of the owner notification letter is attached.
11. Not applicable.

Sincerely,

BMW OF NORTH AMERICA, LLC



David Cordero
Safety Integrity and Recall Manager

Attachment

TREAD ACT CUSTOMER REIMBURSEMENT PLAN
(BMW of North America, LLC)

Customer Reimbursement for Safety Related Recall Repairs
Effective with Safety related recalls initiated January 15, 2003

The customer is encouraged to request reimbursement from their authorized BMW center. Alternatively, the customer may submit the request for reimbursement to the following address:

Customer Relations and Services Department
BMW of North America, LLC
P.O. Box 1227
Westwood, NJ 07675-1227

In all cases:

- Repair expenses pertaining to the subject of the safety recall are reimbursable, not consequential expenses such as towing, rental, accommodations, damage repairs, etc.
- Expenses from repair facilities outside of the BMW center network will be considered; however, the procedure must meet BMW standards.
- The Manufacturer's Suggested Retail Price (MSRP) for BMW Genuine Parts will be considered as the guideline for reasonable charges.
- Expenses for repairs performed more than 10 days after the date of the last owner notification letter sent by BMW are not eligible for reimbursement.
- Taxes and hazardous waste disposal, where previously paid, are eligible for reimbursement.

The authorized BMW center will request a copy of the owner notification letter, as well as, a copy of the owner's previously paid invoice, and then inspect the vehicle (if still in the possession of the invoice holder) to determine the scope and quality of the previous repair. Claims shall be processed within 60 days of receipt.