

Chronology of Noncompliance Determination

- On or about December 24, 2020, Tesla began deploying firmware release 2020.48.25 over-the-air (“OTA”) to affected vehicles. The release introduced Boombox.
- On January 15, 2021, NHTSA issued an information request (OA-141-210104) to investigate Boombox’s compliance with FMVSS 141.
- On February 5, 2021, Tesla responded to the information request, explaining feature performance and demonstrating its compliance with FMVSS 141.
- Over the next several months, Tesla responded to additional information requests from NHTSA and participated in a number of virtual meetings with the Agency.
- On September 9, 2021, NHTSA upgraded the investigation to a Preliminary Evaluation (PE-141-210104) and requested additional information from Tesla relating to Boombox’s compliance with FMVSS 141.
- On October 18, 2021, Tesla responded to NHTSA’s request, further demonstrating and defending the tests performed and rationale used to determine Boombox’s compliance with FMVSS 141.
- On January 27 and 28, 2022, NHTSA and Tesla further discussed Boombox’s compliance with FMVSS 141.
- On January 29, 2022, Tesla decided to voluntarily recall and disable Boombox functionality in Drive, Neutral and Reverse modes with an OTA firmware update. Tesla submitted Recall No. 22V-063 on February 4, 2022. The OTA deployment of firmware update began in February 2022.
- On March 23, 2022, as a follow-up to Recall No. 22V-063, NHTSA inquired about the availability of Boombox if Summon or Smart Summon is in use. Summon and Smart Summon are optional driver assistance features that are not equipped on all vehicles. Summon allows the user to stand outside the vehicle and, via the Tesla mobile app or key fob, cause the vehicle to move in and out of parking spaces when the user is located within a set and limited distance. Smart Summon is an enhanced version of the Summon feature where, using the Tesla mobile app, the user can direct the vehicle to move to a specific location when the user is located within a set and limited distance. The user must maintain a clear line of sight to the vehicle and its surroundings at all times while Summon or Smart Summon is being used.
- On March 31, 2022, Tesla advised NHTSA that it had confirmed that Boombox remained available when Summon or Smart Summon is in use and that it had decided to voluntarily expand the recall to also disable Boombox functionality if Summon or Smart Summon is in use. The recall will disable Boombox functionality when Summon or Smart Summon is in use, with an OTA firmware update.
- On April 7, 2022, Tesla amended Recall No. 22V-063 to incorporate this expansion of the recall population and scope.

- On April 12, 2022, based on a further discussion with NHTSA and in the interest of ensuring customer clarity, Tesla opted to supersede Recall No. 22V-063 with a new recall that includes all affected vehicles.