

From: [Broadcast Messaging System](#)
To: [DL-BMS_Message_Monitors](#)
Subject: MINI SAFETY ACT COMPLIANCE, OCT 1, 2016
Date: Wednesday, August 31, 2016 12:52:08 PM

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From: Mini Sales Operation
Expiration Date: September 14, 2016

DCSnet Message
Important



Subject: **MINI SAFETY ACT COMPLIANCE, OCT 1, 2016**

Dear MINI Dealer Management,

MINI USA and BMW of North America, LLC take intense pride in our customers and our vehicles, endeavoring to deliver exceptional mobility solutions to all of our mutual clients.

Improvements and corrections to vehicles are inherent in our industry, and while we continually strive to eliminate the need for recalls, from time to time they still occur. **This is a regulated process and the Federal Motor Vehicle Safety Act ("the Safety Act") prohibits the sale and delivery of new vehicles subject to a recall issued by vehicle manufacturers or the National Highway Traffic Safety Administration ("NHTSA"), unless and until the defect is corrected, [49 USC 30120(i)(1)].** The Safety Act does not prohibit dealers from offering such vehicles for sale, as long as the dealer does not actually sell or lease them until the defect is corrected, [49 USC 30120(i)(2); 49 CFR Part 573.11(b)].

Any entity that violates the requirements of the Safety Act, or a regulation thereunder, is subject to a civil penalty of not more than \$21,000 for each violation, up to a maximum of \$105,000,000. Additionally, in December 2015, BMW NA entered into a Consent Agreement with NHTSA and agreed to develop and implement measures to train and deter its dealers from selling unremedied recall vehicles until those vehicles are repaired. BMW NA also agreed to provide easier access to the information necessary to maximize completion of open recalls in dealer inventory.

MINI USA takes this responsibility very seriously, and reminds all retailers that compliance with the Safety Act is a top priority. As such, effective October 1, 2016, any new vehicle delivered to a customer prior to the repair of all known recalls will be deemed ineligible for any and all MINI Business Builder Program (BBP) bonus monies. Vehicle Eligibility of the 2016 version of the BBP Guide will be modified to reflect this important revision. Compliance is a review criteria for Retail Audit and failure to do so will subject a center to full chargeback of applicable BBP. Additionally, for any MINI Next vehicle discovered that has been delivered to a customer prior to a recall defect correction, a penalty in the amount of the Certified Pre-Owned (CPO) Certification Fee will be charged.

We hope that you all recognize the seriousness of this matter and support the fact that in order for us to protect our customers and the value of this exceptional brand, we all need to be committed at the same high level. Your personal attention to detail on this issue at your dealership is most appreciated.

Sincerely,

Ludwig Willisch

President and CEO

BMW of North America, LLC

Thomas Felbermair

VP, MINI Region Americas

BMW of North America, LLC

Attachments:

No Attachments No Attachments

Recipients: MINI Passenger Cars, Service, All Regions, All Areas, All Departments, All Personnel
MINI Passenger Cars, New Vehicle Sales, All Regions, All Areas, Operations, All
MINI Passenger Cars, New Vehicle Sales, All Regions, All Areas, All Departments, All Personnel
MINI Passenger Cars, Certified Pre-Owned, All Regions, All Areas, All Departments, All Personnel

