



SI B01 24 17  
Warranties

November 2018  
Technical Service

## CLASS ACTION LAWSUIT SETTLEMENT: 6 SERIES (E64) CONVERTIBLE TOP FUNCTION AND OPERATIONAL ISSUES

New information provided by this revision is preceded by this symbol  .

This Service Information bulletin supersedes SI B01 24 17 **dated November 2017**.

### What's New:

- The end date for the “One-Time Check/Software Update” to be performed and claimed has been extended to November 15, 2018.
- A website screen shot has been added.

### MODEL

E64 (645Ci Convertible) Model Years 2004 and 2005 produced from 10/31/2003 to 9/6/2005	E64 (650i Convertible) Model Years 2006, 2007, 2008, 2009 and 2010 produced from 8/31/2005 to 7/30/2010	E64 (M6 Convertible) Model Years 2007, 2008, 2009 and 2010 produced from 5/29/2006 to 7/16/2010	
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**Note:** The “Model” information above is for informational purposes only, it is **not** the only deciding

factor.



### ELIGIBLE VEHICLES

To determine a vehicle's eligibility and to confirm this coverage applies, always perform a VIN-specific DCSnet Warranty Inquiry first.

To assist you in identifying those vehicles that have this “component-specific” extended limited warranty coverage, the DCSnet Warranty Vehicle Inquiry has been updated with the VIN and Component-specific “Vehicle Comment” shown below:



### Updated VIN Flag

**SI B01 24 17 (DC 54 34 90 98 00) CLASS ACTION LAWSUIT SETTLEMENT - 6 SERIES (E64) CONVERTIBLE TOP FUNCTION AND OPERATIONAL ISSUES: ONE-TIME CHECK/SW UPDATE TO BE PERFORMED/SUBMITTED BEGINNING ON SEPTEMBER 25, 2017 BUT NO LATER THAN THE EXTENDED DATE OF NOVEMBER 15, 2018 (REPAIR ORDER/DCSNET CLAIM DATE). THE SERVICE INFORMATION BULLETIN PROVIDES THE DCSNET CLAIM SUBMISSION INFORMATION.**

## Original VIN Flag

**CLASS ACTION LAWSUIT SETTLEMENT: 6 SERIES (E64) CONVERTIBLE TOP FUNCTION AND OPERATIONAL ISSUES, SERVICE INFORMATION BULLETIN SI B01 24 17 MAY APPLY (DC 54 34 90 98 00: ONE-TIME CHECK/SW UPDATE TO BE PERFORMED/SUBMITTED BETWEEN SEPTEMBER 25, 2017 AND SEPTEMBER 24, 2018). THE SERVICE INFORMATION BULLETIN PROVIDES THE DCSNET CLAIM SUBMISSION INFORMATION.**

If you have ELW eligibility and/or coverage questions, please contact the Warranty department through IDS by selecting "Coverage, Policy and Coding" **prior** to performing any repair.



**Note:** The "Model" information above is for informational purposes only, it is not the only deciding

factor.

To determine a vehicle's eligibility and to confirm this settlement applies, always perform a VIN-specific DCSnet Warranty Inquiry first; please refer to the "Eligible Vehicles" section of this bulletin for further details.

## INFORMATION

BMW of North America, LLC ("BMW NA") nationwide class action settlement is **Effective as of September 25, 2017**.

### Class Allegations

Certain Model Year 2004 to 2010 BMW 6 Series (E64) Convertibles ("Class Vehicles") were produced and sold with defective convertible tops, as a result, the following functional and operational issues may occur:

- The convertible top will not completely open or close; or it
- Becomes stuck in a fixed position; and/or the
- Convertible top operation light flashes, causing the "top not locked" warning message to appear, and/or causes an alarm to sound.

### Settlement Benefits

#### A. Initial Procedure (Required to activate item "B")

**UPDATE!** Beginning on **September 25, 2017 but no later than September 24, 2018**, a Class Vehicle can be brought to an authorized BMW center for a free one-time:

- Check to confirm that the vehicle's software (which includes the convertible top control module) is already at the minimum "Target" integration level, Class Vehicles already programmed with ISTA/P 3.62.3 (E060-15-11-500) or higher.

Or, a:

- Vehicle software update procedure in order to update convertible top's control module software to the appropriate level.

Then, after whichever was required to be performed above:

- Perform a function check of the EH top and if necessary, repair any current convertible top functional and/or operational issues.

After this procedure is completed, then the follow applies:

### **B. One Year Convertible Top Limited Warranty (Only After performing item “A”)**

Beginning on the date the software integration level check or the vehicle software update procedure were performed (item A), for a period of one (1) year without mileage limitation, Class Vehicles get a One Year Convertible Top Limited Warranty:

- If a Class Vehicle’s convertible top fails to operate correctly or displays a “top not locked” error due to a defect in materials or workmanship, the convertible top will be repaired free of charge at an authorized BMW center in the US (including Puerto Rico).

For items A and B: Certain other limitations and exclusions apply, please refer to the Warranty Information section below.

## **PROCEDURE**

The first time a Class Vehicle arrives to your center for this action, determine the vehicle’s current I-level/I-stage of vehicle’s software as follows:

### **Model Years 2004, 2005, 2006 2007, 2008, 2009 and 2010 E64 Vehicles**

Open **ISTA+**:

- Enter the last seven of the VIN in the Input VIN field; then from the
- Vehicle details tab, go to I-Level actual (located in the middle of the last column).

And/or, for:

### **Model Years 2007, 2008, 2009 and 2010 E64 Vehicles**

Read the key and access the vehicle’s **key data in ISPA Next**, go to

- Vehicle condition>I-Level>Current I-stage of vehicle

Document the Current I-Level/I-stage (level) of vehicle’s software on the repair order in the claim comments.

**If the vehicle’s i-level is at or above minimum target integration level**

- **No further action is required.**

<b>Model</b>	<b>Minimum Target integration level</b>
E64 (6 Series)	E060-15-11-500

Or:

**If the vehicle’s i-level is below this minimum target integration level**

- **Program and encode the vehicle using ISTA/P 3.62.3 or higher**

Note that ISTA will automatically reprogram and code all programmable control modules that do not have the latest software.

**Always connect a BMW-approved battery charger/power supply (SIB04 23 10).**

For information on programming and coding with ISTA, refer to CenterNet / TIS / Technical Documentation / Diagnostics and Programming / Programming Documentation.

Then:

- Perform a function check of the EH top and repair any current convertible top function and operational issues.

**Important Note**

Class Vehicle convertible top repairs to address cosmetic, body, paint finish, headliner, trim, convertible top and related body seals are not covered by this action unless the issue is directly consequential to a convertible top function and/or operational issue being repaired.

**PARTS INFORMATION**

**Note:** Please refer to the Electronic Parts Catalog (ETK/EPC), using the customer's VIN to locate the other applicable replacement part numbers that may be needed.

Also refer to ETK/EPC and the repair instructions for onetime-use fasteners/screws and other information regarding repair-related gaskets, seals, fluid and/or lubricants that also need to be replaced/used and claimed.

**WARRANTY INFORMATION**

**UPDATE!** The following software check or upgrade and repair procedures, as applicable, are available to be performed on Class Vehicles beginning on **September 25, 2017 but no later than November 15, 2018** (Repair order/DCSnet claim date).

This procedure can be claimed one-time regardless of the Class Vehicle's age and mileage.

**A. Initial Procedure (Required to activate item "B")**

Submit this repair line item in DCSnet as a **Warranty Type 1W Vehicle**:

<b>In-Service Date:</b>	The vehicle's actual in-service date showing in DCSnet
<b>Odometer (Miles):</b>	The vehicle's actual In and Out mileage

Claim following work with the Defect Code and the applicable labor operations provided below:

<b>Defect Code:</b>	<b>5434909800</b>	<b>E64 US Check convertible top</b>
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**Check the Vehicle, a Software Update Procedure is not Necessary**

<b>Labor Operation:</b>	<b>Labor Allowance:</b>	<b>Description:</b>
61 00 009	3 FRU	Work time to determine the current I-Level/I-stage of vehicle's software, vehicle is already at the specified "Target" integration level or higher, no repair is necessary (Main)

Or		
61 00 009	1 FRU	Work time to determine the current I-Level/I-stage of vehicle's software, vehicle is already at the specified "Target" integration level or higher, no repair is necessary (Plus – Vehicle is already in the workshop)
And:		
54 34 001	1 FRU	Work time to a perform function check of the EH top

**ISTA+:** Model Years 2004, 2005, 2006, 2007, 2008, 2009 and 2010 E64 Vehicles.

**ISPA Next:** Model Years 2007, 2008, 2009 and 2010 E64 Vehicles.

Or:

**Check the Vehicle and Perform a Software Update Procedure (Vehicle Programming and Coding)**

<b>Labor Operation:</b>	<b>Labor Allowance:</b>	<b>Description:</b>
00 00 006	Refer to KSD2	Performing "vehicle test" (with vehicle diagnosis system – checking faults) (Main work)
Or:		
00 00 556	Refer to KSD2	Performing "vehicle test" (with vehicle diagnosis system – checking faults) (Plus work)
And:		
61 21 528	Refer to KSD2	Connect an approved battery charger/power supply (indicated in KSD 2 as Charging battery)
And:		
61 00 710	Refer to KSD2	Programming/encoding control unit(s) (Without CAS)
Or:		
61 00 720	Refer to KSD2	Programming/encoding control unit(s) (With CAS)
And:		
54 34 001	1 FRU	Work time to a perform function check of the EH top

If you are using a Main labor code for another repair, use the Plus code labor operation 00 00 556 instead of 00 00 006.

Refer to KSD2/AIR for the corresponding flat rate unit (FRU) allowances.

Work time labor operation code 54 34 001 is not considered a Main labor operation. Also, since the "work time" FRU allowance to be claimed is specified, a separate punch time is not required.

When ISTA/P automatically reprograms and codes all the vehicle's control modules that "currently do not have" the latest software and if one or more control module failures occur "during" this programming procedure:

- Please claim this "consequential" control module-related repair work under the defect code listed in this bulletin with the applicable KSD2/AIR labor operations.

### **Other Control Module Repairs**

Control module failures that occurred "prior" to performing the above programming procedure:

- When "covered" under an applicable limited warranty, claim this control module-related repair work using the applicable defect code and labor operations in KSD2/AIR.

Review and address with the customer, as necessary, those control repairs that are not claimable.

### **Vehicles with other Convertible Top Functional and Operational Issues**

Repair any other current convertible top function and operational issues:

- For those issues that are caused by a defect in materials or workmanship, claim these repairs with the Prerequisite Qualifying Procedure claim submission

Review and address with the customer, as necessary, those convertible top repairs that are caused by other reasons, not covered and not claimable under this action.

## **B. One Year Convertible Top Limited Warranty (Only After performing item "A")**

Beginning on the date the software integration level check or the vehicle software update procedure were performed (item A), for a period of one (1) year without mileage limitation:

- If a Class Vehicle's convertible top fails to operate correctly or displays a "top not locked" error due to a defect in materials or workmanship, the convertible top will be repaired free of charge at an authorized BMW center in the US (including Puerto Rico)

**The existing limited warranty coverage for the whole vehicle and other components has not changed.**

Class Vehicle convertible top repairs to address cosmetic, body, paint finish, headliner, trim, convertible top and related body seals are not covered by this action unless the issue is directly consequential to a convertible top function and/or operational issue being repaired.

Please review and address with the customer, as necessary, those convertible top repairs that are caused by other reasons, not covered and not claimable under this action.

Should the convertible operation top fail again, qualifying repairs are covered by the remaining portion of the one (1) year convertible top limited warranty coverage period.

### **Non-Qualifying Repairs**

Non-US specification vehicles, ineligible and/or non-Class vehicles, eligible vehicles operated and repaired outside the United States and Puerto Rico and/or the diagnosis and repair of other unrelated issues that are not covered under the terms of this settlement that is noted above.

### **Qualifying Convertible Top Repairs - Claim Submission during the One (1) Year Limited Warranty Period.**

For **this action only**, submit the qualifying repair line item(s) in DCSnet as a **Warranty Type 2W Parts**.

Then, in addition to vehicle's actual In-Service Date and Current Odometer (Miles In/Out) when this repair is being performed, also please provide the:

<b>Part Install date:</b>	This is the date the <b>A. Initial Procedure</b> was previously performed on the Class Vehicle that now had a qualifying convertible top repair performed.
<b>Install Odometer:</b>	The accumulated vehicle mileage on the Class Vehicle since the <b>A. Initial Procedure</b> was previously performed

Claim this work with the Defect Code provided below with the applicable KSD2 labor operations that apply:

<b>Defect Code:</b>	<b>543490990</b>	<b>E64 US Repair convertible top</b>
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To submit a claim for repairing a qualifying convertible top operation or function issue, please following the established and applicable warranty policy and procedures (Labor/Part/Sublet; Bulk Materials) that apply to the repair being performed.

- Refer to KSD2/AIR for the corresponding flat rate labor operations (including diagnosis) and flat rate unit (FRU) allowances.
- Only one Main labor operation code can be claimed per repair visit.
- Work time labor operation codes require individual punch times and explanations on the repair order and in the claim comments section.

### Consequential Repair(s)

When additional work and/or parts are required as a "direct result" of a qualifying convertible top operation or function issue that is being repaired, claim these items under the defect code listed above together the applicable labor operations listed in KSD2.

Explain and itemize this consequential repair work on the repair order and in the claim comment section.

### Overlapping Labor Procedure – Other Repairs

If invoicing the KSD2 flat rate labor operation codes for other repair work results in overlapping labor, for those flat rate labor operations that are affected, you can now:

- Replace the stated KSD2 "FRU allowance" with a "reduced FRU value" to eliminate the overlapping labor.

For help in identifying the overlapping labor, please refer to the AIR FRU Plausibility Check (Overlapping Labor Tool) that is located in the AIR Client.

Eligible other repair work being claimed under a different defect code will require separate punch times.

On the repair order and in the claim comment section, please identify and itemize those labor operations being claimed with a "reduced FRU value."

### Previous Customer-pay Repairs

Prior to the Final Settlement, Class Members could have filed a reimbursement request claim with the Claims Administrator, as outlined in the website below, for the expenses related to a performing qualifying previous customer-pay repair of their "Class Vehicle."

**The completed reimbursement request form had to be postmarked or submitted online to the Claims Administrator no later than June 19, 2017.**

For additional information about the settlement reimbursements, please direct your customers to the following settlement website: <http://www.ConvertibleTopSettlement.com>.

Posted: Wednesday, November 7, 2018

## **ATTACHMENTS**

View PDF attachment [B012417\\_Website Page](#).

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# Gray v. BMW of North America, LLC

- Home
- File a Claim
- Class Notice
- Court Documents
- Frequently Asked Questions

Questions?  
Call (888) 548-5514

Documents require Adobe Reader. [Download](#) it free.



## Welcome to the Gray v. BMW North America, LLC Website

United States District Court for the District of New Jersey  
Civil Action No. 2:13-cv-3417-WJM-MF

**If you are a current or former owner or lessee of a model-year 2004 to 2010 BMW 6 Series (E64) Convertible, you may be eligible for benefits of a class-action settlement.**

### UPDATE

**The appeal of the Court's Order granting final approval of the Settlement has been dismissed and the Settlement is now effective. Reimbursement payments and deficiency notifications are being processed on a rolling basis. Additionally, the Software Update has been released to authorized BMW service centers. If you want to receive the Software Update, you can contact your local BMW Service Center and make an appointment to have the Software Update performed free-of-charge. You may reference BMW "Service Information Bulletin 54 17 06", which explains the Software Update.**

A nationwide settlement ("Settlement") has been reached in a class action lawsuit against BMW of North America, LLC ("BMW NA") and Bayerische Motoren Werke Aktiengesellschaft ("BMW AG") ("Defendants"). The lawsuit concerns model-year 2004 to 2010 U.S. specification BMW 6 Series (E64) Convertibles ("Class Vehicles"). The lawsuit alleges that the convertible top on a Class Vehicle will not completely open or close, becomes stuck in a fixed position, the convertible top operation light flashes, causing the "top not locked" warning message to appear, and/or causes an alarm to sound. Defendants have denied these allegations.

### Dates and Deadlines

#### Exclusion Deadline:

Postmarked by June 19, 2017

#### Objection Deadline:

File by June 19, 2017

#### Claims Filing Deadline:

Postmarked by June 19, 2017

#### Final Approval Hearing Date:

August 15, 2017 at 10:00 AM

## Gray v. BMW of North America, LLC

The Settlement provides an opportunity to be reimbursed for certain past expenses and to obtain a free software update to remedy the issue.

Your legal rights are affected whether you act or don't act, so please read this notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT		
<b>SUBMIT A CLAIM</b>	Make a claim for relief so that you may be able to receive the valuable benefits available to you under the Settlement.	Claims must be submitted or postmarked by <b>June 19, 2017</b> .
<b>EXCLUDE YOURSELF</b>	This is the only option that allows you to be part of any other lawsuit, or your own lawsuit, against the Defendants about the legal claims released in this Settlement.	Must be postmarked by <b>June 19, 2017</b> .
<b>OBJECT</b>	Write to the Court about why you do not like the Settlement.	Must be postmarked by <b>June 19, 2017</b> .
<b>GO TO A HEARING</b>	Ask to speak in Court about the Settlement.	The Final Approval Hearing is scheduled for <b>August 15, 2017</b> .
<b>DO NOTHING</b>	Give up rights to benefits under the Settlement and to be part of this or any other lawsuit against the Defendants about legal claims released by the Settlement. Text	