



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

PEGGY A. LAUTENSCHLAGER
ATTORNEY GENERAL

Daniel P. Bach
Deputy Attorney General

17 W. Main Street
P.O. Box 7857
Madison, WI 53707-7857
www.doj.state.wi.us

November 15, 2005

Norman Y. Mineta, Secretary
U.S. Department of Transportation
400 7th Street, S.W.
Washington D.C. 20590

Kathleen DeMeter, Director
NHTSA
Office of Defects Investigation
400 7th Street S.W.
Washington D.C. 20590

Re: GMC SUV Recall

Dear Secretary Mineta and Director DeMeter:

I am writing to you about a disturbing trend taking place in recent years with respect to automobile recalls. When auto manufacturers first began to recall defective motor vehicles, those recalls were national in scope. In recent years, however, auto manufacturers have issued regional and even local recalls. Unfortunately, these regional recalls exclude many defective vehicles that should otherwise be eligible for recall repairs.

A recent example of this inconsistent decision-making is General Motors' 14-state recall of 1999 through 2002 and possibly some 2003 models of the Chevrolet Avalanche, Silverado, Tahoe, and the GMC Sierra, Yukon and Yukon XL. These SUV's have experienced significant braking problems. The antilock braking systems and brake sensors of these SUV's have failed, apparently due to a design defect combined with the introduction of winter road salt, snow and water. I am troubled and disappointed that General Motors has issued this recall for some customers, but denied it for all the other customers, including those in Wisconsin who purchased and own these particular Chevrolet and GMC SUV's.

In America's highly mobile society, people frequently drive from state to state and they relocate in other states. Moreover, as a result of the many internet auto sales websites, new and used motor vehicles, including SUV's, are often bought, sold and delivered across state-lines. This is another reason why these vehicle repair recalls should be national recalls, and not regional or local recalls that are limited to just a few states.

Secretary Norman Mineta
Director Kathleen DeMeter
Page 2

General Motors Corp., has limited its recall to 14 states with the apparent excuse that they had more reports about braking problems from owners in those 14 northern states. Why were there more reports in those 14 states? The answer may be that this problem was first reported in Canada, where winter driving conditions are generally more prominent. Crashes and brake failures occurred, complaints were filed, and a recall was initiated by General Motors - Canada. That prompted publicity in the Canadian media. Media reports were picked up across the border into New York State, spawning more publicity. The New York media reports were seen in surrounding states. Hence, more complaints were undoubtedly reported in those 14 states where earlier publicity generated more consumer reporting. That, however, does not mean that the other states' GMC SUV owners have not experienced similar brake problems as well, or that they could not reasonably be expected to do so.

Consumers seldom file complaints when they are not made aware that their auto repairs were the result of faulty manufacturing or design flaws. The failure by GMC to notify the SUV owners of this problem would certainly contribute to an under-reporting of complaints. This recall should not be based solely on complaints submitted to NHTSA or GM Service Centers. The decision by GMC is both unfair and illogical.

It is bad enough when GMC fails to issue a nation-wide auto defect recall in order to prevent vehicle crashes. Beyond the safety consideration, this decision also penalizes the SUV owners financially, as they have to pay for defective brakes and/or brake sensors for which they were not informed and had no fault in causing.

I understand that NHTSA has received many letters from The Center For Auto Safety, States' Attorneys General and other organizations that have presented rational arguments in opposition to these questionable regional recalls. Copies of two of these letters are enclosed for your review.

The enclosed September, 4, 1998, NHTSA letter signed by Kenneth Weinstein reported, on page three, that a regional recall related to corrosion by road salt should include 21 states and Washington D.C. Wisconsin was included then in that determination. Why were Wisconsin consumers not included in this most recent recall? This practice of GMC picking and choosing specific states for a recall is not defensible. NHTSA should certainly do what it can to oppose such a selective, discriminatory practice by an auto manufacturer.

I understand that NHTSA is currently monitoring data about this particular GMC SUV recall. I have, therefore, enclosed similar consumer complaints from Wisconsin owners of these SUV's. While reviewing these complaints filed with the Wisconsin Department of Agriculture, Trade and Consumer Protection, we found some related complaints that were not even addressed by this limited recall. These involve virtually identical braking problems on Chevrolet pickup trucks. The under-chassis of Chevrolet pickups and Chevrolet SUVs have startling similarities that should be addressed. We have enclosed eight consumer complaints for your review.

Secretary Norman Mineta
Director Kathleen DeMeter
Page 3

Kyle DeVries filed the following complaint regarding his 2000 Chevrolet Silverado:

In December of 2000 I was approaching a Subway sandwich shop when the brakes failed. I hit the building and caused \$1,400 damage to my truck and \$892 to the building. After the accident the brakes worked fine again. The truck was taken to Heather Chevrolet and they found nothing. At that time GM refused any liability for this. In early May my girlfriend went through an intersection and the brakes worked again after that. We brought the truck to Bergstrom Chevrolet and they found 14 fault codes in the brake system and found a bad brake switch. GM still refuses responsibility.

Please note that the second braking incident occurred in May when salt is no longer on the roadways. The point is that these brake defects and resulting accidents can and do occur in a variety of weather conditions and geographic locations.

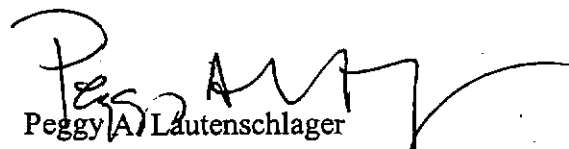
I would also cite the NHTSA Civil Action in which General Motors agreed, on July 22, 2004, to pay a \$1 million civil penalty to settle charges of failing to conduct a timely automobile recall to correct another safety defect with respect to windshield wiper failure in other GM autos manufactured in 2002 and 2003. That matter was governed by 49 U.S.C. §§ 30118(c)(2), 30119(c)(2); 49 CFR Part 573.

An argument can certainly be made that GMC has engaged in a pattern of failure to conduct timely recalls, thereby endangering the traveling public as well as imposing unnecessary service repair costs on owners of General Motors vehicles.

In conclusion, I ask that NHTSA exhort GMC to expand this recall nationwide, so all owners of these SUV's can be notified of this problem, in order for the necessary repairs to be made. I encourage the U.S. Department of Transportation and NHTSA to be proactive in advocating that recalls of this nature be national in scope.

Thank you for your help on behalf of Wisconsin consumers.

Very truly yours,


Peggy A. Lautenschlager
Attorney General

Enclosures

c: The Center For Auto Safety