



U.S. Department
of Transportation
**National Highway
Traffic Safety
Administration**

NOV 18 2010

1200 New Jersey Avenue SE
Washington, DC 20590

Via USPS Certified Mail and E-mail

Ms. Carmen Benavides
Director, Product Investigations
And Safety Regulations
General Motors LLC
Mail Code: 480-210-2V1
30001 Van Dyke Road
Warren, MI 48090-9020

NVS-215jt
AQ10-001
09V-073
09V-392
10V-018
10V-024

Re: Audit of Rental Car Safety Recall Campaign Completion

Dear Ms. Benavides:

The agency, particularly in recent months, has been informed of incidents involving allegations of vehicle crashes, personal injury, and fatalities claimed to have been caused by safety defects and failures to conform to minimum Federal Motor Vehicle Safety Standards (FMVSS) on rental car vehicles for which a safety recall to remedy the safety defect or noncompliance had allegedly not been performed prior to the rental car company's lease of the vehicle. NHTSA understands that there is presently a petition before the Federal Trade Commission (FTC) seeking to prohibit at least one rental car company from renting vehicles on which safety recall campaign remedies remain outstanding.

NHTSA is troubled by these allegations and is conducting an audit of various recalls involving rental car vehicles in order to evaluate the completion of safety recall remedies on rental cars. Accordingly, the Recall Management Division (RMD) has opened an audit query (AQ) to investigate recall remedy completion by rental car fleets on certain safety recall campaigns General Motors LLC (GM) has conducted. In its capacity as the vehicle manufacturer responsible for conducting those recall campaigns, maintaining lists of all owners and purchasers notified, and for collecting and then reporting campaign completion figures to the agency, we are requesting GM supply certain information on the campaigns.

The safety recall campaigns subject to this investigation and this request for information include: 09V-073 Shift Lever Indicator/FMVSS 102 & FMVSS 114, 09V-392 Brake Vacuum Suction Port, 10V-018 Sticking Accelerator Pedal, and 10V-024 Pedal Entrapment.



DEFINITIONS

1. “GM” means General Motors LLC, including all of its divisions, subsidiaries and affiliated enterprises and its employees, and all agents, contractors, consultants, attorneys and law firms and other persons engaged directly or indirectly (e.g., employee of a consultant) by or under the control of GM (including all business units and persons previously referred to).
2. The term “you” or “your” refers to GM.
3. The term “rental car company” refers to any business operation engaged in the business of renting or leasing passenger cars or multipurpose passenger vehicles to other persons for shorter-term use (e.g., less than 90 days). Unless otherwise specified, this term means a single company and not a conglomeration or affiliation of rental car companies that may share ownership or be owned or controlled by another entity. The term “rental car conglomeration” means a conglomeration or affiliation of more than one rental car company.
4. The term “person” includes natural persons, proprietorships, partnerships, firms, corporations, federal, state, and local governments, all departments and agencies thereof, and any other governmental agencies, political subdivisions, groups, associations, or organizations, whether located in the United States or abroad.
5. The term “subject recalls” means those safety recall campaigns involved in this investigation.
6. The term “campaigned vehicle” means a vehicle covered by a subject recall.
7. The term “disposal date” means the date the rental car company identified or reported to GM, or to a state motor vehicle administration or other state vehicle registration administration who then either reported to GM or GM learned from that administration either directly or through a vendor engaged in the business of collecting vehicle registration information, as the date it relinquished ownership of a campaigned vehicle. In the event GM has information indicating more than one disposal date for a vehicle, the earliest of the dates should be identified and considered as the disposal date.
8. The terms “recall campaign launch date” or “launch date” means the date GM issued its notifications compliant with 49 CFR Part 577 to owners and purchasers (including rental car companies) concerning the safety defect or noncompliance with Federal Motor Vehicle Safety Standards (FMVSS) at issue in a given subject recall and applicable to those companies’ vehicles.
9. The term “recall campaign launch count” or “launch count” means the number of campaigned vehicles on the recall campaign launch date.
10. The term “count at 30 days” means the number of campaigned vehicles 30 days after the recall campaign launch date. Similarly the terms “count at 60 days,” “count at 90 days,” “count at 120 days,” and “count at 365 days,” correlate to the number of campaigned vehicles at that date and point in time relative to the launch date. Should GM have information that establishes a vehicle’s disposal date between a given range of counts of days (e.g., vehicle sale or

registration records establish a rental car company relinquished ownership sometime between 30 and 60 days post-launch date), then GM may, at its discretion, remove that vehicle from the latter count's total. Note that this does not pertain to vehicles for which 30 days or less has accrued from launch date. If GM chooses to exercise this discretion, it must exercise the same discretion for all vehicles that fall between count dates. It must also advise the agency prominently in its response that it is exercising this discretion.

11. The term "number remedied" means the number of campaigned vehicles that either the rental car company reported to GM, or GM deduced from its own records, that had been inspected and remedied, inspected and identified as not requiring a remedy, or otherwise having had the subject recall's remedy applied.

12. The term "number remedied at 30 days" means the number of campaigned vehicles that either the rental car company reported to GM, or GM deduced from its own records, that had been inspected and remedied, inspected and identified as not requiring a remedy, or otherwise having had the subject recall's remedy applied, 30 days after the recall campaign launch date. Similarly the terms "number remedied at 60 days," "number remedied at 90 days," "number remedied at 120 days," and "number remedied at 365 days," correlate to the number of campaigned vehicles that had been remedied at that date and point in time relative to the launch date.

13. The term "percentage remedied" means the percentage of campaigned vehicles that either the rental car company reported to GM, or GM deduced from its own records, that had been inspected and remedied, inspected and identified as not requiring a remedy, or otherwise having had the subject recall's remedy applied.

14. The term "percentage remedied at 30 days" means the percentage of campaigned vehicles that either the rental car company reported to GM, or GM deduced from its own records, that had been inspected and remedied, inspected and identified as not requiring a remedy, or otherwise having had the subject recall's remedy applied, 30 days after the recall campaign launch date. Similarly the terms "percentage remedied at 60 days," "percentage remedied at 90 days," "percentage remedied at 120 days," and "percentage remedied at 365 days," correlate to the of campaigned vehicles that had been remedied at that date and point in time relative to the launch date.

15. The term "top ten rental car companies" means the ten rental car companies that had the most campaigned vehicles at the launch date of a subject recall. For the purposes of this information request, if a rental car company had less than 25 campaigned vehicles at a subject recall's launch date, that company's recall completion information need not be provided in response to a request. Note that this does exception does not include companies that may have had less than 25 campaigned vehicles at some point after the launch date.

16. To "identify" or "state the identity of" a rental car company or a rental car conglomeration means to state its full name and the present or last known address and telephone number of its headquarters. Once a rental car company or conglomeration has been so identified, it may thereafter be identified by name alone or by an abbreviation.

REQUESTS

1. Separately for each subject recall, provide a table with the following information:
 - a. The recall's launch date;
 - b. The top ten rental car companies; and then, for each company:
 - i. Its launch count;
 - ii. Its count at 30 days;
 - iii. Number of vehicles remedied at 30 days;
 - iv. Percentage of vehicles remedied at 30 days;
 - v. Its count at 60 days;
 - vi. Number of vehicles remedied at 60 days;
 - vii. Percentage of vehicles remedied at 60 days;
 - viii. Its count at 90 days;
 - ix. Number of vehicles remedied at 90 days;
 - x. Percentage of vehicles remedied at 90 days;
 - xi. Its count at 120 days;
 - xii. Number of vehicles remedied at 120 days;
 - xiii. Percentage of vehicles remedied at 120 days;
 - xiv. Count at 365 days;
 - xv. Number of vehicles remedied at 365 days; and
 - xvi. Percentage of vehicles remedied at 365 days

Conspicuously identify the subject recall's NHTSA assigned identification number on each table and name each table "Rental Car Completion Analysis for [insert NHTSA identification number as applicable]." Provide the tables in Microsoft Access or Microsoft Excel format.

In the event GM expanded the scope of the campaigned vehicles in any significant manner during the course of a campaign, (e.g., expansions GM would have notified the agency concerning, and not minor changes due to entry and departure of vehicles in and out of the country, as one example) state when it changed the population, and provide a separate aggregation of data for the changed population.

2. Separately, for each subject recall, provide a table with the following information as it relates to all other vehicles covered by the subject recall exclusive of the rental car campaigned vehicles:
 - a. The recall's launch date;
 - b. The total vehicles at launch;
 - c. Number of vehicles remedied at 30 days;
 - d. Percentage of vehicles remedied at 30 days;
 - e. Number of vehicles remedied at 60 days;
 - f. Percentage of vehicles remedied at 60 days;
 - g. Number of vehicles remedied at 90 days;

- h. Percentage of vehicles remedied at 90 days;
- i. Number of vehicles remedied at 120 days;
- m. Percentage of vehicles remedied at 120 days;
- n. Number of vehicles remedied at 365 days; and
- o. Percentage of vehicles remedied at 365 days

Conspicuously identify the subject recall's NHTSA assigned identification number on each table and name each table "Non-Rental Completion Analysis for [insert NHTSA identification number as applicable]." Provide the tables in Microsoft Access or Microsoft Excel format.

In the event GM expanded the scope of the campaigned vehicles in any significant manner during the course of a campaign, (e.g., expansions GM would have notified the agency concerning, and not minor changes due to entry and departure of vehicles in and out of the country, as one example) state when it changed the population, and provide a separate aggregation of data for the changed population.

In the event GM is unable to separate its records between rental car companies and all other owners and purchasers of campaigned vehicles, then please so state, explain why it cannot do so, and provide the above information as to the all campaigned vehicles.

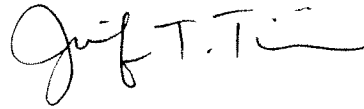
3. Provide a description of the information and information sources GM used in compiling its responses to questions 1 and 2 and the process or procedure GM used in calculating those responses.
4. Provide any additional information GM considers important for the agency to consider in reviewing and evaluating GM's responses to any of the requests above. As one example, identify any anomalies in the data and explain the reason(s) for those anomalies.

The agency is not requesting the supporting information and data GM used in providing its responses to the above. Please be reminded, however, that it may request to review that information during the course of this investigation. Please do not discard or otherwise destroy that information.

If GM claims that any of the information or documents provided in response to this information request constitute confidential commercial material within the meaning of 5 U.S.C. § 552(b)(4), or are protected from disclosure pursuant to 18 U.S.C. § 1905, the company must submit supporting information together with the materials that are the subject of the confidentiality request, to the Office of Chief Counsel, National Highway Traffic Safety Administration, 1200 New Jersey Ave., SE, Washington, D.C. 20590. Please see 49 CFR Part 512 for further instructions as to what is required to properly file a request for confidential treatment. Please provide your response to this letter within 6 weeks of its date.

Please direct your response to me and note conspicuously on your response the investigation number assigned to this matter (e.g., AQ10-001). Should you have any questions or concerns, do not hesitate to contact me on (202) 366-0209 or by email at jennifer.timian@dot.gov.

Sincerely,

A handwritten signature in black ink that reads "Jenifer T. Timian". The signature is written in a cursive style with a large initial "J" and a horizontal line at the end.

Jennifer T. Timian
Chief, Recall Management Division
Office of Defects Investigation
Enforcement