

CENTER FOR AUTO SAFETY

1825 CONNECTICUT AVENUE NW SUITE 330 WASHINGTON DC 20009-5708
202-328-7700 ◆ www.autosafety.org

July 17, 2015

Docket Management Facility, M-30
U.S. Department of Transportation
West Building, Ground Floor, Rm. W12-140
1200 New Jersey Avenue SE
Washington, DC 20590.

Re: Docket ID NHTSA-2015-0047; Public Hearings: Fiat Chrysler -- Obligations to Remedy Recalled Vehicles, Notify NHTSA, Owners, and Purchasers of Recalls

Center for Auto Safety Comment on Fiat Chrysler Public Hearing

The Center for Auto Safety (CAS) respectfully submits the attached documents into the NHTSA docket assigned to the July 2, 2015 public hearing on Fiat Chrysler recall performance.

1. Statement of Clarence Ditlow, Executive Director, Center for Auto Safety, Before the National Highway Traffic Safety Administration (NHTSA) On Fiat Chrysler Recall Performance
2. NHTSA Consumer Complaints on Fiat Chrysler Recalls – Complaints from the NHTSA Website related to the recalls at issue in the public hearing. These complaints involve unavailability of recall parts and/or the defect manifested itself prior to recall.
3. CAS Consumer Complaints on Fiat Chrysler Recalls
4. Fiat Chrysler Obligation to Buy Back the Deadly Jeeps Under the Safety Act

Statement of Clarence Ditlow, Executive Director
Center for Auto Safety
Before the National Highway Traffic Safety Administration (NHTSA)
On Fiat Chrysler Recall Performance
July 2, 2015

Mr. Administrator and NHTSA staff, thank you for holding this hearing on Fiat Chrysler's dismal recall performance. When it comes to recalls, Fiat Chrysler is an outlaw. Fiat Chrysler conceals defects in order to avoid recalls. When forced to recall, Fiat Chrysler delays repairs for years and even refuses to do repairs.

Take recalls 14V-438 on 2006-07 Jeep Commanders and 2005-07 Grand Cherokees and 14V-373 on 2008-10 Chrysler Town & Country, Grand Caravan and 2009-10 Journey for ignition switches that can get knocked out of the run position just like the now infamous Chevrolet Cobalt and Saturn Ion. One year after the recalls were announced, not a single vehicle has been repaired. Fiat Chrysler treats the 60-day interim Part 577 owner notification as a get-out-of-jail free card which can put the actual recall on hold forever.

Fiat Chrysler does poorly compared to other manufacturers when doing a recall for the same defect. On November 7, 2012, Chrysler filed a part 573 defect report due to inadvertent airbag deployments (Recall 12V-527). Involved were approximately 337,000 2002-03 Liberty and 408,000 2002-04 Grand Cherokees. On January 30, 2013, Toyota filed a part 573 defect report (13V-029) for inadvertent airbag deployments related to the same TRW component involved in the Jeep recalls. Involved were approximately 888,000 2003-04, Corolla, Corolla Matrix, and Pontiac Vibes. By the end of September 2013, Toyota had repaired 235,000 of the vehicles involved in its campaign. Chrysler, on the other hand, had only repaired 6,300 of the 745,000 vehicles recalled. According to the most recent [recall completion report](#), only 205,000 of the 745,000 Jeeps have been remedied as of the first quarter of 2015.

The Jeep fuel tank recall, 13V-252, represents the worst of Fiat Chrysler. This is the recall Fiat Chrysler never wanted to do. The company never notified NHTSA of a defect despite confidentially settling at least 44 lawsuits since the Jeep Grand Cherokee was introduced in 1993. When forced to do a recall by NHTSA in June 2013 with a dubious trailer hitch as a remedy, Fiat Chrysler failed to send an interim Part 577 owner notification until January 2014 and a final Part 577 until September 2014. Over two years after the recall started, only 5.9% of the nearly 1.5 million 1993-98 Grand Cherokees and 25% of the nearly 1 million 2002-07 Liberty's have been remedied.

People die when manufacturers fail to remedy recalled vehicles. On November 11, 2014, Kayla White burned to death in a rear impact in her 2003 Jeep Liberty. Kayla was 8 months pregnant and had tried to get Fiat Chrysler to install the trailer hitch before the fatal crash. There have been at least 20 deaths in the recalled Jeeps since NHTSA recall request on June 3, 2013.

Unlike other manufacturers, Fiat Chrysler refuses to remedy Jeeps which have frame rail

rust. Fiat Chrysler wants the consumer to pay several thousand dollars to replace the frame rails before installing the trailer hitch. And the vehicle may not be worth that much so the Jeeps don't get remedied. Faced with expensive repair costs for corrosion in a recall, other manufacturers have offered to buy the recalled vehicles back

When Ford recalled 1999-03 Windstars for lower control arm separation in January 2011, it provided [buybacks for vehicles with severe corrosion even if they were beyond the 10 year repair](#) for free statute of limitations. Ford also [bought back 1998-03 Windstars with severe corrosion](#) that made it too expensive to repair the rear axle in August 2010 even if they were beyond the 10 year repair for free statute of limitations. Ever since NHTSA forced Fiat to buy back 1970-74 850 and 124 models in 1979 when the repair for free statute was 8 years, the rule has been if it's too expensive to repair, the auto company has to buy it back. (Fiat Motors of NA v NHTSA, 489 F.Supp 13 (SDNY 1979.) And they have done so even if some models were beyond the repair for free limit.

No one illustrates this better than Deanne Wisniewski of Highland, MI. Deanne and her husband own two 1997 Jeep Grand Cherokees, one gold and one green, both subject to recall 13V-252. The Wisniewski family's green Jeep was denied a recall repair under 13V-252 due to corrosion of the frame rails. In order to receive the free recall repair, their Jeep dealer required that they first repair the corroded frame rails - estimated at \$2500, over two-thirds the value of the vehicle.



In Deanne's words, *"We were surprised so we did a little Googling and learned we are amount thousands of others with the excessive Frame rail corrosion. It gets interesting when you learn that the Frame rails have a defect - they are a U-Channel design that collects water, snow, ice, salt with no way to drain. There are no drain holes in the U-Channel designed frame rails. A second defect that not only causes excessive premature rust that weakens the back end of the vehicles frame - it makes the position of the gas tank more susceptible to the dangers of a rear end collision."*



The Wisniewski's gold Jeep was repaired pursuant to the recall, but for Deanne, doubt remains about the protection provided by the recall repair. *"We also bought a special seat belt cutter (our seat belts jam sometimes (especially the front passenger one) that also has a glass window breaking tool (in case we need to get out and the power windows won't go down or doors are jammed. We topped that off with a fire extinguisher that is supposed to put out gas fires; and we keep that between the driver and passenger front seat. Nothing else for us to do but stay off the roadways as much as possible - watch our back when we are on the road - and pull off if someone is seriously tailgating us and let them go by."*

Leonard Tafel, Mt. Prospect, IL

Leonard owns a 1996 Jeep Grand Cherokee also subject to recall 13V-252. After waiting two years from the date of the recall to be advised that he could submit his Jeep for a free repair, he did so, and was rewarded with a degraded vehicle. Writes Leonard,

"My Jeep was returned to me w/o existing the (factory) hitch which had protected the tank; it was removed and a bolt broken off in frame. Dealer aborted recall and refused to replace hitch, or to give or sell me the specified recall replacement hitch, telling me to either get rid of the Jeep or have some (unspecified) welding repair, leaving no gas tank protection whatsoever from either side or rear impact."

Leonard proceeded to repair the damaged frame himself, only to be denied again by his dealer after a questionable inspection of the frame. Again Leonard writes,

"So I drilled out the broken 11mm bolt and rethreaded to 1/2-13 NC, and chased the 11mm threads with a tap, steel-wooled off surface rust and loose paint, rustoleumed the frame, and went back but they claimed it still wasn't good enough. The actual threaded attachment bar is boxed in on 6 sides by the frame so they could not have seen it anyway! I hammered on the box before painting it; it was sound!"

Not only is Leonard no longer able to tow, he is left with a vehicle that is less safe than when he

submitted it to the dealership to perform a safety recall.

Anthony Jewell, Benzonia, MI

Tony owns a 1995 Jeep Grand Cherokee subject to NHTSA Recall 13V-252. When he took his Jeep into the local Chrysler dealership for the recall repair, he was told that his frame was too corroded to have the hitch installed. The dealer then refused to return Tony's Jeep until he signed documents releasing the dealership from liability in the case of a crash.

Emily Glickauf, Valparaiso, IN

Emily's 2012 Dodge Durango experienced a dangerous stall due to Chrysler's troubled Totally Integrated Power Module (TIPM). Emily writes,

"On Sunday, April 26th, 2015, the TIPM failed in my vehicle and there was a complete power failure in my vehicle. We were driving at speeds of 65 mph at the time of the failure, and were almost hit from behind by a semi trailer. We were able to navigate the vehicle to the shoulder. After three attempts, the engine restarted and we were able to arrive at our destination. The vehicle was taken to the dealership, where we were informed no fix was available for the vehicle, despite there being an active safety recall (15V-115) for the issue, in which my specific vehicle is included. The time frame for parts becoming available, given to me by Chrysler, was two years or more. They are unwilling to resolve the issue or work with me any further on the issue."

Christine McDaid, Boise, ID

Christine's 2007 Jeep Commander is part of a year-old recall on Jeep ignition switches (NHTSA ID 14v-438). Christine's complaint with CAS reads:

"This vehicle has been recalled for a defective ignition switch in July of 2014 and to date, no parts have been made available to the local dealership to make repairs. When the vehicle stalls, the engine dies and all safety systems and steering fails. I have had this happen most recently on March 29th and it happened four times that day. It has also happened numerous times in the last year, but I did not track the dates and times because Chrysler sent me a notice that they were going to fix it. It has been nine months with no more notifications from Chrysler. This is a safety issue and I can no longer take my children with me when I go somewhere without borrowing my parents vehicle and parking my Jeep. There should be some immediate action required by Chrysler to address this issue."

Jared Digby, Summerville, SC

Jared took his 2011 Dodge Durango in to his Dodge dealership to address multiple safety recalls, including 14V-391, a repair of the wiring in the vanity mirror of the sun visor that can cause fires. After these repairs were performed, the Durango began to experience a number of electrical problems, *"Interior lights would flash and dim, and then ultimately ceased to function, then our steering wheel mounted controls stopped functioning entirely."*

The Durango went back to the dealership for a repair of these issues which was deemed a success. However, upon driving the Durango for a second time after the repairs:

"There was an electrical fire inside the cabin of the vehicle from within the headliner, directly

above the drivers head, while the vehicle was in motion. The driver was forced to pull off to the side of the road as the cabin filled with smoke due to vision and respiratory distress. There was also additional damage to the exterior of the vehicle on the roof, as the fire burned long and hot enough to cause an unknown amount of structural and cosmetic damage to the roof. The fire department was also called to the scene during the incident to insure the fire was completely extinguished.”

For its part, Chrysler did offer to pay for repairs to Jared’s Durango, but kept mum on the cause of the problem.

“Chrysler completed an investigation on April 6th, and they offered to pay for repairs. However, they did not divulge the nature or cause of the failure. We have not been able to obtain the report from this investigation. Chrysler stated it was proprietary information and protected by their legal department.”

NHTSA Consumer Complaints on Fiat Chrysler Recalls

Click on the NHTSA Recall ID to download a .pdf containing all complaints.

NHTSA Recall ID #	Number of Complaints
13V-038	441
13V-252	1383
13V-527	39
13V-528	583
13V-529	959
14V-154	765
14V-373	1793
14V-391	226
14V-438	1199
14V-567	497
14V-634	728
14V-635	113
14V-749	0
14V-795	12
14V-796	206
14V-817, superseded by 15V-313	204
15V-041	8
15V-046	149
15V-090	5
15V-114	2
15V-115	
15V-178	0
15V-290	0

CAS Consumer Complaints on Fiat Chrysler Recalls

<p>13V-038 '09 Durango, Aspen, '09-11 Dakota, '09-12 Ram 1500 Differential Pinion Nut</p>	<p>Paula Wood 10712 Harness Ct. Edmond, OK 73012 Problem Description: Ram 1500: November 2011. Drive shaft broke in half in the middle and the back half came completely off. It was lying in the road about 10 yards from where crash finally occurred. I was driving south on the H.E. Bailey Turnpike on 11/11/11 at the top speed on the turnpike of 75 mph. There was a noise like a flat tire from the rear of the vehicle. I began to slow down thinking that I had a flat and needed to get over when there was a loud pop and then we started to slide forward. We spun around one and one half times before finally fish-tailing and slamming into the concrete median that divided the South bound lane from the North bound lane. There were three boy scouts in the truck with me. We were on our way to a boy scout camp out. It was a miracle that none of us were hurt. 2010 Dodge Ram Truck VIN: 1D7RB1CT2AS111822</p>
<p>13V-252 '93-98 Jeep Grand Cherokee, '02-07 Liberty</p>	<p>Leonard Tafel 1821 Azalea Lane Mt. Prospect, IL 60056 Problem Description: June 2015 Responding to Chrysler for recall to prevent a gas tank fire from impact, my Jeep was returned to me w/o existing the (factory) hitch which had protected the tank; it was removed and a bolt broken off in frame. Dealer [Napleton Chrysler] aborted recall and refused to replace hitch, or to give or sell me the specified recall replacement hitch, telling me to either get rid of the jeep or have some (unspecified) welding repair, leaving no gas tank protection whatsoever from either side or rear impact. So I drilled out the broken 11mm bolt and rethreaded to 1/2-13 nc, and chased the 11mm threads with a tap, steel-wooled off surface rust and loose paint, rustoleumed the frame, & went back but they claimed it still wasn't good enough. The actual threaded attachment bar in boxed on 6 sides by the frame so they could not have even seen it anyway! I hammered on the box before painting it; it was sound! 1996 Jeep Grand Cherokee VIN: 1J4GZ78YXTC262967</p>
	<p>Dennis sornson 2692 Hwy MM Fitchburg, WI 53575 Problem Description: April 2015 Trailer hitch recall. I was told that as part of the recall my hitch could be removed and not replaced if they decided additional body work would be needed. I would be referred to a body shop and have to pay the "high cost to re-install the hitch." Without a hitch my Jeep is useless to me. They should pay the cost. 1996 Jeep Grand Cherokee VIN: 1J4GZ78Y2TC282565</p>

	<p>Frank katz 116 plateau rd / PO BOX 2108 Pocono Pines, PA 18350 Problem Description: Re: Important Safety Recall: N46/ NHTSA 13V-252 The fuel tank on my vehicle has a chance of experiencing a fuel leak during rear end collisions. Fuel leakage in the presence of an ignition source can cause an underbody fire & DEATH!! This recall was initiated July 2013, here it is Nov 2014 & the recall was just completed, because when they issued the recall, it took them a 18 months to finally get the parts, & they still didn't have the parts, we had to go back a 2nd time, because when they ran out of parts, they forgot to let us know, yet they [Motorworld of Wilkes Barre], sent us an email to bring our Jeep in. A complete waste of time. They did give us 6 gal of gas for a wasted trip, cost of cancelling my golf outing, PRICELESS\$\$\$. The existence of a minimum standard does not require N.H.T.S.A. to ignore deadly problems,” the agency said. In its letter to Chrysler, the agency cited 32 rear-impact collisions that caused fatal fires resulting in 44 deaths in Jeep Grand Cherokees, and five accidents that resulted in seven deaths in the Jeep Liberty. Chrysler’s idea for the limited recall “fix” is to install trailer hitches on certain model year 1992–98 Grand Cherokees and 2002–07 Liberty vehicles. One big problem: research shows the trailer hitch is essentially useless in high-speed rear-impact crashes. As far as low-speed crashes are concerned, even Chrysler admits the hitch will only provide “incremental improvement in the crash energy management.” To make matters worse, some of the Jeep vehicles that had already been involved in rear-impact fires already had a trailer hitch installed. Some good it did those owners. 2003 Jeep Liberty VIN: 1J8GL48K83W517821</p>
13V-527 '08-12 Ram 4500, 5500 Tie Rod	No CAS
13V-528 '03-08 Ram 2500, 3500, '08 Ram 1500 Tie Rod	No CAS
13V-529 '08-12 Ram 2500, 3500, '06-08 Ram 1500 Tie Rod	No CAS

<p>14V-373 '06-07 Commander, '05-07 Grand Cherokee Ignition Key</p>	<p>Dale lampertz 4407 Gloster road Dallas, TX 75220 Problem Description: June 2015 My jeep has been recalled for over 2 years for steering column dropping back into off and shutting off car while driving. I have expereiced this 5 times. I keep getting letters to bring car in for service but parts are never in. Someone is going to get hurt. 2006 Jeep Commander VIN: 1J8HH48N56C349268</p>
	<p>Patricia Bunger 21373 Se 275th ct Maple valley, WA 98038 Problem Description: June 2015 My jeep just shuts off randomly (it has happened a few times and has happened while I was driving) and then the battery all of a sudden was drained (for no no reason) and we have to replace it twice in the past two years.. Also the windows have had problems with power 2007 Jeep Commander VIN: 1J8HG48K17C577911</p>
	<p>M. Richard May 85 Denison Parkway East PMB 250 Corning, NY 14830-2726 Problem Description: May 2014 Chrysler recall N23 applied Aug, 2013. Reprogram FDCM on 400,000 vehicles worldwide to work around crack in transfer case actuator circuit board. After recall four wheel drive low range and neutral is intermittently inoperative. This failure has been reported by many owners of Commander and Grand Cherokee. Refer to (http://www.jeepforum.com/forum/f67/n23-recall-issue-no-4-low-1561787/). This feature is a prime reason for purchase of Jeeps. Many owners, including me, require this "neutral" feature in order to tow the Jeep behind a motorhome. When the Jeep fails to go into neutral, it cannot be connected to the motorhome and, if there is only one driver available to drive two vehicles, a major problem exists. To reiterate, a software change was used to solve a problem of a cracked circuit board. This, according to Chrysler, uncovered a previously unknown flaw in the transfer case functionality. Chrysler has yet to provide a fix for the problem. 2006 Jeep Commander VIN: 1J8HG58216C275765</p>
	<p>Rodney Hart 102 Aduna Street Del Rio, TX 78840 Problem Description: May 2014 In August 2013 I took my 2006 Jeep Commander to the local dealership for recall N23. After the recall was performed my 4WD LO was inoperable and a 4WD Service light was displayed. After going back to the dealership and the computer flash redone, I had 4WD LO for 1 day before failing again. Since, they have replaced the transfer case actuator and did a star case update. Still inop. 2006 Jeep Commander VIN: 1J8HG48N76C247179</p>

Jennifer Hart
1721 Spotted Wolf Ave
Las Vegas, NV 89123

Problem Description: November 2014

Jeep is under recall P41 which was effective Sept. 3, 2014. However, the parts are NOT available yet. They have NOT been manufactured. Jeep seems to be experiencing the issues associated with the P41 or a faulty Control Module. I contacted Chrysler by phone & email on several occasions. Below are some of the issues the vehicle has had / is having: Sept 2013 -- Stalled, Shut Down, No Start Piston Replaced Est. Cost (\$1000) -- DA's office repaired at Independent Auto Repair Car stalled / shut down while driving approximately 25mph. Car restarted after about 5 tries & was driven "home". No restart. Vehicle was towed to mechanic. Piston was replaced. Car never worked properly after incident. Jeep would pulsate when slowing down or stopped. Intermittent & random hesitation & acceleration. April 2014 -- Stalled, Shut Down, No Start -- Est. Cost \$500 -- Repaired by Independent Mechanic Starter Replaced / New Battery (approx. mileage 86,000) (My 66 yr old mother driving alone) Car stalled while driving at approximately 25mph. After about 10 minutes & several attempts car restarted for a short distance (about 1 mile) & stalled again while driving. Car was towed "home". Independent mechanic replaced battery & solenoid/starter. June 2014 -- No Start, "Transmission over Temp"-- Est. Cost \$800 -- Repaired by Independent Mechanic Jeep would start for very short period, over-heat & shut down. Would restart after cooling. "Transmission over Temp" light on dash. Hoses & water pump replaced. Blower motor replaced (a/c & heat hadn't worked in over a year). Replacing blower motor did allow a/c & heat to work BUT only on high. July 2014 -- Stalled, Shut Down, No Start (Towed In) Est. Cost \$600 Approx. Mileage 92,000 - To Dealership can't find any problems. Had Tune-Up; replaced spark plugs, etc. Vehicle was hesitating while driving. Engine light on. Dash lights would come on & shut completely off while driving. After car was shut off it wouldn't restart. Windows wouldn't work or if they finally engaged would go up & down sporadically. Car horn came on by itself & wouldn't shut off until relay was taken out. W/S wipers went haywire. Jeep was TOWED to dealership because it wouldn't start ... therefore, it wouldn't run, but the dealership couldn't find anything wrong with it. Tune-up was done & the Jeep, somehow, ran. Sept 2014 -- Stalled, Shut Down, No Start (Towed In) Est Cost \$600 Approx. Mileage 94,000 - To Dealership Starter Replaced, New Battery. Car started hesitating while driving. Dash lights would all come on & then all shut off. When coming to a stop or slowing down car would lose power. At stops, would have to keep foot on gas to keep car from stalling. While coming to an intersection to make a left turn on a green turn arrow car wouldn't engage to excel. My 7 year old daughter was in the car. I feared we were going to stall in the middle of the intersection of a busy street. All the dash lights came on & shut off repeatedly as we coasted around the turn. Car re-engaged & we pulled into a parking lot. Shut the car off, went into Walmart. When we came out car started. Engine light on. Being only 1 mile from home we drove home. The next morning car wouldn't start. Got a new battery. Car still wouldn't start. Had it towed to dealership. Dealership replaced solenoid/starter. Sept 2014 -- Hesitates, Lights on dash on & off, Engine light on, problems starting. - Dealership can't find any problems. Again, dashboard lights came & all shut off. Jeep is/was hesitating while driving & not engaging / changing gears while driving. Also, periodically accelerates randomly while driving. Dealership suggests replacing control module (\$1300) & having wiring harness diagnosed (\$600 for diagnosis not to fix it -- est. cost to replace wiring harness \$1500 to \$3000). But, they do NOT know what is wrong with the Jeep. Oct. 2014 -- Hesitates, Random Acceleration, Dash lights all on to all off. -- No Fix Vehicle continues to have problems. I have 3 children that I will not drive in the Jeep any further away from home than a mile or 2 ... & will only drive with the children in the car on side streets or back roads. My children do not go anywhere except the local park, to school, or to a friends house that lives near by. They do not go to any store with me that is farther than 1 mile away, or that main roads have to be taken to get to it. Not included in the costs above are the car rental fees I have had to pay each time the car was under repair. 11/25 -- Jeep losing power from Brianna's school on way home. Lights on & off. 11/26 -- Lost power getting on highway at Green Valley Pkwy going West. All lights went out, gauges shut off, Jeep slowed as losing power. Jeep regained power and drove home.

2006 Jeep Commander
VIN 1J8HG48K26C354646

	<p>Christine McDaid 10087 W Lupine Boise, ID 83704 Problem Description: April 2015 This vehicle has been recalled for a defective ignition switch in July of 2014 and to date, no parts have been made available to the local dealership to make repairs. When the vehicle stalls, the engine dies and all safety systems and steering fails. I have had this happen most recently on March 29th and it happened four times that day. It has also happened numerous times in the last year, but I did not track the dates and times because Chrysler sent me a notice that they were going to fix it. It has been nine months with no more notifications from Chrysler. This is a safety issue and I can no longer take my children with me when I go somewhere with out borrowing my parents vehicle and parking my Jeep. There should be some immediate action required by Chrysler to address this issue. 2007 Jeep Commander VIN: 1J8HG48P57C653478</p>
14V-391 '11-14 Durango, Grand Cherokee	
14V-373 '08-10 T&C, Grand Caravan, '09-10 Journey Ignition Key	

15V-041 Side Airbag Inadvertent Deployment*14-15 Cherokee	No CAS
15V-046 ECM Airbag Inadvertent Deployment '03-04 Viper, '02-04 GCherokee, '02-03 Liberty	Lucy Perez 4315 Preston Park Dr Parrish, FL 34219 Problem Description: While commuting to work Monday June 30, 2014. Both side airbags self deployed while the car was in motion. There was no accident. I am having a difficult time getting resolution from Chrysler / Jeep. Make: Jeep Model: Grand Cherokee Year: 2003 VIN: 1J8GW58S23C577205
	Jessica Weber 908 Emerald Ave Grand Rapids, MI 49503 Problem Description: Airbags inadvertently deployed Make: Jeep Model: Grand Cherokee Year: 2004 VIN: 1J4GW48N74C102379

15V-090 Tranny Park Pawl '15 200	No CAS
15V-114 Fuel Rail Hose Connection Leak '15 Challenger, Charger	No CAS
15V-115 Fuel Pump Relay '12-13 Durango, GCherokee	<p>Stacey Belton 6791 las colinas lane Lake Worth, FL 33463 2012 Jeep Grand Cherokee VIN: 1C4RJEBG4CC180419</p> <p>Problem Description: Vehicle will not turn over or start. Just keeps trying to start. I bought this vehicle used with 26,500 miles and the dealership never disclosed that there were SIX recalls on this particular vehicle when I purchased it last month.</p>
15V-178 Door Latch '13-14 Viper	No CAS
15V-313 Takata	No CAS

Fiat Chrysler Obligation to Buy Back the Deadly Jeeps Under the Safety Act

Under 49 USC § 30118(c) of the National Traffic and Motor Vehicle Safety Act as codified, a manufacturer may elect to do a voluntary recall as Fiat Chrysler has done in the case of the Jeep fuel tanks that explode in rear impacts, [13V-252](#). Once having agreed to do a voluntary recall under § 30118(c), a vehicle manufacturer is obligated to remedy the defect under § 30120(a)(1)(A) by (i) repairing, (ii) replacing, or (iii) repurchasing the vehicle. While §30120(f) of the Safety Act as codified provides that a manufacturer can refuse to provide a free remedy if the vehicle more than 10 years old at the time the voluntary recall notice is given, the manufacturer cannot agree to repair some vehicles for free and refuse to repair others for free. In other words, once having agreed to remedy 1993-98 Jeep Grand Cherokees and 2002-07 Liberty's for free, Chrysler cannot go back on its word and notice and refuse to remedy all 1993-98 Jeep Grand Cherokees and 2002-07 Liberty's for free.

Unlike other manufacturers, Fiat Chrysler refuses to remedy Jeeps which have frame rail rust. Fiat Chrysler wants the consumer to pay several thousand dollars to replace the frame rails before installing the trailer hitch. And the vehicle may not be worth that much so the Jeeps don't get remedied. Faced with expensive repair costs for corrosion in a recall, other manufacturers have offered to buy the recalled vehicles back.

For example, when Isuzu voluntarily agreed on June 29, 2012 to recall the 1998-2000 Amigo and 2001-02 Rodeo Sport for suspension corrosion in recall [12V-306](#), many of the vehicles were over 10 years old and could not be repaired due to corrosion. Yet Isuzu agreed to buy back those vehicles so long as they were presented to Isuzu within one year from the date of the recall notice. Isuzu made the same buyback offer in recall [10V-436](#) and even included the Honda Passport which it made in its buyback offer. The recall covered 149,992 1998-02 Passports, Isuzu Rodeo and 2002 Axioms.

Fiat Chrysler should at least do the same. Consumers would jump at the opportunity to have their rolling firebombs bought back and would get them into the nearest dealer quicker than you can say Sergio Marchionne. Ask Deanne Wisniewski of Highland, MI who has a 1997 gold Jeep Grand Cherokee sitting in her yard because she has to pay medical expenses over paying thousands to repair the frame and has spent months pleading with Fiat Chrysler to repair her rolling fire bomb.

Other manufacturers have bought back corroding vehicles over 10 years because it was too expensive to repair them. When Ford recalled 1999-03 Windstars for lower control arm separation in January 2011, it provided [buy backs for vehicles with severe corrosion even if they were beyond the 10 year repair for free statute of limitations. Ford also bought back 1998-03 Windstars with severe corrosion that made it too expensive to repair the rear axle](#) in August 2010 even if they were beyond the 10 year repair for free statute of limitations. Ever since NHTSA forced Fiat to buy back 1970-74 850 and 124 models in 1979 when the repair for free statute was 8 years, the rule has been if it's too expensive to repair, the auto company has to buy it back. (Fiat Motors of NA v NHTSA, 489 F.Supp 13 (SDNY 1979.)

If Fiat Chrysler had not covered up this deadly fuel tank defect with many dozens of confidential settlements, NHTSA would undoubtedly have discovered this defect and gotten a recall within the 10 year statute of limitations. Unlike the defects in the recalls cited above, Jeeps with the fuel tank placed behind the rear axle and below both the bumper and trailer hitch have been linked to at least [187 deaths due to fire in crashes](#). To allow Fiat Chrysler to bail out on owners of Jeeps with corrosion is the moral equivalent of an orphan who killed his parent pleading for mercy on the grounds that he was an orphan. Fiat Chrysler is responsible for the corrosion and now seeks to use it as an excuse for not being held responsible. No other manufacturer has been allowed to do this and Fiat Chrysler of all companies should be held accountable by either paying for the frame corrosion repair or better still buying the deadly Jeeps back.

Center for Auto Safety
July 17, 2015