

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 there 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.”