

QUALITY EXCELLENCE SERVICES

IMPROVING & ENSURING YOUR QUALITY SYSTEMS

December 21, 2014

National Highway Traffic Safety Administration
Attn: Consumer Concerns
1200 New Jersey Avenue, SE, West Building
Washington, DC 20590

Re: Automobile Air Bags and Inability to Pass Safety Inspections

To whom it may concern:

Enclosed is correspondence between me and the RI Attorney General's office, which instructed me to refer this matter to your agency, regarding known product defects with Kia's air bags and either their inability to permanently correct the problem or their outright refusal to correct the problem.

While airbags are not required in vehicles, under RI Department of Motor Vehicles safety inspection law, if they are present, they must function.

http://www.dmv.ri.gov/documents/manuals/Official_Manual_Motor_Vehicle_Inspections.pdf

The law specifically states, on page 39:

EQUIPMENT INSPECTION STANDARDS

PROCEDURES, REQUIREMENTS AND CAUSE FOR REJECTION

GENERAL REJECTIONS

The following procedures and rejections are listed so as to designate what to inspect and reject in a motor vehicle, however, because of the complex design of many motor vehicles both foreign and domestic, it is possible on occasion to discover a defective safety or emission item or assembly identified in this manual that does not have a listed cause for rejection.

In view of this situation, you are authorized to follow the manufacturer's recommendations for inspection and to reject any vehicle for a safety item that is identified in this manual that is worn, missing, broken or defective in any manner that exceeds the manufacturer's tolerance for replacement.

3.0 AIR BAGS

When a vehicle is equipped with air bag(s), they shall at all times be maintained in good working condition.

Cause for rejection:

1. Any air bag that is missing or deployed.
2. Air bag light is on all the time.

The air bag light is a known issue prevalent throughout the United States. It is even reported on your website. On pages 6 and 7 of a civilian report on your site, Kia complaint letter CL-10485509-4603, contains a copy of a section from the 2011 Consumer Action Handbook that states, "If it is a safety-related defect, the manufacture must fix it at no cost to you – even if the warranty has expired."

I have asked the RI Attorney General's office and also the RI Department of Motor Vehicles for an exception or waiver regarding the air bag light as otherwise, my car does pass inspection. Despite five pages of exemptions listed in the manual, neither the RI AG's office nor the RI DMV office has responded to my request. Since the AG's office did direct me to contact your office, but both it and the DMV failed

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to respond to a follow-up inquiry from me, I am asking the RI office of the American Civil Liberties office to investigate.

In the enclosed December 2, 2014 article¹, *Massive Takata Airbag Recall*, the last paragraph on the first page, which I circled in red, reads:

Another major recall issued on October 20 expanded the affected vehicles across several brands. For its part, Toyota said it would begin to replace defective passenger-side inflators starting October 25; if parts are unavailable, however, **it has advised dealers to disable the airbags and affix "Do Not Sit Here" messages to the dashboard.** (Emphasis added.)

Disabled airbags would not qualify a vehicle to pass safety inspection in Rhode Island, therefore, no inspection sticker. "Do Not Sit Here" is ludicrous. Please note this matter has ramifications not only to me, but to all vehicle owners whose states require air bags to be functional².

Expired inspection stickers catapulted to a grievous personal safety concern due to an incident that occurred on December 11, 2014 in Victoria, Texas. As you will note from the enclosed articles³, a patrol officer twice shot a 76-year-old man with his Taser gun for an expired inspection sticker, which was reported as not a violation under Texas law since the car was owned by dealer and had dealer plates. The Internet has numerous sites replaying the police car video of the incident.

Nowhere in any of these reports has there been any mention of how inspection stickers or car insurance, which often has reduced rates with the presence of airbags, but will not pay if an owner operates a vehicle with known defective equipment, are impacted due to

- non-functioning or poorly functioning air bags, which cannot protect consumers
- the inability to get the problems fixed, either temporarily or permanently, despite dealers charging approximately \$1,800 for each "fix," and
- the outright refusals of auto manufacturers to correct the problem as their expense.

By way of qualification, please note that I have MS degree with a specialization in quality assurance. I am a quality assurance professional with 18 years as a Certified Quality Engineer. I have been peer-reviewed and published multiple times by the American Society for Quality in its monthly magazine, *Quality Progress*, which is read by over 100,000 quality professionals worldwide. I have also represented the Toy Manufacturers of America (TMA) on crib toy and plastic bag committees of the US Consumer Product Safety Commission (CPSC.)

I am forwarding this matter to US Senator (D-RI) Sheldon Whitehouse's office since US Senators Richard Blumenthal (D-Conn) and Ed Markey (D-Mass) asked the US Department of Justice to open a criminal investigation of Takata as reported in the enclosed article³ dated November 7, 2014.

Thank you for your time. Please advise.

Sincerely,

Marcia M. Weeden, MS, CQE, CQT

Enclosures (3)

cc: US Senator (D-RI) Sheldon Whitehouse, RI ACLU, RI AG