

QUALITY EXCELLENCE SERVICES

IMPROVING & ENSURING YOUR QUALITY SYSTEMS

November 30, 2014

RI Attorney General Peter F. Kilmartin
150 South Main Street
Providence, RI 02903

Re: Air Bag Failures – Kia Sportage

Dear Attorney Kilmartin:

This letter is in regards to the RI DMV requirement that if a car contains air bags, in order to pass inspection, the air bag light cannot stay on. While air bags are not a requirement in passenger vehicles, it makes sense that if they are present, they should be operational. However, what does an owner/consumer do if the car manufacturer

1. is aware that the air bag light and seat sensor design are defective
2. has had other vehicles in its lines recalled for defective airbags
3. has refused to fix the problem, and
4. refuses to guarantee the repair once it has been "fixed."

I am the owner of a 2006 Kia Sportage. I have had problems with the air bag light which I originally took to Bald Hill Kia in Warwick for repair on Saturday, July 24, 2010. I was presented with "we don't know what the problem is...can you believe this, our people found that something is wrong with the passenger seat detector...we wouldn't feel right letting you drive with it this way, but it will cost you \$1,800 to get it fixed for parts and labor."

They said that the seat sensor wasn't working was because my passengers "were probably sitting the wrong way in the seat" so the sensor couldn't detect them. I told them that my son would be the only person who would sit in the passenger seat and that he is 6'6" tall and weighs about 280 pounds. Given the lack of leg room on the front passenger side, there is essentially only one position that my son can fit into the seat.

I am in quality assurance with 18 years as a Certified Quality Engineer and have worked on toy safety committees of the US Consumer Product Safety Commission (USPC.) I deal with quality issues professionally. If the root cause of a problem is not identified and fixed, the problem will continue. Suggesting that passengers "aren't sitting the correct way in a seat" is ludicrous. In quality engineering, normal variations in use are expected to be taken into consideration, which are known as "normal use and abuse." I refuse to be strong-armed into a "fix" that is a design issue and will not correct the problem. I left a voice message and went back and forth with the dealer. I have copies of emails supporting part of this.

I wrote to Kia's headquarters in California. Long story short, they offered to replace the seat if I paid for labor, which would be between \$600 and \$800. I asked why I should pay for labor when the situation is a clearly a design failure; this was their responsibility, not mine. Most of this was conducted via telephone calls so unfortunately, I do not have this documented. The letter that I did write originally to Kia was lost when my computer's hard drive died.

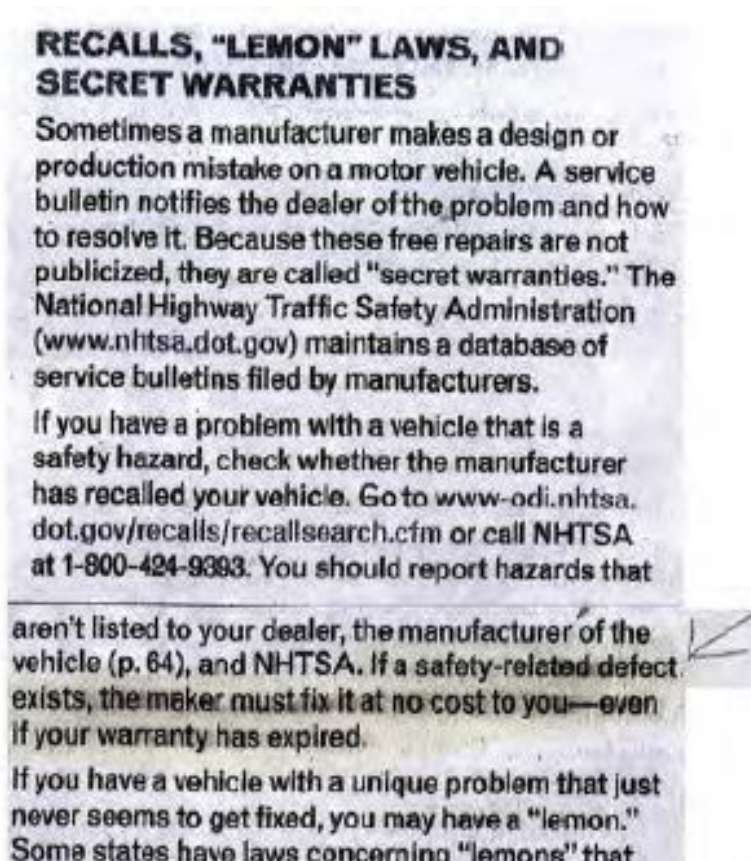
QUALITY EXCELLENCE SERVICES

IMPROVING & ENSURING YOUR QUALITY SYSTEMS

I took my car into Metro Kia in Johnston, RI for service on October 7, 2014. I was told that their service people "wouldn't feel right" passing the car for inspection (second time I've heard this from Kia), which was due in November, because the air bag light was on. I would need to have the seat fix. I refused because of what I went through with Kia in 2010. What do the mechanics' "feelings" have to do with the issue? The seat is either functional or it is not.

I have enclosed numerous accounts¹ of Kia Sportage air bag lights remaining on despite being "fixed." In some cases, Kia has refused to make the repairs and in others, it has refused to guarantee the repairs. This is a safety feature. There are Kia safety complaint reports²⁻³ as well.

In one complaint, there were two attachments⁴⁻⁵, one⁴ of which included the snippet below. According to the below, if a safety-related defect exists, it must be fixed at no cost to the consumer. Neither Metro Kia nor Bald Hill Kia ever suggested to me that safety-related defects must be fixed by the manufacturer at no cost to the consumer.



How can this be enforced when Kia has been refusing to make repairs (see DOT complaint # 10461623² dated June 13, 2012,) or, as in my case, they "offered" to pay for the part if I paid for the labor? How do they get to "offer" anything? This is their responsibility, not something "nice of them to offer" to a consumer. Who enforces this protection?

QUALITY EXCELLENCE SERVICES

IMPROVING & ENSURING YOUR QUALITY SYSTEMS

Kia may be scamming its consumers if it is insisting on them paying for replacement to “repair” something that does not fix the problem. Why hasn’t there been a recall? The reason seems obvious – if the replacement costs between \$1,200 and \$1,600 without labor, and a recall would require two replacements per car, the cost to Kia would be substantial. The claim about the detectors being unable to sense a child in the seat seems bogus as in the reports I have included they talk about the sensor being unable to detect 165- and 220-pound women. There was also Bald Hill Kia’s claim that my 6’6” son wasn’t sitting properly in the passenger seat.

Given the air bag recalls that Kia had already had with other models⁶ in its line, it is confusing why the many reports of the Sportage’s air bags issues have not prompted a recall, although the last article in my enclosure⁶ regarding Kia and Hyundai air bag recalls suggests one may be shortly forthcoming. (Kia is owned by Hyundai. Their models are essentially identical. Both Hyundai and Kia have had air bag issues.) This article mentions the consumer being faulted “for sitting the wrong way in the seat.”

I took my car to RMT Auto Repair in Warren to have it inspected on November 26, 2014. Everything passed except for the air bag light⁷, which remained on, so the car failed inspection.

I am not questioning the wisdom of requiring air bags to function as part of an inspection. Even if that matter were addressed, according to all the online reports, studies, and complaints, the problem will reoccur. In short, what would I be paying for? This provides no safety and wastes the consumer’s money and time so the manufacturer can make a profit.

According to the reports, the air bag light issue can return within days or a couple of weeks. Is it possible to “fix” the light, but not the air bag, so Kia saves money, but the consumer gets charged for the more expensive “fix”? One consumer¹ had gone back six times and the light was on for a seventh time.

Where is the consumer protection? Don’t consumers have the right to assume that they will receive a functional safety product for the money paid? How can any car pass inspection if the automotive maker cannot or will not correct the issue?

Since air bags are optional and not required on passenger vehicles, is there any way that I can get a waiver for the air bag light remaining on so that my car passes inspection?

Thank you for your time and assistance.

Sincerely,

Marcia M. Weeden, MS, CQE, CQT

Enclosures (7)
cc: RI DMV Administrator, Anthony J. Silva