



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

1200 New Jersey Avenue SE  
Washington, DC 20590

April 23, 2012

MR. THOMAS C. BALOGA  
VICE PRESIDENT  
BMW OF NORTH AMERICA, LLC  
P.O. BOX 1227  
WESTWOOD, NJ 07675-1227

NVS-215et  
12V-176

SUBJECT: HEAD RESTRAINTS/FMVSS 202/ PETITION

DEAR MR. BALOGA:

This letter serves to acknowledge BMW of North America LLC's (BMW) notification to the National Highway Traffic Safety Administration (NHTSA) of a noncompliance with Federal Motor Vehicle Safety Standard No. 110, "Tire Selection and Rims." Please review the following information to ensure that it conforms to your records. If the information does not agree with your records, please contact us immediately to discuss your concerns.

**Makes/Models/Model Years:**  
BMW/3-SERIES/2012-2013

**NHTSA Campaign Number:** 12V-176      **Mfg's Report Date:** April 19, 2012

**Components:** SEATS: FRONT ASSEMBLY: HEAD RESTRAINT

**Potential Number of Units Affected:** 9,045

**Summary:**

BMW HAS NOTIFIED NHTSA THAT CERTAIN MODEL YEAR 2012 AND 2013 BMW 3-SERIES VEHICLES MANUFACTURED FROM OCTOBER 1, 2011, THROUGH MARCH 18, 2012, HAVE HEAD RESTRAINTS THAT EXCEED THE DOWNWARD MOVEMENT LIMIT OF 25MM IN THE HIGHEST POSITION. THUS, THESE VEHICLES FAIL TO COMPLY WITH THE REQUIREMENTS OF FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 202, "HEAD RESTRAINTS."

**Consequence:**  
SEE NOTES

**Remedy:**  
SEE NOTES

**Notes:**

THE MANUFACTURER IS PETITIONING NHTSA FOR A DETERMINATION THAT THIS MATTER IS INCONSEQUENTIAL TO MOTOR VEHICLE SAFETY. THE MANUFACTURER IS NOT OBLIGATED TO CONDUCT AN OWNER NOTIFICATION AND REMEDY CAMPAIGN UNTIL NHTSA HAS RESOLVED THIS PETITION. IF THE PETITION IS DENIED, THE MANUFACTURER WILL BE NOTIFIED AND MUST THEN UNDERTAKE ITS NOTIFICATION AND REMEDY CAMPAIGN OBLIGATIONS.

Under 49 U.S.C. § 30112(a), it is illegal for anyone, including a manufacturer, distributor, dealer, or retailer to sell an item of equipment or vehicle that fails to comply with all applicable Federal motor vehicle safety standards.

Your contact for this recall will be Edison Thompson who may be reached by phone at 1-202-366-9525, or by email at [Edison.Thompson@dot.gov](mailto:Edison.Thompson@dot.gov), or through the office email at [RMD.ODI@dot.gov](mailto:RMD.ODI@dot.gov). We look forward to working with you toward a successful completion of this recall campaign.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Timian". The signature is written in a cursive, flowing style.

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