



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

1200 New Jersey Avenue SE  
Washington, DC 20590

May 4, 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 202a

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. 202a, "Head Restraints." 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

**NHTSA Campaign Number:** 12V-176      **Mfg's Report Date:** April 27, 2012

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

**Potential Number of Units Affected:** 7,600

**Summary:**

BMW IS RECALLING CERTAIN MODEL YEAR 2012 BMW 3-SERIES VEHICLES MANUFACTURED FROM OCTOBER 19, 2011, THROUGH MARCH 18, 2012, THAT HAVE FRONT SEAT 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. 202A, "HEAD RESTRAINTS."

**Consequence:**

IN THE EVENT OF A VEHICLE CRASH, THE HEAD RESTRAINT MAY UNEXPECTEDLY MOVE DOWN SLIGHTLY IF IT WAS ADJUSTED TO THE FULLY EXTENDED POSITION, INCREASING THE RISK OF PERSONAL INJURY.

**Remedy:**

BMW WILL NOTIFY OWNERS, AND DEALERS WILL ATTACH A CLAMP TO THE FRONT SEAT HEAD RESTRAINT POSTS, FREE OF CHARGE. THE SAFETY RECALL IS EXPECTED TO BEGIN DURING MAY 2012. OWNERS MAY CONTACT BMW CUSTOMER RELATIONS AND SERVICES AT 1-800-525-7417.

**Notes:**

CUSTOMERS MAY CONTACT THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION'S VEHICLE SAFETY HOTLINE AT 1-888-327-4236 (TTY: 1-800-424-9153); OR GO TO [HTTP://WWW.SAFERCAR.GOV](http://www.safercar.gov).

We have received BMW's proposed owner notification letter and it is currently under review. You will be notified of any changes or concerns once our review is complete.

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.

Please be reminded of the following information:

Copies of all notices, bulletins, dealer notifications, and other communications that relate to this recall, including a copy of the final owner notification letter and any subsequent owner follow-up notification letter(s), are required to be submitted to this office no later than 5 days after they are originally sent (if they are sent to more than one manufacturer, distributor, dealer, or purchaser/owner).

As stated in Part 573.7, submission of the first of six consecutive quarterly status reports is required within 30 days after the close of the calendar quarter in which the campaign was initiated. Thereafter, quarterly reports will be due on or before 30 days after close of the calendar quarter.

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 fluid and cursive, with a large initial "J" and a long horizontal stroke at the end.

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