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10V-036
(2 Pages)



Craig J. Pollock
Group Vice President
Assistant General Manager

Southeast Toyota Distributors, LLC
100 Jim Moran Boulevard
Deerfield Beach, Florida 33442
(954) 429-2000

October 1, 2009

Mr. Daniel Smith
Associate Administrator for Enforcement
National Highway Traffic Safety Administration
1200 New Jersey Avenue, SE
Washington DC 20590

Re: FMVSS 110 Load Carrying Capacity Modification Labels – Noncompliance Information Report Pursuant to 49 CFR Part 573

Dear Mr. Smith:

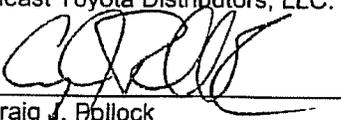
Southeast Toyota Distributors, LLC. (SET) hereby submits this letter to report a failure to comply with FMVSS 110. SET was informed by Toyota Motor Sales USA, Inc. (TMS) that Toyota Motor North America, Inc. had determined that imported Toyota vehicles they accessorized were in noncompliance with certain labeling requirements of FMVSS 110. Specifically, some vehicles sold between September 1, 2005 and June 2, 2008 were sold without requisite load carrying capacity modification labels and some vehicles sold after June 2, 2008 were sold with conservatively inaccurate modification labels.

Working with TMS, SET is investigating the extent to which vehicles accessorized by and sold through SET may face similar issues. SET has been able to establish new procedures, beginning September 8th, 2009, to ensure that all vehicles accessorized by and sold through SET as of that date will contain modification labels accurately reflecting any change in the cargo carrying capacity. SET is in the process of receiving necessary information from TMS and conducting a review by vehicle identification numbers (VIN) to determine the specifics of any necessary remedial safety recall campaign with regard to vehicles previously sold through SET as of September 1, 2005. SET will update NHTSA with regard to such information as it becomes available and file an amended Noncompliance Information Report.

Should you have any questions about this report, please contact Jacqueline Glassman, Esq. at (202) 637- 5637.

Sincerely,

Southeast Toyota Distributors, LLC.

By: 

Craig J. Pollock
Group VP, Asst. General Mgr.

cc: Mr. Harry Thompson, NHTSA
Enclosure



Noncompliance Information Report

1. Vehicle Manufacturer Name: Southeast Toyota Distributors, Inc. (Distributor)
2. Identification of Affected Vehicles: Model years 2006 through 2009 Sienna and additional vehicles to be determined.
3. Total Number of Vehicles Potentially Affected: To be determined.
4. Percentage of Vehicles Estimated to Actually Experience Noncompliance: Close to 100%
5. Description of Noncompliance: FMVSS 110 S10.1 requires, as of September 1, 2005, the addition of load carrying capacity modification labels if weight exceeding the lesser of 1.5% GVWR or 100 pounds is added to a vehicle between final vehicle certification and first retail sale of the vehicle. The load carrying modification label is to display, within certain parameters, the amount by which the load carrying capacity of the vehicle is reduced. SET has determined that it sold vehicles between September 1, 2005 and June 2, 2008 without the requisite labels. SET is in the process of investigating the scope and specifics surrounding this noncompliance.

In addition, FMVSS 110 S10.2 includes certain accuracy requirements as of June 2, 2008 with regard to changes in the load carrying capacity of the vehicles. SET has determined that vehicles sold by and accessorized through SET were equipped with labels that had been preprinted with the maximum weight of accessories that could be added to the vehicle but were not customized to reflect the actual weight of added accessories. SET is in the process of investigating the scope and specifics surrounding this noncompliance.

6. Test results and other information: SET is conducting a VIN by VIN review, in part using information being provided by TMS, to determine the actual net weight difference as the result of accessories added by SET and to determine any requisite remedial action.
7. Description of Corrective Repair Action: To be determined.
8. Recall Schedule: To be determined.
9. Dealer Notification Schedule: To be determined.