



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

JUN 27 2013

1200 New Jersey Avenue SE.
Washington, DC 20590

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Ken Bush, Department Manager
Suzuki Motor of America, Inc.
Government Relations
3251 E. Imperial Highway
Brea, CA 92821

NVS-212mjl
PE13-021

Dear Mr. Bush:

This letter is to inform you that the Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) has opened a Preliminary Evaluation (PE13-021) to investigate problems with the occupant classification system (OCS) intended to identify the type/size of the occupant in the front passenger seat and suppress (turn off) the passenger frontal air bag for a child or small stature adult in the seat in model year (MY) 2006-2011 Suzuki Grand Vitara and MY 2007-2011 Suzuki SX4 vehicles. This letter requests certain information from Suzuki.

This office has received 128 Vehicle Owner's Questionnaire (VOQ) reports that allege problems with the OCS for the front passenger seat in MY 2006-2011 Suzuki Grand Vitara and MY 2007-2011 Suzuki SX4 vehicles. About half of the complaints appear to be reporting air bag warning light illumination. Other complaints report passenger seat belt indicator light or passenger air bag off light illumination typically associated with OCS related problems. Other complaints report vehicles experiencing OCS related problems and/or that the passenger air bag off light illuminated when adult passengers were sitting in the front seats (i.e., they should not have been classified as children). An electronic image of each VOQ report has been e-mailed to your office. A list of the reference number of each report is shown at the end of this letter.

In addition, Suzuki issued two service bulletins to address some of the OCS related issues. The first bulletin addresses an open-circuit condition in the OCS sensor-mat located in the front passenger seat bottom cushion assembly in the vehicles described above. When this failure occurs, the air bag warning light and passenger seat belt indicator light illuminate and a diagnostic trouble code (DTC) B1312 is stored in the air bag control module. In September 2012, Suzuki notified the affected owners by mail and issued a special coverage for this problem for 10 years or 120,000 miles from the date of first use of the vehicle to replace the front passenger seat cushion assembly if needed. As explained in the owner letter, Suzuki says the passenger frontal air bag will remain active for all type/size occupants. This means the air bag will not be suppressed for a child or small adult sitting in the front passenger seat.



The second bulletin addresses air bag warning light illumination when DTC B1318 is set on MY 2009 Grand Vitara and SX4 vehicles built through May 26-28, 2009. This problem is apparently caused by a programming error related to detecting a change or shifting in load on the front passenger seat. The remedy is to re-flash the occupant control module software.

Unless otherwise stated in the text, the following definitions apply to these information requests:

- **Subject vehicles:** All MY 2006-2011 Suzuki Grand Vitara and MY 2007-2011 Suzuki SX4 vehicles, manufactured for sale or lease in the United States.
- **Subject component:** The occupant classification system (OCS), and all its components, intended to identify the type/size of the occupant in the front passenger seat.
- **Subject TSBs:** The technical service bulletins (TSB) associated with DTC B1312 (TSB No. TS 06 05212 and TS 02 05222) and DTC B1318 (TSB No. TS 05 01140R and TS 01 02260R2) described above, including any earlier and later versions of these TSBs.
- **Suzuki:** Suzuki Motor of America, Inc., its predecessor, American Suzuki Motor Corporation, its parent company, Suzuki Motor Corporation, and all of its past and present officers and employees, whether assigned to its principal offices or any of its field or other locations, including all of their divisions, subsidiaries (whether or not incorporated) and affiliated enterprises and all of their headquarters, regional, zone and other offices and their employees, and all agents, contractors, consultants, attorneys and law firms and other persons engaged directly or indirectly (e.g., employee of a consultant) by or under the control of Suzuki (including all business units and persons previously referred to), who are or, in or after 2003, were involved in any way with any of the following related to the alleged defect in the subject vehicles:
 - a. Design, engineering, analysis, modification or production (e.g., quality control);
 - b. Testing, assessment or evaluation;
 - c. Consideration, or recognition of potential or actual defects, reporting, record-keeping and information management, (e.g., complaints, field reports, warranty information, part sales), analysis, claims, or lawsuits; or
 - d. Communication to, from or intended for zone representatives, fleets, dealers, or other field locations, including but not limited to people who have the capacity to obtain information from dealers.
- **Alleged defect:** The illumination of the air bag warning light, passenger seat belt indicator light, and/or passenger air bag off light associated with OCS related failures, which relate to, or may relate to, the subject TSBs (for DTC B1312 and B1318). This also includes alleged misclassification of an occupant sitting in the front passenger seat, as evidenced by the illumination of the passenger air bag off light with normal sized occupants (not children and small adults) sitting in the front passenger seat.
- **Document:** "Document(s)" is used in the broadest sense of the word and shall mean all original written, printed, typed, recorded, or graphic matter whatsoever, however

produced or reproduced, of every kind, nature, and description, and all non-identical copies of both sides thereof, including, but not limited to, papers, letters, memoranda, correspondence, communications, electronic mail (e-mail) messages (existing in hard copy and/or in electronic storage), faxes, mailgrams, telegrams, cables, telex messages, notes, annotations, working papers, drafts, minutes, records, audio and video recordings, data, databases, other information bases, summaries, charts, tables, graphics, other visual displays, photographs, statements, interviews, opinions, reports, newspaper articles, studies, analyses, evaluations, interpretations, contracts, agreements, jottings, agendas, bulletins, notices, announcements, instructions, blueprints, drawings, as-builts, changes, manuals, publications, work schedules, journals, statistical data, desk, portable and computer calendars, appointment books, diaries, travel reports, lists, tabulations, computer printouts, data processing program libraries, data processing inputs and outputs, microfilms, microfiches, statements for services, resolutions, financial statements, governmental records, business records, personnel records, work orders, pleadings, discovery in any form, affidavits, motions, responses to discovery, all transcripts, administrative filings and all mechanical, magnetic, photographic and electronic records or recordings of any kind, including any storage media associated with computers, including, but not limited to, information on hard drives, floppy disks, backup tapes, and zip drives, electronic communications, including but not limited to, the Internet and shall include any drafts or revisions pertaining to any of the foregoing, all other things similar to any of the foregoing, however denominated by Suzuki, any other data compilations from which information can be obtained, translated if necessary, into a usable form and any other documents. For purposes of this request, any document, which contains any note, comment, addition, deletion, insertion, annotation, or otherwise comprises a non-identical copy of another document, shall be treated as a separate document subject to production. In all cases where original and any non-identical copies are not available, "document(s)" also means any identical copies of the original and all non-identical copies thereof. Any document, record, graph, chart, film or photograph originally produced in color must be provided in color. Furnish all documents whether verified by Suzuki or not. If a document is not in the English language, provide both the original document and an English translation of the document.

- **Other Terms:** To the extent that they are used in these information requests, the terms "claim," "consumer complaint," "dealer field report," "field report," "fire," "fleet," "good will," "make," "model," "model year," "notice," "property damage," "property damage claim," "rollover," "type," "warranty," "warranty adjustment," and "warranty claim," whether used in singular or in plural form, have the same meaning as found in 49 CFR 579.4.

In order for my staff to evaluate the alleged defect, certain information is required. Pursuant to 49 U.S.C. § 30166, please provide numbered responses to the following information requests. Insofar as Suzuki has previously provided a document to ODI, Suzuki may produce it again or identify the document, the document submission to ODI in which it was included and the precise location in that submission where the document is located. When documents are produced, the documents shall be produced in an identified, organized manner that corresponds with the organization of this information request letter (including all individual requests and subparts).

When documents are produced and the documents would not, standing alone, be self-explanatory, the production of documents shall be supplemented and accompanied by explanation.

Please repeat the applicable request verbatim above each response. After Suzuki's response to each request, identify the source of the information and indicate the last date the information was gathered.

1. State, by model and model year, the number of the subject vehicles that Suzuki has manufactured for sale or lease in the United States. Separately, for each subject vehicle manufactured to date by Suzuki, state the following:
 - a. Vehicle identification number (VIN);
 - b. Make;
 - c. Model;
 - d. Model Year;
 - e. Date of manufacture;
 - f. Date warranty coverage commenced; and
 - g. The State in the United States where the vehicle was originally sold or leased (or delivered for sale or lease).

Provide the table in Microsoft Access 2010, or a compatible format, entitled "PRODUCTION DATA." See Enclosure 1, Data Collection Disc, for a pre-formatted table that provides further details regarding this submission.

2. State the number of each of the following, received by Suzuki, or of which Suzuki is otherwise aware, which relate to, or may relate to, the alleged defect in the subject vehicles:
 - a. Consumer complaints, including those from fleet operators;
 - b. Field reports, including dealer field reports;
 - c. Reports involving a crash, injury, or fatality, based on claims against the manufacturer involving a death or injury, notices received by the manufacturer alleging or proving that a death or injury was caused by a possible defect in a subject vehicle, property damage claims, consumer complaints, or field reports;
 - d. Property damage claims;
 - e. Third-party arbitration proceedings where Suzuki is or was a party to the arbitration; and
 - f. Lawsuits, both pending and closed, in which Suzuki is or was a defendant or codefendant.

For subparts "a" through "f," state the total number of each item (e.g., consumer complaints, field reports, etc.) separately. Multiple incidents involving the same vehicle are to be counted separately. Multiple reports of the same incident are also to be counted separately (i.e., a consumer complaint and a field report involving the same incident in which a crash occurred are to be counted as a crash report, a field report and a consumer complaint).

In addition, for items "c" through "f," provide a summary description of the alleged problem and causal and contributing factors and Suzuki's assessment of the problem, with a summary of the significant underlying facts and evidence. For items "e" and "f," identify the parties to

the action, as well as the caption, court, docket number, and date on which the complaint or other document initiating the action was filed.

3. Separately, for each item (complaint, report, claim, notice, or matter) within the scope of your response to Request No. 2, state the following information:
 - a. Suzuki's file number or other identifier used;
 - b. The category of the item, as identified in Request No. 2 (i.e., consumer complaint, field report, etc.);
 - c. Vehicle owner or fleet name (and fleet contact person), address, and telephone number;
 - d. Vehicle's VIN;
 - e. Vehicle's make, model and model year;
 - f. Vehicle's mileage at time of incident;
 - g. Incident date;
 - h. Report or claim date;
 - i. Which warning light(s) illuminated;
 - j. Whether a crash is alleged;
 - k. Whether property damage is alleged;
 - l. Number of alleged injuries, if any; and
 - m. Number of alleged fatalities, if any.

Provide this information in Microsoft Access 2010, or a compatible format, entitled "REQUEST NUMBER TWO DATA." See Enclosure 1, Data Collection Disc, for a pre-formatted table that provides further details regarding this submission.

4. Produce copies of all documents related to each item within the scope of Request No. 2. Organize the documents separately by category (i.e., consumer complaints, field reports, etc.) and describe the method Suzuki used for organizing the documents.
5. State, by model and model year, a total count for all of the following categories of claims, collectively, that have been paid by Suzuki to date that relate to, or may relate to, the alleged defect in the subject vehicles including all claims for repairs of the subject components: warranty claims; extended warranty claims; claims for good will services that were provided; field, zone, or similar adjustments and reimbursements; and warranty claims or repairs made in accordance with a procedure specified in a TSB or customer satisfaction campaign. Also, state, by model and model year, a total count for all claims that relate to repairs related to any TSBs involving the subject components. Exclude in your response claims related to the special coverage campaign (warranty extension for DTC B1312).

Separately, for each such claim, state the following information:

- a. Suzuki's claim number;
- b. Vehicle owner or fleet name (and fleet contact person) and telephone number;
- c. VIN;
- d. Repair date;
- e. Vehicle mileage at time of repair;
- f. Repairing dealer's or facility's name, telephone number, city and state or ZIP code;
- g. Labor operation number;

- h. Problem code;
- i. Diagnostic trouble code;
- j. Which warning light(s) illuminated;
- k. Whether or not the repair is related to a TSB (and if so, identify the TSB number);
- l. Replacement part number(s) and description(s);
- m. Concern stated by customer; and
- n. Comment, if any, by dealer/technician relating to claim and/or repair.

Provide this information in Microsoft Access 2010, or a compatible format, entitled "WARRANTY DATA." See Enclosure 1, Data Collection Disc, for a pre-formatted table that provides further details regarding this submission.

- 6. Describe in detail the search criteria used by Suzuki to identify the claims identified in response to Request No. 5, including the labor operations, problem codes, part numbers and any other pertinent parameters used. Provide lists of all labor operations, labor operation descriptions, problem codes, and problem code descriptions applicable to the alleged defect in the subject vehicles. State, by model and model year, the terms of the new vehicle warranty coverage offered by Suzuki on the subject vehicles (i.e., the number of months and mileage for which coverage is provided and the vehicle systems that are covered). Describe any extended warranty coverage option(s) that Suzuki offered for the subject vehicles, and state by model and model year, the number of vehicles that are covered under each such extended warranty.
- 7. Produce copies of all service, warranty, and other documents that relate to, or may relate to, the alleged defect in the subject vehicles, that Suzuki has issued to any dealers, regional or zone offices, field offices, fleet purchasers, or other entities. This includes, but is not limited to, bulletins, advisories, informational documents, training documents, or other documents or communications, with the exception of standard shop manuals. Also include the latest draft copy of any communication that Suzuki is planning to issue within the next 120 days.

Summarize and provide a brief chronology of all actions taken by Suzuki leading to each of the technical service bulletins that have been issued relating to the alleged defect in the subject vehicles. Provide copies of all documents, organized in chronological order, related to the development of these bulletins.

- 8. Describe all assessments, analyses, tests, test results, studies, surveys, simulations, investigations, inquiries and/or evaluations (collectively, "actions") that relate to, or may relate to, the alleged defect in the subject vehicles that have been conducted, are being conducted, are planned, or are being planned by, or for, Suzuki. This includes, but is not limited to, any and all actions by the subject component manufacturer relating to the alleged defect. For each such action, provide the following information:
 - a. Action title or identifier;
 - b. The actual or planned start date;
 - c. The actual or expected end date;
 - d. Brief summary of the subject and objective of the action;

- e. Engineering group(s)/supplier(s) responsible for designing and for conducting the action; and
- f. A brief summary of the findings and/or conclusions resulting from the action.

For each action identified, provide copies of all documents related to the action, regardless of whether the documents are in interim, draft, or final form. Organize the documents chronologically by action. If an action is not complete, provide a detailed schedule for the work to be done, tentative findings and/or conclusions, and provide an update within 10 days of completion of the action.

9. Describe all modifications or changes made by or on behalf of Suzuki (e.g., by a supplier) in the design, material composition, manufacture, quality control, supply, or installation of the subject components, from the start of production to the end of production of the subject vehicles, which relate to, or may relate to, the alleged defect in the subject vehicles. This includes changes in the OCS software/programming that relate to, or may relate to, the alleged defect in the subject vehicles. For each such modification or change, provide the following information:
 - a. The date, or approximate date, on which the modification or change was incorporated into vehicle production;
 - b. A detailed description of the modification or change;
 - c. The reason(s) for the modification or change;
 - d. The part number(s) (engineering and service) of the original component;
 - e. The part number(s) (engineering and service) of the modified component;
 - f. Whether the original unmodified component was withdrawn from production and/or sale, and if so, when;
 - g. When the modified component was made available as a service component; and
 - h. Whether the modified component can be interchanged with earlier production components.

Also, provide the above information for any modification or change that Suzuki is aware of which may be incorporated into vehicle production within the next 120 days.

10. Describe in detail the failure and root cause of the OCS sensor mat circuit failure (DTC B1312) in the subject vehicles. Describe the warning light(s) that illuminates when this failure condition occurs and the effects on the functionality and operation of the passenger's frontal air bag system. Also, discuss in detail the rationale for keeping the passenger air bag enabled for all front seat occupant types/sizes (i.e., not suppressing for children and small adults) when the failure condition occurs in the subject vehicles.
11. State, by model and model year, a total count for all repairs associated with the special coverage campaign (warranty extension for DTC B1312). Explain how Suzuki searched and identified the repairs responsive to this request.

Separately, for each repair, state the following information:

- a. Suzuki's identification number;
- b. Vehicle owner or fleet name (and fleet contact person) and telephone number;

- c. VIN;
- d. Repair date;
- e. Vehicle mileage at time of repair;
- f. Repairing dealer's or facility's name, telephone number, city and state or ZIP code;
- g. Labor operation number;
- h. Problem code;
- i. Diagnostic trouble code;
- j. Which warning light(s) illuminated;
- k. Replacement part number(s) and description(s);
- l. Concern stated by customer; and
- m. Comment, if any, by dealer/technician relating to repair.

Provide this information in Microsoft Access 2010, or a compatible format, entitled "SPECIAL COVERAGE CAMPAIGN DATA."

12. Describe in detail the OCS software/programming issue (DTC B1318) in the subject vehicles, including but not limited to, the OCS logic and operation that relate to this problem condition. Describe the warning light(s) that illuminates when the problem condition occurs and any effects on the functionality and operation of the passenger's frontal air bag system in the subject vehicles, including but not limited to, the types/sizes of occupants (or objects) in the front passenger seat that are affected and whether the fault (DTC B1318) can be reset or cleared on its own. Also, discuss the re-flash of the OCS related software described in the subject TSBs and how Suzuki determined that the re-flash is effective at remedying the DTC B1318 issue.
13. Produce the following:
 - a. An exemplar sample of each design version of the passenger seat sensor mat originally installed in the subject vehicles and those supplied to Suzuki dealers as replacement components for the subject vehicles; and
 - b. Two field-returned samples of the passenger seat sensor mat exhibiting the alleged defect condition.
14. State, by model and model year, all part numbers of the subject components (passenger seat sensor mat, OCS control module and wiring harness) that have been installed on subject vehicles as assembled by Suzuki. State, by model and model year, the service part numbers of each subject component Suzuki designates for installation on subject vehicles. State, by month, year and part number, the total number of subject components sold as service parts by Suzuki. Identify any kits that Suzuki has released or developed for use in service repairs to the subject components or assembly.

For each subject component part number, provide the supplier's name, address, and point of contact used by Suzuki (name, title, and telephone number). Also, identify, by model and model year, any other vehicles of which Suzuki is aware that contain the identical component, whether installed in production or in service, and state the applicable dates of production or service usage.

15. Separately, furnish Suzuki's assessment of the alleged defect, by each OCS failure or problem type, in the subject vehicles, including:
- a. The causal or contributory factor(s);
 - b. The failure mechanism(s);
 - c. The failure mode(s);
 - d. The risk to motor vehicle safety that it poses;
 - e. What warnings, if any, the operator and the other persons both inside and outside the vehicle would have that the alleged defect was occurring or subject component was malfunctioning; and
 - f. The VOQ reports referenced in this inquiry.

Legal Authority for This Request

This letter is being sent to Suzuki pursuant to 49 U.S.C. § 30166, which authorizes NHTSA to conduct any investigation that may be necessary to enforce Chapter 301 of Title 49 and to request reports and the production of things. It constitutes a new request for information.

Civil Penalties

Suzuki's failure to respond promptly and fully to this letter could subject Suzuki to civil penalties pursuant to 49 U.S.C. § 30165 or lead to an action for injunctive relief pursuant to 49 U.S.C. § 30163. (Other remedies and sanctions are available as well.) The Vehicle Safety Act, as amended, 49 U.S.C. § 30165(b), provides for civil penalties of up to \$7,000 per day, with a maximum of \$17,350,000 for a related series of violations, for failing or refusing to perform an act required under 49 U.S.C. § 30166. *See* 49 CFR 578.6 (as amended by 77 Fed. Reg. 70710 (November 27, 2012)). This includes failing to respond completely to ODI information requests. If Suzuki cannot respond to any specific request or subpart(s) thereof, please state the reason why it is unable to do so. If on the basis of attorney-client, attorney work product, or other privilege, Suzuki does not submit one or more requested documents or items of information in response to this information request, Suzuki must provide a privilege log identifying each document or item withheld, and stating the date, subject or title, the name and position of the person(s) from, and the person(s) to whom it was sent, and the name and position of any other recipient (to include all carbon copies or blind carbon copies), the nature of that information or material, and the basis for the claim of privilege and why that privilege applies.

Confidential Business Information

All business confidential information must be submitted directly to the Office of Chief Counsel as described in the following paragraph and should not be sent to this office. In addition, do not submit any business confidential information in the body of the letter submitted to this office. Please refer to PE13-021 in Suzuki's response to this letter and in any confidentiality request submitted to the Office of Chief Counsel.

If Suzuki claims that any of the information or documents provided in response to this information request constitute confidential commercial material within the meaning of 5 U.S.C. § 552(b)(4), or are protected from disclosure pursuant to 18 U.S.C. § 1905, Suzuki must submit

supporting information together with the materials that are the subject of the confidentiality request, in accordance with 49 CFR Part 512, as amended, to the Office of Chief Counsel (NCC-111), National Highway Traffic Safety Administration, Room W41-227, 1200 New Jersey Avenue, S.E., Washington, D.C. 20590. Suzuki is required to **submit two copies of the documents containing allegedly confidential information (except only one copy of blueprints) and one copy of the documents from which information claimed to be confidential has been deleted.** Please remember that the phrase "ENTIRE PAGE CONFIDENTIAL BUSINESS INFORMATION" or "CONTAINS CONFIDENTIAL BUSINESS INFORMATION" (as appropriate) must appear at the top of each page containing information claimed to be confidential, and the information must be clearly identified in accordance with 5 U.S.C. § 512.6. If you submit a request for confidentiality for all or part of your response to this IR, that is in an electronic format (e.g., CD-ROM), your request and associated submission must conform to the new requirements in NHTSA's Confidential Business Information Rule regarding submissions in electronic formats (49 CFR 512.6(c)). See Federal Register, volume 72, page 59434 (October 19, 2007).

If you have any questions regarding submission of a request for confidential treatment, contact Otto Matheke, Senior Attorney, Office of Chief Counsel at otto.matheke@dot.gov or (202) 366-5253.

Due Date

Suzuki's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by August 13, 2013. If Suzuki finds that it is unable to provide all of the information requested within the time allotted, Suzuki must request an extension from me at (202) 366-0139 no later than five business days before the response due date. If Suzuki is unable to provide all of the information requested by the original deadline, it must submit a partial response by the original deadline with whatever information Suzuki then has available, even if an extension has been granted.

Please send email notification to at Michael Lee at Michael.Lee@dot.gov and to ODI_IRresponse@dot.gov when Suzuki sends its response to this office and indicate whether there is confidential information as part of Suzuki's response.

If you have any technical questions concerning this matter, please call Michael Lee of my staff at (202) 366-5236.

Sincerely,

 6/26/13

D. Scott Yon, Chief
Vehicle Integrity Division
Office of Defects Investigation

Enclosure 1, one CD-ROM titled Data Collection Disc containing three Microsoft Access database template files.

VOQ Reference Numbers: 10178750, 10185778, 10200217, 10200123, 10206368, 10217021, 10250561, 10254251, 10263756, 10283309, 10285166, 10294320, 10316125, 10323718, 10324530, 10326910, 10332645, 10347204, 10348957, 10349038, 10350237, 10353604, 10354901, 10355400, 10364190, 10367631, 10369777, 10371056, 10373558, 10375165, 10375789, 10376071, 10376621, 10378154, 10380794, 10382860, 10392447, 10392434, 10392599, 10393975, 10395430, 10395602, 10395821, 10395983, 10398172, 10400092, 10400035, 10401106, 10401424, 10404772, 10405359, 10406459, 10407500, 10409412, 10409993, 10413235, 10418162, 10419237, 10419578, 10425035, 10425212, 10426703, 10434905, 10435090, 10435091, 10437600, 10437892, 10437994, 10438100, 10438501, 10438613, 10439357, 10439979, 10440088, 10442968, 10442759, 10442883, 10443173, 10443592, 10443594, 10444434, 10445034, 10445447, 10446215, 10446580, 10447689, 10448161, 10448446, 10448499, 10448554, 10449238, 10450746, 10451260, 10452961, 10453168, 10453403, 10453376, 10454445, 10454978, 10455231, 10455529, 10456043, 10456367, 10456407, 10459063, 10460417, 10460510, 10462016, 10463337, 10464941, 10464693, 10467988, 10468641, 10479583, 10479929, 10481120, 10484053, 10484863, 10486369, 10486729, 10487379, 10491755, 10499622, 10506034, 10508282, 10511057, 10511439, 10512962.