

[Products Liability Law Daily Wrap Up, NHTSA NEWS—MOTOR VEHICLES—Tesla recalls 2M vehicles over Autosteer concerns, \(Dec. 13, 2023\)](#)

Products Liability Law Daily Wrap Up

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By Susan Engstrom

The firm will release an over-the-air software update.

Tesla, Inc. is recalling about 2,031,220 vehicles equipped with Autosteer because in certain circumstances when this Autopilot feature is engaged, the prominence and scope of its controls may not be sufficient to prevent driver misuse of the SAE Level 2 advanced driver-assistance feature. The recall includes 2012-2023 Model S, 2016-2023 Model X, 2017-2023 Model 3, and 2020-2023 Model Y vehicles. According to the recall notice, if the driver does not maintain responsibility for vehicle operation and is unprepared to intervene as necessary or fails to recognize when Autosteer is canceled or not engaged, there may be an increased risk of a crash (*NHTSA Recall Notice*, No. 23V838, Report receipt date: December 12, 2023).

Autosteer. The Part 573 Safety Recall Report explains that Autosteer is part of Tesla's Basic Autopilot package. When used in coordination with the package's Traffic-Aware Cruise Control feature, Autosteer can provide steering, braking, and acceleration support to the driver. Autosteer is designed and intended for use on controlled-access highways when the feature is not operating in conjunction with the "Autosteer on City Streets" feature.

When Autosteer is engaged, the driver is the operator of the vehicle and, as such, is responsible for the vehicle's movement. Drivers must always keep their hands on the steering wheel, remain attentive to surrounding road conditions, and intervene as needed (e.g., steer, brake, accelerate, or apply the stalk) to maintain safe operation. Autosteer uses several controls to monitor driver engagement. If the driver attempts to engage Autosteer when conditions are not met for engagement, the feature will alert the driver—via visual and audible alerts—that it is unavailable, and Autosteer will not engage. Likewise, if the driver operates Autosteer in conditions in which its functionality may be limited or has become deteriorated due to environmental or other circumstances, the feature may: (1) warn the driver with visual and audible alerts; (2) restrict speed; and/or (3) instruct the driver to intervene immediately.

ODI investigation. In 2021, the National Highway Traffic Safety Administration's Office of Defects Investigation (ODI) opened a preliminary evaluation ([PE21-020](#)) to investigate 11 incidents in which Tesla vehicles, while operating with Autosteer engaged, struck stationary first-responder vehicles. In 2022, ODI upgraded PE21-020 to an engineering analysis ([EA22-002](#)) to extend the existing crash analysis. NHTSA and Tesla subsequently conducted several meetings to discuss the agency's tentative conclusions regarding EA22-002 as they related to: (1) the issue of potential driver misuse when Autosteer is engaged; (2) expectations to address the agency's concerns through a voluntary recall; and (3) Tesla's proposed over-the-air software remedies in response. In the interest of resolving EA22-002, Tesla—while not concurring with the agency's analysis—decided to voluntarily administer a recall and provide a remedy. As of December 8, 2023, Tesla has identified nine warranty claims (received between July 13, 2021, and September 17, 2023) that may be related to the condition described above.

Remedy. Tesla will release an over-the-air (OTA) software update, free of charge. The update was expected to begin deploying to certain vehicles on or shortly after December 12, 2023. Owner notification letters are expected to be mailed February 10, 2024.

Contact information. Owners may contact Tesla customer service at 1-877-798-3752. Tesla's number for this recall is SB-23-00-008. Owners also may contact the National Highway Traffic Safety Administration Vehicle Safety Hotline at 1-888-327-4236 (TTY 1-800-424-9153), or go to www.safercar.gov.

Companies: Tesla, Inc.

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