Products Liability Law Daily Wrap Up, NOTICES—MOTOR VEHICLES—VW seeks inconsequential noncompliance determination for Audi and Cabriolet vehicles, (Jul. 11, 2019)

Products Liability Law Daily Wrap Up

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By Colleen Kave, J.D.

Subject vehicles' turn signal indicators do not meet federal standard.

Volkswagen Group of America, Inc. petitioned the National Highway Traffic Safety Administration (NHTSA) for a determination of inconsequential noncompliance related to approximately 81,831 model year 2015–2016 Audi A3, S3 Sedan, and A3 Cabriolet motor vehicles, manufactured between November 28, 2013, and July 28, 2016, that do not comply with paragraph S9.3.6. of Federal Motor Vehicle Safety Standard (FMVSS) No. 108, *Lamps, Reflective Devices, and Associated Equipment.* Comments on the petition are due by August 8, 2019 (*NHTSA Notice,*84 FR 32830, July 9, 2019).

Volkswagen explained that the noncompliance is that the subject vehicles are equipped with turn signal pilot indicators that do not meet the flashing rate as required by paragraph S9.3.6 of FMVSS No. 108. Specifically, the left turn signal indicator does not have a significant change in the flashing rate when the left rear turn signal LED array becomes inoperative.

The automaker stated its belief that the noncompliance is inconsequential as it relates to motor vehicle safety for the following reasons:

- The driver receives two different indicator warnings in the instrument cluster immediately upon error. The brake light and indicator light/turn signal are combined and the referenced tail lamp assembly subject to FMVSS No. 108 is the outboard lighting assembly.The subject condition is limited to the outermost left rear lamp assembly only.
- In the case of bulb failure, both lights (brake light and indicator light/ turn signal are combined) become inoperative, including the turn signal. Should the LED left turn signal become inoperative, the external indicator lights that signal left turns, which are located on the trunk and on the left side view mirror of the vehicle, are still operational.
- Additionally, the reverse lamp in the left rear tail lamp assembly, the left brake light in the trunk lid assembly, and the center high mount stop lamp, will remain operational.

Volkswagen concluded that the subject noncompliance is inconsequential as it relates to motor vehicle safety, and that its petition to be exempted from providing notification of the noncompliance and a remedy for the noncompliance should be granted.

Companies: Volkswagen Group of America, Inc.

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