

**Thomas McCarthy**  
Head, Vehicle Safety Compliance and Product  
Analysis

May 3, 2019

Ms. Heidi King, Deputy Administrator  
National Highway Traffic Safety Administration  
1200 New Jersey Ave. SE  
Washington, DC 20590

**Re: Recall 19V-292 (2014-2019 MY Fiat 500 Tire Pressure Monitor System ("TPMS") Noncompliance per Federal Motor Vehicle Safety Standard ("FMVSS") 138) Petition for Determination of Inconsequential Noncompliance**

Dear Ms. King:

FCA US LLC (f/k/a Chrysler Group LLC) ("FCA US") is a Delaware limited liability company with its principal place of business at 1000 Chrysler Drive, Auburn Hills, MI 48326.

Pursuant to 49 CFR Part 556, FCA US is petitioning for an exemption from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act because the noncompliance described below is inconsequential to motor vehicle safety.

This petition relates to FCA US' safety noncompliance vehicle recall V45 (NHTSA recall 19V-292) which involves incorrectly programmed TPMS sensors that do not meet the low tire pressure warning telltale minimum activation pressure requirements of S4.2(a) of FMVSS 138. The safety noncompliance defect information report was filed after it was discovered that approximately 12,675 Fiat 500 vehicles built between July 27, 2013 and February 9, 2019, were programmed with noncompliant tire pressure monitor sensor values. Three copies of the 49 CFR Part 573 Defect Information Report for V45 (NHTSA recall 19V-292) filing are attached as Enclosure A.

**Description of the Noncompliance**

FCA US has determined that some 2014-2019 MY Fiat 500 vehicles equipped with specific tire/wheel combinations do not fully comply with the low tire pressure warning telltale minimum activation pressure requirements specified in FMVSS 138.

Fiat 500 vehicles are manufactured with a TPMS designed to warn the driver if one or more of the vehicle's tires inflation pressure drops below a certain preset minimum activation pressure. On the affected vehicles, the TPMS sensors do not meet the low tire pressure warning telltale minimum activation pressure requirements and may not illuminate the low tire pressure warning telltale until the inflation pressure is one to two pounds per square inch ("PSI") below the minimum allowable activation pressure. On one configuration the recommended tire placard inflation pressure is 38 PSI, thus the low tire pressure warning telltale should illuminate when the tire pressure drops to 28.5 PSI (the minimum allowable activation pressure) but may not actually illuminate until the tire pressure drops to the range of 28-27 PSI.

### **Justification for Petition for a Determination of Inconsequentiality**

FCA US believes this technical noncompliance is inconsequential to motor vehicle safety for the following reasons:

- NHTSA recently described the TPMS detection requirements as follows: “The tire pressure monitoring system must: (a) Illuminate a low tire pressure warning telltale not more than 20 minutes after the inflation pressure in one or more of the vehicle's tires, up to a total of four tires, is equal to or less than either the pressure 25 percent below the vehicle manufacturer's recommended cold inflation pressure, or the pressure specified in the 3rd column of Table 1 of this standard for the corresponding type of tire, whichever is higher; (b) Continue to illuminate the low tire pressure warning telltale as long as the pressure in any of the vehicle's tires is equal to or less than the pressure specified in S4.2(a), and the ignition locking system is in the “On” (“Run”) position, whether or not the engine is running, or until manually reset in accordance with the vehicle manufacturer's instructions.” For reasons discussed below, and supported by tire manufacturers data, FCA US submits that this noncompliance is inconsequential to motor vehicle safety.
- The affected Fiat 500 vehicles meet FMVSS 110.
  - The vehicle maximum load on the tire is not to be greater than the applicable maximum load rating as marked on the sidewall of the tire.
- The affected Fiat 500 vehicles are equipped with tires that meet FMVSS 139.
  - Tire manufacturers are required to certify the tires meet all applicable requirements of FMVSS 139.
  - FMVSS 139 specifies a low inflation pressure performance test in which the tire is loaded to its maximum tire load capacity and inflated to only 140 kPa (20 PSI), significantly less than the TPMS telltale activation pressure for the subject Fiat 500 vehicles. In order to pass this test, the tires are loaded to 100% of the tire's maximum load carrying capacity and then run on a test axle for 1.5 hours at 20 PSI.
- Since the TPMS warning telltale may not illuminate until the tire pressure drops to the range of 28-27 PSI on the affected Fiat 500 vehicles, which is significantly above the 20 PSI requirement called out and tested to in FMVSS 139, FCA US believes that warning provided will give drivers sufficient time to check and inflate tires well before the tires would be susceptible to appreciable damage and that the described noncompliance is inconsequential to motor vehicle safety.
- FCA US is not aware of any crashes, injuries, or customer complaints associated with the condition.
- The NHTSA has previously granted inconsequential treatment for FMVSS 138 tire pressure monitor noncompliance. An example of the Agency granting a similar inconsequentiality petition for incorrectly programmed tire pressure monitor values is:
  - American Honda Motor Company, NHTSA-2009-0084 N2, July 23, 2012

It is the belief of FCA US that the information described above satisfies the intent of CFR 49 Part 556 and the operator can safely utilize their vehicle. FCA US believes that, pursuant to 49 CFR Part 556, 49 USC §30118(d) and §30120(h), the FMVSS No. 138 S4.2, the tire pressure monitor noncompliance is inconsequential to motor vehicle safety and FCA US should be exempted from the notification and remedy requirements of 49 USC Chapter 301, "Motor Vehicle Safety" for the reasons supporting exemption cited above.

Tire pressure sensor values in unsold vehicles are being updated to reflect the correct pressure values.

In consideration of the foregoing demonstration that subject noncompliant condition is inconsequential as it relates to motor vehicle safety, FCA US petitions to be exempt from the notification and remedy provisions of the Motor Vehicle Safety Act as provided in 49 CFR Part 556.

Sincerely,

A handwritten signature in black ink, appearing to read 'Thomas McCarthy', with a long horizontal flourish extending to the right.

Thomas McCarthy

Enclosure

CC: Mr. Kareem Habib

Acting Chief, Recall Management Division

# Part 573 Safety Recall Report

# 19V-292

**Manufacturer Name :** Chrysler (FCA US LLC)**Submission Date :** APR 11, 2019**NHTSA Recall No. :** 19V-292**Manufacturer Recall No. :** V45**Manufacturer Information :****Population :**

Manufacturer Name : Chrysler (FCA US LLC)

Number of potentially involved : 12,675

Address : 800 Chrysler Drive  
 CIMS 482-00-91 Auburn Hills MI  
 48326-2757

Estimated percentage with defect : 100 %

Company phone : 1-800-853-1403

**Vehicle Information :**

Vehicle 1 : 2014-2019 Fiat 500

Vehicle Type :

Body Style : 2-DOOR

Power Train : NR

**Descriptive Information :** Some 2014-2019 MY Fiat 500 vehicles equipped with specific tire/wheel combinations, may have been programmed with tire pressure monitor system ("TPMS") sensor values that do not meet the minimum activation pressure requirements of Federal Motor Vehicle Safety Standard ("FMVSS") 138.

Vehicle production records were used to identify the suspect period and vehicles with specific tire/wheel combinations built from July 27, 2013, when incorrect TPMS sensor values began to be programmed into certain vehicles, to February 9, 2019, when correct TPMS sensor values were programmed into all vehicles.

Similar vehicles not included in the recall were built outside of the suspect period, or with tire/wheel combinations that were not affected by incorrect TPMS sensor values, and were programmed with correct TPMS sensor values.

Production Dates : JUL 27, 2013 - FEB 09, 2019

VIN Range 1 : Begin :

NR

End : NR

☐ Not sequential

## Description of Noncompliance :

Description of the Noncompliance : FMVSS 138 S4.2(a) requires vehicles to “Illuminate a low tire pressure warning telltale not more than 20 minutes after the inflation pressure in one or more of the vehicle’s tires, up to a total of four tires, is equal to or less than either the pressure 25 percent below the vehicle manufacturer’s recommended cold inflation pressure, or the pressure specified in the 3rd column of Table 1 of this standard for the corresponding type of tire, whichever is higher.” Vehicles built with incorrectly programmed TPMS sensor values may not illuminate the warning telltale until the inflation pressure is one to two pounds per square inch (“PSI”) below the minimum activation pressure requirement. One configuration Placard calls out 38 PSI, thus the low tire pressure telltale should come on when the tire pressure drops to 28.5 PSI (25% drop in pressure) but may not actually come on until the pressure drops to the range of 28 – 27 PSI. The range of 28 – 27 PSI, while below the FMVSS 138 25% requirement, is still above the 20 PSI minimum activation pressure called out in Table 1.

FMVSS 1 : 138 - Tire pressure monitoring systems

FMVSS 2 : NR

Description of the Safety Risk : If the low tire pressure warning telltale is not illuminated at the applicable minimum activation tire pressure, the driver may have less time to react to a low tire pressure situation.

However, FCA US LLC (“FCA US”) believes that the noncompliance with FMVSS 138, in this instance, is inconsequential as it relates to motor vehicle safety, and will be submitting a petition under 49 CFR Part 556.

Description of the Cause : NR

Identification of Any Warning that can Occur : NR

## Supplier Identification :

### Component Manufacturer

Name : NR

Address : NR

NR

Country : NR

## Chronology :

· On February 11, 2019, Toluca Assembly Plant (“TAP”) was notified that TPMS sensor values were potentially being programmed incorrectly during assembly. The potential issue was discovered on an FCA US Engineering

test vehicle.

- On or about February 12, 2019, a review of plant production records indicated that one configuration Placard calls out 38 PSI, thus the low tire pressure telltale should come on when the tire pressure drops to 28.5 PSI (25% drop in pressure) but may not actually come on until the pressure drops to the range of 28 – 27 PSI. The range of 28 – 27 PSI, while below the FMVSS 138 25% requirement, is still above the 20 PSI minimum activation pressure called out in Table 1.
- On or about February 28, 2019, FCA US Engineering completed a review of plant production records and identified all tire/wheel combinations with incorrect TPMS sensor values programmed into certain vehicles.
- On April 4, 2019, FCA US determined, through the Vehicle Regulations Committee, to conduct a voluntary safety recall of the affected vehicles.

## Description of Remedy :

**Description of Remedy Program :** FCA US will conduct a Voluntary Safety Recall on all affected vehicles to reprogram the TPMS electronic control unit module with the correct minimum activation tire pressure sensor values.

FCA US has a longstanding policy and practice of reimbursing owners who have incurred the cost of repairing a problem that subsequently becomes the subject of a field action. To ensure consistency, FCA US, as part of the owner letter, will request that customers send the original receipt and/or other adequate proof of payment to the company for confirmation of the expense.

**How Remedy Component Differs from Recalled Component :** Part Name: N/A

Part Description: N/A

Part Number: N/A

Comment: This recall is not related to a part defect but rather involves a vehicle assembly plant process.

**Identify How/When Recall Condition was Corrected in Production :** NR

## Recall Schedule :

**Description of Recall Schedule :** \*\* 4/11/2019: FCA US plans to submit a petition for inconsequentiality on or before May 3, 2019. FCA US will notify dealers regarding unsold vehicles on or about May 31, 2019.

**Planned Dealer Notification Date :** MAY 31, 2019 - MAY 31, 2019

**Planned Owner Notification Date :** NR - NR

\* NR - Not Reported