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February 10, 2020

## Via Hand Delivery

The Honorable James C. Owens  
Acting Administrator  
National Highway Traffic Safety Administration  
1200 New Jersey Avenue, S.E.  
West Building, 41-304  
Washington, D.C. 20590

Re: Petition for Determination of Inconsequential Noncompliance – Mercedes-Benz

Dear Administrator Owens:

Pursuant to 49 U.S.C. § 30118(d) and 49 C.F.R. Part 556, Mercedes-Benz AG and Mercedes-Benz USA, LLC (collectively, "Mercedes-Benz"), submit the attached petition for a determination of inconsequential noncompliance with certain labeling size requirements involving FMVSS 135. In certain Mercedes-Benz vehicles, the text size of certain brake related indicators is slightly below the minimum size value, but does not pose an increased risk to motor vehicle safety. Consequently, Mercedes-Benz requests that the agency relieve it from the notice and remedy requirements under the Vehicle Safety Act.

Please contact me with any questions.

Sincerely,



Jacqueline Glassman

Enclosures

ES20-000425

EXECUTIVE SECRETARIAT  
FEB 18 AM 11:03

**Petition for Inconsequential Noncompliance**  
**NHTSA Recall 20V-045**

Mercedes-Benz AG (“MBAG”) and Mercedes-Benz USA, LLC (“MBUSA”) (collectively, “Mercedes-Benz”), submit this petition for inconsequential noncompliance pursuant to the Vehicle Safety Act, 49 U.S.C. § 30118(d) and 49 U.S.C. § 30120(h), and the related regulations at 49 C.F.R. 556. MBAG is a joint stock company headquartered in Germany, and MBUSA is a Delaware limited liability company with its principal place of business at One Mercedes-Benz Drive, Sandy Springs, Georgia 30328. Mercedes-Benz requests that the agency grant its petition exempting it from the notice and remedy requirements of the Vehicle Safety Act on the ground that the noncompliance described below is inconsequential to motor vehicle safety.

In certain Model Year 2019-2020 CLA-Class, A-Class, GLA-Class and GLB-Class vehicles with a 10.25 inch electronic instrument cluster, the size of the text in certain brake indicators is slightly smaller than the minimum requirement set forth in FMVSS 135 S5.5.5. While the standard provides for the brake indicator lettering to display at a minimum of 3.2 mm, the text in the subject vehicles ranges from 2.92 mm to 3.17 mm depending on the particular indicator. This discrepancy is inconsequential to motor vehicle safety because the indicators remain easily readable to the driver and there is no risk of confusion even with the somewhat smaller lettering height. The symbol which depicts each of the indicators is accurate and displays in the colors required by FMVSS 101. In addition, the text of the wording is visually clear and can be easily read under all daytime and nighttime conditions in accordance with the requirements set for the in FMVSS 101.

**Background**

On January 17, 2020, MBAG determined that a noncompliance with the labeling provision in FMVSS 135 existed because the size of the text of the braking indicators in the electronic instrument cluster displayed in a slightly smaller size than required by the standard. The underlying technical investigation found that the issue arose from a discrepancy with the software used for vehicles with a 10.25-inch electronic instrument cluster. The display software was originally designed for vehicles with a 12-inch instrument cluster. However, when the display was scaled to the 10.25-inch screens in the subject vehicles, the size of certain indicators appeared slightly smaller than the minimum required size. The issue was corrected in production on January 20, 2020.

Mercedes-Benz submitted a Noncompliance Information Report on January 27, 2020 after determining that approximately 27,375 vehicles were affected by this issue. *See* NHTSA Recall 20V-045, attached. On February 7, 2020, Mercedes-Benz amended its Noncompliance Information Report to adjust the population to 29,173 vehicles. Mercedes-Benz is not aware of any reports or complaints about the issue from the field.

**Analysis**

Manufacturers may be exempted from the notification and remedy provisions of the Safety Act if NHTSA determines that the noncompliance is inconsequential to motor vehicle safety. *See* 49 U.S.C. §§ 30118(d), 30120(h). The basis upon which NHTSA evaluates an inconsequentiality petition is “whether the occupant who is affected by the noncompliance is

**Petition for Inconsequential Noncompliance**  
**NHTSA Recall 20V-045**

likely to be exposed to a significantly greater risk than an occupant in a compliant vehicle.” *See* 69 Fed. Reg. 19897, 19900 (April 14, 2004). The facts and circumstances underlying this petition sit squarely in line with that principle. That the letter height of the braking indicators in this instance is slightly smaller than the requirement does not expose an occupant to any greater risk of injury than an occupant in a vehicle with slightly larger font size.

FMVSS 135, S5.5.5(a) sets the size requirements for the brake system warning indicators. It provides:

each visual indicator shall display a word or words in accordance with the requirements of Standard No. 101 (49 CFR 571.101) and this section, which shall be legible to the driver under all daytime and nighttime conditions when activated. Unless otherwise specified, the words shall have letters not less than 3.2 mm (1/8 inch) high and the letters and background shall be of contrasting colors, one of which is red. Words or symbols in addition to those required by Standard No. 101 and this section may be provided for purposes of clarity.

The purpose of the standardized size requirement for the brake system warning indicators is to ensure they are visually perceptible to drivers under all operating conditions. The agency has a long and consistent history of granting petitions for inconsequentiality for discrepancies involving a letter height requirement where the text appeared somewhat smaller than required. In fact, NHTSA has granted petitions where the indicators displayed included lettering that was as much as a full millimeter less than the minimum size. *See* 47 Fed. Reg. 31347 (July 19, 1982) (granting a petition of Subaru of America, Inc. where the brake system indicator lettering was only 2.2 mm high, but the ISO symbol indicators were located within the driver’s line of sight and continued to be “easily identifiable and very readable”).

In addressing similar noncompliances in the past, the agency has determined that “it is very unlikely that a vehicle user would either fail to see or fail to understand the meaning of the brake [...] warning light” where the “information presented by the telltales is correct.” *See* 81 Fed. Reg. 92963 (December 20, 2016) (granting General Motors petition of over 46,000 vehicles where the “Park” indicator displayed at 2.44 mm). In the General Motors decision, the agency found the discrepancy “pose[d] little if any risk to motor vehicle safety” where all other braking indicator requirements were met and the indicators were located in the instrument cluster, adjacent to the speedometer and in direct view of the driver); 69 Fed. Reg. 41568 (July 9, 2004) (granting petition of Hyundai Motor Company involving more than 237,000 vehicles where the FMVSS 105 braking system indicator letter height varied from 2.5mm to 3.1 mm).

In this case, the letter height for the braking indicators is only slightly smaller than the 3.2 mm minimum. Depending on the particular indicator, the text size can be smaller by a range of 0.03 mm up to a maximum of .28 mm. The electronic instrument cluster is located within the driver’s direct field of vision and the braking indicators are located adjacent to the speedometer and therefore remain within the driver’s direct line of sight. This slight difference in size is not visually perceptible and does not affect the driver’s ability to read or understand the indicators. Indeed, the indicators are clearly illuminated and remain visible under all driving conditions. An

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**NHTSA Recall 20V-045**

example of the display both before and after the software change adjusting the text size is provided below:



Before changes



After changes - font size enlarged

All of the indicators at issue here are accurately depicted and are displayed in the correct colors, consistent with FMVSS 101, Table 1. Thus, there should not be any confusion about the meaning of the indicators and the standard symbol that is displayed continues to convey the intended meaning of the indicator. Further, although the lettering that appears below the ISO symbols is slightly smaller than 3.2 mm minimum height, the overall height of the ABS and Parking Brake symbols is more than 3.2 mm and exceeds the height requirement of the standard. Finally, the functionality of the brake indicators themselves is not affected by the software issue. The indicators properly display during both the instrument cluster warning lamp operation check and in the event a brake malfunction were to occur.

Mercedes-Benz has not received any reports related to the performance of the indicators included on the 10.25-inch displays in the subject vehicles. Nor has it received any reports related to customers' inability to read or decipher the brake telltales.

With the consideration of the above information, Mercedes-Benz requests that that the agency exempt it from the notification and remedy provisions under the Safety Act.

# Part 573 Safety Recall Report

# 20V-045

**Manufacturer Name :** Mercedes-Benz USA, LLC.**Submission Date :** JAN 27, 2020**NHTSA Recall No. :** 20V-045**Manufacturer Recall No. :** NR**Manufacturer Information :****Population :**

Manufacturer Name : Mercedes-Benz USA, LLC.

Number of potentially involved : 27,375

Address : 13470 International Parkway

Estimated percentage with defect : 100 %

Jacksonville FL 32218

Company phone : 1-877-496-3691

**Vehicle Information :**

Vehicle 1 : 2019-2020 Mercedes-Benz A220

Vehicle Type : LIGHT VEHICLES

Body Style : 4-DOOR

Power Train : GAS

Descriptive Information : 177.144 3G4E 9066 Vehicles

The recall population was determined through production records. Vehicles outside the recall population equipped with a 10.25" display have indicator texts that meet the minimum size requirements according to FMVSS 135 .

Production Dates : AUG 20, 2018 - JAN 16, 2020

VIN Range 1 : Begin : W1K3G4EB0LW042816 End : WDD3G4EBXLW042743  Not sequential

Vehicle 2 : 2019-2020 Mercedes-Benz A220 4MATIC

Vehicle Type : LIGHT VEHICLES

Body Style : 4-DOOR

Power Train : GAS

Descriptive Information : 177.145 3G4F 7008 Vehicles

The recall population was determined through production records. Vehicles outside the recall population equipped with a 10.25" display have indicator texts that meet the minimum size requirements according to FMVSS 135 .

Production Dates : AUG 20, 2018 - JAN 16, 2020

VIN Range 1 : Begin : WDD3G4FB9KW000528 End : WDD3G4FB3LW042694  Not sequential

Vehicle 3 : 2020-2020 Mercedes-Benz A35 AMG 4MATIC

Vehicle Type : LIGHT VEHICLES

Body Style : 4-DOOR

Power Train : GAS

Descriptive Information : 177.151 3G5B 1 Vehicles

**Descriptive Information :** The recall population was determined through production records. Vehicles outside the recall population equipped with a 10.25" display have indicator texts that meet the minimum size requirements according to FMVSS 135 .

**Production Dates :** AUG 20, 2018 - JAN 16, 2020

**VIN Range 1 : Begin :** W1K3G5BB2LJ147588 **End :** W1K3G5BB2LJ147588  Not sequential

**Vehicle 4 :** 2020-2020 Mercedes-Benz CLA250

**Vehicle Type :** LIGHT VEHICLES

**Body Style :** 4-DOOR

**Power Train :** GAS

**Descriptive Information :** 118.346 5J4G 3664 Vehicles

The recall population was determined through production records. Vehicles outside the recall population equipped with a 10.25" display have indicator texts that meet the minimum size requirements according to FMVSS 135 .

**Production Dates :** AUG 20, 2018 - JAN 16, 2020

**VIN Range 1 : Begin :** WDD5J4GB0LN036334 **End :** WDD5J4GB1LN062943  Not sequential

**Vehicle 5 :** 2020-2020 Mercedes-Benz CLA250 4MATIC

**Vehicle Type :** LIGHT VEHICLES

**Body Style :** 4-DOOR

**Power Train :** GAS

**Descriptive Information :** 118.347 5J4H 2670 Vehicles

The recall population was determined through production records. Vehicles outside the recall population equipped with a 10.25" display have indicator texts that meet the minimum size requirements according to FMVSS 135 .

**Production Dates :** AUG 20, 2018 - JAN 16, 2020

**VIN Range 1 : Begin :** WDD5J4HB3LN060058 **End :** WDD5J4HB3LN069570  Not sequential

**Vehicle 6 :** 2020-2020 Mercedes-Benz CLA35 AMG 4MATIC

**Vehicle Type :** LIGHT VEHICLES

**Body Style :** 4-DOOR

**Power Train :** GAS

**Descriptive Information :** 118.351 5J5B 476 Vehicles

The recall population was determined through production records. Vehicles outside the recall population equipped with a 10.25" display have indicator texts that meet the minimum size requirements according to FMVSS 135 .

**Production Dates :** AUG 20, 2018 - JAN 16, 2020

**VIN Range 1 : Begin :** WDD5J5BB4LN006931 **End :** WDD5J5BB5LN072341  Not sequential

**Vehicle 7 :** 2020-2020 Mercedes-Benz CLA45 AMG 4MATIC

**Vehicle Type :** LIGHT VEHICLES

Body Style : 4-DOOR

Power Train : GAS

Descriptive Information : 118.353 5J5D 229 Vehicles

The recall population was determined through production records. Vehicles outside the recall population equipped with a 10.25" display have indicator texts that meet the minimum size requirements according to FMVSS 135 .

Production Dates : AUG 20, 2018 - JAN 16, 2020

VIN Range 1 : Begin : WDD5J5DB0LN007801 End : WDD5J5DB3LN071993  Not sequential

Vehicle 8 : 2021-2021 Mercedes-Benz GLA250 4MATIC

Vehicle Type : LIGHT VEHICLES

Body Style : SUV

Power Train : GAS

Descriptive Information : 247.747 4N4H 3 Vehicles

The recall population was determined through production records. Vehicles outside the recall population equipped with a 10.25" display have indicator texts that meet the minimum size requirements according to FMVSS 135 .

Production Dates : AUG 20, 2018 - JAN 16, 2020

VIN Range 1 : Begin : W1N4N4HB3MJ081066 End : W1N4N4HBXMJ079167  Not sequential

Vehicle 9 : 2020-2020 Mercedes-Benz GLB250

Vehicle Type : LIGHT VEHICLES

Body Style : SUV

Power Train : GAS

Descriptive Information : 247.646 4M4G 1682 Vehicles

The recall population was determined through production records. Vehicles outside the recall population equipped with a 10.25" display have indicator texts that meet the minimum size requirements according to FMVSS 135 .

Production Dates : AUG 20, 2018 - JAN 16, 2020

VIN Range 1 : Begin : W1N4M4GB0LW013975 End : WDC4M4GBXLW012074  Not sequential

Vehicle 10 : 2020-2020 Mercedes-Benz GLB250 4MATIC

Vehicle Type : LIGHT VEHICLES

Body Style : SUV

Power Train : GAS

Descriptive Information : 247.647 4M4H 2576 Vehicles

The recall population was determined through production records. Vehicles outside the recall population equipped with a 10.25" display have indicator texts that meet the minimum size requirements according to FMVSS 135 .

Production Dates : AUG 20, 2018 - JAN 16, 2020

VIN Range 1 : Begin : W1N4M4HB0LW013151 End : WDC4M4HBXLW012154  Not sequential

## Description of Noncompliance :

Description of the Noncompliance : Mercedes-Benz AG (“MBAG”), the manufacturer of Mercedes-Benz vehicles, has determined that on certain Model Year (“MY”) 19-21 CLA-Class (118 platform), A-Class (177 platform), and GLA/GLB-Class (247 platform) vehicles equipped with a 10.25” display, the font size of certain indicator labels for the service brake and parking brake systems in the instrument cluster might not meet the 3.2 mm minimum size requirement that is set forth in FMVSS 135 S 5.5.5., in accordance with FMVSS 101.

FMVSS 1 : 135 - Light vehicle brake systems

FMVSS 2 : NR

Description of the Safety Risk : Depending on the text of individual indicator lights , the font size of the corresponding text might vary between 2.9 mm and 3.2 mm and fall outside the size requirement by a maximum of 0.3 mm.

However, the text remains visually clear and can still be read under the condition described in FMVSS 135, in accordance with FMVSS 101

Description of the Cause : Due to a deviation in the development process, the font size of texts in certain indicator lights in the instrument cluster might not meet current production specifications.

Identification of Any Warning that can Occur : The customer will not receive an advance warning due to the nature of the failure mechanism.

## Supplier Identification :

### Component Manufacturer

Name : NR

Address : NR

NR

Country : NR

## Chronology :

In the beginning of July 2019, MBAG launched an initial investigation after an internal review suggested there might be a deviation in the font size of certain labels for visual indicators in the instrument cluster.

Through Fall 2019, MBAG continued its analysis to evaluate the extent of possible deviations on the font size of texts in the different indicator lights and whether the issue raised any compliance concerns. MBAG’s analysis showed that only certain instrument cluster variants might be affected by this issue. When the software parameters of the instrument clusters with a 12” display were scaled to fit the image into the 10.25” display, this led to the text for certain indicators appearing in a slightly smaller font than stated in the standard. After evaluating the requirements of FMVSS 135 , MBAG determined that while there was a technical noncompliance,



it does not present a safety risk.

Since the font size deviates only slightly (up to 0.3 mm), the text remains visually clear and can still be read under the condition described in FMVSS 135 S5.5.5 in accordance with FMVSS 101, MBAG intends to submit a petition for inconsequential noncompliance.

### Description of Remedy :

Description of Remedy Program : MBAG intends to submit a petition for inconsequential noncompliance for NHTSA review.

How Remedy Component Differs from Recalled Component : Vehicles equipped with correct software parameters of the 10.25" instrument cluster.

Software Number:

A177 904 65 01

A177 902 15 14

A177 902 16 14

A177 902 17 14

A177 902 18 14

A177 902 19 14

Identify How/When Recall Condition was Corrected in Production : A change in the instrument cluster software ensures that this issue can no longer occur from Jan 17, 2020 onwards.

### Recall Schedule :

Description of Recall Schedule : Dealers will be notified of the pending voluntary recall campaign on February 03, 2020. Owners will be notified of the voluntary recall campaign approximately one week after launch to the dealers on March 27, 2020. A copy of all communications will be provided when available.

Planned Dealer Notification Date : FEB 03, 2020 - NR

Planned Owner Notification Date : MAR 27, 2020 - NR

\* NR - Not Reported