

April 1, 2021

Dr. Steven Cliff
Acting Administrator
National Highway Traffic Safety Administration
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590

RE: Petition for Exemption from Notification and Remedy Provisions of Motor Vehicle Safety Act for Inconsequential Non-Compliance with FMVSS No. 135

Dear Dr. Cliff:

Porsche has determined that certain Porsche Panamera, Cayenne and Taycan model vehicles¹ did not fully meet the requirements of S5.5.5, "Labeling," of Federal Motor Vehicle Safety Standard (FMVSS) § 571.135 "Light vehicle brake systems." Specifically, the relevant Porsche models do not meet the lettering height requirements for the "Brake Wear" indicator. See 49 C.F.R. § 571.135, S5.5.5(d)(5). Porsche accordingly notified the National Highway Traffic Safety Administration (NHTSA) of the noncompliance pursuant to 49 C.F.R. Part 573.² This petition seeks exemption from the notice and remedy requirements of the Motor Vehicle Safety Act, pursuant to 49 U.S.C. §§ 30118(d) and 30120(h), and 49 C.F.R. Part 556, because the noncompliance is inconsequential to motor vehicle safety.

The subject vehicles are equipped with brake wear indicators that do not meet the required minimum height (3.2 mm) specified in FMVSS 135, S5.5.5(a). The height of the indicators in the affected vehicles ranges from 1.7 mm to 2.2 mm.

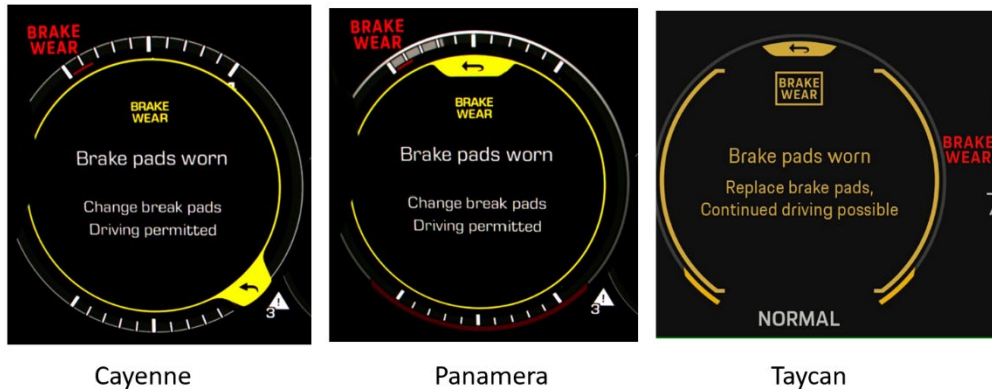
Porsche believes that this noncompliance is inconsequential to motor vehicle safety for the following reasons:

- Multi-Function Display. In addition to the brake wear indicator required by FMVSS 135, the Porsche vehicles also have a multi-functional display that provides brake wear information. Information about brake wear is provided in this display, which is readily visible to drivers, on the subject vehicles. Although the brake wear message can be confirmed and then suppressed by the vehicle operator at the next ignition cycle, doing so would necessarily require the operator to read and understand the message. Therefore, it can be assured that

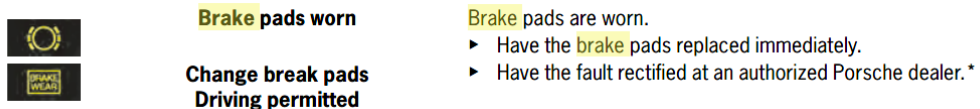
¹ Please refer to the list of affected models in Attachment A.

² Three copies of the defect information report filed by Porsche on March 10, 2021 are provided in accordance with 49 C.F.R. § 556.4(b)(6) as Attachment B. As required by 49 C.F.R. § 556.4(b)(3): this petition is filed by Porsche Cars North America, Inc.; Porsche is located at One Porsche Drive, Atlanta, GA 30354; Porsche is a [type of corporate entity, i.e. limited liability corporation] organized under the laws of [state]; and Porsche A.G. [if filing on behalf] is located in and organized under the laws of Germany.

the need to check the vehicle's brake lining wear has been received. An example of the information regarding brake wear provided in the multi-functional display is shown below:



- Conspicuous, Accurate Information. The brake wear warning symbol is the correct color as required by FMVSS 135, S5.5.5. The warning symbol lettering is red, and the lettering and background are of contrasting colors. This makes the symbol conspicuous to the driver, as does its readily visible position immediately adjacent to fuel, temperature and other critical vehicle data displays. The information provided by the brake wear symbol is also correct; the brake lining wear detection ability of the vehicle is entirely functional and completely unaffected by the lettering size issue.
- Uniform Height. All letters in the brake wear warning indicator are capitalized, so the height is preserved across the width of the words “brake” and “wear,” making the words more easily seen and read.
- Owner’s Manual. Information about the brake wear warning symbol is displayed in the owner’s manual, which ensures that vehicle owners understand the symbol despite the smaller size of the lettering. For instance, the Panamera owner’s manual includes the following depiction and explanation of the brake wear symbol:



- Labeling. This type of labeling noncompliance is precisely the type that NHTSA generally finds more appropriate for a determination of inconsequentiality. See, e.g., 85 Fed. Reg. 62365, 62366 (“We note that the noncompliance at issue concerns a failure to meet a performance requirement. The burden of establishing the inconsequentiality of a failure to comply with a *performance requirement* in a standard--as opposed to a *labeling requirement*--is more substantial and difficult to meet. Accordingly the Agency has not found many such non-compliances inconsequential.”) (Oct. 2, 2020) (Emphasis in original).

- Issue Corrected. The noncompliance issue has been corrected in production vehicles and all vehicles currently being produced meet applicable mounting height requirements.
- NHTSA Precedent. Finally, and most significantly, NHTSA precedent supports granting this petition. The described noncompliance is very similar to others that NHTSA has found to be inconsequential to motor vehicle safety. See 81 Fed. Reg. 92964 (Dec. 20, 2016) (grant of inconsequentiality petition to General Motors for parking brake indicator labeling below the required size, where corresponding driver information was provided in the instrument cluster); 67 Fed. Reg. 72026 (Dec. 3, 2002) (grant of inconsequentiality petition to Mercedes-Benz, U.S.A Inc. where some letters in brake indicator warning were smaller than the required size, but additional messaging was provided in a message center).

For all of these reasons, Porsche respectfully requests that NHTSA grant this petition in accordance with 49 C.F.R. Part 556 on the basis that the noncompliance described above is inconsequential to motor vehicle safety, and exempt Porsche from the notification and remedy provisions of the Motor Vehicle Safety Act.

Sincerely yours,

Jim Moore
Manager, In-Use Vehicle Conformity
Porsche Cars North America, Inc.
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Atlanta, GA 30354

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Cell: 404.883.9103
Fax: 770.290.0076
Email: jim.moore@porsche.us

ATTACHMENT A – MODEL LIST

MY	Model
2017	PANAMERA 4
2017	PANAMERA
2017	PANAMERA 4 S
2017	PANAMERA TURBO
2017	PANAMERA 4 S Executive
2017	PANAMERA TURBO Executive
2018	PANAMERA 4
2018	PANAMERA
2018	PANAMERA 4 S
2018	PANAMERA 4 HYBRID
2018	PANAMERA TURBO
2018	PANAMERA TURBO S HYBRID
2018	PANAMERA 4 Executive
2018	PANAMERA 4 S Executive
2018	PANAMERA 4 HYBRID Executive
2018	PANAMERA TURBO Executive
2018	PANAMERA TURBO S HYBRID Executive
2018	PANAMERA 4 SPORT TURISMO
2018	PANAMERA 4 S SPORT TURISMO
2018	PANAMERA 4 HYBRID SPORT TURISMO
2018	PANAMERA TURBO SPORT TURISMO
2018	PANAMERA TURBO S HYBRID SPORT TURISMO
2019	PANAMERA 4
2019	PANAMERA
2019	PANAMERA 4 S
2019	PANAMERA 4 HYBRID
2019	PANAMERA TURBO
2019	PANAMERA GTS
2019	PANAMERA TURBO S HYBRID
2019	PANAMERA 4 Executive
2019	PANAMERA 4 S Executive
2019	PANAMERA 4 HYBRID Executive
2019	PANAMERA TURBO Executive
2019	PANAMERA TURBO S HYBRID Executive
2019	PANAMERA 4 SPORT TURISMO
2019	PANAMERA 4 S SPORT TURISMO
2019	PANAMERA 4 HYBRID SPORT TURISMO

2019 PANAMERA TURBO SPORT TURISMO
2019 PANAMERA GTS SPORT TURISMO
2019 PANAMERA TURBO S HYBRID SPORT TURISMO
2019 CAYENNE
2019 CAYENNE S
2019 CAYENNE HYBRID
2019 CAYENNE TURBO
2020 PANAMERA 4
2020 PANAMERA
2020 PANAMERA 10 Year Special Model
2020 PANAMERA 4 10 Year Special Model
2020 PANAMERA 4 S
2020 TAYCAN 4S
2020 TAYCAN TOP S
2020 TAYCAN TOP
2020 PANAMERA 4 HYBRID
2020 PANAMERA 4 HYBRID 10 Year Special Model
2020 PANAMERA TURBO
2020 PANAMERA GTS
2020 PANAMERA TURBO S HYBRID
2020 PANAMERA 4 Executive
2020 PANAMERA 4 S Executive
2020 PANAMERA 4 HYBRID Executive
2020 PANAMERA TURBO Executive
2020 PANAMERA TURBO S HYBRID Executive
2020 PANAMERA 4 SPORT TURISMO
2020 PANAMERA 4 S SPORT TURISMO
2020 PANAMERA 4 HYBRID SPORT TURISMO
2020 PANAMERA TURBO SPORT TURISMO
2020 PANAMERA GTS SPORT TURISMO
2020 PANAMERA TURBO S HYBRID SPORT TURISMO
2020 CAYENNE
2020 CAYENNE S
2020 CAYENNE HYBRID
2020 CAYENNE TURBO
2020 CAYENNE TURBO S HYBRID
2020 CAYENNE COUPE
2020 CAYENNE S COUPE

2020 CAYENNE HYBRID COUPE
2020 CAYENNE TURBO COUPE
2020 CAYENNE TURBO S HYBRID COUPE
2021 TAYCAN
2021 PANAMERA 4S
2021 TAYCAN 4S
2021 TAYCAN 4S
2021 TAYCAN Turbo S
2021 TAYCAN Turbo S
2021 TAYCAN Turbo
2021 TAYCAN Turbo
2021 PANAMERA 4 HYBRID
2021 PANAMERA TURBO S
2021 PANAMERA GTS
2021 PANAMERA
2021 PANAMERA 4
2021 PANAMERA 4S HYBRID
2021 PANAMERA 4 Executive
2021 CAYENNE
2021 CAYENNE S
2021 CAYENNE HYBRID
2021 CAYENNE TURBO
2021 CAYENNE GTS
2021 CAYENNE COUPE
2021 CAYENNE S COUPE
2021 CAYENNE HYBRID COUPE
2021 CAYENNE TURBO COUPE
2021 CAYENNE GTS COUPE

Part 573 Safety Recall Report

21V-173

Manufacturer Name : Porsche Cars North America, Inc.

Submission Date : MAR 10, 2021

NHTSA Recall No. : 21V-173

Manufacturer Recall No. : AMX0



Manufacturer Information :

Population :

Manufacturer Name : Porsche Cars North America, Inc.

Number of potentially involved : 80,666

Address : One Porsche Drive

Estimated percentage with defect : 100 %

Atlanta GA 30354

Company phone : 1-800-767-7243

Vehicle Information :

Vehicle 1 : 2017-2021 Porsche Panamera Variants

Vehicle Type : LIGHT VEHICLES

Body Style : HATCHBACK

Power Train : GAS

Descriptive Information : The recall population was determined based on the start of production until the entry into production of the optimized software.

Production Dates : OCT 23, 2016 - JAN 27, 2021

VIN Range 1 : Begin : WPOAF2A76HL150277 End : WPOAJ2A70ML113833 Not sequential

Vehicle 2 : 2019-2021 Porsche Cayenne Variants

Vehicle Type : LIGHT VEHICLES

Body Style : SUV

Power Train : GAS

Descriptive Information : The recall population was determined based on the start of production until the entry into production of the optimized software.

Production Dates : APR 04, 2018 - FEB 03, 2021

VIN Range 1 : Begin : WP1AA2AY2KDA00027 End : WP1AA2AY3MDA04896 Not sequential

Vehicle 3 : 2020-2021 Porsche Taycan Variants

Vehicle Type : LIGHT VEHICLES

Body Style : 4-DOOR

Power Train : HYBRID ELECTRIC

Descriptive Information : The recall population was determined based on the start of production until the entry into production of the optimized software.

Production Dates : OCT 21, 2019 - FEB 09, 2021

VIN Range 1 : Begin : WPOAC2Y16LSA70165 End : WPOAB2Y16MSA43309 Not sequential

Description of Noncompliance :

Description of the Noncompliance : The subject vehicles do not meet the requirements of S5.5.5(d)(5) of FMVSS No. 135 regarding the lettering height of the brake wear warning symbol.

FMVSS 1 : 135 - Light vehicle brake systems

FMVSS 2 : NR

Description of the Safety Risk : The brake wear warning indicator may be less conspicuous due to the smaller font size.

Description of the Cause : The noncompliance is caused by incorrect software.

Identification of Any Warning that can Occur : In addition to the brake wear warning message, a yellow warning message regarding brake wear is also shown in the multi-functional display. However, it is possible for this message to be confirmed and then suppressed by the vehicle operator until the next ignition cycle.

Involved Components :

Component Name 1 : Instrument cluster

Component Description : Brake wear warning in instrument cluster

Component Part Number : tbd

Supplier Identification :**Component Manufacturer**

Name : Visteon Electronics Germany GmbH

Address : An der RaumFabrik 33b
Karlsruhe Foreign States 76227

Country : Germany

Chronology :

In February 2021, Porsche was informed that certain Cayenne, Panamera and Taycan built for USA (and Puerto Rico) may have been equipped with incorrect software, which caused the lettering of the brake wear warning symbol to be smaller than specification.

Subsequently, the affected software versions, part numbers and vehicle populations had to be identified.

On March 3, 2021 it was determined that the subject vehicles do not comply with FMVSS No. 135.

Description of Remedy :

Description of Remedy Program : The company intends to submit a petition for inconsequential treatment under 49 CFR Part 556.

How Remedy Component Differs from Recalled Component : NR

Identify How/When Recall Condition was Corrected in Production : The size of the Brake Wear warning was increased to meet S5.5.5(d)(5) of FMVSS No. 135

Recall Schedule :

Description of Recall Schedule : Not applicable

Planned Dealer Notification Date : NR - NR

Planned Owner Notification Date : NR - NR

* NR - Not Reported