



**Consumers for Auto  
Reliability and Safety  
Foundation**

Improving auto safety since 1982

June 10, 2015

Honorable Kamala Harris  
Attorney General  
State of California  
1300 I Street  
Sacramento, CA 94244-2550

Re: Request for Investigation and Enforcement Action: CARMAX

Dear Attorney General Harris:

The Consumers for Auto Reliability and Safety (CARS) Foundation and CALPIRG Education Fund hereby request that the California Department Justice investigate CarMax's advertising and sales of vehicles with unrepaired federal safety recalls, and take all appropriate action within the agency's jurisdiction and authority to curb this practice, which endangers their customers, their families and other passengers, and others who share the roads.

CarMax is the largest retailer of used cars in the nation. CarMax advertises that all the vehicles it offers for sale are subject to a rigorous 125-point inspection in order to qualify to be sold as "CarMax Quality Certified" vehicles. CarMax lists numerous specific components which are supposedly included in its inspection, and also makes the following claims:

- "...**only the best** used cars become CarMax cars."
- "CarMax selects the **best** to make your search for the **perfect** car easy."
- "We spend 12 hours (on average) reconditioning every car."

However, according to CALPIRG research, CarMax is selling many vehicles in California that the company has failed to get repaired to address safety defects that led to a federal safety recall.

Recently, CALPIRG researchers found that 10 percent of all cars recently offered for sale at CarMax's Oxnard location had an unrepaired federal safety recall. According to a

check of the Vehicle Identification Numbers (VINS) using data provided by the manufacturers to the National Highway Traffic Safety Administration, of the 455 total vehicles for sale at that dealership, 46 had unrepaired federal safety recalls. Seven vehicles were subject to two or more recalls each. The safety defects included the following:

- Electrical problems can cause the cars to catch on fire
- Faulty anti-lock brakes and faulty stability control, so cars are more prone to flipping over
- Hoods may fly up while the car is being driven, obscuring the driver's vision
- Seat belt cables with “fatigue” that reduces the effectiveness of seat belts in a crash
- Software errors that mean air bags may not inflate in time, in a collision
- Cruise control may not be deactivated when the driver brakes
- Doors that can unlatch without warning and slide open in traffic
- Driveshafts may separate, causing the car to suddenly stop accelerating in traffic, or, if parked, to roll away
- Brake lights may fail to illuminate when the driver brakes

CALPIRG researchers also found that approximately 9 percent of all cars recently offered for sale at CarMax’s South Sacramento location had an unrepaired federal safety recall. Of the 386 total vehicles for sale at that dealership, 34 were subject to safety recalls. The safety defects included the following:

- Bolts may break and engine may stall in traffic
- Air bags may fail to inflate when needed, in a crash
- Seat belt cables with “fatigue” that reduces the effectiveness of seat belts in a crash
- Diesel fuel electrical connector can cause fuel leak or engine fire
- Faulty electrical switches can cause a fire
- Alternator diodes may fail, disabling antilock brakes and electronic stability control; may also cause an under-hood fire
- Coolant pump can fail, causing sudden stalling in traffic
- Doors can unlatch without warning and slide open in traffic
- Loss of power steering
- Flaws in electronic stability control system
- Car computer may deactivate passenger air bag, even when it is needed to protect a passenger
- Head restraints may not work in a crash
- Brake lights may fail to illuminate when the driver brakes
- Cruise control may not deactivate when the brake is pressed
- Hose may leak water onto air bag components, causing the air bag to malfunction
- Software problem may cause car to suddenly lose power in traffic
- Springs can break and puncture the fuel tank, causing a fire
- Suspension “trailing arms” could suddenly fracture, causing a loss of vehicle control
- Taillights may dim or fail to illuminate, making the car less visible to other motorists, particularly at night or in fog

All of these safety defects pose serious risks to CarMax customers and the general public when the defective cars are driven on California roads.

A copy of the full report, including charts showing the vehicles and defects, as well as the methodology used, is included with this letter. Should you or your staff have any questions regarding this matter, please do not hesitate to contact Rosemary Shahan, President of the CARS Foundation, at the address below.

Thank you for your consideration of this request.

Respectfully yours,

A handwritten signature in black ink that reads "Rosemary Shahan". The signature is written in a cursive style with a large, prominent "R" at the beginning.

Rosemary Shahan  
President, CARS Foundation  
1303 J Street, Suite 270  
Sacramento, CA 95814

A handwritten signature in black ink that reads "Jason Pfeifle". The signature is written in a cursive style with a large, prominent "J" at the beginning.

Jason Pfeifle  
Acting Program Director  
CALPIRG  
483 Ninth Street, Suite 100  
Oakland, CA 94607