



U.S. Department of Transportation
**National Highway Traffic Safety
Administration**

1200 New Jersey Avenue SE
Washington, DC 20590

April 13, 2023

Mr. Jonathan Gannon
BMW of North America, LLC
150 Chestnut Ridge Road
Woodcliff Lake, NJ 07677

NEF-107DM
23V-253

Subject: Lock Tab Missing from Head Restraint/FMVSS 202

Dear Mr. Gannon:

This letter serves to acknowledge BMW of North America, LLC's notification to the National Highway Traffic Safety Administration (NHTSA) of a safety recall which will be conducted pursuant to Federal law for the product(s) listed below. Please review the following information to ensure that it conforms to your records as this information is being made available to the public. If the information does not agree with your records, please contact us immediately to discuss your concerns.

Makes/Models/Model Years:

BMW/X5/2023

Mfr's Report Date: April 6, 2023

NHTSA Campaign Number: 23V-253

Components:

SEATS:MID/REAR ASSEMBLY:HEAD RESTRAINT

Potential Number of Units Affected: 235

Problem Description:

BMW of North America, LLC (BMW) is recalling certain 2023 X5 sDrive40i, X5 xDrive40i, X5 M50i, X5 M and X5 xDrive45e vehicles. The head restraints for the second-row outboard seats may have been improperly manufactured without locking tabs in the guide sleeves. As such, these vehicles fail to comply with the requirements of Federal Motor Vehicle Safety Standard number 202, "Head Restraints."

Consequence:

A head restraint without a locking tab may not properly restrain an occupant during a crash, increasing the risk of injury.

Remedy:

Dealers will inspect and replace the second-row outboard seat head restraint guide sleeves, as necessary, free of charge. Owner notification letters are expected to be mailed May 29, 2023. Owners may contact BMW customer service at 1-800-525-7417.

Notes:

Owners may also contact the National Highway Traffic Safety Administration Vehicle Safety Hotline at 1-888-327-4236 (TTY 1-800-424-9153), or go to www.nhtsa.gov.

We have received BMW's proposed owner notification letter and it is currently under review. You will be notified of any changes or concerns once our review is complete.



Please be reminded of the following requirements:

Copies of all notices, bulletins, dealer notifications, and other communications that relate to this recall, including a copy of the final owner notification letter and any subsequent owner follow-up notification letter(s), are required to be submitted to this office no later than 5 days after they are originally sent (if they are sent to more than one manufacturer, distributor, dealer, or purchaser/owner).

Under 49 U.S.C. § 30112(a), it is illegal for anyone, including a manufacturer, distributor, dealer, or retailer to sell an item of equipment or vehicle that fails to comply with all applicable Federal motor vehicle safety standards.

As stated in 49 U.S.C. § 30118(f), submission of eight consecutive quarterly reports followed by three annual reports is required. As described in 573.7, submission of the first of eight consecutive quarterly status reports is required within one month after the close of the calendar quarter in which notification to purchasers occurs. Therefore, the first quarterly report will be due on, or before, 30 days after the close of the calendar quarter. The first of three consecutive annual status reports will be due on, or before, 1 year after the eighth quarterly report was submitted.

BMW of North America, LLC's contact for this recall will be DeMara Magruder who may be reached by email at demara.magruder@dot.gov. We look forward to working with you.

Sincerely,



Alex Ansley
Chief, Recall Management Division
Office of Defects Investigation
Enforcement