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Honda pushes dealers for buyers' signatures on airbag liability

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"I understand that if this used car I'm buying is in a crash, the airbag could kill me."

That's the gist of a document that American Honda Motor Co. wants its dealers to require buyers of certain 2001-11 used Honda and Acura vehicles to sign.

The unusual document comes in addition to Honda's suggesting a stop-sale order on the vehicles unless there is an acknowledgement that the vehicles are subject to a recall related to defective front airbag inflators, a Honda spokesman confirmed. A stop-sale order is not legally enforceable on used vehicles, as it is with new vehicles.

Honda's Airbag Inflator Recall Disclosure and Acknowledgment document, acquired by *Automotive News*, acknowledges that occupants could be "injured or killed" if the front airbags deploy.

One Honda dealer who did not want to be named is concerned that Honda is "kicking the problem down to the dealer level," by asking dealers to get the document signed.

But Laurie McCants, managing partner of Honda of Covington in suburban New Orleans, says she believes the signed document helps protect dealers. "If there is a process and we follow the process, I don't feel liable," she says.

Neither does Joe Wagner, operating partner of Winter Haven Honda in Florida. He says he is getting no pushback from consumers about signing the document.

"I believe it takes away the liability," he said about the document. "You can never overdisclose."

Honda is among at least seven automakers, including Toyota, BMW, Mazda and Mitsubishi, recalling older model vehicles with potentially defective airbag inflators made by Japanese airbag supplier Takata Corp.

The airbag recall has focused on high-humidity areas such as Florida and Puerto Rico, but some manufacturers have expanded the action to other areas.

For example, Honda's recall of an estimated 3 million vehicles also covers affected vehicles sold or later registered in Alabama, California, Florida, Georgia, Hawaii, Louisiana, Mississippi, South Carolina, Texas and the U.S. Virgin Islands.

Honda knows which airbags went into which vehicles but the recall repair list is not final, making it necessary to treat all vehicles in the model and model year range as potentially affected.

Joe Wagner

Winter Haven Honda, about consumers signing the document

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That means checking vehicle identification numbers with all 50 states' departments of motor vehicles because the vehicles may have been moved to another state or scrapped.

Eventually, that will allow Honda to ditch the disclosure document. "Once we get the VIN list figured out, that action on behalf of the dealers will be severely curtailed because they'll then be able to do a VIN search," the spokesman said.

Honda wants consumers to sign the document because it wants buyers of potentially affected vehicles to make informed purchase decisions, he added.

It states, in part, "in a crash the front airbag inflator(s) in affected vehicles may deploy with too much pressure, causing the inflator casing to rupture and shoot out metal fragments. If struck with these metal fragments, a vehicle occupant could be injured or killed."

Honda-brand affected vehicles include: 2001-07 Accord with four-cylinder engines; 2001-05 Accord with V-6 engines; 2001-05 Civic; 2002-06 CR-V; 2003-11 Element; 2002-04 Odyssey; 2003-07 Pilot; and 2006 Ridgeline. Also included from Acura are the 2003-06 MDX, 2002-03 TL and CL and 2005 RL.

Spokesmen from Nissan North America and Mazda North American Operations said they are not requiring buyers of their vehicles being recalled to sign documents. Those companies are recalling far fewer vehicles for the airbag problem than Honda, and are following normal recall procedures.

Eric Chase, a Florham Park, N.J., lawyer who represents dealers, says his clients who operate Honda franchises have not contacted him about the issue but he believes that the document could be a problem for dealers and Honda.

He said: "If a dealer called me and said, 'We're talking about something that is under recall but we can't repair it and it's dangerous to the point we'd have to warn them about death,' I'd say, 'You've got to do everything you legally can to make sure a consumer does not get behind that wheel.'"

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