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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

KENYA CASS, ALISA STEPTOE,  
and CECELIA GARCIA, individually  
and on behalf of all others similarly  
situated,

Plaintiffs,

v.

NISSAN NORTH AMERICA, INC.,  
and NISSAN MOTOR CO., LTD.,

Defendants.

Case No.: 5:26-cv-5613

**CLASS ACTION COMPLAINT  
DEMAND FOR JURY TRIAL**

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1 Plaintiffs Kenya Cass, Alisa Steptoe, and Cecelia Garcia (“Plaintiffs”), individually  
2 and on behalf of a class of other similarly situated individuals, complain of and allege the  
3 following causes of action against Defendants Nissan North America, Inc. (“Nissan” or  
4 “NNA”) and Nissan Motor Co., Ltd. (“NML”) (collectively, “Defendants” or “Nissan”)  
5 as follows:

## 6 I. INTRODUCTION

7 1. Nissan designed, manufactured, marketed, and sold model year 2013 through  
8 2018 Nissan Altima vehicles equipped with a front passenger occupant-classification  
9 system (OCS) that can disable the front passenger airbag while an adult is seated in that  
10 seat. The system gives the occupant no reliable warning when it does so. That silence  
11 compounds the danger: an adult can ride for years in a seat whose airbag has been turned  
12 off and never learn it.

13 2. Plaintiffs seek damages and equitable relief against Nissan for breaches of its  
14 warranty obligations, unjust enrichment, and unfair, deceptive, and fraudulent acts or  
15 practices pertaining to its design, manufacture, advertisement, warranting, and sale of the  
16 model year 2013 through 2018 Nissan Altima vehicles defined below as the “Class  
17 Vehicles.”

18 3. The Class Vehicles contain a significant design and/or manufacturing defect  
19 which causes the front passenger occupant-classification system to misclassify an  
20 occupied front passenger seat as empty or misclassify an adult occupant as a child, which  
21 suppresses the front passenger frontal airbag so that it will not deploy in a crash that  
22 warrants deployment (hereinafter referred to as the “OCS Defect” or “Defect”). The OCS  
23 Defect lies in the occupant-classification sensors, the OCS control unit, and the  
24 classification software and calibration data that govern them.

25 4. The OCS Defect is compounded by the way the Class Vehicles report it.  
26 Where the OCS System misclassifies an adult front passenger as a child, the vehicle at  
27 least illuminates a light. Where the OCS System misclassifies an occupied front passenger  
28 seat as empty, the front passenger frontal airbag is suppressed and no light illuminates at

1 all. In that circumstance the occupant receives no notice whatsoever that she is riding  
2 without airbag protection, and the OCS Defect remains hidden until a crash reveals it.

3 5. Plaintiffs are informed and believe, and thereon allege, that Nissan  
4 defectively designed and/or manufactured the occupant-classification hardware, control  
5 unit, and associated software so that the system misclassifies an occupied front passenger  
6 seat as empty—or misclassifies an adult occupant as a child—and, as a result, suppresses  
7 and deactivates the front passenger frontal airbag. The OCS Defect directly affects  
8 Plaintiffs' use, enjoyment, safety, and the value of the Class Vehicles. Plaintiffs do not  
9 allege that the Class Vehicles violate any Federal Motor Vehicle Safety Standard.  
10 Plaintiffs allege that Nissan's design choices, made within the latitude those standards  
11 allow, produced a system that suppresses a needed airbag and leaves the occupant  
12 unaware. Throughout this Complaint the front passenger occupant-classification system  
13 and each of its constituent hardware, software, electrical, and structural components is  
14 referred to as the "OCS System," defined in full below.

15 6. The Class Vehicles have two relevant lamps. The first is the air bag warning  
16 light on the instrument cluster, which is the telltale for the vehicle's supplemental restraint  
17 system (the "SRS Warning Light"). The second is the front passenger air bag status light  
18 in the center of the instrument panel, which displays the yellow "PASSENGER AIR BAG  
19 OFF" telltale that Federal Motor Vehicle Safety Standard No. 208, S19.2.2, prescribes for  
20 a vehicle equipped with an automatic airbag suppression system (the "OCS Status Light").  
21 Where the OCS System misclassifies an adult front passenger as a child, the OCS Status  
22 Light illuminates and remains on, signaling that the front passenger frontal airbag has been  
23 suppressed. Where the OCS System misclassifies an occupied front passenger seat as  
24 empty, the OCS Status Light does not illuminate, and the occupant is told nothing.<sup>1</sup>

25  
26 <sup>1</sup> 2017 Nissan Altima Owner's Manual and Maintenance Information, Nissan North  
27 America, Inc., at "Front passenger air bag and status light,"  
28 <https://www.nissanusa.com/content/dam/Nissan/us/manuals-and-guides/altima/2017/2017-nissan-altima-owner-manual.pdf> (last visited Sept. 16, 2026).

7. The OCS Defect manifests without warning and at any time—on start-up, in daily driving, and while carrying passengers—and it does not resolve on its own. Owners who present their vehicles for repair are routinely quoted hundreds to thousands of dollars to replace occupant-sensor components or the airbag module, and even after such repairs the SRS Warning Light and the OCS Status Light frequently illuminate again.<sup>2</sup>

8. The National Highway Traffic Safety Administration (“NHTSA”) received 164 consumer complaints reporting this failure in the Altima before January 1, 2015, when Nissan offered the first Class Vehicle for sale, and 252 before Nissan announced its April 2016 recall.<sup>3</sup> The complaints did not stop when Nissan applied its remedy. NHTSA has received 223 more consumer complaints since that recall, including complaints about the recalled 2013 through 2015 model years themselves and about each of the 2016, 2017, and 2018 model years. NHTSA’s Office of Defects Investigation opened Recall Query RQ15-001 on March 18, 2015, to test whether Nissan’s remedy had worked,<sup>4</sup> and on August 31, 2015, upgraded that inquiry to Engineering Analysis EA15-004.<sup>5</sup>

9. Nissan has known of the OCS Defect for more than a decade, since before the Class Vehicles were sold, yet concealed the OCS Defect from consumers. Beginning in February 2013, Nissan conducted no fewer than five separate safety recalls addressing the same occupant-classification failure in the Altima and related vehicles, culminating in

<sup>2</sup> NHTSA Consumer Complaint Database, Vehicle Owner Questionnaires for model year 2013–2018 Nissan Altima vehicles, air bag component, compiled and attached as Exhibit 1, <https://www.nhtsa.gov/recalls> (last visited Sept. 16, 2026).

<sup>3</sup> NHTSA Consumer Complaint Database, *supra* note 2.

<sup>4</sup> ODI Resume, Recall Query RQ15-001, Occupant Classification System Failure, model year 2013–2014 Altima, LEAF, Pathfinder, Sentra, and related vehicles (opened Mar. 18, 2015; closed Sept. 1, 2015), <https://static.nhtsa.gov/odi/inv/2015/INOA-RQ15001-2804.PDF> (last visited Sept. 16, 2026); ODI Resume, RQ15-001 Close Resume, <https://static.nhtsa.gov/odi/inv/2015/INCLA-RQ15001-4664.PDF> (last visited Sept. 16, 2026).

<sup>5</sup> ODI Resume, Engineering Analysis EA15-004, Occupant Classification System Failure (opened Aug. 31, 2015; closed May 2, 2017), <https://static.nhtsa.gov/odi/inv/2015/INCLA-EA15004-6784.PDF> (last visited Sept. 16, 2026).

1 an April 28, 2016, recall of 3,177,645 vehicles.<sup>6</sup> Nissan thus knew exactly how this system  
2 fails, and how to identify it, before and during the period it sold the Class Vehicles.

3 10. Notwithstanding that knowledge, Nissan never recalled a single Class  
4 Vehicle for the OCS Defect. Its remedy for the 2013 through 2015 and some 2016 Altima  
5 vehicles, campaign R1609, called for reprogramming the airbag control unit and the  
6 occupant-classification control unit and required no replacement parts.<sup>7</sup> That remedy did  
7 not cure the Defect. Owners of the Class Vehicles continue to report the same failure, and  
8 Nissan has told them nothing.

9 11. Nissan's public posture is that its vehicles are safe and reliable. That  
10 representation cannot be squared with Nissan's own conduct—five recalls for the identical  
11 defect, a federal engineering analysis, and thousands of warranty repairs—or with the  
12 experience of the consumers who continue to report the same failure in the Class Vehicles.

13 12. Nissan has not disclosed the OCS Defect to Plaintiffs or the Class, and has  
14 left consumers to discover the Defect on their own—typically only when the SRS Warning  
15 Light or the OCS Status Light illuminates, when a dealer quotes an expensive repair, or,  
16 worst of all, after a crash. Where the OCS System reads the seat as empty, no light  
17 illuminates and the owner receives no signal at all.

18 13. As a direct and proximate result of Nissan's conduct, Plaintiffs and the Class  
19 have suffered ascertainable losses and a loss in the value of their vehicles and have been  
20

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21 <sup>6</sup> Part 573 Safety Recall Report, Nissan North America, Inc., NHTSA Campaign No. 16V-  
22 244, 3,177,645 vehicles including model year 2013–2016 Altima (Apr. 28, 2016),  
23 <https://static.nhtsa.gov/odi/rcl/2016/RCLRPT-16V244-6871.PDF> (last visited Sept. 16,  
24 2026). Nissan later amended the reported population to 3,296,947 vehicles. Part 573  
25 Safety Recall Report, NHTSA Campaign No. 16V-244 (Aug. 11, 2016),  
26 <https://static.nhtsa.gov/odi/rcl/2016/RCLRPT-16V244-7371.PDF> (last visited Sept. 16,  
27 2026).

28 <sup>7</sup> Nissan Voluntary Safety Recall Campaign Bulletin, Occupant Classification System,  
Campaign ID Nos. R1607, R1608 and R1609 (NHTSA Campaign No. 16V-244) (rev. 2,  
June 21, 2016; updated Dec. 21, 2016), [https://static.nhtsa.gov/odi/rcl/2016/RCMN-  
16V244-0698.pdf](https://static.nhtsa.gov/odi/rcl/2016/RCMN-16V244-0698.pdf) (last visited Sept. 16, 2026).

1 exposed to a concealed safety hazard. Nissan's concealment of a known safety defect,  
2 while continuing to market the Class Vehicles as safe and reliable, constitutes substantial  
3 aggravating conduct.

4 14. Plaintiffs bring this action to recover for the injury Nissan has caused and to  
5 compel Nissan to remedy the Defect. Plaintiffs assert claims for breach of the implied  
6 warranty of merchantability under the California Commercial Code and the Song-Beverly  
7 Consumer Warranty Act, for unjust enrichment, for fraud by omission, and under  
8 California's Consumers Legal Remedies Act and Unfair Competition Law.

## 9 II. JURISDICTION AND VENUE

10 15. This Court has subject matter jurisdiction of this action pursuant to 28 U.S.C.  
11 § 1332(d) of the Class Action Fairness Act of 2005 because: (i) there are 100 or more  
12 members in the proposed Class; (ii) the aggregate amount in controversy exceeds  
13 \$5,000,000, exclusive of interest and costs; and (iii) there is minimal diversity because at  
14 least one plaintiff and one defendant are citizens of different States, and Defendants  
15 include a foreign entity. This Court has supplemental jurisdiction over the state-law claims  
16 pursuant to 28 U.S.C. § 1367.

### 17 A. Personal Jurisdiction over Nissan North America, Inc.

18 16. This Court has personal jurisdiction over NNA. NNA distributes, markets,  
19 advertises, warrants, sells, services, and repairs Nissan vehicles, including the Class  
20 Vehicles, through a network of authorized dealerships in this District and throughout  
21 California, and it derives substantial revenue from that business. Plaintiffs' claims arise  
22 out of that conduct, including the sale of Class Vehicles to each Plaintiff at an authorized  
23 Nissan dealership in California and the failure to disclose the OCS Defect to California  
24 purchasers.

### 25 B. Personal Jurisdiction over Nissan Motor Co., Ltd.

26 17. This Court has specific personal jurisdiction over NML. NML purposefully  
27 directed its conduct at California and purposefully availed itself of the California market.  
28 It designed the Class Vehicles and the occupant-classification system at issue to United

1 States specifications, and it ships vehicles and motor-vehicle parts into California ports,  
2 as the shipper of record, in greater numbers than it ships to all other States combined.  
3 Plaintiffs' claims arise out of and relate to that conduct. And NML cannot show that  
4 answering for a defect it designed, in the State that registers more of its vehicles than any  
5 other, is unreasonable.

6 **1. NML Designed the Class Vehicles and the Defective System for the**  
7 **United States Market**

8 18. NML designs and engineers Nissan-brand vehicles for sale worldwide and  
9 determines the specifications to which those vehicles are built for each market. NML  
10 designed the Class Vehicles sold in the United States, including their front passenger  
11 occupant-classification system, the OCS control unit, the occupant classification sensors,  
12 and the classification software and calibration data that govern them.

13 19. The occupant-classification system in the Class Vehicles exists to satisfy a  
14 United States regulatory requirement. Federal Motor Vehicle Safety Standard No. 208 lets  
15 a manufacturer meet the advanced airbag requirements for the front outboard passenger  
16 seating position either by equipping the vehicle with an automatic suppression feature or  
17 by certifying it to low-risk deployment, and it prescribes the words a suppression telltale  
18 must display. 49 C.F.R. § 571.208. NML chose automatic suppression for the United  
19 States-market Altima. The occupant-classification system is how NML implemented that  
20 choice, and the "PASSENGER AIR BAG OFF" indicator in the Class Vehicles displays  
21 the warning that standard specifies. The component that failed, and the warning that failed  
22 with it, were designed to a United States specification for United States buyers.

23 20. NML made those design decisions knowing that California registers more  
24 automobiles than any other State. As of 2017, in the middle of the Class Vehicle  
25 production period, California accounted for 14,860,967 registered automobiles, against  
26  
27  
28

8,176,879 in Texas and 7,778,493 in Florida.<sup>8</sup> NML knew that the Altima, a high-volume passenger sedan, would be sold in large numbers to California consumers.

## **2. NML Ships Goods into California Ports as the Shipper of Record**

21. United States Customs bill-of-lading records identify NML as the shipper of record on ocean shipments arriving at United States ports, with NNA as the consignee.<sup>9</sup> As the shipper, NML determines where its goods are sent. It sends them, more than anywhere else, to California.

22. Between January 2015 and December 2018, the period during which NML designed, produced, and sold the Class Vehicles, NML was the shipper of record on 27,300 ocean shipments arriving at ports in the continental United States. Of those, 14,253 arrived at California ports. California received more of NML's shipments than every other State combined.<sup>10</sup> Those shipments carried the full range of goods NML sends to the United States, including finished motor vehicles, motor-vehicle parts and accessories, electrical equipment, and production materials. Every category moved through California in volume.<sup>11</sup>

## **3. NML Directs the Defect, Recall, and Disclosure Decisions for the Class Vehicles**

23. NML controls the functions at the center of this case. As the design authority for the Altima and its occupant-classification system, NML determines which defects are

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<sup>8</sup> State Motor-Vehicle Registrations — 2017, Table MV-1, Highway Statistics 2017, Federal Highway Administration, U.S. Department of Transportation (Dec. 2018, rev. Feb. 2021), <https://www.fhwa.dot.gov/policyinformation/statistics/2017/mv1.cfm> (last visited Sept. 16, 2026) (California 14,860,967 registered automobiles; Texas 8,176,879; Florida 7,778,493).

<sup>9</sup> U.S. Customs and Border Protection vessel bill-of-lading records identifying Nissan Motor Co., Ltd. as the shipper of record, compiled from public import manifest data, <https://www.importyeti.com> (last visited Sept. 16, 2026). Underlying records are available for inspection.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

1 remedied, which field actions and recalls are conducted, what technical remedy is applied,  
2 and what Nissan tells owners and dealers about the system. NNA carries those decisions  
3 out in the United States market.

4 24. NNA files the Part 573 defect and noncompliance reports with the National  
5 Highway Traffic Safety Administration for Nissan-brand vehicles sold in the United  
6 States, including the reports for the recalls described below. On information and belief,  
7 the engineering determinations those filings record, whether a defect exists, what causes  
8 it, and what remedy will be applied, are made by or together with NML, which designed  
9 the occupant-classification system and holds the engineering record for it.

10 25. The owner's manuals, warranty booklets, and technical service bulletins for  
11 the Class Vehicles are published under NNA's imprint. On information and belief, their  
12 technical content concerning the occupant-classification system originates with NML:  
13 what the system does, how it classifies a front-seat occupant, and what a dealer is to do  
14 when the system fails. NML designed that system, holds its engineering record, and  
15 approves the technical instructions issued for it. Those materials reached California  
16 owners and California dealers but none of them disclosed the OCS Defect.

17 26. On information and belief, NML relies on NNA's United States personnel to  
18 investigate suspected defects and warranty claims arising from Class Vehicles operated in  
19 California, including collecting and analyzing field reports, warranty and repair data, and  
20 consumer complaints, conducting testing, and reporting their findings to NML. In the  
21 course of Recall Query RQ15-001, which concerned the occupant-classification system in  
22 model year 2013 through 2015 Altima and related vehicles, Nissan reported 3,283  
23 warranty claims and produced approximately 1,121 of its own consumer complaints and  
24 field reports to NHTSA.<sup>12</sup> NML uses that United States data, with its own engineering  
25 review, to determine the corrective actions applied to Class Vehicles registered and  
26  
27

28 <sup>12</sup> ODI Resume, *supra* note 4.

operated in California, including recalls, service campaigns, and technical service bulletins.

27. Each of those corrective actions was directed at vehicles registered and operated in California. The five recalls Nissan conducted for the occupant-classification failure between February 2013 and December 2016, the remedies Nissan selected for them, the decision to exclude the Class Vehicles from any recall, and technical service bulletin NTB17-006b of August 25, 2017, which Nissan sent to its California dealers but never to California owners,<sup>13</sup> each determined what California owners would and would not be told about a system that can disable the airbag protecting their front-seat passenger. On information and belief, NML directed those determinations.

28. The facts establishing how these responsibilities are allocated between NML and NNA, including their distribution and intercompany agreements, their reporting lines, and NML's control over defect, recall, warranty, and disclosure decisions, are within Defendants' exclusive possession.

#### **4. Plaintiffs' Claims Arise out of and Relate to NML's California Conduct**

29. Plaintiffs' claims arise out of and relate to NML's California contacts. Each Plaintiff is a California resident. Each purchased a Class Vehicle from an authorized Nissan dealership in California. In each vehicle, the occupant-classification system NML designed failed in California. Each Plaintiff paid for repairs, lost the use and value of her vehicle, and was exposed to a concealed safety hazard in California.

30. NML serves the California market for Class Vehicles. It designed the Altima for United States buyers, it supplies the California parts network that maintains those vehicles, and it built the distribution system through which the Class Vehicles reached

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<sup>13</sup> Nissan Technical Service Bulletin NTB17-006b, Classification RS16-013b, Occupant Classification System Retrofit, applied to 2013–2016 Altima (L33), 2015–2016 Murano (Z52), and 2016 Murano Hybrid (Z52) (Aug. 25, 2017), <https://static.nhtsa.gov/odi/tsbs/2017/MC-10119233-9999.pdf> (last visited Sept. 16, 2026).

1 California consumers. The injuries Plaintiffs suffered are the injuries that conduct would  
2 be expected to produce.

3 31. On information and belief, the occupant-classification hardware, control  
4 units, seat assemblies, and related components installed in the Class Vehicles were  
5 designed by NML in Japan, were manufactured in or supplied from Japan, and were  
6 imported into the United States, including through California ports, before installation,  
7 consistent with NML's documented practice of routing the production electronics for its  
8 United States vehicles through California.

9 **5. Exercising Jurisdiction over NML Is Reasonable**

10 32. NML has interjected itself into California's affairs deliberately and for  
11 decades, and it litigates in the United States routinely. California has a strong interest in  
12 adjudicating claims brought by its own residents, who are injured in California, related to  
13 a concealed safety defect in vehicles sold in California. Plaintiffs, all California residents,  
14 have a substantial interest in litigating here. NNA is already a defendant in this District,  
15 and trying these claims once, in the district where Plaintiffs live and where their vehicles  
16 were sold, registered, and repaired, is the most efficient resolution of this controversy. No  
17 alternative forum could resolve these California claims more efficiently.

18 33. If NML contests personal jurisdiction, Plaintiffs request leave to take  
19 jurisdictional discovery into NML's shipments to California ports and California facilities;  
20 its role in designing, validating, and certifying the occupant-classification system for the  
21 United States market; its participation in the recall, remedy, and disclosure decisions  
22 described below; and its California-based personnel, facilities, and design operations.

23 **C. Venue**

24 34. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391 because  
25 Defendants transact substantial business in this District and are subject to personal  
26 jurisdiction here; because Defendants have advertised in this District and derived  
27 substantial revenue and profits from the sale and lease of Class Vehicles in this District;  
28 and because a substantial part of the events and/or omissions giving rise to the claims

occurred, in part, within this District, including Plaintiff Cass's purchase and ownership of a Class Vehicle in Corona, California.

### III. PARTIES

#### A. Plaintiffs

##### 1. Kenya Cass

35. Plaintiff Kenya Cass is a citizen and resident of Corona, Riverside County, California.

36. On or about December 2022, Cass purchased a pre-owned 2017 Nissan Altima with 30,000 miles (the "vehicle" for purposes of this section) from Corona Nissan (formerly Larry Miller Nissan), an authorized Nissan dealership located in Corona, California.

37. Cass uses the vehicle for personal, family, and/or household use. Safety and reliability were important factors in her decision to purchase the vehicle.

38. Prior to and at the time of purchase, Cass was exposed to advertising and promotional materials that touted the quality, reliability, and safety of the Altima and the Nissan brand generally, and she relied on the general reputation of the Nissan brand for safety and reliability when deciding to purchase the vehicle. None of that advertising disclosed that the vehicle suffered from the OCS Defect.

39. Prior to purchasing the vehicle, Cass spoke with one or more sales representatives at Corona Nissan about the features and benefits of the vehicle, including its safety features and equipment. At no point during those conversations did any sales representative disclose that the vehicle suffered from the OCS Defect. Cass relied on those representations, and on the sales representatives' failure to disclose the OCS Defect, in deciding to purchase the vehicle.

40. At the time of Cass's purchase, Nissan knew that the occupant-classification system it installed in the Class Vehicles was defective but did not disclose the OCS Defect to Cass prior to or at the time of her purchase.

1           41. In or about early 2025, the SRS Warning Light in Cass's vehicle began  
2 illuminating intermittently, coming on and off. Consistent with the OCS Defect, the OCS  
3 Status Light does not turn off when an adult passenger is seated in the front passenger seat.

4           42. Soon thereafter, Cass presented the vehicle to Corona Nissan, the dealership  
5 from which she had purchased it, to determine the cause of the SRS Warning Light. The  
6 dealership quoted her approximately \$2,000 simply to diagnose and troubleshoot the  
7 problem, and advised that the airbag itself might then need to be replaced at a cost of  
8 approximately \$5,000. Cass declined the dealership's proposed charges.

9           43. Cass then took the vehicle to an independent airbag specialist, Airbag Master  
10 Tech. On or about March 28, 2025, Airbag Master Tech diagnosed the problem as the  
11 vehicle's occupant sensor and performed a repair. Approximately one week later, the SRS  
12 Warning Light returned.

13           44. Cass again contacted Airbag Master Tech, which advised that the airbag itself  
14 would have to be replaced. Cass authorized the repair, and the shop replaced the airbag.  
15 Approximately one month later, the SRS Warning Light illuminated again.

16           45. The SRS Warning Light in Cass's vehicle has continued to illuminate and the  
17 OCS Defect remains present and ongoing.

18           46. Nissan has never provided Cass with any notice or communication regarding  
19 the OCS Defect. Had Cass been informed of the OCS Defect prior to or at the time of  
20 purchase, she would not have purchased the vehicle or would have paid significantly less  
21 for it.

22           47. As a result of the OCS Defect, Cass has experienced repeated illumination of  
23 the SRS Warning Light, has paid out of pocket for repairs that have not corrected the  
24 Defect, has been deprived of the safe and full use of her vehicle, and has been left with a  
25 vehicle that remains unsafe to operate and has suffered a diminution in value. To date,  
26 Nissan has not remedied the Defect in Cass's vehicle, and the Defect remains present and  
27 ongoing.

1           **2.     Alisa Steptoe**

2           48.    Plaintiff Alisa Steptoe is a citizen and resident of San Jose, California.

3           49.    On or about February 7, 2020, Steptoe purchased a new 2018 Nissan Altima  
4 (the “vehicle” for purposes of this section) from Capital Nissan, an authorized Nissan  
5 dealership located in San Jose, California.

6           50.    Steptoe uses the vehicle for personal, family, and/or household use. The  
7 vehicle is registered in Steptoe’s name and is not registered to, or used by, any business.

8           51.    Before purchasing the vehicle, Steptoe reviewed the Monroney label Nissan  
9 affixed to the vehicle’s window. The label advertised the vehicle’s features, including the  
10 manufacturer’s suggested retail price, specifications, fuel economy, standard and optional  
11 equipment, warranty details, and government crash-test ratings. Steptoe relied on the  
12 information in the window sticker in deciding to purchase the vehicle. The Monroney label  
13 did not disclose that the vehicle suffered from the OCS Defect. Nissan likewise omitted  
14 the Defect from its advertising of the Class Vehicles, though it knew of the Defect before  
15 Steptoe’s purchase.

16           52.    Prior to purchasing the vehicle, Steptoe spoke with one or more sales  
17 representatives at Capital Nissan about the features and benefits of the vehicle, including  
18 its safety features and equipment. At no point during those conversations did any sales  
19 representative disclose that the vehicle suffered from the OCS Defect. Steptoe relied on  
20 those representations, and on the sales representatives’ failure to disclose the OCS Defect,  
21 in deciding to purchase the vehicle.

22           53.    At the time of Steptoe’s purchase, Nissan knew that the occupant-  
23 classification system it installed in the Class Vehicles was defective but did not disclose  
24 the OCS Defect to Steptoe prior to or at the time of her purchase.

25           54.    In or around March 2024, the SRS Warning Light illuminated on the  
26 vehicle’s instrument cluster. Steptoe brought the vehicle to Capital Nissan, the same  
27 dealership from which she had purchased it, to have the SRS Warning Light addressed.  
28

1           55. Approximately two months later, in or around May 2024, Capital Nissan  
2 cleared the SRS Warning Light without repairing or replacing the underlying sensor.

3           56. Sometime thereafter, the OCS Status Light illuminated on the vehicle's  
4 instrument panel. Steptoe again brought the vehicle to Capital Nissan, which again cleared  
5 the light without repairing or replacing the underlying sensor.

6           57. Then, on or about January 20, 2026, the OCS Status Light illuminated again.  
7 Concerned that the dealership should not have disabled the light without repairing the  
8 underlying problem, Steptoe brought the vehicle to a different, second Nissan-authorized  
9 dealership—Steven's Creek Nissan—for diagnosis.

10           58. A technician at Steven's Creek Nissan told Steptoe that there was a problem  
11 with the airbag system and that the airbag sensors, not the airbags themselves, needed to  
12 be replaced. The technician gave Steptoe an estimate of approximately \$650.00 to replace  
13 the occupant detection sensor unit but did not specify what repair or part the estimate  
14 covered. Steptoe did not authorize any repair, and the dealership performed only a  
15 diagnostic inspection. Approximately a week after her January 20, 2026 visit to Steven's  
16 Creek Nissan, the SRS Warning Light illuminated on Steptoe's instrument cluster.

17           59. Since on or about January 20, 2026, the OCS Status Light and SRS Warning  
18 Light have remained illuminated continuously on the vehicle.

19           60. As a result of the continued illumination of the OCS Status Light, Steptoe  
20 has significantly curtailed her use of the vehicle and fears that the vehicle's airbag may  
21 fail to deploy, or may deploy inadvertently, in a collision. Had Steptoe been informed of  
22 the OCS Defect prior to or at the time of purchase, she would not have purchased the  
23 vehicle or would have paid significantly less for it. To date, Nissan has not remedied the  
24 Defect in Steptoe's vehicle, and the Defect remains present and ongoing.

25           **3. Cecelia Garcia**

26           61. Plaintiff Cecelia Garcia is a citizen and resident of Fresno, California.  
27  
28

1           62. On or about May 2020, Garcia purchased a certified pre-owned 2018 Nissan  
2 Altima (the “vehicle” for purposes of this section) from Lithia Nissan of Clovis, an  
3 authorized Nissan dealership in Clovis, California.

4           63. Garcia uses the vehicle primarily to commute to and from work and to  
5 transport her children to and from daycare; her children ride in the back seat. She also  
6 occasionally uses the vehicle for road trips.

7           64. Prior to purchasing the vehicle, Garcia spoke with one or more sales  
8 representatives at Lithia Nissan of Clovis about the features and benefits of the vehicle,  
9 including its safety features and equipment. At no point during those conversations did  
10 any sales representative disclose that the vehicle suffered from the OCS Defect. Garcia  
11 relied on those representations, and on the sales representatives’ failure to disclose the  
12 OCS Defect, in deciding to purchase the vehicle.

13           65. At the time of Garcia’s purchase, Nissan knew that the occupant-  
14 classification system it installed in the Class Vehicles was defective but did not disclose  
15 the OCS Defect to Garcia prior to or at the time of her purchase.

16           66. In or around February 2025, Garcia first noticed that the vehicle’s SRS  
17 Warning Light was illuminated while returning home from a trip to San Francisco. Garcia  
18 looked into the SRS Warning Light and determined that it related to the vehicle’s airbag  
19 safety system.

20           67. The SRS Warning Light Garcia observed is consistent with the OCS Defect  
21 in the Altima’s front passenger occupant sensor, in which the OCS Status Light does not  
22 turn off when an adult passenger is seated in the front passenger seat. Because the sensor  
23 fails to register a front-seat occupant, the passenger airbag may not deploy properly in the  
24 event of a crash, creating a risk to any adult who rides in the vehicle’s front passenger seat.

25           68. As of the date of this Complaint, the vehicle’s SRS Warning Light remains  
26 illuminated. Had Garcia been informed of the OCS Defect prior to or at the time of  
27 purchase, she would not have purchased the vehicle or would have paid significantly less  
28

1 for it. To date, Nissan has not remedied the Defect in Garcia's vehicle, and the Defect  
2 remains present and ongoing.

3 69. Nissan exclusively controlled the content of the Monroney label affixed to  
4 each new Class Vehicle offered for sale at its authorized dealerships, and systematically  
5 omitted any disclosure of the OCS Defect from that label.

6 70. Nissan also created the advertising and marketing materials to which  
7 Plaintiffs and the Class were exposed, along with the owner's manuals, informational  
8 brochures, warranty booklets, and maintenance schedules for the Class Vehicles. None of  
9 them disclosed the OCS Defect.

## 10 **B. Defendants**

### 11 **1. Nissan North America, Inc.**

12 71. Defendant Nissan North America, Inc., is a corporation with its principal  
13 place of business located in Franklin, Tennessee. NNA advertises, distributes, warrants,  
14 sells, and leases Nissan vehicles, including the Class Vehicles, in this District and  
15 throughout the United States. NNA is the entity that submitted to NHTSA the safety  
16 recalls concerning the occupant-classification system described in this Complaint.

### 17 **2. Nissan Motor Co., Ltd.**

18 72. Defendant Nissan Motor Co., Ltd. is a Japanese corporation with its principal  
19 place of business in Yokohama, Japan. NML is the ultimate parent of NNA. NML designs,  
20 engineers, and manufactures Nissan-brand vehicles and vehicle components, and it  
21 determines the specifications to which Nissan vehicles are built for each market in which  
22 they are sold, including the United States. NML designed the Class Vehicles and the front  
23 passenger occupant-classification system at issue in this action. NML is also the shipper  
24 of record on ocean shipments of Nissan vehicles and Nissan parts into United States ports,  
25 including the California ports described above. NNA distributes, markets, warrants, sells,  
26 leases, and services those vehicles in the United States, including in California and this  
27 District.

#### IV. FACTUAL ALLEGATIONS

##### A. How the Class Vehicles' Airbag Occupant Classification System Functions

73. The Class Vehicles are fifth-generation Altima sedans. On information and belief, Nissan built every Class Vehicle on that same L33 platform and equipped each with an OCS System sharing the same or substantially similar design, components, classification software architecture, and supplier base as the OCS System Nissan recalled in the 2013 through 2016 Altima. Each Class Vehicle was assembled and sold with that system.

74. A frontal airbag is the output of an OCS system that must answer one question before a crash and act on the answer in milliseconds: who, if anyone, is occupying the front passenger seat. That system, and each of the components through which it classifies a front-seat occupant and enables or suppresses the front passenger frontal airbag, is referred to in this Complaint as the "OCS System."<sup>14</sup>

75. The OCS System is built into the front passenger seat. One or more occupant classification sensors are mounted in the seat structure beneath the cushion. Each sensor contains a strain gauge with load cells that deflect under weight and convert that deflection into an electrical signal. The sensors measure load transmitted through the seat structure, which is why the seat frame, the seat rails, the seat pan, the cushion, and the hardware that fastens them together are part of the measuring instrument. A change in how load reaches the sensors changes what the sensors report.

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<sup>14</sup> The OCS System components comprises the front passenger occupant classification sensors and the load cells within them; the OCS control unit; the OCS harness, its connectors, terminals, splices, and grounds; the front passenger seat belt buckle and its switch; the front passenger seat frame, rails, pan, and cushion and their mounting hardware; the airbag control unit; the front passenger airbag status light; and all software, firmware, calibration data, classification algorithms, thresholds, zero-point and reset procedures, and diagnostic trouble codes for each of the foregoing. Nissan identifies these components in NHTSA Campaign Nos. 13V-069 (Feb. 28, 2013) and 15V-681 (Oct. 19, 2015), and in Nissan technical service bulletin NTB17-006b (Aug. 25, 2017), each cited in full elsewhere in this Complaint.

1           76. The sensors report to the OCS control unit, a dedicated electronic control unit  
2 Nissan mounts beneath the front edge of the front passenger seat. The OCS harness carries  
3 the signal. Nissan describes that harness as the wiring and connectors between the OCS  
4 sensors and the OCS control unit, and it includes every connector, terminal, splice, and  
5 ground along that path. The front passenger seat belt buckle and its switch also feed the  
6 system, which is why Nissan replaces the buckle when it replaces the harness and control  
7 unit.<sup>15</sup>

8           77. The OCS control unit applies the sensor signals to a classification algorithm  
9 in its software, governed by calibration data, to sort the seat into one of the following  
10 states: empty; occupied by a child or child restraint; or occupied by an adult. The  
11 manufacturer sets the thresholds that separate those states and the logic that applies them.  
12 They are not visible or adjustable by an owner or occupant.

13           78. The OCS control unit passes its classification to the airbag control unit, which  
14 is also called the airbag diagnosis sensor unit. That unit holds the restraint control logic  
15 and decides whether the front passenger frontal airbag and seatbelt pretensioner will fire  
16 in a crash to deploy the airbag. If the classification is adult, the airbag is enabled. If the  
17 classification is empty, child, or child restraint, the airbag is suppressed. Nothing  
18 downstream re-checks that classification, and the occupant has no means of overriding it.

19           79. The only outward report of any of this is the OCS Status Light on the  
20 instrument panel. Nissan's owner's manual for the Class Vehicles describes it as follows:  
21 "The front passenger seat is equipped with an occupant classification sensor (weight  
22 sensor) that turns the front passenger air bag on or off depending on the weight applied to  
23 the front passenger seat."<sup>16</sup> When the OCS Status Light is not illuminated, it means the  
24 passenger airbag is enabled. An illuminated OCS Status Light means the airbag is  
25 disabled. The manual states that "[a]fter the ignition switch is placed in the 'ON' position,  
26

27 <sup>15</sup> Nissan Technical Service Bulletin NTB17-006b, *supra* note 13.

28 <sup>16</sup> 2017 Nissan Altima Owner's Manual and Maintenance Information, *supra* note 1.

the front passenger air bag status light on the instrument panel illuminates for about 7 seconds and then turns off or remains illuminated depending on the front passenger seat occupied status.”<sup>17</sup>



80. Where the OCS System classifies an adult as a child, the logic illuminates the OCS Status Light, so the occupant is told the airbag is disabled. Where the OCS System classifies an occupied seat as empty, the OCS Status Light does not illuminate, and there is no indication to the occupant that the airbag has been suppressed.<sup>18</sup> Both failures suppress the airbag. Only one of them turns on a light. The failure that stays dark is the more dangerous of the two, because it leaves the occupant with no reason to question whether she is protected.

81. The occupant cannot see the sensor output, cannot see the classification, and cannot test whether the airbag will fire. The OCS Status Light is the only outward indication available to her, and where the OCS System reads her seat as empty it tells her nothing.

<sup>17</sup> *Id.*

<sup>18</sup> Part 573 Safety Recall Report, *supra* note 6.

**B. The Class Vehicles Suffer from an Unreasonable Safety Defect**

82. The Class Vehicles contain the OCS Defect which causes the front passenger occupant-classification system to misclassify an occupied front passenger seat as empty, or to misclassify an adult occupant as a child, resulting in the suppression of the front passenger frontal airbag so that it will not deploy in a crash that warrants deployment. The OCS Defect is compounded by the Class Vehicles' failure to report it: where the seat is misclassified as empty, the OCS Status Light remains dark and the occupant is never told that her airbag has been turned off.

83. Reporting the March 2014 recall of the same system in the model year 2013 and 2014 Altima and related vehicles, Nissan told NHTSA that "[i]f the OCS classifies the passenger seat as empty, the OCS is designed to suppress the deployment of the passenger air bag, and the passenger air bag status light does not illuminate," and that "if the classification is not corrected, there may be no warning that the air bag may not deploy in a crash where it is designed to deploy, potentially increasing the risk of injury to the front passenger seat occupant."<sup>19</sup> Plaintiffs do not adopt Nissan's account of what causes the misclassification. The root cause lies in Nissan's exclusive possession and will be established through discovery.

84. The Defect is present in every Class Vehicle at the time of sale, and it is latent. It announces itself, if at all, only when the SRS Warning Light or the OCS Status Light illuminates with an adult in a seat that the OCS System erroneously classifies as a child, in many Class Vehicles intermittently at first and then continuously. Where the OCS System erroneously classifies an occupied seat as not being occupied at all, the OCS Status Light remains dark and there is no warning whatsoever that the passenger airbag is being

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<sup>19</sup> Defect Information Report, Nissan North America, Inc., NHTSA Campaign No. 14V-138, model year 2013–2014 Altima, LEAF, Pathfinder, and Sentra, model year 2013 NV200 and Infiniti JX35, and model year 2014 Infiniti Q50 and QX60 (Mar. 24, 2014), <https://static.nhtsa.gov/odi/rci/2014/RCDNN-14V138-1942P.pdf> (last visited Sept. 16, 2026).

1 suppressed. Nothing in the appearance, operation, or performance of a Class Vehicle at  
2 the time of purchase would alert a consumer to it, and no consumer has a practical means  
3 of testing whether the passenger airbag will correctly deploy for an adult occupant in a  
4 crash.

5 85. A passenger frontal airbag that has been silently disabled will not perform its  
6 single life-saving function in a collision. The front-seat passenger rides exposed to a  
7 materially increased risk of serious injury or death.

8 86. An occupant who does not notice, or does not understand, an illuminated  
9 OCS Status Light has no way to learn that the airbag protecting her has been turned off  
10 until the moment of a crash. Where the OCS System reads an occupied seat as empty, the  
11 OCS Status Light does not illuminate at all. Repairs performed by Nissan's dealers  
12 frequently fail to resolve the Defect, and the OCS Status Light again illuminates for an  
13 adult front passenger whom the OCS System erroneously misclassifies as a child, typically  
14 within days or weeks.

15 87. Consumers have reported to NHTSA that the occupant-classification system  
16 in the Altima fails, that the OCS Status Light remains illuminated with an adult seated in  
17 the front passenger seat, and that dealers cannot durably repair the condition.<sup>20</sup> Consumers  
18 have also reported crashes in Altima vehicles in which the front passenger airbags did not  
19 deploy. In one such report, concerning a 2013 Altima and filed with NHTSA on December  
20 1, 2015, the owner stated that the OCS Status Light remained illuminated while driving,  
21 that the vehicle then crashed into another vehicle, that the front passenger airbag failed to  
22 deploy, and that the passenger sustained head and neck injuries requiring medical  
23 attention.<sup>21</sup>

24  
25  
26 <sup>20</sup> NHTSA Consumer Complaint Database, *supra* note 2.

27 <sup>21</sup> NHTSA Consumer Complaint No. 10807841, model year 2013 Nissan Altima,  
28 received Dec. 1, 2015 (incident date Nov. 10, 2015; crash reported; one injury),  
reproduced in Exhibit 1, <https://www.nhtsa.gov/recalls> (last visited Sept. 16, 2026).

**C. Nissan Knew of the OCS Defect Before It Sold the Class Vehicles**

88. Nissan knew of the OCS Defect before it sold any Class Vehicle. That knowledge came from Nissan's own pre-production testing, from the consumer complaints NHTSA received and Nissan monitored, from the recalls Nissan itself conducted for the identical failure, from the federal investigation into whether Nissan's repair worked, from Nissan's warranty and service-parts data, and from Nissan's monitoring of owner forums and social media. Each source is set out below.

89. Nissan was in exclusive or superior possession of this knowledge of the OCS Defect and failed to disclose it to Class Vehicle owners and lessees—and to its own authorized dealerships—prior to and at the time of the sale or lease of the Class Vehicles.

**1. Pre-Production Design Validation and Testing**

90. On information and belief, Nissan conducted pre-production design validation, durability, and functional testing of the occupant-classification system used in the Class Vehicles. That testing, together with Nissan's prior experience with the same failure in earlier Altima model years, disclosed the OCS Defect to Nissan before it built the Class Vehicles.

**2. Consumer Complaints to NHTSA**

91. The NHTSA's Consumer Complaint Database is one of the most important sources of field data regarding the OCS Defect. This publicly available database contains all motor vehicle-related consumer complaints submitted to NHTSA since January 2000. Consumers submit what is called a "Vehicle Owner Questionnaire" in which they are asked to provide information that includes the make, model, and year of the vehicle; the approximate incident date; the mileage at which the incident occurred; whether the incident involved a crash or a fire; whether any persons were injured or killed in the incident; the speed of the vehicle at the time of the incident; and a description of the incident along with a description of the vehicle components they believe were involved in the incident. The majority of consumer complaints are submitted online at [www.nhtsa.gov](http://www.nhtsa.gov), where consumers can input this information directly into the database.

1 They can also submit complaints by telephone through the Auto Safety Hotline, through  
 2 submitting a paper Vehicle Owner Questionnaire form, or by mailing consumer letters to  
 3 NHTSA. This information is then entered into NHTSA's database where it can be  
 4 searched and reviewed by the general public and vehicle manufacturers alike, by make,  
 5 model, year, and component. NHTSA promotes this database as a valuable consumer  
 6 information tool.<sup>22</sup>

7 92. The consumer complaints attached as **Exhibit 1** comprise 490 complaints  
 8 concerning the airbags in model year 2013 through 2018 Nissan Altima vehicles.<sup>23</sup> The  
 9 complaints describe one common failure. The SRS Warning Light illuminates, or the OCS  
 10 Status Light remains lit when an adult occupant is seated in the front passenger seat. A  
 11 dealer diagnoses a failed occupant sensor or occupant-classification module, or finds  
 12 nothing at all. The quoted repair, where one is offered, runs from roughly one thousand to  
 13 thirty-five hundred dollars and is not covered by warranty. And, even when repairs are  
 14 made, the OCS Status Light remains illuminated when an adult is seated in the front  
 15 passenger seat.

16 93. Nissan routinely monitors the NHTSA database for consumer complaints and  
 17 is keenly aware of the complaints included in Exhibit 1.<sup>24</sup>

### 18 **3. Complaints Received Before Nissan Sold the Class Vehicles**

19 94. NHTSA received 164 of the complaints attached as **Exhibit 1** before January  
 20 1, 2015. NHTSA received 252 of them before Nissan announced the April 28, 2016, recall,  
 21 and Nissan built every Class Vehicle after that recall's April 1, 2016, production cutoff.<sup>25</sup>

22 95. Those early complaints describe the same failure the Class Vehicles exhibit  
 23 today. An adult sits in the front passenger seat and the system reads the seat as empty or  
 24 the occupant as a child. Where the OCS System misclassifies the adult as a child, the OCS  
 25

26 <sup>22</sup> NHTSA Consumer Complaint Database, *supra* note 2.

27 <sup>23</sup> *Id.*

28 <sup>24</sup> NHTSA Consumer Complaint Database, *supra* note 2.

<sup>25</sup> *Id.*

Status Light illuminates, indicating that the airbag is off. Where the OCS System misclassifies the seat as unoccupied, the OCS Status Light does not illuminate at all. In both cases the front passenger frontal airbag is suppressed from deploying in a crash even though an adult occupies the front passenger seat; in the second case the occupant is never told. Dealers either find no fault or attempt a repair that does not hold.

96. Complaints received by NHTSA before the Class Vehicles went on sale include the following, reproduced from NHTSA's records:

**Safety Issue Type: Complaints**

**January 21 2013** NHTSA ID Number: 10493683

**Components: AIR BAGS, SEATS**

**NHTSA ID Number** 10493683

**Incident Date** September 04 2012

**Vehicle Identification Number** 1N4AL3AP2DN\*\*\*\*\*

**Complaint Summary**

**CRASH** No THE PASSENGER AIR BAG OFF WARNING LIGHT COMES ON INTERMITTENTLY WHILE AN ADULT OVER 125 LBS IS SEATED IN THE PASSENGER SEAT. THIS HAS HAPPENED MULTIPLE TIMES WITH  
**FIRE** No MULTIPLE ADULTS OF VARIOUS WEIGHTS. IF THE CAR IS STOPPED, TURNED OFF AND TURNED  
**INJURIES** 0 BACK ON IT USUALLY CLEARS THE PROBLEM. I HAVE BROUGHT THE CAR INTO THE NISSAN  
**DEATHS** 0 SERVICE CENTER FOUR TIMES. EACH TIME THEY HAVE DONE SOMETHING ELSE TO TRY TO  
 RESOLVE THE PROBLEM BUT IT KEEPS HAPPENING. I AM AWAITING A CALL BACK FROM THE  
 MANAGER OF THE NISSAN SERVICE CENTER. I AM VERY CONCERNED THAT IN THE EVENT OF AN  
 ACCIDENT MY PASSENGER WILL NOT BE PROTECTED BY A WORKING FRONT AIR BAG. I HAVE  
 SEARCHED THIS PROBLEM ON LINE AND SEEN MANY POST OF SIMILAR PROBLEMS FOR THE  
 2013 NISSAN ALTIMA. I HAVE ALSO SEEM MANY INSTANCES OF THIS PROBLEM WITH PREVIOUS  
 ALTIMA MODELS AND OTHER NISSAN VEHICLES. \*TR

**Affected Products (1)**

**Vehicle**

| MAKE   | MODEL  | YEAR |
|--------|--------|------|
| NISSAN | ALTIMA | 2013 |

**Safety Issue Type: Complaints****February 19 2013** NHTSA ID Number: 10499278**Components: AIR BAGS, SEATS**

NHTSA ID Number 10499278

Incident Date September 19 2012

Vehicle Identification Number 1N4AL3AP9DN\*\*\*\*\*

**Complaint Summary**

**CRASH** No THE "PASSENGER AIR BAG OFF" WARNING LIGHT MAY COME ON WHEN AN ADULT OR LARGE  
**FIRE** No TEENAGER IS SITTING IN THE FRONT PASSENGER SEAT. THIS FAILURE HAPPENS  
**INJURIES** 0 OCCASIONALLY. AT TIMES, THE WARNING LIGHT WILL GO OFF AFTER A FEW MINUTES OF  
**DEATHS** 0 DRIVING. IT APPEARS THAT EITHER THE SEAT SENSOR(S) OR THE SOFTWARE THAT READS THE  
 SENSOR(S) AND DETERMINES THE SIZE/WEIGHT OF THE FRONT PASSENGER MAY BE FAULTY. I  
 AM AMAZED THAT THERE HAS BEEN NO RECALL OF THE 2013 ALTIMA FOR THIS ISSUE, GIVEN  
 THE NUMBER OF COMPLAINTS ON THIS WEBSITE. \*TR

**Affected Products (1)****Vehicle**

| MAKE   | MODEL  | YEAR |
|--------|--------|------|
| NISSAN | ALTIMA | 2013 |

**Safety Issue Type: Complaints****May 24 2013** NHTSA ID Number: 10513412**Components: AIR BAGS**

NHTSA ID Number 10513412

Incident Date August 05 2012

Vehicle Identification Number 1N4AL3AP1DC\*\*\*\*\*

**Complaint Summary**

**CRASH** No TL\* THE CONTACT OWNS A 2013 NISSAN ALTIMA. THE CONTACT STATED THAT THE FRONT  
**FIRE** No PASSENGER AIR BAG OFF WARNING MESSAGE WAS ILLUMINATED. THE PASSENGER'S SEAT WAS  
**INJURIES** 0 OCCUPIED WHEN THE FAILURE OCCURRED. THE VEHICLE WAS TAKEN TO THE DEALER, WHO  
**DEATHS** 0 DETERMINED THAT THE AIR BAG WAS OPERABLE AND WITHOUT FAILURE. THE CONTACT WAS  
 CONCERNED BECAUSE THE FAILURE OCCURRED WHILE HIS WIFE, SAT IN THE SEAT. THE  
 FAILURE WAS REPORTED TO THE MANUFACTURER. THE FAILURE MILEAGE WAS 30. THE  
 CURRENT MILEAGE WAS 8,000.

**Affected Products (1)****Vehicle**

| MAKE   | MODEL  | YEAR |
|--------|--------|------|
| NISSAN | ALTIMA | 2013 |

97. The third complaint reports the failure at thirty miles.<sup>26</sup>

98. These complaints were public, and Nissan monitors them. They were reported to Nissan directly, they drove the recalls described below, and in June 2015

<sup>26</sup> *Id.*

Nissan produced approximately 1,121 of its own complaints and field reports on the same subject to NHTSA in response to an information request in Recall Query RQ15-001.<sup>27</sup>

99. Twenty-eight further complaints received by NHTSA between January 31, 2013, and December 1, 2015, each before Nissan offered the first Class Vehicle for sale, are reproduced below from NHTSA's records.<sup>28</sup> Each concerns a model year 2013, 2014, or 2015 Altima, the same fifth-generation platform as the Class Vehicles, and each reports the front passenger occupant-classification system reading an adult as a child, or reading an occupied seat as empty, and turning the passenger airbag off.

**Safety Issue Type: Complaints**

**October 28 2013** NHTSA ID Number: 10549801

**Components: AIR BAGS, STRUCTURE**

NHTSA ID Number 10549801

Incident Date September 29 2013

Vehicle Identification Number 1N4AL3APXDC\*\*\*\*\*

**Complaint Summary**

**CRASH** Yes THE CAR WAS TRAVELING BETWEEN 25-30 MPH WHEN THE DRIVER SWERVED TO MISS A DEER THAT HAD JUMPED OUT OF THE WOODS. THE CAR WENT OFF THE ROAD AND INTO SOME TREES AND A ROCK WALL. THE FRONT END OF THE CAR WAS DAMAGED PRETTY EXTENSIVELY (TOTAL LOSS), WITH DAMAGE TO THE DRIVERS SIDE FENDER AND A DIRECT IMPACT TO THE CENTER OF THE VEHICLE PUSHING THE INTERIOR BUMPER APPROX. 10" BACK AND INTO THE RADIATOR. THE AIRBAGS DID NOT DEPLOY DURING THIS CRASH. WE HAD BEEN TOLD PREVIOUSLY THAT NISSAN HAD A RECALL FOR THE PASSENGER AIR BAGS, AND WHEN IT WAS BROUGHT TO THE DEALER, NOTHING WAS DONE BECAUSE THEY RAN A REPORT STATING THAT OUR VEHICLE WAS NOT DUE FOR THE RECALL. AFTER SHOWING THE DEALER PICTURES OF THE DAMAGE, THEIR RESPONSE WAS THAT "THEY COULDN'T BELIEVE THAT THE AIRBAGS DIDN'T DEPLOY, AND THAT "THEY BELIEVED THAT THEY SHOULD HAVE". I HAVE PICTURES OF THE DAMAGE, AND I ALSO HAVE VIDEO EVIDENCE OF MY DAUGHTER SITTING IN THE PASSENGER SEAT WITH THE AIRBAG LIGHT ON STATING THAT THE AIRBAG IS OFF, THIS WAS SHOWN TO THE DEALER PRIOR TO THE CRASH, AND STILL NOTHING WAS DONE TO INVESTIGATE THE ISSUE FURTHER. WHEN I SHOWED THE GM OF THE DEALERSHIP THE VIDEO, AND TOLD HIM THAT NOTHING WAS DONE TO REPAIR IT, HIS RESPONSE WAS "GOD FORBID THAT ANYONE OF US GOT INTO AN ACCIDENT AND THE AIRBAGS DIDN'T DEPLOY"! A FEW WEEKS LATER....THAT'S EXACTLY WHAT HAPPENED. I BELIEVE THERE IS A HUGE PROBLEM WITH THE AIRBAG SYSTEMS OF THESE CARS, AND SOMETHING SHOULD BE DONE BEFORE SOMEONE IS SEVERELY INJURED OR KILLED DURING A CRASH. \*TR

**FIRE** No

**INJURIES** 0

**DEATHS** 0

**Affected Products (1)**

**Vehicle**

| MAKE   | MODEL  | YEAR |
|--------|--------|------|
| NISSAN | ALTIMA | 2013 |

<sup>27</sup> ODI Resume, *supra* note 4.

<sup>28</sup> NHTSA Consumer Complaint Database, *supra* note 2.

**Safety Issue Type: Complaints****June 12 2014** NHTSA ID Number: 10597800**Components: AIR BAGS, STRUCTURE, ENGINE**

NHTSA ID Number 10597800

Incident Date May 24 2014

Vehicle Identification Number 1N4AL3AP0EN\*\*\*\*\*

**Complaint Summary**

**CRASH** Yes ON THE WAY TO GET A CUP OF COFFEE (LESS THAN ONE MILE FROM MY HOME) A CAR STARTED COMING INTO MY LANE. I SWERVED SLIGHTLY TO AVOID A COLLISION AND MY CAR WENT INTO THE DITCH AND HIT A TELEPHONE POLE. OVER \$22,000 IN DAMAGE. RADIATOR BENT INTO AN "L" SHAPE. SIDE FRAMES AND ENGINE WENT INTO THE FIREWALL, WHICH TOTALED THE CAR COMPLETELY. I HAVE SPOKEN WITH NISSAN CORP. AIR BAG SAFETY ENGINEER, DEALERSHIP OWNER, GENERAL MANAGER, SALES MANAGER AND THEY WILL NOT DO ANYTHING ABOUT THIS \$22,000 DAMAGE TO THE FRONT END AND NONE OF THE AIRBAGS DEPLOYED. OFFICER SAID DRIVER AIRBAG AND SIDE CURTAIN AND IN SEAT AIRBAGS SHOULD HAVE ALSO DEPLOYED. THEY DIDN'T AND I WAS ALMOST KILLED. THE CAR WAS ONLY 2 MONTHS OLD, NO MODIFICATIONS, AND VERY LOW MILES. KIRO7 TV IN SEATTLE EVEN DID TWO STORIES ON THE CRASH AND AIRBAGS NOT WORKING AND THAT NISSAN HAD ONLY RECALLED PASSENGER AIRBAGS, NOT DRIVER SIDE AIRBAGS. ..UPDATED 07/16/14 \*BF

**FIRE** No

**INJURIES** 1

**DEATHS** 0

**Affected Products (1)****Vehicle**

| MAKE   | MODEL  | YEAR |
|--------|--------|------|
| NISSAN | ALTIMA | 2014 |

**Safety Issue Type: Complaints****December 01 2015** NHTSA ID Number: 10807841**Components: AIR BAGS**

NHTSA ID Number 10807841

Incident Date November 10 2015

Vehicle Identification Number 1N4AL3APXDN\*\*\*\*\*

**Complaint Summary**

**CRASH** Yes TL\* THE CONTACT OWNS A 2013 NISSAN ALTIMA. THE CONTACT STATED THAT WHILE DRIVING AT 25 MPH, THE OCS WARNING LIGHT REMAINED ILLUMINATED. AS A RESULT, THE CONTACT CRASHED INTO ANOTHER VEHICLE AND THE AIR BAGS FAILED TO DEPLOY. THE PASSENGER SUSTAINED HEAD AND NECK INJURIES THAT REQUIRED MEDICAL ATTENTION. A POLICE REPORT WAS FILED. THE VEHICLE WAS DRIVEN TO THE CONTACT'S RESIDENCE. THE VEHICLE WAS TAKEN TO THE DEALER BUT WAS NOT DIAGNOSED OR REPAIRED. THE MANUFACTURER WAS NOTIFIED OF THE FAILURE. THE FAILURE MILEAGE WAS 44,000.

**FIRE** No

**INJURIES** 1

**DEATHS** 0

**Affected Products (1)****Vehicle**

| MAKE   | MODEL  | YEAR |
|--------|--------|------|
| NISSAN | ALTIMA | 2013 |

**Safety Issue Type: Complaints****December 10 2013** NHTSA ID Number: 10555419**Components: AIR BAGS**

NHTSA ID Number 10555419

Incident Date September 18 2013

Vehicle Identification Number 1N4AL3AP3DN\*\*\*\*\*

**Complaint Summary**

**CRASH** No AFTER OWNING MY VEHICLE FOR LESS THAN A MONTH , AN INDICATOR LIGHT CAME ON  
**FIRE** No INDICATING THAT THE PASSENGER SIDE AIR BAG WAS NOW DEACTIVATED EVEN THOUGH THE  
**INJURIES** 0 FRONT PASSENGER SEAT WAS OCCUPIED BY AN ADULT . AFTER THE VEHICLE IGNITION WAS  
**DEATHS** 0 TURNED OFF AND RESTARTED THE LIGHT DISAPPEARED . A FEW DAYS LATER THE LIGHT ONCE  
 AGAIN CAME ON TO INDICATE THAT THE AIR BAG WAS OFF WITH AN ADULT IN THE SEAT . I TOOK  
 IT TO THE DEALER TO BE SERVICED ... AND WAS TOLD THAT IT WAS PROBABLY CAUSED BY THE  
 PERSON " NOT SITTING IN THE SEAT CORRECTLY " AND PROCEEDED TO SHOW ME HOW A  
 PASSENGER SHOULD SIT IN THE SEAT ! I EXPLAINED THAT ONCE IT WAS ON , THE LIGHT NEVER  
 WENT BACK OFF NO MATTER HOW THE PASSENGER SAT .THE LIGHT CONTINUED TO WARN THAT  
 THERE WAS NO ACTIVE AIRBAG ! AFTER THE DEALER INVESTIGATED THEY SAID THAT NOTHING  
 WAS WRONG WITH THE SENSORS . THEY SAID THAT" THE SENSORS TAKE A WHILE TO ADJUST " .  
 I INQUIRED AS TO WHY NISSAN HAD JUST RECALLED THE 2013 ALTIMAS FOR THIS SAME  
 PROBLEM ( RECALL 13V069000 )... BUT I WAS TOLD THAT THE PROBLEM HAD BEEN FIXED ON  
 NEW VEHICLES LIKE MINE . THIS AIR BAG DEACTIVATED LIGHT CONTINUES TO COME ON AND  
 STAY ON RANDOMLY TO THIS DATE . THE DEALER SAYS THE ONLY WAY TO DIAGNOSE IT  
 CORRECTLY IS TO BRING THE VEHICLE IN WHILE THE AIRBAG LIGHT OFF IS ILLUMINATED .  
 NEEDLESS TO SAY THIS IS DIFFICULT TO DO .IT IS GOING BACK IN FOR THIS PROBLEM NEXT  
 WEEK . AT THIS POINT I AM UNSURE WHETHER OR NOT I TRULY DO HAVE ACTIVE PASSENGER  
 SIDE AIRBAGS ... I DON'T WANT TO HAVE THAT ANSWERED WHEN IT IS TOO LATE ! SEARCH THE  
 INTERNET ( ALTIMA FORUMS ) AND YOU WILL SEE A LARGE NUMBER OF PEOPLE WITH THE SAME  
 ISSUE, AS WELL AS THE SAME HOLLOW EXPLANATION ! \*TR

**Affected Products (1)****Vehicle**

| MAKE   | MODEL  | YEAR |
|--------|--------|------|
| NISSAN | ALTIMA | 2013 |

**Safety Issue Type: Complaints****December 01 2013** NHTSA ID Number: 10554262**Components: AIR BAGS****NHTSA ID Number** 10554262**Incident Date** November 01 2013**Vehicle Identification Number** 1N4AL3AP8DN\*\*\*\*\***Complaint Summary**

**CRASH** No 1. I PURCHASED A NEW 2013 NISSAN ALTIMA SL IN APRIL 2013. AFTER COUPLE OF WEEKS I  
**FIRE** No STARTED NOTICING PASSENGER AIR BAG OFF LIGHT IS ALWAYS ON, WHETHER A PASSENGER  
**INJURIES** 0 SITS IN PASSENGER SEAT OR NOT. I WENT TO DEALER, THEY TOLD THAT THERE IS A RECALL ON  
**DEATHS** 0 PASSENGER AIRBAG SENSOR AND THEY WERE WAITING FOR NEW SENSORS. AFTER COUPLE  
OF MONTHS THEY RECEIVED NEW SENSORS AND THEY INSTALLED IT IN MY CAR. 2. AFTER  
INSTALLING NEW SENSOR I STARTED NOTICING ISSUES WITH AIRBAG AGAIN. MY WIFE WEIGHS  
ABOUT 110LBS-115LBS, I SEE 'PASSENGER AIRBAG OFF' LIGHT IS ON IN FOLLOWING SCENARIOS  
WITH MY WIFE IN PASSENGER SEAT WITH SEAT BELT FASTENED. A. AFTER STARTING THE CAR  
'PASSENGER AIRBAG OFF' LIGHT SUPPOSED TO ON FOR 7 SECONDS THEN GO OFF. BUT IT  
STAYS ON FOR A LOT MORE TIME THAN THAT (MORE THAN 15 MINUTES) SOME TIMES IT GOES  
OFF AFTER 15 MIN/ 30 MIN, SOME TIMES IT IS ALWAYS ON. THIS DOESN'T HAPPEN ALWAYS BUT  
HAPPENS ALMOST 2-3 TIMES OUT OF 10. IF I RESTART CAR IT WORKS NORMAL AGAIN. THIS  
HAPPENED DRIVING IN VARIOUS SPEEDS FROM 0 -70 MILE/ HOUR. B. WHEN DRIVING, ALL OF A  
SUDDEN 'PASSENGER AIRBAG OFF' LIGHT COMES ON STAYS ON FOR A WHILE. SOMETIMES IT  
GOES OFF AFTER 15 MINUTES APPROXIMATELY, SOME TIMES IT STAYED ON FOR MORE THAN 30  
MINUTES. THIS HAPPENS IN VERY RANDOM MANNER AND DOESN'T ALWAYS HAPPEN. THIS  
HAPPENED DRIVING IN VARIOUS SPEEDS FROM 0 -70 MILE/ HOUR WITH MY WIFE IN PASSENGER  
SEAT WITH SEAT BELT FASTENED. I HAVE TOOK MY VEHICLE TO DEALER 2 TIMES, THEY  
CHECKED BUT SAID THEY COULDN'T FIND ANYTHING WRONG. PERFORMED 'PASSENGER  
WEIGHT SENSOR' RESET 2 TIMES SUGGESTING IT MAY FIX THE PROBLEM. BUT IT DIDN'T HELP. I  
AM STILL DRIVING MY CAR WITH WEIRD BUGS LIKE THIS. SO IN CASE OF ACCIDENT PASSENGER  
AIRBAG MAY NOT DEPLOY WHEN REQUIRED, PLEASE TAKE AN ACTION ON NISSAN TO FIX THIS  
SERIOUS SAFETY ISSUE. \*TR

**Affected Products (1)****Vehicle**

| MAKE   | MODEL  | YEAR |
|--------|--------|------|
| NISSAN | ALTIMA | 2013 |

**Safety Issue Type: Complaints****March 23 2013** NHTSA ID Number: 10504226**Components: AIR BAGS****NHTSA ID Number** 10504226**Incident Date** March 16 2013**Vehicle Identification Number** 1N4AL3AP7DC\*\*\*\*\***Complaint Summary**

**CRASH** No I TOOK DELIVERY ON A NEW NISSAN ALTIMA 3/15/2013, AND THE NIGHT BEFORE, I SAW ONLINE THAT THERE WAS A RECALL RELATED TO PASSENGER AIR BAG SENSORS, SO I ASKED DEALER TO CHECK ON THIS BEFORE I TOOK DELIVERY. THE DEALER TOLD ME THAT MY VEHICLE WAS NOT COVERED BY THAT RECALL SINCE IT WAS MANUFACTURED AFTER THAT 'BATCH'. I NOTICED THE NEXT DAY THAT THE RED DASH AIRBAG LIGHT WAS ON, AND ALSO NOTICED THAT THE YELLOW PASSENGER AIRBAG 'OFF' LIGHT WAS ON, EVEN THOUGH NOBODY WAS IN THAT SEAT, NO OBJECT THERE, ETC. I DROVE MY WIFE IN THE CAR A FEW DAYS LATER, AND BOTH RED AND YELLOW LIGHTS REMAINED ILLUMINATED WHETHER SHE WAS IN THE SEAT, OR I WAS IN THE SEAT, OR NOBODY WAS IN THE SEAT. I CHECKED THE OWNERS MANUAL, AND IT INDICATED THAT BOTH DRIVER AND PASSENGER AIRBAGS MAY NOT DEPLOY IF IN AN ACCIDENT IF THESE LIGHTS WERE ON. RETURNED TO DEALER ON 3/20/2013 AFTER TELLING THE DEALER THAT I REFUSED TO DRIVE THIS CAR ANYMORE UNTIL THIS WAS REMEDIED. AND WAS TOLD THAT THEY WOULD INVESTIGATE, THEY PROVIDED A RENTAL CAR. I STILL HAVE A RENTAL CAR AS OF 3/23/2013, AND HAVE BEEN TOLD FOR 3 DAYS NOW THAT NISSAN HAS INFORMED THE DEALER THAT THEY WANT TO SEND THE DEALER AN ENTIRE 'PASSENGER SEAT STRIP', BUT CANNOT PROVIDE INFORMATION ON WHEN THE PART WILL BE AVAILABLE OR WHEN IT WILL SHIP. AFTER READING THE RECALL DESCRIPTION, MY VEHICLE IS EXHIBITING EXACTLY THE SAME SYMPTOMS AS THE RECALL NOTICE - BOTH RED AND YELLOW AIR BAG LIGHTS ARE ON AND REMAIN ON ALL THE TIME. I ASKED AGAIN FOR THE DEALER TO CHECK IF MY VEHICLE WAS COVERED BY THE RECALL, THEY SAID NO. HOW CAN IT BE THAT THIS VEHICLE HAS NOT BEEN RECALLED? THE DEALER TOLD ME THAT ANOTHER CUSTOMER JUST HAD THE SAME THING HAPPEN, AND THE RENTAL CAR AGENCY TOLD ME THEY JUST ORDERED SEVERAL NEW ALTIMAS AND THAT THEY HAD TO RETURN ONE FOR THE SAME PROBLEM. IS THE NHTSA AWARE OF THIS PROBLEM? \*TR

**Affected Products (1)****Vehicle**

| MAKE   | MODEL  | YEAR |
|--------|--------|------|
| NISSAN | ALTIMA | 2013 |

**Safety Issue Type: Complaints****February 08 2014** NHTSA ID Number: 10563510**Components: AIR BAGS**

NHTSA ID Number 10563510

Incident Date October 12 2013

Vehicle Identification Number 1N4AL3AP2DC\*\*\*\*\*

**Complaint Summary**

**CRASH** No WHEN THE FRONT PASSENGER SEAT IS OCCUPIED THE PASSENGER AIR BAG LIGHT IS  
**FIRE** No ILLUMINATED INDICATING THE AIR BAG IS NOT ACTIVATED. THIS ISSUES HAS OCCURRED SINCE  
**INJURIES** 0 PURCHASING THE VEHICLE. I HAVE REPORTED THIS TO THE DEALERSHIP AT THE 3500 & 7500  
**DEATHS** 0 SERVICE INTERVALS. AT THE 3500 MILES SERVICE THE ACTION WAS VERIFIED THAT THE  
 SENSOR WAS PROPERLY CALIBRATED & WORKING PROPERLY AND SHOULD NOT HAPPEN  
 AGAIN. THE NEXT DAY THE LIGHT AGAIN CAME ON WHEN MY 138 LB SON WAS RIDING.  
 ALTHOUGH THIS DOES NOT OCCUR EVERY SINGLE TIME A PASSENGER IS RIDING, IT DOES  
 OCCUR FREQUENTLY. AT THE 7500 MILE SERVICE I AGAIN NOTIFIED THE DEALERSHIP OF THE  
 CONTINUING ISSUE. THE ISSUE WAS AGAIN VERIFIED THAT THE SYSTEM WAS WORKING  
 PROPERLY. THE DEALERSHIPS RESPONSE WAS THAT THE ISSUE WAS RELATED TO USING THE  
 SPECIFIED COMPONENTS (SEAT CUSHION & SENSORS) THAT THE NHTSA REQUIRES  
 MANUFACTURERS TO USE, LEADING ME TO BELIEVE THE ISSUE IS WITH GOVERNMENT SPECS  
 AND NOT WITH NISSAN. IF SO, THE QUESTION THEN WOULD BE WHY DOESN'T THIS OCCUR WITH  
 EVERY CAR THAT HAS AN AIR BAG IN IT'S SEAT? THIS IS THE FIRST CAR I HAVE EVER BEEN IN  
 THAT HAS THIS ISSUE. WITH EXCEPTION THAT THIS SAME ISSUE OCCURRED WHEN I RENTED A  
 2013/2014 NISSAN ALTIMA RECENTLY ON A TRIP. ADDITIONALLY WHEN I ASKED, NONE OF MY  
 FRIENDS OR FAMILY HAVE EVER HEARD OF SUCH AN ISSUE. THIS ISSUE IS NOT RESOLVED. \*TR

**Affected Products (1)****Vehicle**

| MAKE   | MODEL  | YEAR |
|--------|--------|------|
| NISSAN | ALTIMA | 2013 |

**Safety Issue Type: Complaints****February 06 2015** NHTSA ID Number: 10681656**Components: AIR BAGS, SEATS**

NHTSA ID Number 10681656

Incident Date June 27 2014

Vehicle Identification Number 1N4BL3AP8DC\*\*\*\*\*

**Complaint Summary**

**CRASH** No THE OCCUPANT CLASSIFICATION SYSTEM (AIRBAGS) TURN OFF WHEN THE PASSENGER SEAT IS  
**FIRE** No OCCUPIED BY PERSON WEIGHING 130+ POUNDS. THIS HAPPENS IF CAR IS IDLE, AND AT ALL  
**INJURIES** 0 SPEEDS. CAR HAS BEEN TAKEN TO THE DEALERSHIP TO BE SERVICED FOR THE RECALL ON 4  
**DEATHS** 0 SEPERATE OCCASIONS AND DEALER HAS ACKNOWLEDGED THAT THEY DO NOT KNOW WHAT TO  
 DO AS THEY HAVE TRIED MULTIPLE REMEDIES AND CANNOT FIX IT. THEY REFUSE DOING  
 ANYTHING ELSE TO DO AND SAY IT IS NOT THEIR PROBLEM. THE DEALERSHIP IS NISSAN OF  
 MCKINNEY IN TEXAS. GENERAL MANAGER IS DAVID KELLY AND SERVICE TECHNICIAN IS MATT  
 JOHNSON. I DO NOT FEEL SAFE IN THE CAR AS THIS IS A SERIOUS SAFETY HAZARD. THERE IS A  
 REBUTTABLE PRESUMPTION THAT A REASONABLE NUMBER OF ATTEMPTS HAVE BEEN  
 UNDERTAKEN TO CONFORM A MOTOR VEHICLHLE TO THE APPLICABLE EXPRESS WARRANTIES. IT  
 HAS BEEN SUBJECT TO REPAIR ON 4 SEPERATE OCCASSIONS.

**Affected Products (1)****Vehicle**

| MAKE   | MODEL  | YEAR |
|--------|--------|------|
| NISSAN | ALTIMA | 2013 |

**Safety Issue Type: Complaints****September 22 2014** NHTSA ID Number: 10637994**Components: AIR BAGS**

NHTSA ID Number 10637994

Incident Date March 14 2013

Vehicle Identification Number 1N4AL3AP8DC\*\*\*\*\*

**Complaint Summary**

**CRASH** No SUMMARY: THIS VEHICLE WAS RECALLED IN LATE MARCH 2014 TO FIX THE PROBLEM OF THE PASSENGER AIR BAG LIGHT COMING ON INTERMITTENTLY, CREATING A SAFETY PROBLEM FOR ADULTS IN THE PASSENGER SEAT. THE CAR WAS SERVICED WITH THE SOFTWARE FIX. IT FAILED TO FIX THE PROBLEM. BOTH THE DEALERSHIP, DICK SMITH NISSAN ON FERNANDINA ROAD, COLUMBIA, SC, AND NISSANUSA STATE IT CANNOT BE FIXED AND "THERE'S NOTHING MORE THEY CAN DO." ADULT FRONT-SEAT PASSENGERS, INCLUDING A 160-POUND MALE REMAIN UNSAFE. DETAILS: WE SAW THE PROBLEM EARLY IN THE LEASE AND ASKED THE DEALER ABOUT IT. WE WERE TOLD (1) THE ADULT PASSENGER IS IN FACT UNSAFE WHILE THE LIGHT IS ON; (2) THE PROBLEM WAS THE OWNER'S WEIGHT (110) BECAUSE SENSORS THOUGHT SHE WAS A CHILD; (3) THERE WAS NOTHING THAT COULD BE DONE BECAUSE ANALYSIS OF THE DATA FROM THE CAR'S COMPUTER DID NOT INDICATE A MALFUNCTION, AND THEY COULD NOT REPLICATE THE PROBLEM. WE RETURNED TO THE DEALER TWO MORE TIMES ABOUT THIS WITH THE SAME OUTCOME. THEN THE RECALL WAS ISSUED, AND THE CAR WAS SERVICED WITH A SOFTWARE FIX ON 5/5/14. THE PROBLEM RECURRED. AMONG OTHER EVENTS, THE LIGHT CAME ON TWICE WITH A 160-POUND MAN IN THE PASSENGER SEAT. I HAVE A PHOTO OF ONE OF THESE EVENTS TAKEN ON SATURDAY EVENING, 9/13/14. WE HAVE TRIED TO ENGAGE BOTH THE DEALER AND NISSANUSA IN DIALOGUE ABOUT FIXING OUR CAR OR GETTING ANOTHER THAT IS SAFE. THEIR RESPONSE, ECHOING ONE ANOTHER: "THE PROBLEM CAN'T BE REPLICATED, SO IT CAN'T BE FIXED. THERE'S NOTHING WE CAN DO." CONCLUSION: WE HAVE A CAR THAT IS UNSAFE FOR ANY ADULT IN THE FRONT PASSENGER SEAT, AND THE PROBLEM IS NOT FIXABLE, AND NOBODY WILL DO ANYTHING ABOUT IT. WE SHOULD NEITHER BE STUCK WITH A CAR ALREADY ADMITTED TO BE PERMANENTLY UNSAFE, NOR BEAR THE COST OF GETTING RID OF IT. \*TR

**Affected Products (1)****Vehicle**

| MAKE   | MODEL  | YEAR |
|--------|--------|------|
| NISSAN | ALTIMA | 2013 |

**Safety Issue Type: Complaints****February 12 2015** NHTSA ID Number: 10682993**Components: AIR BAGS**

NHTSA ID Number 10682993

Incident Date February 08 2015

Vehicle Identification Number 1N4AL3AP4EN\*\*\*\*\*

**Complaint Summary**

**CRASH** No THE FIRST INCIDENT WAS IN OCTOBER, 2014; MY WIFE WAS SEATED IN FRONT PASSENGER SEAT WHILE THE CAR WAS IN MOTION, WHEN THE PASSENGER AIR BAG OFF LIGHT LIT UP INDICATING THE AIR BAG SYSTEM FOR FRONT PASSENGER WAS TURNED OFF. SINCE SHE WAS SEATED NORMALLY WITH FULL WEIGHT ON THE SEAT..WE WERE LED TO BELIEVE THE AIR BAG SYSTEM WAS NOT FUNCTIONING PROPERLY. THE ONLY WAY TO GET THE SYSTEM FUNCTIONING IS TO PULL OVER AND RESTART THE CAR. THE CAR WAS IMMEDIATELY TAKEN TO THE DEALERSHIP FOLLOWING THAT INCIDENT. THE SERVICE ADVISOR, AT THAT TIME, CONFIRMED THAT MY CAR WAS NOT PART OF THE RECALLED AIR BAGS, HOWEVER, THEY REPROGRAMMED THE COMPUTER AND TOLD ME TO WATCH FOR ANY OTHER INSTANCES. THE MOST RECENT INCIDENT WAS ON 2/8/15, WITH THE SAME CONDITIONS. I QUICKLY SCHEDULED A SERVICE APPT FOR 2/12/15 & REFUSED TO LET ANYONE IN THE FRONT SEAT. WHILE AT THE DEALERSHIP ON 2/12/15, THE NISSAN SERVICE ADVISOR DISCUSSED WITH ME A TSB, WHICH SAID THAT "OCCUPANTS WHO ARE PROPERLY SEATED AND CORRECTLY USING THE SEAT BELT, SHOULD NOT CAUSE THE PASSENGER AIR BAG TO BE AUTOMATICALLY TURNED OFF." HE THEN HAD THE CARE INSPECTED BY A SERVICE TECH. FOLLOWING THE INSPECTION, THE SERVICE ADVISOR CAME TO ME AND NOTED THAT THE SYSTEM WAS NOT SHOWING ANY TROUBLE CODES. THEY TOLD ME THERE WAS NOTHING THEY COULD DO AND TO LET THEM KNOW IF I HAD ANYMORE TROUBLE. AT THIS POINT I REFUSED TO TAKE THE CAR OFF THEIR LOT UNTIL IT WAS FIXED - I DID NOT FEEL THAT MY FAMILY SHOULD BE SUBJECTED TO A POSSIBLE FAILURE OF THE AIR BAG SYSTEM, INJURY, OR DEATH. IT APPEARED TO ME THAT THOSE OUTCOMES WERE 100% AVOIDABLE. AFTER A FEW CONVERSATIONS INCL THE SERVICE MANAGER, I WAS PROVIDED WITH A DEALER LOANER VEHICLE AND WAS TOLD THEY WOULD RESEARCH THE SITUATION. I HAVE ELEVATED THIS TO NISSAN'S CONSUMER AFFAIR SPECIALIST VIA THE 1 800 NISSAN 1, CALL CENTER. I HOPE A SOLUTION IS FOUND QUICKLY. \*TR

**Affected Products (1)****Vehicle**

| MAKE   | MODEL  | YEAR |
|--------|--------|------|
| NISSAN | ALTIMA | 2014 |

**Safety Issue Type: Complaints****September 04 2015** NHTSA ID Number: 10761506**Components: AIR BAGS**

NHTSA ID Number 10761506

Incident Date October 15 2014

Vehicle Identification Number 1N4AL3AP8FC\*\*\*\*\*

**Complaint Summary**

**CRASH** No SINCE THE PURCHASE OF THE VEHICLE IN SEPT 2014, I HAVE HAD RECURRING ISSUES WITH THE PASSENGER SIDE AIR BAG. WHEN MY DAUGHTER, WHO IS 5'9" AND WEIGHS 150 LBS IS IN THE SEAT THE "AIR BAG OFF" LIGHT WILL RANDOMLY ILLUMINATE. SHE IS NOT FIDGETING IN HER SEAT. SHE IS SITTING EVENLY IN THE SEAT AND NOT MOVING. I HAVE TAKEN IT TO THE NISSAN DEALER 4 TIMES. THE FIRST TWO TIMES THEY CLAIMED TO HAVE READ THE ERROR MESSAGES AND REPROGRAMMED IT. THE ISSUE CONTINUED, THE THIRD TIME IT WAS IN, THEY REPLACED THE SENSOR IN THE SEAT. THE PROBLEM PERSISTED AFTER THE SENSOR WAS REPLACED. I WAS THEN DIRECTED BY THE DEALER TO FILE A CLAIM WITH NISSAN. I DID SO AND THEY DISPATCHED A DEALER SERVICE TECHNICIAN TO EVALUATE THE CAR. HE CLAIMED THAT HE COULD NOT RECREATE THE ISSUE AND THAT THERE WAS NOTHING THAT NISSAN COULD DO. HIS REPORT INDICATED THAT THE "SYSTEM IS WORKING AS DESIGNED". I RECEIVED A COPY OF A TECHNICAL SERVICE BULLETIN DATED AUGUST 29, 2014 WHICH STATES THAT OCCUPANT CLASSIFICATION SYSTEM (OCS) RESPONDS TO DIFFERENT SEATING POSTURE AND MAY BE OPERATING NORMALLY. I WAS ALSO TOLD BY THE TECHNICIAN THAT IF IT HAPPENS TO HAVE THE PASSENGER GET OUT AND GET BACK IN TO RESET THE SYSTEM. I HAVE NEVER HAD A CAR WHERE THE PASSENGER HAD TO SIT A CERTAIN WAY OR GET OUT OF THE CAR TO MAKE THE AIR BAGS WORK PROPERLY!! I REQUESTED TO HAVE MY CASE ESCALATED TO THE NEXT LEVEL AND WAS TOLD THERE WAS NOT A NEXT LEVEL. THE SAFETY OF MY CHILDREN IS OF EXTREME IMPORTANCE TO ME AND I HAVE NO ASSURANCE THAT THE SYSTEM WILL WORK IF TESTED. UNFORTUNATELY, THE ONLY WAY TO TEST IT WOULD BE TO GET IN AN ACCIDENT. I DO NOT WANT TO TAKE THAT CHANCE!! I HAVE REQUESTED A BUY BACK FROM NISSAN AND AM AWAITING THEIR RESPONSE.

**Affected Products (1)****Vehicle**

| MAKE   | MODEL  | YEAR |
|--------|--------|------|
| NISSAN | ALTIMA | 2015 |

**Safety Issue Type: Complaints****January 31 2013** NHTSA ID Number: 10496008**Components: AIR BAGS**

NHTSA ID Number 10496008

Incident Date January 25 2013

**Complaint Summary**

**CRASH** No THE PASSENGER AIRBAG LIGHT IS CONSTANTLY ON MEANING THAT THE AIRBAG IS NOT  
**FIRE** No ACTIVATING NO MATTER WHO IS SITTING ON THE SEAT. WE TOOK IT TO THE DEALER ONE WEEK  
**INJURIES** 0 AFTER WE PURCHASED IT AND THEY "SUPPOSEDLY" RESET THE SENSOR. WE LEFT THE  
**DEATHS** 0 DEALERSHIP AND THE PROBLEM PERSISTED IMMEDIATELY. WE TOOK IT BACK TO THE DEALER A  
WEEK LATER AND A NISSAN ENGINEER WAS THERE THAT DAY AND HE LOOKED AT IT AND SAID  
THAT THERE WAS NOTHING THEY COULD DO ABOUT. THIS IS A SERIOUS SAFETY ISSUE. A  
PERSON'S LIFE COULD BE LOST BECAUSE OF THE MANUFACTURING DEFECT. NISSAN SHOULD  
SERIOUSLY LOOK INTO THIS AND RECALL THE CARS BEFORE SOMETHING SERIOUS HAPPENS  
TO ANY OF US WHO PURCHASED THIS CAR. WE CAN'T BELIEVE THAT KNOWING THAT THERE IS  
THIS SERIOUS PROBLEM, THEY WILL NOT EVEN TRY TO FIX IT. IT SHOWS LACK OF CONCERN  
AND RESPONSIBILITY ON THEIR PART FOR THEIR CUSTOMERS. WE ARE GOING TO USE THE  
"LEMON LAW" AND RETURN THE CAR SINCE THIS IS A SAFETY ISSUE AND A MANUFACTURERS  
DEFECT. SAFECAR.GOV AND THE NATIONAL HIGHWAY SAFETY ADMINISTRATION NEEDS TO  
INVESTIGATE THIS ISSUE. THERE ARE PLENTY OF COMPLAINTS IN REGARDS TO THIS ISSUE.  
BACK IN 2009 NISSAN RECALLED SEVERAL OF THEIR CARS (INCLUDING THE ALTIMA) FOR THIS  
SAME PROBLEM. I CAN'T BELIEVE THAT THEY STILL HAVEN'T GOTTEN IT RIGHT. \*TR

**Affected Products (1)****Vehicle**

| MAKE   | MODEL  | YEAR |
|--------|--------|------|
| NISSAN | ALTIMA | 2013 |

**Safety Issue Type: Complaints****October 12 2015** NHTSA ID Number: 10781449**Components: AIR BAGS**

NHTSA ID Number 10781449

Incident Date June 15 2015

Vehicle Identification Number 1N4AL3AP4EN\*\*\*\*\*

**Complaint Summary**

**CRASH** No THE VEHICLE HAS HAD RECURRING PROBLEMS WITH THE PASSENGER AIR BAG LIGHT COMING ON WHILE THE VEHICLE IS IN MOTION AND WITH AN OCCUPANT IN THE PASSENGER SEAT. THIS HAS OCCURRED ON BOTH CITY STREETS AND INTERSTATE HIGHWAYS. THE VEHICLE WAS BROUGHT IN DUE TO A RECALL ON THE RESTRAINT SYSTEM ON MAY 9, 2014. PREVIOUS TO THIS THERE WERE NO OBSERVABLE PROBLEMS. ON JUNE 12, 2014 THE VEHICLE WAS BROUGHT INTO THE DEALERSHIP BECAUSE I BEGAN TO HAVE A PROBLEM WITH THE AIR BAG LIGHT COMING ON WHEN A PASSENGER WAS IN THE FRONT SEAT WHILE DRIVING. NISSAN DETECTED A PROBLEM AND REPLACED THE AIRBAG DETECTION SENSOR. THE PROBLEM SOON BECAME EVIDENT AGAIN (MANY TIMES I DRIVE THE VEHICLE WHILE ALONE, SO PROBLEM ISN'T ALWAYS EVIDENT.) ON JAN 30, 2015 I BROUGHT THE VEHICLE INTO NISSAN DEALERSHIP WITH THE SAME PROBLEM. AGAIN, THEY DETECTED CODES REGARDING THE PASSENGER OCCUPANT SENSORS AND THEY SAID THEY REPLACED THE SENSOR. FIVE DAYS LATER THE PROBLEM SHOWED UP WHILE WE WERE ON A LENGTHY TRIP. I BROUGHT THE VEHICLE IN AGAIN ON APRIL 9. THEY STATED THAT NO CODES SHOWED UP AND SUGGESTED IT PROBABLY WOULD BE OK. HOWEVER ON SEVERAL OCCASIONS THE PROBLEM SHOWED UP AGAIN, I BROUGHT IT BACK TO THE DEALERSHIP, EACH TIME THEY STATED THAT THEY DID A COMPUTER SCAN AND NO CODES SHOWED UP. I HAD TAKEN VIDEOS ON 3 OCCASIONS SHOWING THE VEHICLE IN MOTION AND SHOWING A PASSENGER IN THE FRONT SEAT AND SHOWING THE AIRBAG LIGHT ON INDICATING THE AIRBAG WAS NOT IN OPERATION. I OFFERED , EVEN ASKED IF THEY WOULD WATCH BUT THEY DECLINED. THEY SAID THAT EVERYTHING WAS FUNCTIONAL. THEY FURTHER TOLD ME THAT THE PRIMARY MEANS OF RESTRAINT WAS THE SEATBELT. I ASKED IF THEY WOULD CHECK TO SEE IF THE SENSOR WAS POSITIONED PROPERLY, HOWEVER THEY REFUSED, SAYING THAT NISSAN WOULD NOT AUTHORIZE ANY OTHER WORK TO BE DONE UNLESS THE COMPUTER SHOWED A PROBLEM. I AM LEFT NOT KNOWING OF MY VEHICLE IS SAFE.

**Affected Products (1)****Vehicle**

| MAKE   | MODEL  | YEAR |
|--------|--------|------|
| NISSAN | ALTIMA | 2014 |

**Safety Issue Type: Complaints****April 07 2014** NHTSA ID Number: 10577910**Components: AIR BAGS**

NHTSA ID Number 10577910

Incident Date October 16 2013

Vehicle Identification Number 1N4AL3AP1DC\*\*\*\*\*

**Complaint Summary**

**CRASH** No THE PASSENGER SEAT AIRBAG SENSOR FAILS TO NOTICE A 110 POUND PASSENGER IN THE SEAT. THIS RESULTS IN A WARNING ON THE DISPLAY THAT THE PASSENGER AIRBAG IS DISABLED. THE FIRST INCIDENT WAS LAST FALL. THE DATE AND MILEAGE ABOVE IS JUST A GUESS, THE SECOND TIME WAS ON OR ABOUT MARCH 20, 2014 WHEN THE WARNING REMAINED ON FOR ABOUT 5 MILES OR UNTIL I STOPPED AND RESTARTED THE CAR AT A TRAFFIC LIGHT. IT HAPPENED AGAIN APRIL 5, 2013. THE WARNING STAYED ON UNTIL I SHUT OFF THE ENGINE AND THEN RESTARTED IT. I AM NOT SURE BUT IT MAY BE AFFECTED BY WHETHER OF NOT HER SEAT BELT BUCKLE IS ENGAGED BEFORE OR AFTER THE CAR IS STARTED. (PLEASE NOTE THAT THIS IS MY WIFE'S CAR AND THERE IS SELDOM ANYONE IN THE PASSENGER SEAT.) THERE WAS A RECALL FOR THIS ISSUE IN 2013 AND THERE HAS BEEN AN ANNOUNCEMENT OF A NEW RECALL STARTING SOON. BOTH RECALLS ARE ONLY FOR SELECTED VIN NUMBERS AND NEITHER INCLUDES OUR ALTIMA. I CHECKED WITH NISSAN CORPORATE CUSTOMER SERVICE AND WITH THE DEALER AND THEY BOTH CONFIRMED THE RECALLED VEHICLES DO NOT INCLUDE OUR CAR. THE CAR IS TITLED TO MY WIFE [XXX]. INFORMATION REDACTED PURSUANT TO THE FREEDOM OF INFORMATION ACT (FOIA), 5 U.S.C. 552(B)(6). \*TR

**Affected Products (1)****Vehicle**

| MAKE   | MODEL  | YEAR |
|--------|--------|------|
| NISSAN | ALTIMA | 2013 |

**Safety Issue Type: Complaints****June 21 2013** NHTSA ID Number: 10520997**Components: AIR BAGS**

NHTSA ID Number 10520997

Incident Date June 20 2013

Vehicle Identification Number 1N4AL3AP3DC\*\*\*\*\*

**Complaint Summary**

**CRASH** No SO I HAVE BEEN HAVING THIS PROBLEM EVER SINCE I PURCHASED THIS VEHICLE. THE PASSENGER AIR BAG OFF SWITCH TURNS ON WHILE AN ADULT IS SITTING IN THE SEAT AND CAR IS BEING DRIVEN. I HAVE BROUGHT IT IN FOR REPAIRS 4 SEPARATE TIMES. THE FIRST TIME THEY PERFORMED A "ZERO POINT" RESET. A FEW DAYS WENT BY AND IT DID IT AGAIN. I TOOK IT BACK 2 TIMES AFTER THAT AND THEY KEPT SAYING THEY COULD NOT DUPLICATE THE PROBLEM EVEN THOUGH I HAVE VIDEO OF IT ON MY PHONE. SO I TOOK IT TO A DIFFERENT DEALERSHIP TO SEE WHAT THEY WOULD SAY ABOUT IT AND THE MANY OTHER PROBLEMS I AM EXPERIENCING. THEY HAD MY CAR FOR 10 DAYS. I PERSONALLY SPOKE AND TEST DROVE WITH THE TECHNICIAN AND HE TOLD ME HE PERFORMED THE ZERO POINT RESET AGAIN. BUT WHEN I PICKED IT UP THE PAPERWORK ONLY STATES THAT THEY COULD NOT REPRODUCE THE PROBLEM AND NO WORK WAS PERFORMED. BUT LAST NIGHT THE SAME NIGHT I PICKED IT UP IT DID IT AGAIN AND AGAIN I HAVE VIDEO EVIDENCE OF IT SWITCHING OFF WHILE SITTING IN IT AND DRIVING. THIS IS A HUGE SAFETY ISSUE, AND SOMEONE NEEDS TO MAKES NISSAN FIX IT. OH AND THE LOANER CAR WHICH WAS A 2013 NISSAN ROGUE DID THE SAME EXACT THING AND I HAVE 2 VIDEOS OF IT. \*TR

**Affected Products (1)****Vehicle**

| MAKE   | MODEL  | YEAR |
|--------|--------|------|
| NISSAN | ALTIMA | 2013 |

**Safety Issue Type: Complaints****August 15 2013** NHTSA ID Number: 10534588**Components: AIR BAGS**

NHTSA ID Number 10534588

Incident Date August 01 2013

Vehicle Identification Number 1N4AL3APXDN\*\*\*\*\*

**Complaint Summary**

**CRASH** No 2013 NISSAN ALTIMA. CONSUMER WRITES IN REGARDS TO PROBLEMS WITH THE PASSENGER SEAT AIR BAG WARNING LIGHT. \*SMD THE CONSUMER STATED THE PASSENGER SEAT AIR BAG LIGHT HAS BEEN ON CONTINUOUSLY. AFTER DOING SOME RESEARCH, HE FOUND IT WAS CAUSED BY THE FAILURE OF THE SENSOR IN THE SEAT THAT DETERMINED WHETHER THE SEAT WAS OCCUPIED BY AN ADULT OR A CHILD. THE CONSUMER INSTALLED SPACERS BETWEEN THE PASSENGER SEAT RAILS AND THE SEAT IN ORDER TO RAISE THE SEAT BY ONE INCH. THE NISSAN DEALERSHIP INFORMED THE CONSUMER THAT ALTERING THE VEHICLE VOIDED THE WARRANTY COVERING THE FAULTY SENSOR. THE CONSUMER BELIEVED THE CHANGES HE MADE RESULTED IN THE PASSENGER SEAT STILL BEING MORE FIRMLY ANCHORED TO THE FLOOR PAN OF THE VEHICLE THAN THE POWER SEAT THAT SAT BESIDE IT. AS FAR AS THE SENSOR WAS CONCERNED, IT COULD NOT TELL THE DIFFERENCE BETWEEN THE SEATS ORIGINAL CONFIGURATION AND THE ALTERATIONS THAT HE MADE. THE CONSUMER ASKED THE SERVICE MANAGER IF HE RESTORED THE SEAT TO ITS ORIGINAL CONFIGURATION, WOULD IT BE CONSIDERED UN-ALTERED; HE SAID NO. THE VERY FACT THAT HE REMOVED THE SEAT CONSTITUTED ALTERING IT.

**Affected Products (1)****Vehicle**

| MAKE   | MODEL  | YEAR |
|--------|--------|------|
| NISSAN | ALTIMA | 2013 |

**Safety Issue Type: Complaints****April 10 2015** NHTSA ID Number: 10704988**Components: AIR BAGS**

NHTSA ID Number 10704988

Incident Date September 12 2014

**Complaint Summary**

**CRASH** No THIS ISSUE IS REGARDING THE PASSENGER AIR BAG LIGHT THAT TURNS ON EVEN WHEN THERE IS AN ADULT PASSENGER OCCUPYING THE SEAT. THE WEIGHT OF THE ADULT PASSENGER (150LBS - 180LBS) IS MUCH HIGHER THAN THE THRESHOLD FOR ACTIVATING THE AIR BAGS. **FIRE** No HAVE TAKEN TO THE NISSAN DEALERSHIP AND COMPLAINED ABOUT THIS ISSUE DURING MY 3 **INJURIES** 0 SERVICE VISITS, BUT EVERY TIME I GET A RESPONSE THAT THERE ARE NO ISSUES WITH THE SENSORS AND THERE ARE NO PENDING RECALLS. IT TOOK ME A LOT OF EFFORT TO MAKE THEM **DEATHS** 0 UNDERSTAND WHAT I'M SAYING AND THE DEALERSHIP WAS OF NO HELP. THEY MADE ME BELIEVE THAT THIS IS A NON-ISSUE AND I SHOULD IGNORE THE AIR BAG LIGHT. THIS IS A VERY SERIOUS ISSUE AND I'VE NOW A VIDEO/PHOTO EVIDENCE WITH DIFFERENT ADULTS IN THE PASSENGER SEATS. FURTHER, THIS IS VERY ERRATIC. AT ONE INSTANCE, I'VE HAD MY WIFE SIT IN THE PASSENGER SEAT WHILE THE AIR BAG LIGHT WAS OFF AND SUDDENLY TURNED ON WHEN WE WERE CRUISING AT 65MPH ON THE HIGHWAY, THE LIGHT SUDDENLY TURNED ON. IT'S CAUSED A BRIEF PANIC AND WE HAD TO STOP, RE-START THE ENGINE AND THEN IT WORKED FINE. WE'RE VERY SCARED TO RIDE A PASSENGER AND THE DEALERSHIP IS OF NO HELP. I SEARCHED ONLINE AND FOUND MANY OTHER USERS HAVING SIMILAR CONCERNS WITH NO RESOLUTION. THIS IS A VERY VERY SERIOUS SAFETY ISSUE AND WOULD REQUEST THE ERRATIC AND FAULTY AIR BAG PROBLEM BE RESOLVED BEFORE WE WAIT TO HEAR ABOUT SOME CASUALTY BECAUSE OF FAULTY AIRBAGS FROM NISSAN. \*TR

**Affected Products (1)****Vehicle**

| MAKE   | MODEL  | YEAR |
|--------|--------|------|
| NISSAN | ALTIMA | 2014 |

**Safety Issue Type: Complaints****January 31 2014** NHTSA ID Number: 10562411**Components: AIR BAGS**

NHTSA ID Number 10562411

Incident Date January 16 2013

Vehicle Identification Number 1N4BL3AP8DN\*\*\*\*\*

**Complaint Summary**

**CRASH** No THE CENTER CONSOLE AIR BAG LIGHT BECOMES ILLUMINATED AFTER THE PASSENGER HAD BEEN SEATED IN THE CAR FOR SOME TIME, INDICATING THE PASSENGER SEAT AIR BAG HAS BEEN DISABLED.. TOOK THE CAR IN TO NISSAN AS I WAS ALERTED TO A RECALL. I WAS TOLD MY **FIRE** No  
**INJURIES** 0 SENSOR DID NOT NEED TO BE REPLACED, JUST REPROGRAMMED. THAT DID NOT SOLVE THE PROBLEM. THE LIGHT KEEPS COMING ON. THE PASSENGER IS OVER 150 POUNDS. THE LIGHT COMES ON AFTER THE CAR HAS BEEN OPERATIONAL, THE LIGHT ALWAYS GOES OFF WHEN THE VEHICLE IS STARTED. THE PASSENGER IS USUALLY READING, SO THEY ARE SITTING STILL. WHEN THE LIGHT COMES ON, NISSAN INDICATES THE AIR BAGS MAY NOT WORK IN THE EVENT OF A COLLISION. I HAVE TAKEN THIS CAR BACK TO NISSAN 4 TIMES BECAUSE OF THIS PROBLEM. SINCE THE COMPUTER INDICATES NO ERRORS, NOTHING GETS FIXED. WHEN I LEAVE THE DEALER, THERE IS ALWAYS A REASON WHY NOTHING GETS FIXED AND I AM ALSO TOLD THERE IS NOTHING WRONG. THERE IS OBVIOUSLY A PROBLEM WITH THE PASSENGER SEAT SENSOR. I AM VERY CONCERNED ON THE SAFETY OF THE PASSENGER SINCE THE AIR BAGS WILL NOT **DEATHS** 0  
 DEPLOY IF THIS LIGHT IS ON. \*TR

**Affected Products (1)****Vehicle**

| MAKE   | MODEL  | YEAR |
|--------|--------|------|
| NISSAN | ALTIMA | 2013 |

**Safety Issue Type: Complaints****March 18 2014** NHTSA ID Number: 10573238**Components: AIR BAGS**

NHTSA ID Number 10573238

Incident Date May 22 2013

Vehicle Identification Number 1N4AL3AP2DN\*\*\*\*\*

**Complaint Summary**

**CRASH** No I FIRST HAD THE AIR BAG PASSENGER SENSOR WARNING COME ON AND STAY ON FOR AROUND FIFTEEN MINUTES AND THEN IT WENT OFF. MY WIFE WAS SITTING IN THE PASSENGER SEAT IN ALL THESE INCIDENTS. THIS HAPPENED TWICE BEFORE I TOOK IT IN TO THE DEALER AND THEY **FIRE** No  
**INJURIES** 0 TOLD ME THERE WAS A RECALL FOR THE SEAT SENSORS. THEY REPLACED THE SENSORS AND PERFORMED THE ZERO POINT RESET ON MAY 31, 2013. PRIOR TO SEPT. 6, 2013 I HAD THE SAME PROBLEM OF THE PASSENGER SENSOR WARNING COME ON AND STAYING ON FOR TEN TO 15 MINUTES. ON SEPT. 6TH THEY SECURED SOME CABLES AND PERFORMED ANOTHER ZERO POINT RESET. PRIOR TO FEB. 21, 2014 I HAD THE SAME PROBLEM AND THEY PERFORMED ANOTHER ZERO POINT RESET ON FEB. 21. ON MARCH 15TH I HAD THE SAME PROBLEM ONE NIGHT WHEN WE DROVE 5 BLOCKS FROM A FRIENDS HOUSE AND IT WAS STILL ON WHEN I SHUT THE CAR OFF. I HAVEN'T TAKEN IT BACK TO THE DEALER YET BUT THE ZERO POINT RESET DOESN'T SEEM TO BE SOLVING THE PROBLEM. AT THIS POINT I DON'T KNOW IF ANYONE IN THE FRONT PASSENGER SEAT IS BEING PROTECTED OR NOT. HAS ANYONE ELSE BEEN REPORTING **DEATHS** 0  
 PROBLEMS WITH THIS CARS SENSORS? \*TR

**Affected Products (1)****Vehicle**

| MAKE   | MODEL  | YEAR |
|--------|--------|------|
| NISSAN | ALTIMA | 2013 |

**Safety Issue Type: Complaints****July 18 2014** NHTSA ID Number: 10614609**Components: AIR BAGS**

NHTSA ID Number 10614609

Incident Date May 03 2013

Vehicle Identification Number 1N4AL3AP4DC\*\*\*\*\*

**Complaint Summary**

**CRASH** No AFTER DRIVING THE CAR FOR A FEW MONTHS, I NOTICED THAT THE PASSENGER AIR BAG LIGHT WOULD GO ON WITH A PASSENGER SITTING IN THE SEAT. IT DIDN'T HAPPEN ALL THE TIME BUT WHEN IT DID, THE LIGHT COULD STAY ON FOR AN ENTIRE TRIP. IN THIS NISSAN CAR, WHEN THE LIGHT IS ON, THAT MEANS THE AIR BAG IS OFF. I TOOK MY CONCERN TO THE DEALERSHIP WHERE I BOUGHT IT. THE DEALERSHIP REPLACED MANY OF THE PARTS UNDER THE SEAT IN AN ATTEMPT TO SOLVE THE PROBLEM. BY OCTOBER OF 2013, NISSAN SENT A SPECIAL TECHNICIAN TO FIVE TOWNS NISSAN IN INWOOD, NY TO ADDRESS MY PROBLEM. HE REPLACED THE RAILING UNDER THE SEAT BUT TOLD ME THE SYSTEM WAS WORKING CORRECTLY AND THEY WERE JUST MAKING ME HAPPY. HOWEVER, IN MAY OF 2014, I RECEIVED A RECALL NOTICE FOR MY VERY PROBLEM. IT TURNS OUT MANY OTHERS MUST HAVE HAD THE SAME ISSUE. THE RECALL WAS A SOFTWARE RE-PROGRAM OF THE OCCUPANCY SENSOR. BUT, THIS RECALL DID NOT FIX THE ISSUE. I HAVE SPOKEN TO NISSAN CONSUMER AFFAIRS MANY TIMES AND THEY TREAT THIS LIKE AN INDIVIDUAL PROBLEM. THEY ACTUALLY ASK ME WHAT I WOULD LIKE THEM TO DO. I TELL THEM I WANT THE AIR BAG TO INFLATE DURING AN ACCIDENT SO MY PASSENGER DOESN'T DIE. I'M FED UP WITH THEIR RESPONSE. THE COMPANY THAT MAKES THE SYSTEM NEEDS TO ADDRESS THE PROBLEM. LIKE WITH ALL CAR COMPANIES, THEY CONCEAL THE TRUTH AND WAIT UNTIL PEOPLE DIE BEFORE THEY SOLVE A PROBLEM. I HAVE NOW TAKEN MY CAR TO TWO DIFFERENT DEALERSHIPS, NINE TIMES IN THE PAST FIFTEEN MONTHS AND THERE IS STILL NO SOLUTION. \*TR

**Affected Products (1)****Vehicle**

| MAKE   | MODEL  | YEAR |
|--------|--------|------|
| NISSAN | ALTIMA | 2013 |

**Safety Issue Type: Complaints****September 21 2015** NHTSA ID Number: 10779712**Components: AIR BAGS**

NHTSA ID Number 10779712

Incident Date September 01 2015

Vehicle Identification Number 1N4AL3APXDC\*\*\*\*\*

**Complaint Summary**

**CRASH** No MY PASSENGER AIR BAG LIGHT INTERMITTENTLY COMES ON WHEN AN ADULT IS SEATED IN THE PASSENGER SEAT. SOMETIMES IT COMES ON WHEN NO ONE IS SEATED. SOON AFTER THIS FIRST HAPPENED, I RECEIVED A RECALL, AND ON MAY 9, 2014, TOOK MY CAR TO THE NISSAN DEALER. IT WAS "REPROGRAMED" AND DID NOT FIX THE PROBLEM. I TOOK IT BACK ON JUNE 6, 2014, AND THE REPORT SAYS "GENERAL MAINTENANCE". THE PROBLEM PERSISTED. I TOOK IT AGAIN ON NOV 14, 2014, AND THE "STRAIN GAUGE" WAS RESET. I WAS TOLD TO RETURN IF PROBLEM PERSISTED, WHICH IT DID (AND CONTINUES TO DO). VERY FRUSTRATED, I RETURNED JUNE 25, 2015. THE PROBLEM "CANNOT BE VERIFIED", SO NOTHING WAS DONE. I RETURNED AGAIN SEPT 8, 2015 AND WAS REALLY TRULY UPSET THAT THIS SERIOUS POTENTIALLY LIFE THREATENING PROBLEM IS STILL UNABLE TO BE ELIMINATED. THIS TIME I WAS TOLD THAT IT IS A "DESIGN" PROBLEM AND CANNOT BE FIXED BY MECHANICS. I WAS TOLD ENGINEERS HAVE BEEN CALLED TO THE DEALERSHIP TO ADDRESS THIS SAME PROBLEM AND THAT THEY ARE UNABLE TO FIX IT. I FIND IT HARD TO IMAGINE THAT NISSAN WANTS TO DUST THIS OFF. IT CANNOT BE FIXED? I IMAGINE THE NEXT TIME I GO IN THEY WILL POKE OUT THE LIGHT BULB, OR PERHAPS PUT BLACK TAPE OVER THE LIGHT SO IT WON'T "DISTURB" ME. SHOULD I JUST "NOT WORRY"? WHAT IS THE REMEDY, AND HOW MUCH LONGER DO I HAVE TO DRIVE THE CARE WITH THE WORRY THAT THE AIR BAG WILL NOT OPERATE IN THE EVENT OF A CRASH? I FIND THIS INTOLERABLE.

**Affected Products (1)****Vehicle**

| MAKE   | MODEL  | YEAR |
|--------|--------|------|
| NISSAN | ALTIMA | 2013 |

**Safety Issue Type: Complaints****March 26 2015** NHTSA ID Number: 10702043**Components: ELECTRICAL SYSTEM, AIR BAGS, SEATS**

NHTSA ID Number 10702043

Incident Date March 12 2015

Vehicle Identification Number 1N4AL3AP9FC\*\*\*\*\*

**Complaint Summary**

**CRASH** No WHILE DRIVING ALONE ON 03/12/2015 NOTICED THE AIRBAG AUXILIARY LIGHT COME ON IN MY NEW 2015 NISSAN ALTIMA. THE ALTIMA WAS SERVICED FOR THIS ON 03/18/2015 AND THE LIGHT WAS RESET WITH THE TECHNICIAN STATING THE PASSENGER SIDE AIRBAG SENSOR WAS UNDER RECALL. THEN, WHILE DRIVING ON 03/22/2015 THE AIRBAG AUXILIARY LIGHT CAME ON ONCE AGAIN, ALSO WHEN I WAS THE ONLY OCCUPANT IN THE VEHICLE. THE ALTIMA WAS SERVICED AGAIN FOR THIS ISSUE ON 03/25/2015 WHERE THE TECHNICIAN STATED OBJECTS LEFT ON THE PASSENGER SEAT (LAPTOP BAGS, ETC.) CAN CAUSE THE SENSOR TO GO OFF AND THAT IT'S A KNOWN ISSUE. THEY RECOMMENDED TO NOT PUT ANYTHING ONTO THE PASSENGER SEAT ASIDE FROM AN ADULT PERSON. ALTHOUGH I HAVE PLACED A BAG ONTO THE PASSENGER SEAT A COUPLE OF TIMES WHILE DRIVING, THE AIRBAG AUXILIARY LIGHT NEVER CAME ON WHILE ANYTHING OR ANYONE WAS IN THE PASSENGER SEAT. THEN AGAIN TODAY, 03/26/2015, THE AIRBAG AUXILIARY LIGHT CAME BACK ON IN MY 2015 NISSAN ALTIMA WHILE I WAS DRIVING WITH NOTHING/NO ONE IN THE PASSENGER SEAT. \*TR

**Affected Products (1)****Vehicle**

| MAKE   | MODEL  | YEAR |
|--------|--------|------|
| NISSAN | ALTIMA | 2015 |

**Safety Issue Type: Complaints****June 27 2013** NHTSA ID Number: 10522087**Components: AIR BAGS**

NHTSA ID Number 10522087

Incident Date May 13 2013

Vehicle Identification Number 1N4AL3AP4DC\*\*\*\*\*

**Complaint Summary**

**CRASH** No FRONT SEAT PASSENGER "AIRBAG OFF" LIGHT OPERATES INTERMITTENTLY WHEN MY WIFE (98 POUNDS) IS THE FRONT SEAT PASSENGER. NISSAN ENGINEERS AND TECHNICIANS STATED THAT THE AIRBAG SYSTEM ON OUR ALTIMA WAS "OPERATING AS IT HAD BEEN DESIGNED TO OPERATE". THIS IS AFTER REPLACING THE COMPUTER AND FRONT SEAT SENSORS WHICH WERE DETERMINED TO BE DEFECTIVE. IT WAS SUGGESTED THAT MY WIFE WAS MOVING AROUND AND THAT TRIGGERED THE LIGHT TO INTERMITTENTLY COME ON OR OFF. THIS IS NOT THE CASE, THE WARNING LIGHT CAN COME ON OR GO OFF WHILE MY WIFE IS SITTING PERFECTLY STILL IN THE SEAT. FRONT SEAT PASSENGER SAFETY IS VERY IMPORTANT, THAT IS WHY AIRBAGS ARE REQUIRED ON NEW VEHICLES. BECAUSE MY WIFE ONLY WEIGHS 98 POUNDS SHE SHOULD BE PROTECTED WHEN IN THE FRONT SEAT OF THE CAR. THE CONSUMER AFFAIRS REPRESENTATIVE TOLD ME THAT MY WIFE WOULD BE SAFER WITH NO AIRBAG DEPLOYMENT. WITH THE LIGHT ON SOMETIMES AND SOMETIMES NOT, WHERE IS THE FRONT SEAT PROTECTION THAT THE ENGINEERS DESIGNED? \*TR

**Affected Products (1)****Vehicle**

| MAKE   | MODEL  | YEAR |
|--------|--------|------|
| NISSAN | ALTIMA | 2013 |

**Safety Issue Type: Complaints****November 12 2013** NHTSA ID Number: 10551992**Components: AIR BAGS**

NHTSA ID Number 10551992

Incident Date March 01 2013

Vehicle Identification Number 1N4AL3APXDN\*\*\*\*\*

**Complaint Summary**

**CRASH** No IN APPROXIMATELY MARCH 2013, THE PASSENGER AIR BAG "OFF" LIGHT BEGAN COMING ON WHILE DRIVING OUR 2013 NISSAN ALTIMA. AT FIRST, THE LIGHT WOULD COME FOR A MINUTE OR TWO AND THEN GO OFF. AS TIME PROGRESSED, THE OCCURRENCES BECAME MORE FREQUENT AND LONGER IN DURATION. ON MAY 31, 2013, THE CAR WAS TAKEN TO THE NISSAN DEALER FROM WHICH THE CAR WAS PURCHASED TO HAVE THE PROBLEM CORRECTED. THE DEALER COULD NOT FIND A PROBLEM AND THERE WERE NO ERROR CODES. NO REPAIR WAS PERFORMED. THE FREQUENCY AND DURATION OF THE LIGHT COMING ON CONTINUED TO INCREASE. AT ONE POINT DURING A TRIP TO THE SOUTHWESTERN UNITED STATES, THE "OFF" LIGHT WAS ILLUMINATED FOR MORE THAN TWO HOURS WHILE DRIVING. ON SEPTEMBER 23, 2013, THE CAR WAS AGAIN TAKEN TO THE DEALER TO HAVE THE PROBLEM FIXED. AGAIN, THE DEALER COULD NOT DUPLICATE THE PROBLEM, AND THERE WERE NO ERROR CODES. SUPPOSEDLY, THE DEALER CONTACTED NISSAN FOR ASSISTANCE. IT WAS REPORTED THAT NISSAN DECLINED TO DO ANYTHING SINCE THERE WERE NO ERROR CODES AND THE DEALER COULD NOT DUPLICATE THE PROBLEM. AGAIN, NO REPAIR WAS PERFORMED. THE PASSENGER AIR BAG "OFF" LIGHT CONTINUES TO COME ON OCCASIONALLY WHILE DRIVING. ALTHOUGH, WITH THE ARRIVAL OF COOLER WEATHER, THE FREQUENCY AND DURATION ARE LESS THAN THE OCCURRENCES DURING THE SUMMER HEAT. \*TR

**Affected Products (1)****Vehicle**

| MAKE   | MODEL  | YEAR |
|--------|--------|------|
| NISSAN | ALTIMA | 2013 |

**Safety Issue Type: Complaints****March 23 2015** NHTSA ID Number: 10701254**Components: AIR BAGS**

NHTSA ID Number 10701254

Incident Date May 24 2013

Vehicle Identification Number 1N4AL3AP5DN\*\*\*\*\*

**Complaint Summary**

**CRASH** No PASSENGER AIR BAG INDICATOR SAYS OFF WHEN AN ADULT IS SITTING IN THE PASSENGER SEAT. HAPPENED MULTIPLE TIMES SINCE THE RECALL FIX WAS APPLIED. NISSAN DEALER HAS CHECKED THE SYSTEM MULTIPLE TIMES AND RECALIBRATED THE SENSOR MULTIPLE TIMES.

**FIRE** No

**INJURIES** 0 HAPPENS RANDOMLY. CAN HAPPEN MULTIPLE TIMES IN 1 DAY AND SOMETIMES NOT OCCUR FOR 2 MONTHS. HAPPENS WHEN IT IS 0F OR 80F TEMPERATURE IN THE CAR. HAPPENS SOMETIMES WHEN YOU FIRST START THE CAR AFTER A COLD SOAK AND HAPPENS WHEN IT IS A WARM RESTART. I HAVE VIDEO RECORDED OF THIS INCIDENT UPLOADED TO A FILE SHARING SITE BOX.COM PLEASE LET ME KNOW IF YOU WANT THE WEB LINK FOR THE VIDEO FROM FEBRUARY 20, 2015 OF THIS EXACT MALFUNCTION. I AM MEETING WITH A NISSAN FACTORY REPRESENTATIVE ON MARCH 25, 2015 AT GANDRUD NISSAN IN GREEN BAY, WI TO DISCUSS THE ISSUE. NISSAN CASE #[XXX] A FEW WEEKS AGO [XXX] FROM NISSAN CONSUMER AFFAIRS SAID NISSAN HAS NO FURTHER FIXES FOR MY ALTIMA. I TOLD HER IT WAS NOT AN ACCEPTABLE ANSWER. SHE SUGGESTED NISSAN INITIATE THE MANUFACTURER BUYBACK PROCESS AND THEY DECLINED TO BUY IT BACK AFTER EVALUATING THE NOTES ON MY CAR. PLEASE HELP GET THESE UNSAFE CARS OFF THE ROAD UNTIL THEY ARE SAFE. INFORMATION REDACTED PURSUANT TO THE FREEDOM OF INFORMATION ACT (FOIA), 5 U.S.C. 552(B)(6). \*TR

**DEATHS** 0

**Affected Products (1)****Vehicle**

| MAKE   | MODEL  | YEAR |
|--------|--------|------|
| NISSAN | ALTIMA | 2013 |

**Safety Issue Type: Complaints****November 28 2015** NHTSA ID Number: 10807302**Components: AIR BAGS**

NHTSA ID Number 10807302

Incident Date November 10 2015

Vehicle Identification Number 1N4AL3AP9DN\*\*\*\*\*

**Complaint Summary**

**CRASH** No PASSENGER AIR BAG LIGHT COMES ON INTERMITTENTLY WITH AN ADULT PASSENGER IN THE FRONT SEAT WEIGHING APPROXIMATELY 140 LBS. THE YELLOW AIRBAG OFF LIGHT COMES ON INTERMITTENTLY. IT USUALLY GOES OUT AFTER ABOUT FIVE SECONDS. SOMETIMES IT STAYS ON. I SOMETIMES PULL OVER AND TURN OFF THE CAR AND RESTART AND IT USUALLY GOES OUT LIKE IT IS SUPPOSED TO. TOOK CAR TO DEALERSHIP WHERE WE BOUGHT IT. THEY SAID THEY COULDN'T DUPLICATE THE PROBLEM. THEY RESET THE COMPUTER. PROBLEM STILL PERSISTS. I HAVE MADE SEVERAL COMPLAINTS WITH THE DEALER. DEALERSHIP SAID THEY COULD NOT RESOLVE THE PROBLEM BECAUSE IT IS A WEIGHT ISSUE WITH THE PERSON SITTING IN THE SEAT. 140 LBS AND UNDER THE LIGHT MIGHT COME ON. LOOKING ONLINE, IT LOOKS LIKE MANY PEOPLE ARE HAVING SAME PROBLEM. THIS IS A DEFINITE SAFETY HAZARD. WHEN LIGHT IS ON, AIR BAGS WON'T DEPLOY IF IN AN ACCIDENT OCCURS.

**FIRE** No

**INJURIES** 0

**DEATHS** 0

**Affected Products (1)****Vehicle**

| MAKE   | MODEL  | YEAR |
|--------|--------|------|
| NISSAN | ALTIMA | 2013 |

**Safety Issue Type: Complaints****October 13 2014** NHTSA ID Number: 10644333**Components: AIR BAGS**

NHTSA ID Number 10644333

Incident Date August 30 2014

**Complaint Summary**

**CRASH** No I TOOK MY CAR TO THE NISSAN DEALER NEAR MY HOME FOR THE SAFETY RECALL ON THE FRONT PASSENGER AIR BAG NOT WORKING PROPERLY. THEY PERFORMED THE SOFTWARE "FIX" WHICH WAS ISSUED BY NISSAN. APPROX. A WEEK FOLLOWING THIS "FIX" MY 155 POUND SON WAS RIDING IN THE FRONT SEAT AND ONCE AGAIN THE LIGHT ILLUMINATED STATING THE PASSENGER AIR BAG WAS OFF EVEN THOUGH MY SON WHO IS 6 FEET TALL AND WELL OVER 100 POUNDS WAS CLEARLY SITTING IN THE SEAT. I HAVE NOT REPORTED THIS TO THE DEALER BECAUSE I ALREADY KNOW THEY HAVE DONE ALL THEY CAN. THIS IS HOWEVER VERY BOTHERSOME TO ME AS I HEAR THIS "FIX" IN FACT FIXED NOTHING AT ALL FOR MANY PEOPLE. I HAVE 2 TEENAGERS AND AN 8 YEAR OLD AND WOULD APPRECIATE BEING ABLE TO SAFELY TRANSPORT MY FAMILY IN MY BRAND NEW CAR. THIS IS MY 2ND NISSAN ALTIMA, I THOUGHT I WAS BUYING SOMETHING SAFE AND RELIABLE FOR MY FAMILY. \*TR

**Affected Products (1)****Vehicle**

| MAKE   | MODEL  | YEAR |
|--------|--------|------|
| NISSAN | ALTIMA | 2013 |

**Safety Issue Type: Complaints****February 08 2013** NHTSA ID Number: 10496941**Components: AIR BAGS, SERVICE BRAKES**

NHTSA ID Number 10496941

Incident Date February 06 2013

Vehicle Identification Number 1N4AL3AP1DN\*\*\*\*\*

**Complaint Summary**

**CRASH** No WAS DRIVING 45 MPH TO TAKE CHILD TO SCHOOL. WHILE AT LIGHT MADE SURE NO PARKING BRAKE ON. THEN PUT CAR IN PARK TURNED VEHICLE OFF AND ON TWICE AS BRAKING LIGHT STILL ON. KEPT VEHICLE OFF FOR APPROXIMALLY 1 MINUTE AND TURNED BACK ON. THE FOLLOWING DAY TOOK VEHICLE IN FOR SERVICE WHICH THEY STATED BREAK FLUID NOT TOPPED OFF. SO ON 2/8/2013 DRIVING WITH 8 YR.OLD DAUGHTER SITTING IN FRONT SET. AIRBAG LIGHT WAS ON THE SHOWING AIRBAG OFF BUT THEN THE LIGHT WENT OFF. PULLED OVER HAD MY DAUGHTER STAND UP, REMOVE BOOSTER SEAT AND THEN PUT BACK DOWN. AIRBAG LIGHT STILL REMAINED OFF. TURNED VEHICLE OFF 3 TIMES BEFORE TURNING BACK ON. MY HUSBAND CALLED DEALERSHIP TO DISCUSS AND ADVISE TAKING IN FOR SERVICE AND PROBLEMS AFTER JUST PURCHASING VEHICLE ON 2/4/2013. ON THE WAY HOME BRAKE LIGHT CAME ON AND WOULDN'T GO OFF. \*TR

**Affected Products (1)****Vehicle**

| MAKE   | MODEL  | YEAR |
|--------|--------|------|
| NISSAN | ALTIMA | 2013 |

100. Dealers told owners the system was operating as designed, or that the passenger was not sitting correctly. Dealers performed a zero-point reset or a software reprogram, and the OCS Status Light erroneously illuminated again. Owners whose vehicles had already received Nissan's recall remedy reported that the failure continued

1 after the repair. One owner was told the condition was a design problem that could not be  
2 fixed by mechanics. Nissan received these reports, and the parallel reports flowing through  
3 its own dealer network, before it sold a single Class Vehicle.

4 **a. The Failure Recurred After Nissan's Repair Was Performed**

5 101. Seventy-eight complaints in NHTSA's database report a repair followed by  
6 a recurrence. In each, the owner states that a recall repair, a reprogramming, a sensor  
7 replacement, or another dealer repair was performed on the occupant-classification  
8 system, and that the failure returned afterward.<sup>29</sup>

9 102. Sixty-six of those seventy-eight concern the model year 2013, 2014, and  
10 2015 Altima. Those are the vehicles Nissan recalled and to which it applied its remedy.  
11 The remaining twelve concern the 2016, 2017, and 2018 Altima, the model years from  
12 which the Class Vehicles are drawn.<sup>30</sup>

13 103. Owners describe the recall repair being performed, the OCS Status Light  
14 erroneously illuminating again within days or weeks, and the dealer either finding no fault  
15 code or performing the same reprogramming again. Owners describe three, four, and five  
16 visits for the same condition. Dealers tell owners the system is operating as designed, or  
17 that the passenger is not sitting correctly, or that nothing can be done because the failure  
18 cannot be duplicated on demand. The following complaints, each filed after Nissan's  
19 repair had been performed on the complaining owner's vehicle, are reproduced from  
20 NHTSA's records:

21  
22  
23  
24  
25  
26  
27 <sup>29</sup> NHTSA Consumer Complaint Database, *supra* note 2.

28 <sup>30</sup> *Id.*

**Safety Issue Type: Complaints****August 23 2016** NHTSA ID Number: 10898102**Components: AIR BAGS**

NHTSA ID Number 10898102

Incident Date August 15 2016

Vehicle Identification Number 1N4AL3AP9FN\*\*\*\*\*

**Complaint Summary**

**CRASH** No PASSENGER AIR BAG TURNED OFF A FEW TIMES SINCE NEW. TOOK IN TO DEALER FOR RECALL TO REPROGRAM. WAS TOLD LIGHT WOULD BE ON UNTIL AN ADULT SAT IN THE SEAT. SEVERAL ADULTS HAVE SAT IN SEAT WITH ADEQUATE WEIGHT TO SENSE PRESENCE. AIR BAG IS STILL OFF AND HAS BEEN OFF SINCE REPROGRAMMED. DEALER SHOULD HAVE HAD PERSON SIT IN SEAT TO VERIFY OPERATION PRIOR TO RELEASING AN UNSAFE VEHICLE TO CUSTOMER. HAVE NOT RETURNED TO THE DEALER.

**FIRE** No

**INJURIES** 0

**DEATHS** 0

**Affected Products (1)****Vehicle**

| MAKE   | MODEL  | YEAR |
|--------|--------|------|
| NISSAN | ALTIMA | 2015 |

**Safety Issue Type: Complaints****September 09 2016** NHTSA ID Number: 10905143**Components: AIR BAGS**

NHTSA ID Number 10905143

Incident Date September 08 2016

Vehicle Identification Number 1N4AL3AP3DC\*\*\*\*\*

**Complaint Summary**

**CRASH** No FIXED TWICE THROUGH PREVIOUS RECALLS BUT STILL DOES NOT DETECT A PASSENGER IN THE FRONT PASSENGER SEAT AND AUTOMATICALLY TURNS OFF THE AIRBAG.

**FIRE** No

**INJURIES** 0

**DEATHS** 0

**Affected Products (1)****Vehicle**

| MAKE   | MODEL  | YEAR |
|--------|--------|------|
| NISSAN | ALTIMA | 2013 |

**Safety Issue Type: Complaints****March 21 2017** NHTSA ID Number: 10967587**Components: AIR BAGS**

NHTSA ID Number 10967587

Incident Date March 21 2017

Vehicle Identification Number 1N4AL3AP9DN\*\*\*\*\*

**Complaint Summary**

**CRASH** No DESPITE MULTIPLE RECALLS AND FIXES TO THE PASSENGER AIRBAG (ALL OPEN RECALLS COMPLETED), THERE ARE STILL TIMES WHEN A NORMAL WEIGHT PASSENGER IS IN THE PASSENGER SEAT AND THE AIRBAG LIGHT INDICATES THAT IT IS OFF WITH NO PASSENGER PRESENT. THE DEALER HAS NOT BEEN ABLE TO FIX THIS, DESPITE ALL THE VISITS/RECALLS TO DATE. IT IS NOT A PERMANENT FAULT, JUST AN OCCASIONAL FAULT - PASSENGER NORMALLY AROUND ADULT/TEENAGERS 200LB

**FIRE** No

**INJURIES** 0

**DEATHS** 0

**Affected Products (1)****Vehicle**

| MAKE   | MODEL  | YEAR |
|--------|--------|------|
| NISSAN | ALTIMA | 2013 |

**Safety Issue Type: Complaints****April 14 2017** NHTSA ID Number: 10978554**Components: AIR BAGS**

NHTSA ID Number 10978554

Incident Date January 11 2016

Vehicle Identification Number 1N4AL3AP4DC\*\*\*\*\*

**Complaint Summary**

**CRASH** No AFTER STARTUP WITH A PASSENGER IN THE FRONT SEAT, THE PASSENGER SIDE AIRBAG LIGHT STAYS ON INTERMITTANTLY. WE HAVE TAKEN IT TO THE DEALERSHIP FOR REPAIR 5 TIMES. 4

**FIRE** No

**INJURIES** 0 TIMES THEY "REPROGRAMMED THE PCM ACCORDING TO THE RECALL" AND THE LAST TIME DID NOTHING. I DID CALL NISSAN AND THEY OPENED A 'CASE' PRIOR TO THE LAST REPAIR ATTEMPT (#25798531) AND STILL NO ATTEMPT AT REPAIR WAS DONE BECAUSE THEY COULDN'T DUPLICATE THE PROBLEM (IN 30 MILES, DON'T KNOW HOW MANY TIMES THEY ACTUALLY GOT OUT OF THE PASSENGER SEAT AND RESTARTED THE CAR). THIS HAS BEEN HAPPENING ALMOST SINCE NEW; BUT WE THOUGHT THE LIGHT WAS SUPPOSED TO BE ON! I KNOW THAT THIS IS NOT AN UNCOMMON PROBLEM VIA RESEARCH ON THE INTERNET.

**DEATHS** 0

**Affected Products (1)****Vehicle**

| MAKE   | MODEL  | YEAR |
|--------|--------|------|
| NISSAN | ALTIMA | 2013 |

**Safety Issue Type: Complaints****January 09 2017** NHTSA ID Number: 10943926**Components: AIR BAGS, SEAT BELTS****NHTSA ID Number** 10943926**Incident Date** January 05 2017**Vehicle Identification Number** 1N4AL3AP2DN\*\*\*\*\***Complaint Summary**

**CRASH** No 2013 NISSAN ALTIMA S - SAFETY SYSTEM DEFECT / MALFUNCTION PROBLEM: 2 ASPECTS (1) THE OCS AIRBAG AND SEATBELT SYSTEM WARNING LIGHT "INCORRECTLY INDICATES" A PASSENGER IS NOT IN THE SEAT WHEN IN FACT THE SEAT IS OCCUPIED! THIS CONDITION "TURNS OFF THE AIR BAG PROTECTION FOR AN ADULT PASSENGER!" (2) THE SEATBELT LIGHT 'INCORRECTLY INDICATES' THAT A PASSENGER IS UNBELTED. ERRONEOUS TEST RESULTS: NISSAN 'TESTS' THIS SAFETY SYSTEM ON EQUIPMENT PROGRAMMED BY NISSAN ' VIA A HUMANLY DEvised ALGORITHM. IN OTHER WORDS, SINCE THE 'TEST EQUIPMENT' IS PROGRAMMED INCORRECTLY, THE RESULTS WILL BE WRONG. PROOF: NISSAN HAS RECALLED TO REPROGRAM MY VEHICLE 4 TIMES (I THINK) ' A NEW 'TEST' ALGORITHM. ADDITIONALLY, NISSAN REFUSES TO ACKNOWLEDGE THAT THERE COULD BE A FAULTY COMPONENTS OF THIS SAFETY SYSTEM. IF THE 'TEST' FAILS TO SHOW A SYSTEM FAULT. NISSAN IGNORES THE PROBLEM. NISSAN REFUSES TO REPLACE COMPONENTS OF THIS FAULTY SYSTEM. 2013 ' 2017 OCS SYSTEM MALFUNCTION CONTINUES AFTER MULTIPLE REPROGRAMMINGS BY NISSAN. NISSAN HAS NEVER FIXED THIS FAULTY SYSTEM. NISSAN NEEDS TO REPLACE THIS SAFETY SYSTEM IMMEDIATELY!

**Affected Products (1)****Vehicle**

| MAKE   | MODEL  | YEAR |
|--------|--------|------|
| NISSAN | ALTIMA | 2013 |

**Safety Issue Type: Complaints****January 25 2018** NHTSA ID Number: 11064946**Components: AIR BAGS**

NHTSA ID Number 11064946

Incident Date January 20 2018

Vehicle Identification Number 1N4AL3AP3DN\*\*\*\*\*

**Complaint Summary**

**CRASH** No MY "VEHICLE WAS PREVIOUSLY RECALLED TO REPROGRAM FRONT PASSENGER OCCUPANT CLASSIFICATION SYSTEM (OCS) ELECTRONIC CONTROL UNIT (ECU)." I TOOK MY CAR IN FOR THE RECALL TO HAVE IT TAKEN CARE OF, BUT NOW I'M STILL HAVING ISSUES WITH THE OCS.

**FIRE** No

**INJURIES** 0 CURRENTLY, THE DRIVER SIDE AIRBAG LIGHT IS ON, INDICATING THAT IT IS NOT FUNCTIONING PROPERLY. IN ADDITION, WHILE THE CAR WAS IN MOTION AND I WAS SITTING IN THE PASSENGER SEAT, THE PASSENGER SIDE AIRBAG LIGHT WAS LIT UP. THIS INDICATED THAT THE AIRBAG WAS OFF, DESPITE THE FACT THAT I WAS SITTING IN IT. AFTER TAKING THE CAR INTO THE DEALERSHIP, I WAS INFORMED THAT THE CODE B00AQ00 SHOWED THAT I NEEDED A NEW OCS CONTROL UNIT AS WELL AS TWO OCS SENSORS. I INFORMED THEM OF THE PREVIOUS RECALL ON THE OCS; HOWEVER, THEY SAID THIS WAS A SEPARATE ISSUE, SO I WAS GOING TO HAVE TO PAY \$539.88. NISSAN ORIGINALLY SAID IN A LETTER THAT, "IF AT ANY TIME WITHIN THE NEXT 15 YEARS, THE OCS SYSTEM IN YOUR VEHICLE DOES NOT PERFORM AS DESCRIBED ABOVE, WE URGE YOU TO PLEASE SCHEDULE AN APPOINTMENT AT YOUR NEAREST NISSAN DEALER. THE DEALER CAN CHECK THE OCS SYSTEM IN YOUR VEHICLE AND, IF NEEDED, PERFORM A ONE-TIME RETROFIT TO THE OCS SYSTEM FREE OF CHARGE." SINCE THE OCS IS STILL HAVING ISSUES AFTER THE ORIGINAL RECALL, I THOUGHT IT WAS IMPERATIVE TO REPORT THIS HUGE SAFETY ISSUE. I WAS INFORMED THAT THE AIRBAGS MIGHT NOT DEPLOY IF I WERE IN A CAR ACCIDENT, WHICH COULD CAUSE UNNECESSARY INJURIES OR EVEN DEATH. CLEARLY THERE ARE STILL UNRESOLVED ISSUES WITH THE OCS THAT NEED ATTENTION.

**DEATHS** 0

**Affected Products (1)****Vehicle**

| MAKE   | MODEL  | YEAR |
|--------|--------|------|
| NISSAN | ALTIMA | 2013 |

**Safety Issue Type: Complaints****July 11 2017** NHTSA ID Number: 11004653**Components: AIR BAGS**

NHTSA ID Number 11004653

Incident Date April 12 2017

Vehicle Identification Number 1N4AL3AP4DN\*\*\*\*\*

**Complaint Summary**

**CRASH** No MY AIRBAGS IN MY CAR ARE NON-FUNCTIONAL. THE RED AND YELLOW AIRBAG LIGHTS ARE ON FOR THE DURATION OF ANY TRIP IN THE CAR. THE SENSOR THAT IS SUPPOSED TO DETECT AN ADULT IN THE PASSENGER SEAT DOES NOT FUNCTION SO THE PASSENGER AIRBAG IS ALWAYS OFF -ATTACHMENT 1. I WENT TO THE DEACON JONES NISSAN DEALERSHIP IN GOLDSBORO NC ON 4-12-17 FOR THE RECALL ON THIS ISSUE. THE "REPROGRAMMING" THAT WAS DONE WAS INEFFECTIVE. THIS WAS NOT REPORTED TO ME. I RETURNED TO THE DEALERSHIP ON 7-6-17 TO GET THE ISSUE ADDRESSED. I WAS TOLD THAT MY CAR HAD NO RECALLS OUTSTANDING AND I WOULD NEED TO PAY OUT OF POCKET TO GET THE AIRBAG CONTROL UNIT REPLACED. INSTEAD I ELECTED TO CALL NISSAN TO SEE IF THEY COULD OFFER AN EXPLANATION OR REMEDY THE PROBLEM. I CALLED AND SPOKE WITH [XXX] AGENTID: [XXX]. HE CREATED A CASE AND SENT IT TO THEIR REPAIR SPECIALISTS. TODAY, 7-11-17 I SPOKE WITH [XXX] THE CASE MANAGER. HE INFORMED ME THAT NISSAN WOULD NOT BE REPLACING THE DEFECTIVE AIRBAG CONTROL UNIT AND THAT I WOULD NEED TO PAY TO HAVE IT REPLACED OUT OF POCKET. MY CONCERNS ARE: 1. NISSAN ISN'T TAKING THEIR CUSTOMERS SAFETY SERIOUSLY. SOME PEOPLE WOULD SIMPLY NOT BE ABLE TO PAY TO HAVE THIS DEFECTIVE UNIT REPLACED AND COULD SUFFER INJURY AS A RESULT. 2. THE AIRBAG CONTROL UNIT (IF I REPLACED IT OUT OF POCKET) WOULD FAIL AGAIN. 3. THE AIRBAG UNIT REPROGRAMMING HAS BEEN INEFFECTIVE ON OTHER CARS AND DOESN'T SEEM TO ADDRESS THE ISSUE. SIMILAR TO THE HOOD LATCH ISSUE WHICH REQUIRED 3 RECALLS TO ADDRESS. ATTACHMENT 2 = SECOND TRIP TO DEALERSHIP ATTACHMENT 3 = RECALL SHEET ATTACHMENT 4 = NOTES OF CONVERSATIONS WITH NISSAN ATTACHMENT 5 = PDF OF MY VIN NUMBER FORM NHTSA WEBSITE INFORMATION REDACTED PURSUANT TO THE FREEDOM OF INFORMATION ACT (FOIA), 5 U.S.C. 552(B)(6). \*TR

**Affected Products (1)****Vehicle**

| MAKE   | MODEL  | YEAR |
|--------|--------|------|
| NISSAN | ALTIMA | 2013 |

**Safety Issue Type: Complaints****October 19 2024** NHTSA ID Number: 11620784**Components: AIR BAGS**

NHTSA ID Number 11620784

Incident Date October 19 2024

Vehicle Identification Number 1N4AL3AP2FC\*\*\*\*\*

**Complaint Summary**

**CRASH** No My car has been to Nissan service 3 times for a faulty airbag light - it thinks the driver seat is unoccupied when it is not - that means the air bag may not activate. The dealer has been able to turn off the light but it eventually comes back on. It meets all the criteria below for the recall but the VIN is excluded. I have paid \$562.02 in service fees and now they want \$2,000 to replace the seat. I would like my VIN added to the recall.

**Affected Products (1)****Vehicle**

| MAKE   | MODEL  | YEAR |
|--------|--------|------|
| NISSAN | ALTIMA | 2015 |

104. Every one of these complaints concerns a vehicle Nissan identified, recalled, and repaired under its own remedy. One owner reports the vehicle was “[f]ixed twice through previous recalls but still does not detect a passenger in the front passenger seat.” Another, having completed every open recall, reports that the dealer “has not been able to fix this, despite all the visits/recalls to date.” A third took the vehicle in five times, four of which produced a reprogramming “according to the recall,” and the condition persisted. A fourth was told after the recall repair that a new OCS control unit and two OCS sensors were needed, at the owner’s expense of \$539.88, because the dealer treated the continuing failure as “a separate issue.”<sup>31</sup>

105. These reports, the federal investigation into the same question, and Nissan’s own warranty data were before Nissan while it was building and selling the Class Vehicles. Nissan built and sold them with the same system and never recalled them.

**b. Complaints Concerning the Class Vehicles**

106. Forty-seven of the complaints attached as **Exhibit 1** concern the model year 2016, 2017, and 2018 Altima—the model years from which the Class Vehicles are drawn. Every one of them was received after the April 28, 2016, recall, and they span May 2, 2016, through September 25, 2025.<sup>32</sup> Those owners describe the same failure reported by owners of the recalled model years:

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<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

**Safety Issue Type: Complaints****June 19 2024** NHTSA ID Number: 11595378**Components: AIR BAGS**

NHTSA ID Number 11595378

Incident Date May 21 2024

Vehicle Identification Number 1N4AL3AP6GN\*\*\*\*\*

**Complaint Summary**

**CRASH** No Air bag light is on and occupant classification sensor is malfunctioning. Passenger airbag will not deploy in the event of an accident.

**FIRE** No

**INJURIES** 0

**DEATHS** 0

**Affected Products (1)****Vehicle**

| MAKE   | MODEL  | YEAR |
|--------|--------|------|
| NISSAN | ALTIMA | 2016 |

**Safety Issue Type: Complaints****July 29 2025** NHTSA ID Number: 11677018**Components: AIR BAGS, SEATS**

NHTSA ID Number 11677018

Incident Date July 29 2021

Vehicle Identification Number 1N4AL3AP6HC\*\*\*\*\*

**Complaint Summary**

**CRASH** No As appears to be the case with many other 2017 Nissan Altima drivers, the light indicating the Passenger Side Air Bag is OFF remains on even when adults are in the seat. When the dealership took a look at the issue, they said the Occupant Control Sensor System required replacement, and quoted ~\$1,000 to fix this issue. This is a cost we weren't able to bear, and so we have had to use the car with NO functional passenger side airbags for several years. The OCS failed approximately 5 years after the car was purchased. For a safety-critical feature, it is concerning that there is no remedy for the public. This issue appears identical to the OCS problem identified in NHTSA Campaign #16V-244 (Reference #NTB16-054b) from August 25, 2016. It appears that the 2017 Nissan Altima was excluded from this recall, despite suffering the same manufacturing issues.

**FIRE** No

**INJURIES** 0

**DEATHS** 0

**Affected Products (1)****Vehicle**

| MAKE   | MODEL  | YEAR |
|--------|--------|------|
| NISSAN | ALTIMA | 2017 |

**Safety Issue Type: Complaints****February 28 2023** NHTSA ID Number: 11509482**Components: AIR BAGS**

NHTSA ID Number 11509482

Incident Date January 22 2021

Vehicle Identification Number 1N4AL3AP1HC\*\*\*\*\*

**Complaint Summary**

**CRASH** No Passenger Air Bag light is on and is available for inspection. Concern: Safety of Passenger if air bag will not deploy. A Nissan dealership twice turned it off but the light keeps returning. Originally Nissan said the sensor was unplugged. The second time they didn't comment but the light was off when car was returned to me. I was happily not charged on either visit. The light first came on in January 2021 and I had less than 28,000 miles on the car and my car has never been in an accident. Please note there was a recall for a faulty air bag sensor on 2016 Nissan Altimas. My Altima was on the assembly line in 2016 but is a 2017 model. I requested help from Nissan's home office but was directed to your website. Since my car was on the assembly line in 2016, why isn't it included in the recall? Nissan will not honor the recall for my car.

**FIRE** No

**INJURIES** 0

**DEATHS** 0

**Affected Products (1)****Vehicle**

| MAKE   | MODEL  | YEAR |
|--------|--------|------|
| NISSAN | ALTIMA | 2017 |

**Safety Issue Type: Complaints****December 05 2021** NHTSA ID Number: 11442741**Components: AIR BAGS, SEATS**

NHTSA ID Number 11442741

Incident Date September 14 2021

Vehicle Identification Number 1N4AL3AP3JC\*\*\*\*\*

**Complaint Summary**

**CRASH** No My car's airbag light came on and would not go off. I took it to the dealership and was told that the sensor in my passenger seat that detects the weight of someone in the seat is not working. Because of this sensor failing, my air bags will not deploy if the car is involved in an accident. It puts me at a safety risk because air bags will not provide protection to me or passengers riding in my vehicle if I am in an accident. This problem has been confirmed by the dealership. I don't know if the manufacturer has inspected the issue or not. There were no other warning lights, messages, or other symptoms prior to this issue.

**FIRE** No

**INJURIES** 0

**DEATHS** 0

**Affected Products (1)****Vehicle**

| MAKE   | MODEL  | YEAR |
|--------|--------|------|
| NISSAN | ALTIMA | 2018 |

**Safety Issue Type: Complaints****June 30 2021** NHTSA ID Number: 11422996**Components: AIR BAGS**

NHTSA ID Number 11422996

Incident Date June 28 2021

Vehicle Identification Number 1N4AL3AP1JC\*\*\*\*\*

**Complaint Summary**

**CRASH** No      Airbag light is on & I had a diagnostic completed. The diagnostic indicated problem with front passenger seat sensor. Nissan has a safety recall on some Airbags, however not on my 2018 model.

**FIRE** No

**INJURIES** 0

**DEATHS** 0

**Affected Products (1)****Vehicle**

| MAKE   | MODEL  | YEAR |
|--------|--------|------|
| NISSAN | ALTIMA | 2018 |

107. Twenty-one further complaints concerning the model year 2016, 2017, and 2018 Altima, received by NHTSA between September 10, 2016, and December 30, 2021, are reproduced below from NHTSA's records.<sup>33</sup> Each was received before Plaintiff Cass purchased her 2017 Altima in December 2022, and fifteen were received before Plaintiff Steptoe purchased her 2018 Altima in February 2020 and Plaintiff Garcia purchased her 2018 Altima in May 2020.

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<sup>33</sup> NHTSA Consumer Complaint Database, *supra* note 2.

**Safety Issue Type: Complaints****February 26 2018** NHTSA ID Number: 11075001**Components: AIR BAGS, SERVICE BRAKES**

NHTSA ID Number 11075001

Incident Date February 23 2018

Vehicle Identification Number 1N4AL3AP3GC\*\*\*\*\*

**Complaint Summary**

**CRASH** Yes I WAS INVOLVED IN AN ACCIDENT WHERE I WAS DRIVING MY 2016 NISSAN ALTIMA WHEN I REAR  
**FIRE** No ENDED THE CAR IN FRONT OF ME THAT WAS STATIONARY AT THE TRAFFIC LIGHT. I WAS  
**INJURIES** 0 TRAVELING APPROX 30MPH, BUT WHEN I TRIED TO SLOW DOWN BY GENTLY APPLYING MY  
**DEATHS** 0 BRAKES BUT MY NISSAN ALTIMA CAR DID NOT SLOW DOWN AT ALL. I THEN SLAMMED THE  
BRAKES DOWN FIRMLY, STILL NOTHING, THE ABS DID NOT ENGAGE AT ALL. I SWERVED TO MY  
RIGHT TO TRY AND AVOID HITTING THE CAR IN FRONT OF ME HEAD ON. I CAUGHT IT'S RIGHT  
HAND BACK FENDER, BOTH FRONT AIR BAGS DEPLOYED, THE IMPACT OF HITTING THE  
MERCEDES STOPPED MY CAR- BOTH AIRBAGS INFLATED. MY 90LB, 18 YEAROLD SON WAS  
SITTING IN THE PASSENGER SEAT. I BROUGHT IT UP TO NISSAN ON TWO SEPARATE OCCASIONS  
WAS ON AND OFF WHEN MY SON SAT IN THE FRONT SEAT. ON THE FIRST OCCASION NISSAN  
JUST RESET THE PASSENGER AIRBAG SENSOR. IT DID NOT SOLVE THE ISSUE, THE SECOND  
COMPLAINT, NISSAN SAID IT WOULD ONLY GO OFF IF MY SON WEIGHED OVER 110LBS. IN THIS  
ACCIDENT THE AIR BAG DID GO OFF, CONSIDERING THIS CAR WAS GOING TO BE THE CAR HE  
DROVE- HE HAS HIS PERMIT RIGHT NOW, SO IF THE DRIVER WEIGHS LESS THAN 110LBS IT  
WOULD NOT DEPLOY. IT DOES NOT MAKE SENSE. SECONDLY, I BELIEVE THE NISSAN ALTIMA  
BRAKES FAILED IN THE ACCIDENT. WHEN THE TOW TRUCK DRIVER PICKED UP THE CAR ON ITS  
FLATBED, HE SAID THAT IT APPEARED THERE WAS SOMETHING FUNKY WITH THE FOOT BRAKE,  
IT WAS ROCK HARD WHEN COMPRESSED. THE ABS COMPLETELY FAILED, I NEVER FELT IT  
ENGAGE AFTER PUSHING FIRMLY HARD ON THE BRAKES. THERE WERE NO SKID MARKS ON THE  
ROAD. I NOTED THE ROAD WHERE THE ACCIDENT OCCURRED HAD TWO TYPES OF FLUID ON IT,  
ONE OILY ONE LIKE COOLANT. THE CAR WAS RECENTLY SERVICED, BY NISSAN VAN NUYS, THEY  
REPLACED THE TRANSMISSION. THE CAR DROVE INCREDIBLY WELL FOR A WEEK, BUT THE LAST  
FEW DAYS I NOTED THE SLUGGISHNESS AGAIN RETURNED. MY TIRES AND BRAKES WHICH  
WERE ALL FINE. THEY DID REPLACE THE BRAKE FLUID.

**Affected Products (1)****Vehicle**

| MAKE   | MODEL  | YEAR |
|--------|--------|------|
| NISSAN | ALTIMA | 2016 |

**Safety Issue Type: Complaints****January 28 2019** NHTSA ID Number: 11172555**Components: AIR BAGS**

NHTSA ID Number 11172555

Incident Date July 09 2018

Vehicle Identification Number 1N4AL3AP2HC\*\*\*\*\*

**Complaint Summary**

**CRASH** Yes TL\* THE CONTACT OWNED A 2017 NISSAN ALTIMA. WHILE THE CONTACT WAS TRAVELING AS A PASSENGER AT APPROXIMATELY 15 MPH, THE VEHICLE WAS STRUCK ON THE FRONT DRIVER'S SIDE BY ANOTHER VEHICLE. ALL THE FRONTAL AND SIDE AIR BAGS DEPLOYED. POLICE REPORT NUMBER: 18002915 WAS FILED. THE DRIVER AND CONTACT WERE INJURED AND TRANSPORTED TO THE HOSPITAL VIA AMBULANCE. THE CONTACT STATED THAT THE AIR BAGS DEPLOYED WITH EXCESSIVE FORCE AND FRAGMENTS OF GLASS AND GRAVEL STRUCK HER FACE. BOTH OCCUPANTS WERE TREATED AND RELEASED. THE VEHICLE WAS TOWED TO AN IMPOUND LOT. THE VEHICLE WAS NOT TAKEN TO THE DEALER FOR DIAGNOSTIC TESTING. THE MANUFACTURER WAS NOTIFIED OF THE FAILURE. THE VEHICLE WAS DESTROYED. THE APPROXIMATE FAILURE MILEAGE WAS 33,100. \*DT\*JB.\*BF CONSUMER STATED THE OTHER VEHICLE FAILED TO YIELD RIGHT OF WAY ON A RED LIGHT. CONSUMER ALSO STATED SHE HAS ALMOST LOST HER RIGHT EYE AND HAS HAD 3 SURGERIES AND IS STILL UNDER DOCTOR'S CARE.\*JB

**Affected Products (1)****Vehicle**

| MAKE   | MODEL  | YEAR |
|--------|--------|------|
| NISSAN | ALTIMA | 2017 |

**Safety Issue Type: Complaints****August 07 2018** NHTSA ID Number: 11118323**Components: AIR BAGS**

NHTSA ID Number 11118323

Incident Date August 05 2018

Vehicle Identification Number 1N4AL3AP7GC\*\*\*\*\*

**Complaint Summary**

**CRASH** Yes TL\* THE CONTACT OWNED A 2016 NISSAN ALTIMA. WHILE DRIVING 55 MPH, THE CONTACT STRUCK A DEER. THE AIR BAGS DID NOT DEPLOY. A POLICE REPORT WAS FILED. THE CONTACT'S SPOUSE SUSTAINED BRUISES AND THE CONTACT'S DAUGHTER, SEATED IN THE REAR PASSENGER SEAT, SUSTAINED BURNS FROM THE SEAT BELT. MEDICAL ATTENTION WAS NOT REQUIRED. THE VEHICLE WAS DESTROYED AND TOWED TO THE CONTACT'S RESIDENCE. THE VEHICLE WAS NOT TAKEN TO A DEALER OR INDEPENDENT MECHANIC. THE MANUFACTURER WAS NOT MADE AWARE OF THE FAILURE. THE FAILURE MILEAGE WAS 41,357.

**Affected Products (1)****Vehicle**

| MAKE   | MODEL  | YEAR |
|--------|--------|------|
| NISSAN | ALTIMA | 2016 |

**Safety Issue Type: Complaints****March 12 2021** NHTSA ID Number: 11402630**Components: AIR BAGS, SEATS**

NHTSA ID Number 11402630

Incident Date March 12 2021

Vehicle Identification Number 1N4AL3AP5GC\*\*\*\*\*

**Complaint Summary**

**CRASH** No I RECENTLY PURCHASED THIS VEHICLE IN FEBRUARY OF THIS YEAR. UPON DRIVING A FEW  
**FIRE** No TIMES, THE AIR BAG SENSOR LIGHT APPEARS AND STAYS ON MY DASH ALONG WITH WHEN I  
**INJURIES** 0 HAVE A PASSENGER IN THE CAR, THE PASSENGER AIR BAG SENSOR DOES NOT TURN OFF. IT IS  
**DEATHS** 0 NOW MARCH AND I STILL HAVE THE SAME ISSUE. ACCORDING TO THE CARFAX REPORT I  
 RECEIVED WHEN PURCHASING THE VEHICLE, A MAINTENANCE CHECK WAS CONDUCTED BY  
 THE LOCAL NISSAN DEALER CLOSE TO ME IN JANUARY, IT ONLY SHOWS THE CURRENT RECALL  
 OF A HOOD LATCH (20V315 - THAT APPARENTLY NO PART IS AVAILABLE FOR). I WAS ADVISED BY A  
 SERVICE REPAIR REPRESENTATIVE THAT THE AIR BAG SENSORS UNDER THE PASSENGER SEAT  
 ARE BROKEN AND WERE NOT REPAIRED DURING THAT MAINTENANCE CHECK. I QUESTIONED AS  
 TO WHY WITH NO EXPLANATION GIVEN. I ADVISED THAT THIS IS A SAFETY CONCERN AND  
 SHOULD FALL BACK UNDER THE RECALL FROM 2016 (16V244) WITH THE SERVICE  
 REPRESENTATIVE STATING THAT IT DOESN'T!! IS IT POSSIBLE FOR THIS TO BE FIXED UNDER  
 THAT RECALL OR DOES A NEW RECALL HAVE TO BE IN EFFECT?? LOOKING OUT FOR THE  
 SAFETY OF MYSELF AND FELLOW PASSENGERS. THANK YOU FROM A VERY CONCERNED  
 VEHICLE OWNER.

**Affected Products (1)****Vehicle**

| MAKE   | MODEL  | YEAR |
|--------|--------|------|
| NISSAN | ALTIMA | 2016 |

**Safety Issue Type: Complaints****September 24 2021** NHTSA ID Number: 11434239**Components: ELECTRICAL SYSTEM, AIR BAGS**

NHTSA ID Number 11434239

Incident Date September 23 2021

Vehicle Identification Number 1N4AL3AP9JC\*\*\*\*\*

**Complaint Summary**

**CRASH** No The airbag safety system has failed in my car. When a passenger or driver is in the car. The weight sensors  
**FIRE** No and seatbelt sensors that activate the the airbag system fail to activate. This is something that I caught and  
**INJURIES** 0 mentioned it to a Nissan dealer when my car was in for service on another recall for hood latches. This is  
**DEATHS** 0 something that not only puts risk to passenger and driver in my car. But puts others at risk as well. Nissan  
 and the extended warranty company have failed to correct the issue. As my safety is now at risk if I get into  
 an accident and my airbags do not deploy. The issue is that the weight sensors and modulator have gone  
 bad. The total cost just for those two things is around \$585, by the time you add in airbag system  
 replacement it comes to around \$5000 to \$7000. I would like this looked at due to the cause it is a  
 preventative measure that be taken if we take that action now. This is on the 2018 model. I am willing to  
 help in anyway I can with the investigation.

**Affected Products (1)****Vehicle**

| MAKE   | MODEL  | YEAR |
|--------|--------|------|
| NISSAN | ALTIMA | 2018 |

**Safety Issue Type: Complaints****December 30 2021** NHTSA ID Number: 11445563**Components: AIR BAGS**

NHTSA ID Number 11445563

Incident Date October 01 2021

Vehicle Identification Number 1N4AL3AP3JC\*\*\*\*\*

**Complaint Summary**

**CRASH** No OCS system is faulty causing the airbags for the passenger to disengage. I am out of warranty for mileage at the time of the problem by 6,000. The car was 3 years old and it is an on going problem again. OCS switch showing improper voltage and cannot be reset unless the factory mechanic does the reset which holds me, the owner, responsible for the diagnostic fee. Additionally, the faulty parts may have to be replaced at my expense as well if it turns out to be a more than a software glitch. There has been recalls for 2016 and prior for the same issue and a recall for 2018 models is happening again.

**FIRE** No

**INJURIES** 0

**DEATHS** 0

**Affected Products (1)****Vehicle**

| MAKE   | MODEL  | YEAR |
|--------|--------|------|
| NISSAN | ALTIMA | 2018 |

**Safety Issue Type: Complaints****July 06 2019** NHTSA ID Number: 11229738**Components: AIR BAGS, SEATS**

NHTSA ID Number 11229738

Incident Date July 06 2019

**Complaint Summary**

**CRASH** No BROUGHT MY CAR TO LIA NISSAN OF SARATOGA NY JUNE 29TH 2018. THE DID A RECALL REPLACEMENT OF MY PASSENGER SIDE AIRBAG OCCUPANT SENSOR, SINCE THEN, AND BEFORE THE YEAR WAS OUT, THE PART HAS GONE BAD AGAIN. BROUGHT TO DEALER, THE SERVICE MANAGER STATES THAT BECAUSE I DIDN'T BRING IT IN BEFORE THE YEAR WARRANTIED DATE, THEY NEED TO CHARGE ME A \$119 DIAGNOSTIC FEE. THE PART TO REPLACE THE OCCUPANT SENSOR COSTS \$45 RETAIL. I DO NOT FEEL I SHOULD BE RESPONSIBLE TO PAY A FEE FOR A PART THAT IS KNOWN TO HAVE MULTIPLE FAILURES.

**FIRE** No

**INJURIES** 0

**DEATHS** 0

**Affected Products (1)****Vehicle**

| MAKE   | MODEL  | YEAR |
|--------|--------|------|
| NISSAN | ALTIMA | 2016 |

**Safety Issue Type: Complaints****August 24 2021** NHTSA ID Number: 11430285**Components: AIR BAGS**

NHTSA ID Number 11430285

Incident Date August 08 2021

Vehicle Identification Number 1N4AL3AP2HC\*\*\*\*\*

**Complaint Summary**

**CRASH** No My airbag light came on 2 weeks ago. I took it to Nissan and was told I had no error codes, but if the airbag light came back on to bring it back. The light came on again yesterday. I returned to Nissan to be informed that the airbag has to be replaced. Meaning the entire passenger seat has to be replaced because that is where the airbag is located. Nearly \$2,000 to repair it. All of the 17 Nissan models have the airbag recall except for the 17 Altima which is what I have.

**FIRE** No

**INJURIES** 0

**DEATHS** 0

**Affected Products (1)****Vehicle**

| MAKE   | MODEL  | YEAR |
|--------|--------|------|
| NISSAN | ALTIMA | 2017 |

**Safety Issue Type: Complaints****September 10 2016** NHTSA ID Number: 10905180**Components: AIR BAGS**

NHTSA ID Number 10905180

Incident Date September 01 2016

Vehicle Identification Number 1N4AL3AP0DC\*\*\*\*\*

**Complaint Summary**

**CRASH** No AIRBAG SENSOR IS ACCORDING TO THE NISSAN DEALER ONLY ACTIVATING THE AIRBAG IF THE PASSENGER IS OVER 120LBS. MY WIFE IS UNDER THIS WEIGHT AND THE AIRBAG OFF LIGHT IS ON EVERY TIME WE DRIVE SOMEWHERE. NISSAN HAS TRIED TO PLAY IT OFF SAYING IT'S ACTUALLY SAFER FOR AN ADULT UNDER 120LBS TO HAVE THE AIRBAG OFF. THIS IS COMPLETELY UNACCEPTABLE AND I DO NOT HAVE THIS PROBLEM IN MY VW OR MY MAZDA.

**FIRE** No

**INJURIES** 0

**DEATHS** 0

**Affected Products (1)****Vehicle**

| MAKE   | MODEL  | YEAR |
|--------|--------|------|
| NISSAN | ALTIMA | 2016 |

**Safety Issue Type: Complaints****August 16 2017** NHTSA ID Number: 11015793**Components: AIR BAGS**

NHTSA ID Number 11015793

Incident Date August 14 2017

Vehicle Identification Number 1N4AL3AP3GC\*\*\*\*\*

**Complaint Summary**

**CRASH** No I TOOK MY VEHICLE IN FOR THE FIRST AIRBAG RECALL AND THEY FIXED THE ISSUE. THE AIRBAG  
**FIRE** No ISSUE REOCCURRED AGAIN WHEN SOMEONE WOULD SIT IN THE PASSENGER SEAT, THE  
**INJURIES** 0 VEHICLE STILL SHOWED THE PASSENGER AIRBAG DISABLED. I HAD PEOPLE OF VARIOUS  
**DEATHS** 0 WEIGHTS SITTING THERE RANGING FROM 70 POUNDS TO 140 POUNDS. THIS HAPPENED OVER  
 SEVERAL WEEKS AND WHEN I TOOK MY CAR IN, THEY FIXED IT AGAIN. NOW IT'S HAPPENING FOR  
 A THIRD TIME.

**Affected Products (1)****Vehicle**

| MAKE   | MODEL  | YEAR |
|--------|--------|------|
| NISSAN | ALTIMA | 2016 |

**Safety Issue Type: Complaints****December 20 2019** NHTSA ID Number: 11290296**Components: AIR BAGS**

NHTSA ID Number 11290296

Incident Date October 18 2019

**Complaint Summary**

**CRASH** No TL\* THE CONTACT OWNS A 2016 NISSAN ALTIMA. THE CONTACT STATED THAT THE AIR BAG  
**FIRE** No WARNING INDICATOR ILLUMINATED WHEN THE VEHICLE WAS STARTED. THE VEHICLE WAS  
**INJURIES** 0 TAKEN TO ROBBINS NISSAN (281-446-3181, LOCATED AT 18711 HIGHWAY 59 N, HUMBLE, TX 77338)  
**DEATHS** 0 WHERE THE AIR BAG SYSTEM WAS UPDATED. THE FAILURE RECURRED AND THE VEHICLE WAS  
 TAKEN BACK TO THE SAME DEALER WHERE IT WAS DIAGNOSED THAT THE FRONT PASSENGER  
 AIR BAG SENSOR NEEDED TO BE REPLACED. THE MANUFACTURER WAS NOT MADE AWARE OF  
 THE FAILURES. THE VEHICLE WAS NOT REPAIRED. THE FAILURE MILEAGE WAS APPROXIMATELY  
 81,000. THE VIN WAS NOT PROVIDED.

**Affected Products (1)****Vehicle**

| MAKE   | MODEL  | YEAR |
|--------|--------|------|
| NISSAN | ALTIMA | 2016 |

**Safety Issue Type: Complaints****July 18 2019** NHTSA ID Number: 11233230**Components: AIR BAGS**

NHTSA ID Number 11233230

Incident Date July 12 2019

Vehicle Identification Number 1N4AL3AP8GN\*\*\*\*\*

**Complaint Summary**

**CRASH** No THE PASSENGER AIRBAG INDICATOR LIGHT KEEPS POPPING UP ON MY DASHBOARD. I HAVE  
**FIRE** No GOTTEN THE PROBLEM FIXED THREE(3) TIMES, ONCE WITH A NISSAN DEALERSHIP, AND IT STILL  
**INJURIES** 0 KEEPS COMING ON AFTER 2 MONTHS OF DRIVING.  
**DEATHS** 0

**Affected Products (1)****Vehicle**

| MAKE   | MODEL  | YEAR |
|--------|--------|------|
| NISSAN | ALTIMA | 2016 |

**Safety Issue Type: Complaints****July 21 2017** NHTSA ID Number: 11006799**Components: AIR BAGS**

NHTSA ID Number 11006799

Incident Date July 12 2017

Vehicle Identification Number 1N4AL3AP2GC\*\*\*\*\*

**Complaint Summary**

**CRASH** No 2016 NISSAN ALTIMA SR: THE FRONT PASSENGER AIRBAG IS OFF WHEN AN ADULT IS IN THE  
**FIRE** No SEAT. THIS IS AN INTERNMENT PROBLEM. NISSAN CUSTOMER SERVICE AND DEALER STATED  
**INJURIES** 0 THERE IS NOTHING THEY CAN DO AND THE AIRBAG IS NOT ISSUE. LITHIA NISSAN OF FRESNO,  
**DEATHS** 0 DEALER EXPLANATION WAS THE PASSENGER WAS NOT SITTING CORRECTLY. LOOKING TO SEE  
IF ANYONE ELSE IS HAVING THIS ISSUE. THIS ISSUE HAS BEEN SINCE I PURCHASED THE  
VEHICLE. THE VEHICLE WAS IN NEW CONDITION.

**Affected Products (1)****Vehicle**

| MAKE   | MODEL  | YEAR |
|--------|--------|------|
| NISSAN | ALTIMA | 2016 |

**Safety Issue Type: Complaints****January 22 2019** NHTSA ID Number: 11171496**Components: AIR BAGS**

NHTSA ID Number 11171496

Incident Date June 30 2017

Vehicle Identification Number 1N4AL3AP1GC\*\*\*\*\*

**Complaint Summary**

**CRASH** No TL\* THE CONTACT OWNS A 2016 NISSAN ALTIMA. WHILE THE FRONT PASSENGER SEAT WAS OCCUPIED, THE AIR BAG WARNING INDICATOR ILLUMINATED INTERMITTENTLY. THE VEHICLE WAS TAKEN TO METRO NISSAN OF MONTCLAIR (9440 AUTOPLEX ST, MONTCLAIR, CA 91763, 909-625-5575) AND WAS REPAIRED. THE DIAGNOSTIC DETAILS WERE UNKNOWN. THE MANUFACTURER WAS NOTIFIED OF THE FAILURE. THE FAILURE MILEAGE WAS APPROXIMATELY 34,900.

**FIRE** No

**INJURIES** 0

**DEATHS** 0

**Affected Products (1)****Vehicle**

| MAKE   | MODEL  | YEAR |
|--------|--------|------|
| NISSAN | ALTIMA | 2016 |

**Safety Issue Type: Complaints****August 10 2021** NHTSA ID Number: 11428500**Components: AIR BAGS**

NHTSA ID Number 11428500

Incident Date August 04 2020

Vehicle Identification Number 1N4AL3AP0GC\*\*\*\*\*

**Complaint Summary**

**CRASH** No Passenger airbag light is always on. Nissan dealership said it is something with the sensor. Not covered under warranty. This should be recalled! I didn't do anything to make this mechanism screw up...

**FIRE** No

**INJURIES** 0

**DEATHS** 0

**Affected Products (1)****Vehicle**

| MAKE   | MODEL  | YEAR |
|--------|--------|------|
| NISSAN | ALTIMA | 2016 |

**Safety Issue Type: Complaints****July 03 2020** NHTSA ID Number: 11337313**Components: AIR BAGS**

NHTSA ID Number 11337313

Incident Date July 02 2020

Vehicle Identification Number 1N4AL3AP1GC\*\*\*\*\*

**Complaint Summary**

**CRASH** No THE FRONT SEAT PASSENGER OCCUPANT CLASSIFICATION SYSTEM (OCS) MAY INCORRECTLY  
**FIRE** No CLASSIFY AN ADULT PASSENGER AS A CHILD OR CLASSIFY THE SEAT AS EMPTY DESPITE IT  
**INJURIES** 0 BEING OCCUPIED. AS A RESULT, THE PASSENGER FRONTAL AIR BAG MAY BE TURNED OFF AND  
**DEATHS** 0 NOT DEPLOY IN THE EVENT OF A CRASH. \*TR

**Affected Products (1)****Vehicle**

| MAKE   | MODEL  | YEAR |
|--------|--------|------|
| NISSAN | ALTIMA | 2016 |

**Safety Issue Type: Complaints****January 07 2017** NHTSA ID Number: 10940329**Components: POWER TRAIN, AIR BAGS**

NHTSA ID Number 10940329

Incident Date May 05 2016

Vehicle Identification Number 1N4AL3APXGC\*\*\*\*\*

**Complaint Summary**

**CRASH** No THE FRONT PASSENGER AIR BAG OFF LIGHT CONTINUES TO COME ON WITH PASSENGERS IN  
**FIRE** No THE SEAT AT VARIOUS SPEEDS. NISSAN HAS ATTEMPTED TO CORRECT THIS ISSUE AT LEAST  
**INJURIES** 0 FOUR TIMES WITHOUT SUCCESS. THERE IS ALSO AN NOTICEABLE VIBRATION IN OR NEAR THE  
**DEATHS** 0 DRIVE TRAIN WHEN EVER ENGINE IS OPERATING AT OR NEAR 1750 RPM THAT ALSO HAS NOT  
 BEEN ELIMINATED.

**Affected Products (1)****Vehicle**

| MAKE   | MODEL  | YEAR |
|--------|--------|------|
| NISSAN | ALTIMA | 2016 |

**Safety Issue Type: Complaints****August 10 2019** NHTSA ID Number: 11243036**Components: AIR BAGS**

NHTSA ID Number 11243036

Incident Date August 08 2019

Vehicle Identification Number 1N4AL3AP7GC\*\*\*\*\*

**Complaint Summary**

**CRASH** No MY VEHICLE HASN'T BEEN IN ANY ACCIDENTS AND THE AIRBAG LIGHTS WILL COME ON AND GO  
**FIRE** No SOLID AND STAY ON THEN SOMETIMES GO OFF AND THEN COME BACK ON??? I'VE BEEN  
**INJURIES** 0 READING THAT THE OCS SYSTEM COULD BE FAULTY!! THE PASSENGER ONE WILL SOMETIMES  
**DEATHS** 0 STAY ON WHEN PEOPLE ARE SITTING IN THE SEATS OR IT WILL GO OFF WHEN NO ONE IS  
THERE??

**Affected Products (1)****Vehicle**

| MAKE   | MODEL  | YEAR |
|--------|--------|------|
| NISSAN | ALTIMA | 2016 |

**Safety Issue Type: Complaints****October 31 2019** NHTSA ID Number: 11277268**Components: AIR BAGS**

NHTSA ID Number 11277268

Incident Date April 10 2019

Vehicle Identification Number 1N4AL3APXGN\*\*\*\*\*

**Complaint Summary**

**CRASH** No PASSENGER OCCUPANT SENSOR FAILED AFTER BEING REPLACED, AIRBAG STAYS OFF WHILE  
**FIRE** No PASSENGER IN SEAT. SEAT BELT LIGHT STAYS ON WHILE SEAT IS IN OCCUPIED.  
**INJURIES** 0  
**DEATHS** 0

**Affected Products (1)****Vehicle**

| MAKE   | MODEL  | YEAR |
|--------|--------|------|
| NISSAN | ALTIMA | 2016 |

**Safety Issue Type: Complaints****February 22 2019** NHTSA ID Number: 11175410**Components: AIR BAGS**

NHTSA ID Number 11175410

Incident Date November 12 2018

Vehicle Identification Number 1N4AL3AP1GC\*\*\*\*\*

**Complaint Summary****CRASH** No 2016 NISSAN ALTIMA. CONSUMER WRITES IN REGARDS TO ILLUMINATED PASSENGER AIR BAG**FIRE** No LIGHT. \*LD CONSUMER SENT ADDITIONAL CORRESPONDENCE. \*LD \*TR**INJURIES** 0**DEATHS** 0**Affected Products (1)****Vehicle**

| MAKE   | MODEL  | YEAR |
|--------|--------|------|
| NISSAN | ALTIMA | 2016 |

**Safety Issue Type: Complaints****October 16 2019** NHTSA ID Number: 11269049**Components: AIR BAGS**

NHTSA ID Number 11269049

Incident Date September 12 2019

Vehicle Identification Number 1N4AL3AP0GC\*\*\*\*\*

**Complaint Summary****CRASH** No THE PASSENGER AIRBAG LIGHT IS ON ITS THE SUBMENTAL AIRBAG LIGHT.**FIRE** No**INJURIES** 0**DEATHS** 0**Affected Products (1)****Vehicle**

| MAKE   | MODEL  | YEAR |
|--------|--------|------|
| NISSAN | ALTIMA | 2016 |

108. Nissan never recalled a Class Vehicle for the OCS Defect. Owners describe the OCS Status Light staying lit with an adult in the seat, dealers diagnosing a failed occupant sensor, and repair costs Nissan declines to cover. The owner of a 2017 Altima, in a complaint received August 24, 2021, was told the entire passenger seat would have to be replaced at a cost near two thousand dollars and observed that every other 2017 Nissan model was covered by an airbag recall except the Altima. The owner of a 2016 Altima, in a complaint received July 6, 2019, had the occupant sensor replaced under Nissan's recall in June 2018 and was charged a diagnostic fee when the replacement part failed within the

year. The owner of a 2018 Altima, in a complaint received December 30, 2021, reported that the occupant-classification switch showed improper voltage and could not be reset except by a factory technician, at the owner's expense.<sup>34</sup>

109. Class Vehicle owners also report repair quotes that Nissan will not cover. The owner of a 2017 Altima was told the passenger seat airbag module was non-functional and the repair would cost \$2,667.29. Quotes elsewhere in Exhibit 1 reach \$3,500.<sup>35</sup> Nissan recalled the same system, at no charge to the owner, in the model years immediately preceding the Class Vehicles.

110. NHTSA received complaints reporting this failure years before Nissan sold the Class Vehicles, continued to receive them from owners whose vehicles had received Nissan's recall remedy, and continues to receive them from owners of the model years from which the Class Vehicles are drawn.<sup>36</sup>

#### 4. Nissan's Recalls, Investigations, and Remedies for the Same Defect, in Sequence

111. Nissan addressed the occupant-classification failure six times between February 2013 and August 2017, in the Altima and in vehicle lines built on the same system. The table below sets out that sequence. The paragraphs that follow take each step in turn.

| Date          | Action                       | Vehicles covered                                                                                   | What Nissan did                                                         |
|---------------|------------------------------|----------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|
| Feb. 28, 2013 | Recall 13V-069               | MY2013 Altima, LEAF, Pathfinder, Sentra; Infiniti JX35                                             | Replace out-of-specification strain gauge sensors in the passenger seat |
| Mar. 24, 2014 | Recall 14V-138               | MY2013–14 Altima, LEAF, Pathfinder, Sentra; MY2013 NV200, Infiniti JX35; MY2014 Infiniti Q50, QX60 | Reprogram the OCS software calibration                                  |
| Mar. 18, 2015 | Recall Query RQ15-001 opened | Vehicles remedied under 14V-138                                                                    | NHTSA investigation into whether the 2014 software remedy worked        |

<sup>34</sup> NHTSA Consumer Complaint Database, *supra* note 2.

<sup>35</sup> *Id.*

<sup>36</sup> NHTSA Consumer Complaint Database, *supra* note 2.

| Date               | Action                                               | Vehicles covered                                                                              | What Nissan did                                                                                        |
|--------------------|------------------------------------------------------|-----------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|
| June 2015          | Nissan response to RQ15-001                          | Recalled population                                                                           | Nissan produced ~1,121 complaints and field reports and reported 3,283 warranty claims                 |
| Aug. 31, 2015      | Engineering Analysis EA15-004 opened                 | Recalled population                                                                           | Query upgraded; remedy effectiveness and supplier countermeasures reviewed                             |
| Oct. 19, 2015      | Recall 15V-681                                       | MY2013–15 Altima, Pathfinder; MY2013–14 Sentra; MY2013 Infiniti JX35; MY2014–15 Infiniti QX60 | Replace incorrect OCS control units installed during the 14V-138 repair                                |
| Apr. 28, 2016      | Recall 16V-244 — 3,177,645 vehicles, three campaigns | See campaign rows below                                                                       | Stop-sale imposed; three crashes with moderate injuries reported to NHTSA                              |
| R1607              | 434,237 vehicles                                     | MY2013–16 Pathfinder, LEAF, NV200; MY2014–16 NV200 Taxi; MY2013–15 Pathfinder Hybrid          | Hardware — OCS ECU replacement                                                                         |
| R1608              | 626,934 vehicles                                     | MY2013–16 Sentra                                                                              | Hardware and software — seat belt buckle bracket plus ACU and OCS ECU reprogramming                    |
| R1609              | 1,932,409 vehicles                                   | MY2013–16 Altima; MY2014–17 Rogue; MY2015–16 Murano; MY2016–17 Maxima                         | Software only — no parts required                                                                      |
| May 23, 2016       | Bulletin NTB16-052                                   | MY2013–16 Altima and the other R1609 vehicles                                                 | Status light logic changed to illuminate when the seat is empty; dealers told to explain it            |
| Dec. 14, 2016      | Recall 16V-911                                       | MY2013–15 Altima; MY2015–16 Rogue; MY2016 Maxima                                              | Replace incorrect OCS ECUs installed in the front passenger seat                                       |
| Aug. 25, 2017      | Bulletin NTB17-006b                                  | MY2013–16 Altima; MY2015–16 Murano and Murano Hybrid                                          | Hardware retrofit — new OCS harness, control unit, and seat belt buckle; dealers only, no owner notice |
| After Apr. 1, 2016 | No action                                            | Altima built after the recall cutoff — the balance of MY2016, and all of MY2017 and MY2018    | No recall, no retrofit, no disclosure                                                                  |

**a. February 2013 — Nissan Replaces Failed Sensors in the 2013 Altima**

112. On February 28, 2013, before any Class Vehicle existed, Nissan recalled model year 2013 Altima, LEAF, Pathfinder, and Sentra vehicles and the Infiniti JX35

1 because “the strain gauge sensors used to determine the weight of the passenger seat  
 2 occupant for the Occupant Detection System (ODS) may have been manufactured out of  
 3 specification,” so that “the ODS system will permanently suppress the deployment of the  
 4 passenger air bag regardless of occupant weight.” Nissan attributed the condition to  
 5 “certain heat treatment anomalies” that “could cause the load cells within the strain gauge  
 6 sensors to malfunction.” (NHTSA Campaign No. 13V-069.)<sup>37</sup>

7 **b. March 2014 — Nissan Recalls the Same System Again and**  
 8 **Reprograms the Software**

9 113. On March 24, 2014, Nissan recalled model year 2013 and 2014 Altima,  
 10 LEAF, Pathfinder, and Sentra vehicles, the 2013 NV200 and Infiniti JX35, and the 2014  
 11 Infiniti Q50 and QX60. Nissan reported that the occupant-classification algorithm “may  
 12 not properly classify an adult passenger front seat occupant,” that the system may “classify  
 13 an occupied front passenger seat as empty” and suppress the passenger airbag while “the  
 14 passenger air bag status light does not illuminate,” and that “if the classification is not  
 15 corrected, there may be no warning that the air bag may not deploy in a crash where it is  
 16 designed to deploy.” (NHTSA Campaign No. 14V-138.)<sup>38</sup> This time the remedy Nissan  
 17 chose was software. It reprogrammed the system but replaced nothing.

18 **c. March Through September 2015 — A Federal Investigation Finds**  
 19 **the Software Remedy Wanting**

20 114. On March 18, 2015, NHTSA’s Office of Defects Investigation opened Recall  
 21 Query RQ15-001 after receiving 124 complaints reporting that the occupant-classification  
 22 system continued to fail after Nissan dealers performed the March 2014 repair. The stated  
 23  
 24

25 <sup>37</sup> Defect Information Report, Nissan North America, Inc. and Nissan Mexicana, S.A. de  
 26 C.V., NHTSA Campaign No. 13V-069, model year 2013 Altima, LEAF, Pathfinder,  
 27 Sentra, and Infiniti JX35 (Feb. 28, 2013), <https://static.nhtsa.gov/odi/rc1/2013/RCDNN-13V069-2351.pdf> (last visited Sept. 16, 2026).

28 <sup>38</sup> Defect Information Report, *supra* note 19.

purpose was to investigate the effectiveness of that remedy and to determine whether other occupant-classification problems existed in the recalled population.<sup>39</sup>

115. ODI described the problem as the occupant-classification system failing to properly classify adult front passenger occupants and deactivating the passenger's frontal airbag. The majority of complaints reported that the OCS Status Light stayed on for adult front passengers. Some complainants reported that dealers had performed multiple repairs and the problem persisted.<sup>40</sup>

116. In June 2015, responding to an ODI information request, Nissan produced approximately 1,121 consumer complaints and field reports drawn from its own files, and reported 3,283 warranty claims concerning the occupant-classification system.<sup>41</sup>

117. When ODI closed the query on September 1, 2015, the agency had logged 1,271 total reports, two crashes, and one injury incident involving the occupant-classification system across a population of 986,826 vehicles. On August 31, 2015, ODI had already upgraded the inquiry to Engineering Analysis EA15-004 to conduct a comparative assessment, to further evaluate the effectiveness of the recall remedy, and to review the countermeasures taken by Nissan and its suppliers.<sup>42</sup>

**d. October 2015 — Nissan Installs the Wrong Part While Fixing the Last Recall**

118. On October 19, 2015, Nissan recalled model year 2013 through 2015 Altima and Pathfinder vehicles, model year 2013 and 2014 Sentra vehicles, the 2013 Infiniti JX35, and model year 2014 and 2015 Infiniti QX60 vehicles because, “[d]ue to a supply chain error, incorrect OCS control unit service parts may have been installed” on vehicles that received the wrong part after the March 2014 recall or during some other repair, so that “the OCS algorithm in the subject vehicles may not properly classify an adult passenger

<sup>39</sup> ODI Resume, *supra* note 4.

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

<sup>42</sup> ODI Resume, *supra* note 5.

seated in front seat occupant.” (NHTSA Campaign No. 15V-681.)<sup>43</sup> Nissan replaced the control units it had installed under the March 2014 recall.

**e. April 2016 — The Largest Recall, and the Altima Alone Gets Software**

119. On April 28, 2016, Nissan recalled 3,177,645 vehicles, later amended to 3,296,947, including the model year 2013 through 2016 Altima. Nissan reported that the occupant-classification system can “initially classify an adult passenger as a child or classify an occupied seat as an ‘empty seat,’” in which case “the passenger airbag will be suppressed,” and that where the system reads the seat as empty, “the PABI light will not illuminate and there is no indication to the seat occupant that the air bag is suppressed.” (NHTSA Campaign No. 16V-244.)<sup>44</sup>

120. The recall reached far beyond the Altima. It covered model year 2013 through 2016 Altima, LEAF, NV200, Sentra, and Pathfinder; 2014 through 2016 NV200 Taxi; 2014 through 2015 Pathfinder Hybrid; 2014 through 2017 Rogue; 2015 through 2016 Murano; 2016 through 2017 Maxima; the Chevrolet City Express built on the NV200 platform; and Infiniti JX35, Q50, and QX60 vehicles.<sup>45</sup>

121. Nissan imposed a stop-sale, telling dealers that “A STOP SALE CONDITION IS IN EFFECT” and that “[i]t is a violation of Federal law for dealers to sell or deliver vehicles in their inventory covered by this notification until the campaign action is performed.” Nissan also stated that it “informed NHTSA that it is aware of at

<sup>43</sup> Part 573 Safety Recall Report, Nissan North America, Inc., NHTSA Campaign No. 15V-681, model year 2013–2015 Altima and Pathfinder, model year 2013–2014 Sentra, model year 2013 Infiniti JX35, and model year 2014–2015 Infiniti QX60 (Oct. 19, 2015), <https://static.nhtsa.gov/odi/rc1/2015/RCLRPT-15V681-4168.PDF> (last visited Sept. 16, 2026).

<sup>44</sup> Part 573 Safety Recall Report, *supra* note 6.

<sup>45</sup> *Id.*

1 least three crashes where the OCS system did not perform as designed possibly due to this  
2 issue,” and that “[t]hese incidents resulted in moderate injuries.”<sup>46</sup>

3 122. Nissan then divided the recall into three campaigns carrying three different  
4 remedies. Campaign R1607, covering 434,237 Pathfinder, LEAF, NV200, NV200 Taxi,  
5 and Pathfinder Hybrid vehicles, “requires OCS ECU replacement.” Campaign R1608,  
6 covering 626,934 model year 2013 through 2016 Sentra vehicles, “requires the installation  
7 of a seat belt buckle bracket and Airbag Control Unit (ACU) and OCS Electronic Control  
8 Unit (ECU) software reprogramming.” Campaign R1609, covering 1,932,409 model year  
9 2013 through 2016 Altima, model year 2014 through 2017 Rogue, model year 2015 and  
10 2016 Murano, and model year 2016 and 2017 Maxima vehicles, “requires Airbag Control  
11 Unit (ACU) and OCS Electronic Control Unit (ECU) software reprogramming.”<sup>47</sup>

12 123. The Altima was in R1609, the largest of the three and the only one that  
13 replaced nothing. Nissan told its dealers that R1609 “[d]oes not require parts; only Airbag  
14 Control Unit (ACU) and OCS Electronic Control Unit (ECU) software reprogramming is  
15 required.”<sup>48</sup> Under the same recall, on the same date, Nissan replaced the OCS control unit  
16 in the Pathfinder, LEAF, and NV200 lines. It replaced nothing in the Altima.

17 **f. May 2016 — Nissan Makes the OCS Status Light Ambiguous**

18 124. On May 23, 2016, in technical service bulletin NTB16-052, Nissan changed  
19 the logic governing the OCS Status Light for the R1609 vehicles, including the 2013  
20 through 2016 Altima. Nissan instructed dealers that after the campaign was performed,  
21 “the passenger air bag status light will be ON (illuminated) when the front passenger seat  
22 is empty,” and directed them to give each customer a printed page titled “FRONT  
23 PASSENGER AIR BAG STATUS LIGHT OPERATION” so that “the customer fully  
24 understands the new system operation and is not alarmed by the light being illuminated  
25

26  
27 <sup>46</sup> Nissan Voluntary Safety Recall Campaign Bulletin, *supra* note 7.

28 <sup>47</sup> *Id.*

<sup>48</sup> *Id.*

when the front passenger seat is empty.”<sup>49</sup> After that change, the same illuminated lamp reported either an empty seat or a suppressed airbag beneath an occupied one. Nissan therefore knew that the OCS Status Light could not reliably tell an occupant whether her airbag had been turned off, and made it less reliable still.

**g. December 2016 — Nissan Installs the Wrong Part Again**

125. On December 14, 2016, Nissan recalled model year 2013 through 2015 Altima, model year 2015 and 2016 Rogue, and model year 2016 Maxima vehicles because an “incorrect Occupant Classification System (OCS) Electronic Control Unit (ECU) may have been installed in the front passenger seat,” and “[t]he incorrect ECU and seat combination may misclassify the front passenger seat occupant.” (NHTSA Campaign No. 16V-911.)<sup>50</sup>

**h. August 2017 — Nissan Builds the Hardware Fix but Discloses It Only to Dealers**

126. On August 25, 2017, Nissan issued technical service bulletin NTB17-006b.<sup>51</sup> Nissan told its dealers that the bulletin was “provided for customers who have concerns with their Occupant Classification System (OCS) operation after all campaigns have been

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<sup>49</sup> Nissan Technical Service Bulletin NTB16-052, Voluntary Safety Recall Campaign R1609, Occupant Classification System, applied to 2013–2016 Altima (L33), 2016 Maxima (A36), 2014–2016 Rogue (T32), and 2015–2016 Murano and Murano Hybrid (Z52) (May 23, 2016), <https://static.nhtsa.gov/odi/rc1/2016/RCRIT-16V244-2308.pdf> (last visited Sept. 16, 2026); see also Nissan Technical Service Bulletin NTB16-052b (July 15, 2016), <https://static.nhtsa.gov/odi/rc1/2016/RCRIT-16V244-4191.pdf> (last visited Sept. 16, 2026).

<sup>50</sup> Part 573 Safety Recall Report, Nissan North America, Inc., NHTSA Campaign No. 16V-911, model year 2013–2015 Altima, model year 2015–2016 Rogue, and model year 2016 Maxima (Dec. 14, 2016), <https://static.nhtsa.gov/odi/rc1/2016/RCLRPT-16V911-6651.PDF> (last visited Sept. 16, 2026).

<sup>51</sup> A technical service bulletin is a written instruction a vehicle manufacturer issues to its franchised dealers and their service technicians, identifying a known condition in specified vehicles and directing how to diagnose and repair it. Manufacturers must file copies with the National Highway Traffic Safety Administration. *See* 49 C.F.R. § 579.5.

completed.” The bulletin directs the technician first to confirm that campaign R1609 was already performed. If it was not, the “OCS retrofit does NOT apply” and the technician is to perform the campaign instead.<sup>52</sup> By its own terms, the bulletin addresses vehicles on which Nissan’s recall remedy had already been applied and had failed.

127. The retrofit is hardware. It requires replacing the OCS wiring harness, replacing the OCS control unit, installing a new seat belt buckle, and performing a zero point reset.<sup>53</sup>

128. Nissan limited the retrofit to model year 2013 through 2016 Altima vehicles and model year 2015 and 2016 Murano and Murano Hybrid vehicles.<sup>54</sup> It did not extend the retrofit to any Class Vehicle, though the Class Vehicles contain the same OCS System and exhibit the same failure.

129. Nissan did not alert owners of any model year.

#### **D. Nissan’s Warranty and Sales Practices**

130. Nissan manufactures, advertises, distributes, and warrants the Class Vehicles, but does not sell them directly to consumers. Nissan sells its vehicles exclusively to authorized Nissan dealerships, which in turn resell them to consumers, including Plaintiffs and the Class.

131. A dealership that wishes to become an authorized Nissan dealer must enter a Nissan Sales and Service Agreement with NNA. That agreement establishes the dealer as an authorized dealer of Nissan products and provides for the sale and servicing of those products.

132. Nissan’s Sales and Service Agreements require its authorized dealers to display and promote Nissan’s advertising and marketing materials, to sell used Nissan vehicles, to maintain and repair Nissan products, and to perform warranty repairs on vehicles that qualify under any warranty Nissan furnishes.

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<sup>52</sup> Nissan Technical Service Bulletin NTB17-006b, *supra* note 13.

<sup>53</sup> *Id.*

<sup>54</sup> *Id.*

133. Nissan also sells, advertises, and promotes Certified Pre-Owned vehicles through that same network of authorized dealers. Every Certified Pre-Owned Nissan is sold with a limited warranty backed by Nissan itself.<sup>55</sup>

134. Nissan sets the terms of the Certified Pre-Owned program. In May 2020, when Plaintiff Garcia purchased her vehicle, a Nissan vehicle certified under that program had to pass a 167-point pre-sale inspection conducted at Nissan's direction and to Nissan's specifications, and it carried a limited warranty of seven years or 100,000 odometer miles, whichever occurred first, with the seven-year term running from the vehicle's original new-vehicle in-service date.<sup>56</sup>

135. Nissan designed that inspection and decided what its technicians would examine before certifying a used Altima. Nissan knew of the OCS Defect when it made that decision. It certified Class Vehicles carrying the Defect, sold them with a Nissan-backed warranty, and disclosed nothing.

136. Garcia bought her Class Vehicle through that program. Nissan inspected and certified the vehicle, warranted it, and did not disclose the OCS Defect to her.

#### **E. Nissan's Public Representations**

137. Throughout the relevant period, Nissan has represented to the public that its vehicles, including the Altima, are safe, reliable, and high-quality, and has marketed the safety of its vehicles as a reason to purchase them.

138. Nissan conducted five recalls for the same occupant-classification failure between February 2013 and December 2016. It participated in Recall Query RQ15-001 and in the Engineering Analysis that succeeded it, EA15-004, both directed at whether its own repair worked. It reported 3,283 warranty claims and produced more than a thousand

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<sup>55</sup> Nissan Certified Pre-Owned, Nissan North America, Inc., <https://www.nissanusa.com/shopping-tools/certified-pre-owned.html> (last visited Sept. 16, 2026); Nissan Certified Pre-Owned consumer brochure, Nissan North America, Inc., reorder 1823124-cbN (Oct. 2018) (describing the 167-point inspection and the seven-year or 100,000-mile limited warranty measured from the vehicle's original in-service date).

<sup>56</sup> *Id.*

1 consumer complaints and field reports from its own files. It developed a hardware retrofit  
2 after its software remedy failed and did not extend that retrofit to the Class Vehicles. It  
3 sold the Class Vehicles throughout, yet disclosed none of this.

## 4 **V. TOLLING OF STATUTES OF LIMITATIONS**

### 5 **A. Discovery Rule**

6 139. Nissan's knowing and active concealment and denial of the facts alleged  
7 herein act to toll any applicable statute(s) of limitations. Plaintiffs and other Class  
8 members could not reasonably have discovered the true, latent nature of the OCS Defect  
9 until shortly before commencing this litigation.

10 140. Plaintiffs and Class members had no realistic ability to discover the presence  
11 of the OCS Defect in the Class Vehicles within the applicable limitations period and could  
12 not have discovered, through the exercise of reasonable diligence, that Nissan was  
13 concealing the OCS Defect or misrepresenting the safety, quality, and reliability of the  
14 Class Vehicles.

### 15 **B. Fraudulent Concealment**

16 141. All applicable statutes of limitation have also been tolled by Nissan's  
17 knowing, active, and ongoing fraudulent concealment of the facts alleged herein. Even  
18 after Plaintiffs and other Class members contacted Nissan or its authorized dealers about  
19 the OCS Defect, Nissan told them nothing about a systemic, safety-related defect. They  
20 were quoted expensive repairs, and in some cases had the SRS Warning Light or the OCS  
21 Status Light disabled.

22 142. Nissan was and remains under a continuing duty to disclose to Plaintiffs and  
23 the Class the true character, quality, and nature of the Class Vehicles—specifically, that  
24 the occupant-classification system is defective, poses a safety hazard, and requires repair.

25 143. Because Nissan concealed and misrepresented the true character, quality, and  
26 nature of the Class Vehicles, and because Plaintiffs and Class members reasonably relied  
27 on Nissan's concealment and misrepresentations, Nissan is estopped from relying on any  
28 statute of limitations in defense of this action.

1 144. Plaintiffs and Class members reasonably relied on Nissan's concealment and  
2 had no reason to know that the Class Vehicles contained the OCS Defect.

3 **C. Estoppel**

4 145. Nissan has, and continues to have, a duty to disclose to Plaintiffs and the  
5 other Class members the true character, quality, and nature of the Class Vehicles,  
6 including that the Class Vehicles contain the OCS Defect, pose safety concerns, and  
7 require repair. Based on the foregoing, Nissan is estopped from relying on any statutes of  
8 limitation in defense of this action.

9 **VI. CLASS ACTION ALLEGATIONS**

10 146. Plaintiffs bring this action on behalf of themselves and on behalf of the  
11 following classes of consumers pursuant to Federal Rules of Civil Procedure 23(a) and  
12 23(b)(2) and (b)(3), defined as follows:

13 **All persons or entities who purchased or leased a Class**  
14 **Vehicle in the State of California.**

15 147. "Class Vehicles" are defined as all model year 2017 and 2018 Nissan Altima  
16 vehicles, and all model year 2016 Nissan Altima vehicles manufactured after April 1,  
17 2016, each equipped with Nissan's front passenger Occupant Classification System.

18 148. Excluded from the Class are Defendants, their affiliates, employees, officers,  
19 and directors; persons or entities that purchased the Class Vehicles for resale; and the  
20 Judge(s) assigned to this case together with their immediate families and staff. Plaintiffs  
21 reserve the right to modify, change, or expand the Class definitions based on discovery  
22 and further investigation.

23 149. **Numerosity.** Upon information and belief, the Class is so numerous that  
24 joinder of all members is impracticable. While the exact number and identities of  
25 individual Class members are unknown at this time, such information being in Nissan's  
26 sole possession and obtainable by Plaintiffs only through discovery, Nissan sold and  
27 leased hundreds of thousands of Class Vehicles nationwide, and many tens of thousands  
28 in California, such that the Class comprises at least thousands of members.

1           **150. Common Questions of Fact and Law Predominate.** Common questions of  
 2 law and fact exist as to all members of the Class and predominate over any questions  
 3 affecting only individual Class members. These common questions include, but are not  
 4 limited to, whether:

- 5           a. the Class Vehicles contain the OCS Defect described herein;
- 6           b. when Nissan first learned of the OCS Defect;
- 7           c. Nissan omitted and concealed material information regarding the OCS  
 8 Defect from consumers prior to their purchase or lease of the Class  
 9 Vehicles;
- 10          d. Nissan's conduct described herein is unfair, deceptive, or constitutes  
 11 an omission of material fact under the consumer-protection and  
 12 warranty laws at issue;
- 13          e. the OCS Defect poses an unreasonable safety hazard;
- 14          f. Nissan breached its express and implied warranties;
- 15          g. Plaintiffs and the Class are entitled to compensatory damages and  
 16 restitution, and the amount thereof;
- 17          h. injunctive and/or other equitable relief, including a recall or repair of  
 18 the Class Vehicles, is warranted; and
- 19          i. Plaintiffs and the Class are entitled to an award of punitive damages.

20           **151. Typicality.** Plaintiffs' claims regarding the OCS Defect and Nissan's failure  
 21 to disclose and address it are typical of the claims of the Class, because Plaintiffs  
 22 purchased Class Vehicles containing the same defect as other Class members, and  
 23 Plaintiffs and all Class members sustained monetary and economic injuries, including  
 24 ascertainable losses, arising out of Nissan's failure to disclose the OCS Defect. Plaintiffs  
 25 advance the same claims and legal theories on behalf of themselves and all absent Class  
 26 members.

27           **152. Adequacy.** Plaintiffs will fairly and adequately represent and protect the  
 28 interests of the Class. Plaintiffs' interests do not conflict with the interests of the Class

1 they seek to represent; Plaintiffs have retained counsel competent and highly experienced  
2 in complex class-action litigation; and Plaintiffs intend to prosecute this action vigorously.

3 153. **Superiority.** A class action is superior to all other available means of fairly  
4 and efficiently adjudicating the claims of Plaintiffs and the Class. The injury each  
5 individual Class member has suffered is small compared to the burden and expense of  
6 individually prosecuting the complex and extensive litigation necessitated by Nissan's  
7 conduct. It would be impracticable for Class members to individually redress the wrongs  
8 done to them, and even if they could afford individual litigation, the court system could  
9 not. Individualized litigation presents a potential for inconsistent or contradictory  
10 judgments and increases the delay and expense to all parties and the court system. By  
11 contrast, the class-action device presents far fewer management difficulties and provides  
12 the benefits of single adjudication, economy of scale, and comprehensive supervision by  
13 a single court. Upon information and belief, Class members can be readily identified  
14 through, inter alia, Nissan's vehicle identification numbers, warranty claims, registration  
15 records, and complaint databases.

16 154. **Issues Class.** Alternatively, Plaintiffs seek certification pursuant to Federal  
17 Rule of Civil Procedure 23(c)(4) on behalf of the Class for some or all of the issues  
18 identified in the commonality and predominance allegations above, as well as other issues  
19 that may later be identified.

20 155. **Injunctive Relief.** Nissan has acted, and refused to act, on grounds generally  
21 applicable to the Class, thereby making appropriate final injunctive and declaratory relief  
22 with respect to the Class as a whole under Rule 23(b)(2).  
23  
24  
25  
26  
27  
28

**VII. CAUSES OF ACTION**

**COUNT ONE**

**BREACH OF IMPLIED WARRANTY OF MERCHANTABILITY**

**(Cal. Com. Code § 2314)**

**(Brought by Plaintiffs Against All Defendants on Behalf of the Class)**

156. Plaintiffs and the Class incorporate by reference each preceding and succeeding paragraph as though fully set forth at length herein.

157. Plaintiffs bring this count against all Defendants on behalf of themselves and the Class.

158. At all relevant times, Nissan was the manufacturer, distributor, warrantor, and seller of the Class Vehicles. Nissan knew the purpose for which consumers bought them. Nissan has known of the OCS Defect for more than a decade, through its own pre-production testing, hundreds of consumer complaints, five recalls addressing the same occupant-classification failure, and a federal engineering analysis, and it has not fixed it.

159. A warranty that the Class Vehicles were merchantable and fit for the ordinary purpose for which such goods are used was implied by law in every sale. Cal. Com. Code § 2314.

160. The Class Vehicles are not fit for that ordinary purpose. A vehicle whose front passenger airbag can silently switch itself off does not provide safe and reliable transportation. Each Class Vehicle carried the latent OCS Defect at the time of sale.

161. The Class Vehicles do not pass without objection in the trade, are not of fair average quality, and do not conform to the promises and affirmations Nissan made about their safety. Nissan therefore breached the implied warranty of merchantability.

162. Plaintiffs notified Nissan of the breach within a reasonable time. Alternatively, notice was excused as futile. Nissan has received hundreds of complaints describing this failure, conducted five recalls that did not cure it, and refused to offer Class Vehicle owners a cost-free inspection and durable repair.



1 171. Nissan's conduct breached the implied warranty that the Class Vehicles were  
2 of merchantable quality and fit for their intended use, in violation of California Civil Code  
3 §§ 1792 and 1791.1.

4 172. Plaintiffs notified Nissan of the breach within a reasonable time, and were  
5 not required to do so because affording Nissan an opportunity to cure would have been  
6 futile for the reasons alleged above.

7 173. As a direct and proximate result of Nissan's breach, Plaintiffs and the Class  
8 have been damaged in an amount to be proven at trial, and are entitled to the remedies  
9 provided by California Civil Code § 1794, including a civil penalty for Nissan's willful  
10 violation.

### 11 **COUNT THREE**

#### 12 **UNJUST ENRICHMENT/QUASI CONTRACT**

#### 13 **(Brought by Plaintiffs Against All Defendants on Behalf of the Class)**

14 174. Plaintiffs and the Class incorporate by reference each preceding and  
15 succeeding paragraph as though fully set forth at length herein.

16 175. Plaintiffs bring this count against all Defendants on behalf of themselves and  
17 the Class.

18 176. To the extent required by law, this cause of action is pleaded in the alternative  
19 to Plaintiffs' legal claims, as permitted by Federal Rule of Civil Procedure 8.

20 177. Plaintiffs and the Class conferred monetary benefits on Nissan by purchasing  
21 the Class Vehicles. Nissan's profits are funded by the payments Plaintiffs and Class  
22 members made.

23 178. Nissan knew of the benefit conferred and accepted it. Nissan was unjustly  
24 enriched by retaining revenue from sales of vehicles it knew carried a concealed safety  
25 defect. Retaining that money is unjust because Nissan failed to disclose the OCS Defect,  
26 exposed Plaintiffs and the Class to a hidden hazard, and sold them vehicles they would  
27 not have bought, or would have paid less for, had they known the truth.  
28

1 179. Nissan further enriched itself by saving the cost of the durable repair it should  
2 have made and the disclosure it should have given.

3 180. Because Nissan's retention of these non-gratuitous benefits is unjust, Nissan  
4 has been unjustly enriched in an amount to be determined at trial.

5 181. No adequate remedy at law is available for the relief sought in this Court.

6 **COUNT FOUR**

7 **VIOLATIONS OF THE CONSUMERS LEGAL REMEDIES ACT ("CLRA")**

8 **(Cal. Civ. Code § 1750, et seq.)**

9 **(Brought by Plaintiffs Against All Defendants on Behalf of the Class)**

10 182. Plaintiffs and the Class incorporate by reference each preceding and  
11 succeeding paragraph as though fully set forth at length herein.

12 183. Plaintiffs bring this count against all Defendants on behalf of themselves and  
13 the Class.

14 184. Plaintiffs, the Class members, and Nissan are "persons" as that term is  
15 defined in California Civil Code § 1761(c). Plaintiffs and the Class are "consumers" as  
16 defined in § 1761(d), and their purchases of the Class Vehicles are "transactions"  
17 involving "goods" within the meaning of §§ 1761(a) and 1761(e).

18 185. Nissan engaged in unfair and deceptive acts and practices in violation of the  
19 CLRA by the conduct described above, and by knowingly concealing from Plaintiffs and  
20 the Class that the Class Vehicles carry a defect that can disable the front passenger airbag.  
21 That conduct violates at least the following provisions of Civil Code § 1770(a):

- 22 a. (a)(5) Representing that goods have characteristics, uses, or benefits  
23 that they do not have;
- 24 b. (a)(7) Representing that goods are of a particular standard, quality, or  
25 grade when they are of another; and
- 26 c. (a)(9) Advertising goods with the intent not to sell them as advertised.
- 27
- 28

1 186. Nissan's deceptive acts and practices occurred repeatedly in its trade and  
2 business, were capable of deceiving a substantial portion of the purchasing public, and  
3 imposed a serious safety risk on the public.

4 187. Nissan knew that the occupant-classification system in the Class Vehicles  
5 was defectively designed or manufactured, would fail, and was not suitable for its intended  
6 use.

7 188. Nissan had a duty to disclose the OCS Defect because:

- 8 a. Nissan was in a superior position to know the true facts about the OCS  
9 Defect and the cost of repairing it;
- 10 b. Nissan had exclusive knowledge of material facts about the OCS  
11 Defect that were not reasonably accessible to Plaintiffs and the Class,  
12 and those facts were material because the Defect is a safety hazard;
- 13 c. Plaintiffs and the Class could not reasonably have been expected to  
14 discover a latent safety defect before purchase;
- 15 d. Nissan knew that Plaintiffs and the Class could not reasonably have  
16 been expected to discover the Defect or the repair costs it causes before  
17 purchase; and
- 18 e. Nissan actively concealed the OCS Defect, including by treating the  
19 failures in the Class Vehicles as something other than a defect and by  
20 omitting any disclosure from the Monroney labels, advertising,  
21 owner's manuals, and warranty materials it controlled.

22 189. By failing to disclose the OCS Defect and the safety risk and repair costs that  
23 follow from it, Nissan knowingly concealed material facts and breached its duty to  
24 disclose.

25 190. The concealed facts are material. A reasonable consumer would consider a  
26 defect that can turn off the front passenger airbag important in deciding whether to buy a  
27 Class Vehicle and at what price. Had Plaintiffs and the Class known, they would not have  
28 purchased the Class Vehicles or would have paid substantially less.

191. Plaintiffs have satisfied the notice requirement of California Civil Code § 1782(a). On September 21, 2026, Plaintiffs mailed written notice of Nissan's CLRA violations to NNA by certified mail, return receipt requested, and on September 22, 2026 to NML by Registered International Mail. The notice identified the particular violations alleged here and demanded that Nissan correct, repair, replace, or otherwise rectify the Class Vehicles.

192. At this time Plaintiffs seek only injunctive and other equitable relief under the CLRA. If Nissan fails to provide an appropriate correction, repair, replacement, or other remedy within thirty days of receiving that notice, Plaintiffs will amend this Complaint to seek actual, punitive, and statutory damages under California Civil Code § 1780.

## **COUNT FIVE**

### **FRAUD BY OMISSION**

#### **(Based on California Law)**

#### **(Brought by Plaintiffs Against All Defendants on Behalf of the Class)**

193. Plaintiffs and the Class incorporate by reference each preceding and succeeding paragraph as though fully set forth at length herein.

194. Plaintiffs bring this count against all Defendants on behalf of themselves and the Class.

195. Nissan made material omissions concerning the OCS Defect, a presently existing fact that it did not disclose to its customers. The Defect was not discoverable before purchase. These facts were material because reasonable people attach importance to them in deciding which vehicle to buy.

196. Nissan represented that the Class Vehicles were safe and reliable. Having volunteered that information, Nissan was under a duty to disclose all facts that materially qualified it, and not to conceal facts that made its statements misleading. The calculated telling of a half-truth to deceive is fraud.

1 197. Nissan also had a duty to disclose because the omitted facts were known and  
 2 accessible only to Nissan, which had superior knowledge, and because Nissan knew those  
 3 facts were neither known to nor reasonably discoverable by Plaintiffs and the Class. The  
 4 omitted facts were material because they bore directly on the safety of the Class Vehicles.

5 198. Nissan was in exclusive control of these facts. It possessed exclusive  
 6 knowledge that the Class Vehicles were more dangerous and less reliable than comparable  
 7 vehicles.

8 199. Nissan omitted these facts with the intent to induce Plaintiffs and the Class  
 9 to buy the Class Vehicles at prices that did not reflect their true value.

10 200. Plaintiffs and the Class were unaware of the omitted facts and would not have  
 11 acted as they did had they known. Their reliance was reasonable and justified.

12 201. As a result of Nissan's concealment, Plaintiffs and the Class sustained  
 13 damage. They reserve the right to elect either to rescind their purchases and obtain  
 14 restitution, or to affirm their purchases and recover damages.

15 202. Nissan acted maliciously, oppressively, and deliberately, with intent to  
 16 defraud and in reckless disregard of the rights of Plaintiffs and the Class. Its conduct  
 17 warrants punitive damages in an amount sufficient to deter its repetition, according to  
 18 proof.

## 19 **COUNT SIX**

### 20 **VIOLATIONS OF THE CALIFORNIA UNFAIR COMPETITION LAW**

21 **(Cal. Bus. & Prof. Code § 17200, et seq.)**

22 **(Brought by Plaintiffs Against All Defendants on Behalf of the Class)**

23 203. Plaintiffs and the Class incorporate by reference each preceding and  
 24 succeeding paragraph as though fully set forth at length herein.

25 204. Plaintiffs bring this cause of action on behalf of themselves and the Class.

26 205. The California Unfair Competition Law prohibits acts of "unfair  
 27 competition," including any "unlawful, unfair or fraudulent business act or practice" and  
 28 "unfair, deceptive, untrue or misleading advertising." Cal. Bus. & Prof. Code § 17200.

1           206. Nissan engaged in unfair, unlawful, and fraudulent business practices  
2 through the conduct, statements, and omissions described above, and by concealing from  
3 Plaintiffs and the Class that the Class Vehicles carry the OCS Defect. Nissan should have  
4 disclosed the Defect because it was in a superior position to know the facts and because  
5 Plaintiffs and the Class could not reasonably have discovered them. Nissan received  
6 hundreds of consumer complaints and conducted five recalls for the same failure before  
7 and during the period it sold the Class Vehicles, and it had a duty to warn.

8           207. The OCS Defect is a safety defect, which triggers Nissan's duty to disclose.

9           208. By concealing the OCS Defect, Nissan deceived Plaintiffs, the Class, and the  
10 public, breached its duty to disclose, violated the UCL, and caused injury. The omitted  
11 facts were material to Plaintiffs and the Class, as they would be to any reasonable  
12 consumer.

13           209. The injuries Plaintiffs and the Class suffered greatly outweigh any  
14 countervailing benefit to consumers or to competition, and are not injuries they could  
15 reasonably have avoided.

16           210. Nissan's acts and practices are unlawful because they violate California Civil  
17 Code §§ 1668, 1709, 1710, and 1750 et seq., California Civil Code §§ 1791.1 and 1792,  
18 and California Commercial Code § 2314.

19           211. As a direct and proximate result of Nissan's violations, Plaintiffs and the  
20 Class have suffered injury in fact and lost money or property.

21           212. Plaintiffs and the Class seek to enjoin Nissan from further unlawful, unfair,  
22 and fraudulent acts and practices, to obtain restitution and restitutionary disgorgement of  
23 the money Nissan obtained through those practices, and all other relief available under  
24 California Business and Professions Code § 17200.

25           213. **No adequate remedy at law.** Plaintiffs and the Class are entitled to equitable  
26 relief because no adequate remedy at law exists for the relief sought in this Count.

27           214. **Broader statutes of limitations.** The limitations periods for the claims  
28 pleaded here differ. The periods for the UCL and for unjust enrichment are longer than



1 d. award pre-judgment and post-judgment interest on any monetary  
2 relief;

3 e. grant appropriate injunctive and/or declaratory relief, including,  
4 without limitation, an order requiring Nissan to repair, recall, and/or replace the  
5 Class Vehicles and to extend the applicable warranties for a reasonable period of  
6 time, or, at a minimum, to provide Plaintiffs and Class members with appropriate  
7 curative notice regarding the existence and cause of the OCS Defect;

8 f. award reasonable attorneys' fees and costs; and

9 g. grant such further relief as this Court deems just and proper.

10 **DEMAND FOR JURY TRIAL**

11 Plaintiffs hereby demand a jury trial for all claims so triable.

12  
13 Dated: September 23, 2026

Respectfully submitted,

14 **McCUNE LAW GROUP**

15  
16 By: /s/Mark I. Richards

David C. Wright

Mark I. Richards

Jordan I. Wispell

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19 *Attorneys for Plaintiffs and the Proposed Classes*  
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