

Subrogating Defective Firestone Tires

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On August 8, 2000, Bridgestone Corporation recalled 6.5 million Firestone brand tires, the second largest tire recall in U.S. history. They did this in response to complaints that the tires may be linked to fatal crashes involving sport utility vehicles. This recall came amidst intensive pressure from major tire retailers, safety advocates and government regulators to pull the tires after receiving reports that the tires may be linked to as many as 46 deaths and hundreds of accidents. It is also costing the insurance industry untold millions of dollars in property damage, damage which might easily go unsubrogated. Subrogation personnel should be reminded to dig deeper in any single car rollovers, automobile accidents, or other incidents that may involve a defective tire, in order to determine the brand and Department of Transportation Code on the tires. If possible, any potential defective tire should be immediately marked, confiscated and/or purchased, and kept for safe keeping pending subrogation efforts.

Product liability subrogation efforts in these cases, which might otherwise be quite expensive, may become less expensive and easier to subrogate because of the volume of claims which will be made against Firestone/Bridgestone. Ford Motor Company may be involved because of recommendations they made of keeping tires under-inflated on sport utility vehicles. Under-inflated operation of any tire generates excessive heat on either side of the crown of the tread, which can result in failure and separation of the tread and belts. In addition, the majority of the accidents are occurring in the southern states of Arizona, California, Florida and Texas, which suggests that there might be a direct correlation between heat and tire performance.

Ford has replaced Firestone tires for free on vehicles sold in Venezuela, Ecuador, Thailand, Malaysia, Columbia and Saudi Arabia, after tires failed in those countries. Though not accepting blame, Ford said last

week that it swapped tires “as a customer satisfaction issue.” Nonetheless, Ford knew that the tires were faulty when they began replacing them in South American countries as long as six years ago, but the companies never alerted U.S. consumers to the dangers.

The recall covers size P235/75R15 in all of the ATXII and some Wilderness AT tires that are currently in use on some of the nation’s most popular

SUVs. These tires have been the original equipment used on Ford, General Motors, Toyota, and Nissan for several years. However, 60% - 70% of the recalled tires are on the Ford Explorer and its twin Mercury Mountaneer models.

Potential subrogation exists in not only property claims, but also liability, workers’ compensation, personal injury protection/med pay subrogation, and health insurance subrogation. Too often, we see a single car accident or a rollover and assume that it is simply driver inattention or operator error. The Firestone recall provides ample opportunities for subrogation if the appropriate investigation and defective product acquisition is followed through with promptly in claims. Ultimately, it will be up to the front line claims handler to recognize this potential and take the action necessary. 🐾

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In order to determine if the tire involved in your claim is related to the Firestone Tire recall, either look yourself or have your insured look on the inside wall of the tire where you will find a serial number. If that serial number starts with the letters VD, it was built at the Decatur, Illinois, plant and is subject to recall. To be absolutely certain you are dealing with defective Firestone tires, go to the Website [HTTP://WWW.NHTSA.DOT.GOV/CARS/RULES/MANUFACTURE](http://www.NHTSA.DOT.GOV/CARS/RULES/MANUFACTURE). All you have to enter is the first two digits in the Department of Transportation ID Box and click the search button. Scroll down until you come to the “Tires” area and it will tell you where your tires were manufactured. Any tires manufactured in Decatur, Illinois, are the ones that need replacing. Specific questions can be addressed to the Firestone Customer Service Center at (800) 465-1904.