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City Attorney Sues Two Automakers

Car thefts soar after Hyundai, Kia fail to install standard anti-theft technology

San Diego City Attorney Mara W. Elliott today sued carmakers Hyundai and Kia for failing to install standard anti-theft technology in their cars, a business practice that makes their vehicles dangerously and unreasonably susceptible to theft.

The lawsuit, filed on behalf of the People of the State of California, covers the period 2011 through 2021, during which, it alleges, the two companies were a “glaring exception” to industry norms by manufacturing vehicles that could be stolen with “relative ease” using “tools no more advanced than a USB cable.”

Hyundai and Kia are nearly unique among automakers for their failure to adopt immobilizer technology that ensures car ignitions cannot be started without their keys. Viral videos resulted, demonstrating the relative ease with which their vehicles could be stolen.

The trend in San Diego is clear: In the first six months of 2022, the San Diego Police Department reported 146 Hyundai and Kia cars were stolen in the city. In the last six months of 2022, that number more than doubled to 369.

“Making sure cars are not easy to steal keeps dangerous drivers in stolen vehicles off the road,” City Attorney Mara W. Elliott said. **“Hyundai’s and Kia’s decisions to put cost savings and profits over public safety has had significant consequences for San Diego and its residents, leading to a substantial increase in vehicle thefts, reckless driving, related crime sprees, and public harm.”**

The lawsuit alleges that car thefts consume scarce law enforcement and emergency resources, deprive the public of safe streets and sidewalks, and increase violence when would-be thieves are confronted. It alleges that the companies’ conduct created a public nuisance that could have been avoided had they followed industry-wide standards and installed immobilizers at a cost of roughly \$200 per vehicle.

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The National Highway Traffic Safety Administration has concluded that “stolen cars constitute a major hazard to life and limb on the highways” as “cars operated by unauthorized persons are far more likely to cause unreasonable risk of accident, personal injury, and death.”

Drivers of stolen Kias or Hyundais compromised public safety in San Diego County numerous times, including:

- On April 17, 2022, a stolen Kia was used in a drive-by shooting in San Diego, with the driver’s flight from the scene ending in a crash after he “ping-ponged” off parked cars.
- On May 19, 2022, a stolen Kia Telluride led police on a high-speed pursuit that included the driver speeding against traffic on the northbound shoulder of southbound Interstate 163.
- On May 23, 2022, a man stole a Kia Optima and led police on a pursuit from Chula Vista to Buena Park in Orange County, striking a police vehicle while fleeing and stopping only after driving over a spike strip and being apprehended with the help of a K-9 unit.
- On July 30, 2022, a minor lost control of a stolen Hyundai Sonata after a police pursuit, crashing into a tree at the intersection of University and Wilson avenues in Normal Heights.
- On October 22, 2022, five juveniles driving a stolen Kia Forte in Chula Vista crashed into a fire hydrant and fled on foot, leaving behind a wrecked car and a path of destruction.
- On February 9, 2023, a stolen Kia with a 6-year-old child as a passenger was involved in a police chase on Interstate 5, at speeds approaching 120 mph. At one point the driver turned off the car’s headlights to avoid pursuers. The driver exited in Mira Mesa, where the car burst into flames.

The spate of thefts has led at least two insurance companies to stop writing policies for certain Hyundai and Kia vehicles, harming their owners and the public by increasing the number of uninsured drivers.

The lawsuit was filed by the City Attorney’s Affirmative Civil Enforcement Unit under Senior Chief Deputy City Attorney Mark Ankcorn and Deputy City Attorney Julie Rau, with assistance from outside counsel Abbas Kazerounian of the Kazerouni Law Group APC and Dean Kawamoto of Keller Rohrback LLP.

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