

FAYETTEVILLE, NC

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NVS-215

AUGUST 19, 2005

2005 AUG 22 P 2:24

OFFICE OF
DEFECTS INVESTIGATION

US Department of Transportation
National Highway Traffic Safety Administration
Office of Defects Investigation
NVS-210, 400 7th Street, SW
Washington, DC 20590

Re: Safety/Defect IRONHORSE, Texas Chopper Vin # 5L5TX144251

Dear Sir or Madam:

My name is [REDACTED] and I purchased in July 2005 a brand new 2005 IRONHORSE, Texas Chopper from their distributors here in Fayetteville, North Carolina;

[REDACTED]
Fayetteville, NC 28303
[REDACTED]

After purchasing this new motorcycle, my wife and I went for a ride to a friends home here in Fayetteville to show them the new motorcycle. We drove up into their drive way, slightly taking a right, traveling approximately 5 MPH, when immediately the motorcycle came to a complete "STOP". My wife and I were almost thrown from the motorcycle, which turn immediately to the right. I parked the motorcycle, and quickly notice that the clamp that was extending underneath the motorcycle, that held the clutch cable was torn off of the motorcycle along the tubing of the frame, peeling the paint, which pulled the clutch cable partly out of the housing causing the motorcycle to immediately "STOP". Additionally, this caused the second clamp located on the lowers section of the right frame down tube that was attached to the frame and clutch cable to be pulled downward, peeling the paint off the motorcycle in several areas, to include stretching the clutch cable clamp and cable and outer spring housing cover (See Attached Photos).

The next day I took my Texas Chopper back to the Dealership, POC Mr. Deano Masouras/Service Manager, and explained the situation. He immediately reviewed the damage, took photos of the damaged areas of the motorcycle, and applied for warranty repair for this corrective action;

1. Replacement of the two Clamps (Re-position lower clutch clamp as per IRONHORSE recommendation)
2. Replacement of the Clutch cable
3. Painting of the frame (Damaged area by clutch clamps)

After several weeks the request came back from the IRONHORSE company stating "DENIED" for this repair (See Attachment: Warranty Request ITXC pg1-2). This was incomprehensible to me, and Mr. Masouras (a 30+ years mechanic with experience). Mr. Masouras advised me to take this warranty situation directly to the IRONHORSE Manufacture for corrective action. He stated this because his hands were tied, and he could do no more for me reference this issue if IRONHORSE denied the warranty request.

Edi sum
9/25/05

After reviewing the placement of the clutch clamp, and the low center of gravity of these type of motorcycles that IRONHORSE company has built in the past, this is just not a mechanical/engineering defect in placement of part, but a safety issue for all 2005 IRONHORSE, Texas Choppers. The IRONHORSE company's past Texas Choppers have no clamp placed directly underneath the structure of the motorcycle frame to hold in place the clutch cable, but the New 2005 do.... this placement of the clutch clamp allowed for this damage to occur without "any" knowledge to the rider (Myself) or the Distributor "Steel Dreams" that sold me this motorcycle. The dealership which I purchased the motorcycle stated to me that they too didn't understand why this clutch clamp was placed the way it was since this type of motorcycle is known to bottom out (Scrape the lower tubing area). Additionally, if you look at the structure/design of the kick stand (See page 99 owners manual) on the Texas Chopper, it is designed not to be attached to the lower frame to protect it from catching due to the lower center of gravity....

I work for the U.S. Government, and have been on travel for the past several weeks, and have not had the time to properly investigate this corrective action with the IRONHORSE company or other Government Agencies. Several weeks ago on 3 Aug 05, I called and spoke to the warranty department POC, Mr. Matt @ 817-665-2000 ext. 2003 reference this above warranty/safety issue/complaint. I explained in detail this above situation to Mr. Matt as per Mr. Masouras from Steel Dreams recommendation. I also asked if he had seen the photographs of the damage to my motorcycle, which I was told was sent with the warranty request from Steel Dreams. Mr. Matt stated he had not, and did not need to see them, because the damage was due to "Riders Error". He explained to me that it was the same as using your front brakes too much, which would cause too much wear and tear on front discs braking system.... I explained to Mr. Matt that I do not understand your commit, and how his company can compare this safety situation (mechanical/engineering defect due to the location of a part on the Motorcycle that allows for the rider to catch the motorcycle on something while riding in a normal fashion that could harm their well being) compared to Brakes on the motorcycle.... he then explained that this was the reason for my warranty request to be DENIED, and that it is not covered under the warranty of the motorcycle? I stated to Mr. Matt, where is this information in the owners manual stating not being under warranty.....Mr. Matt could not answer my question, and stated that his company stance on this issue is final. I then stated to Mr. Matt that there is no section in the manual stating this action or that this motorcycle is known to bottom out, and that his company is liable due to the mechanical/engineering defect of the clutch clamp position/location. I stated to Mr. Matt's that his company's reasoning makes no sense to me, to any experienced rider that I have mentioned this issue to or the dealership POC's. Furthermore, I had no idea that this type of motorcycle would be accessible to bottoming out where they placed the clutch clamp, causing damage in the first place.

I requested that someone from the IRONHORSE company call me reference this situation immediately. Which as of today no one has from IRONHORSE. I just want the IRONHORSE company to understand that this error is nothing to do with the "Rider" (Me or anyone in the future), but the location and position of the clutch clamp underneath the frame of the motorcycle, which the design/location of the clamp is at fault due to the low center of gravity of the motorcycle.

I am writing this complaint not to just get my Brand New (Less than 2 weeks Old \$30K when this damage occurred) Custom 2005 IRONHORSE Texas Chopper repaired, due to IRONHORSE mechanical/engineering defect, but to also inform NHTSA of this safety issue. *The location of the clutch clamp is a dangerous situation for all motorcyclist.* Individuals that have this type motorcycle, unknown of this mechanical/engineering defect (Clutch Clamp Location), could in the future have a serious accident or death because of this clutch clamp catching on something as simple as turning into someone's driveway!

At the present time there has been no repair to my motorcycle, and the dealership will not provide an estimate pertaining to the repair unless the approval is authorized from IRONHORSE manufacture.

I sincerely hope that you can resolve this situation for me and other owners of this type motorcycle that are not aware of this situation. If I do not here from IRONHORSE within one week I will be seeking further legal actions, and informing the North Carolina Attorney General Office, and the Department of Transportation and Motor vehicles for assistance.

Respectfully,

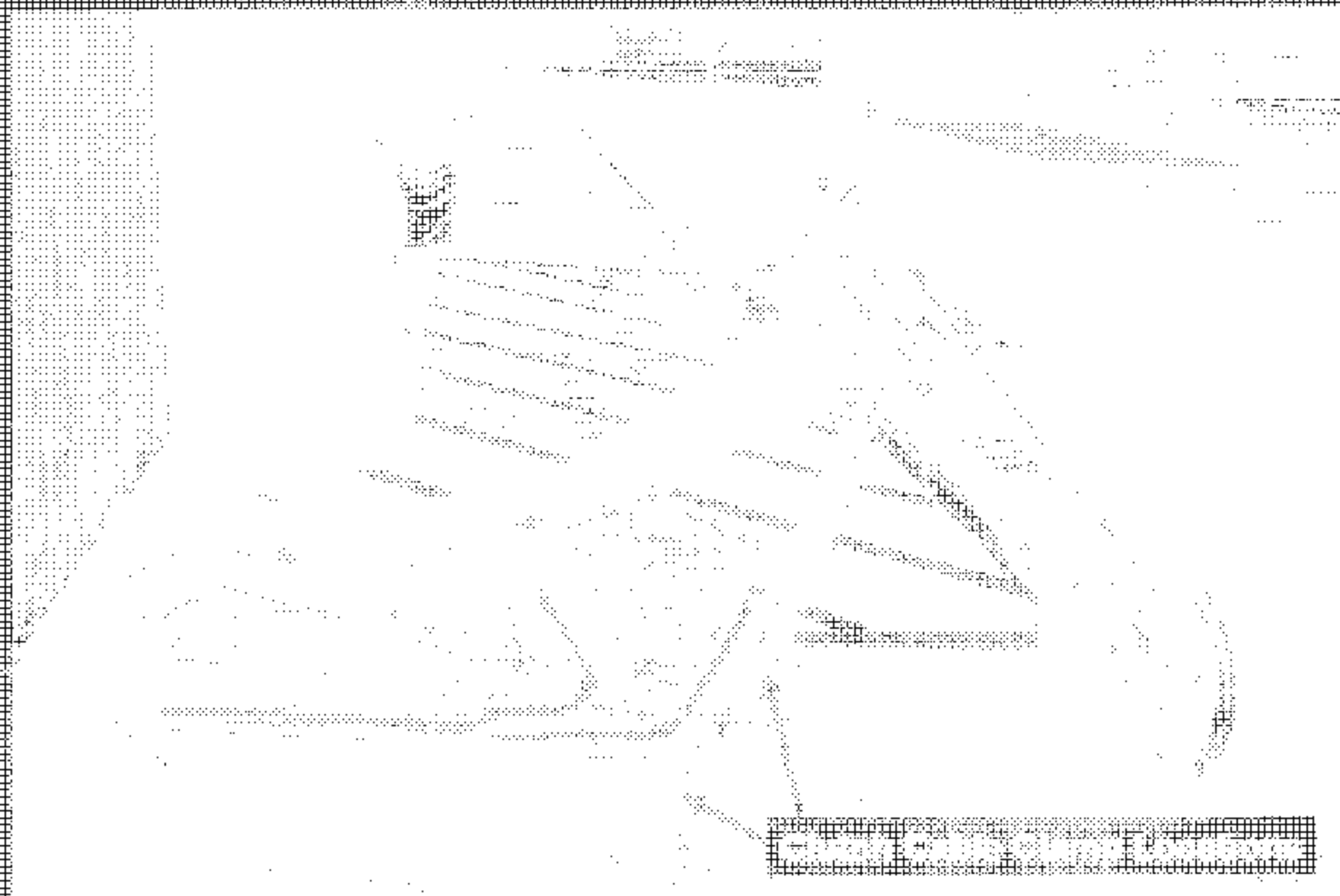
Fayetteville, NC

PS: I tried to fill out your form on the website and attach photos of my damaged 2005 IRONHORSE Texas Chopper to this complaint, but these document could not be added. The NHTSA website did not have IRONHORSE company as on of the motorcycle distributor, so it would not take my application/complaint.

THE
IRON HORSE
BY
ANDREW LAM
WITH ILLUSTRATIONS BY
THE AUTHOR

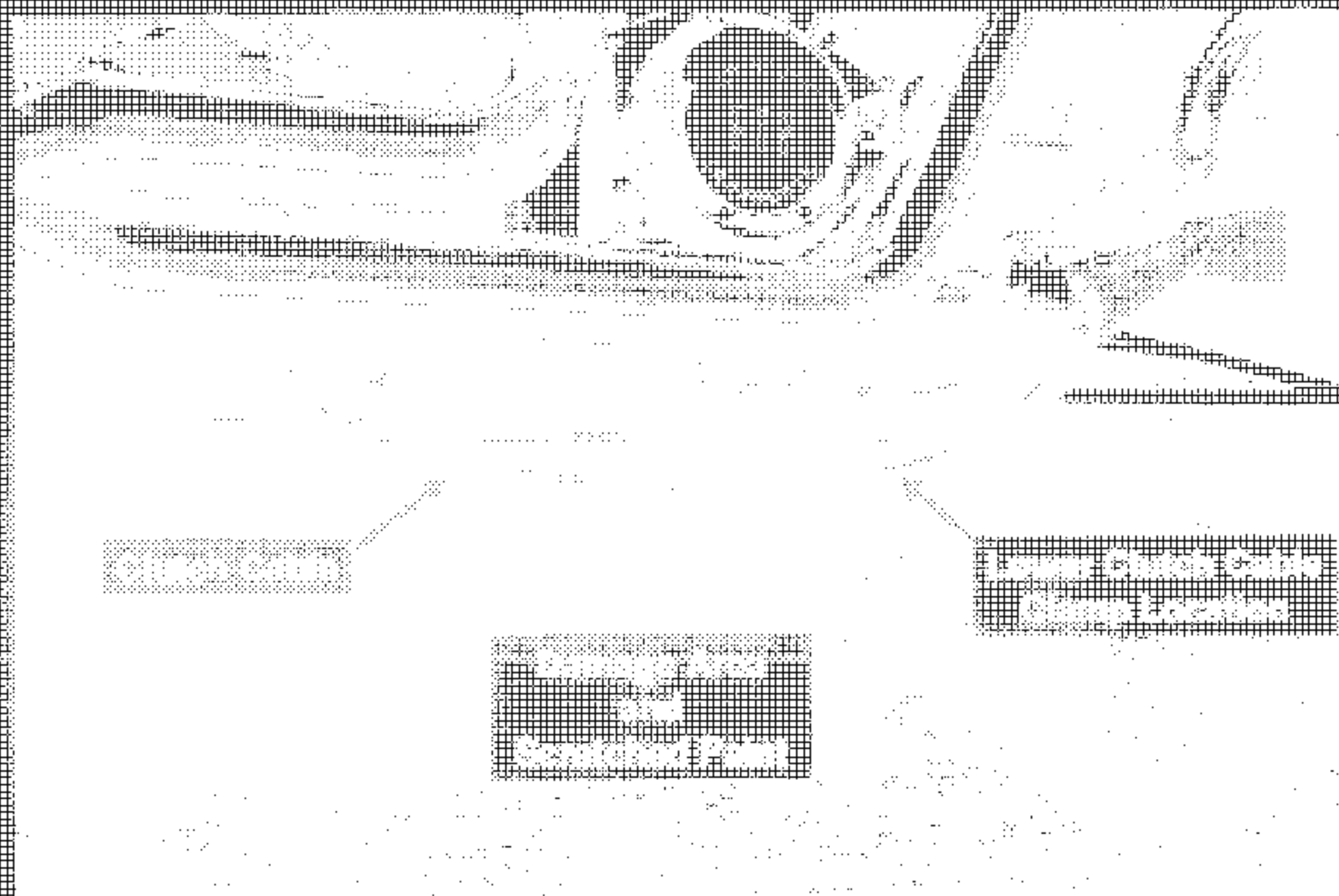


MEMORANDUM FOR THE CHIEF OF BUREAU OF LAND MANAGEMENT



Prepared by: [Name] Date: [Date]

RAHNDORF, Texas Gropper Vis 8 5LTPC44231



Property of Richard R. McDowell

POW-HORSE, Texas Chopper Yls: 8-5L5T164425E



Check Cable Change
Location

Property of Richard E. McDonald

Figure 1

