



U.S. Department
of Transportation
**National Highway
Traffic Safety
Administration**

1200 New Jersey Avenue SE.
Washington, DC 20590

December 8, 2008

[REDACTED]
Pana, IL [REDACTED]

NVS-216 nlm
Ref. # 10249230

Thank you for your correspondence dated October 5, 2008, concerning a problem you encountered in your model year (MY) 2001 Yamaha XVS-60 motorcycle. The Illinois Office of the Attorney general forwarded your correspondence to the National Highway Traffic Safety Administration's (NHTSA) Office of Defects Investigation (ODI). Your correspondence was received on November 10, 2008.

NHTSA is the Federal agency responsible for improving safety on our Nation's highways. We are authorized to order manufacturers to recall and repair vehicles or items of motor vehicle equipment when our investigations indicate that they contain safety defects in their design, construction, or performance. However, we cannot act on isolated problems or resolve disputes between individual owners, dealers, or manufacturers.

We appreciate the report you provided. Reports from motorists are a very important source of information for us. We regret to hear of the injuries you sustain as a result of the seat failure on your MY 2001 Yamaha XVS-650 motorcycle. If the safety-related corrective action for the recall (NHTSA Campaign No. 05V-067) still has not been performed, NHTSA strongly recommends that work be accomplished on your motorcycle as soon as possible by making an appointment with an authorized Yamaha dealer. Please have your make, model, model year, and vehicle identification number available for their information. With regard to your statement "Now it is too late to get the seat fixed", please be advised that under our statute of limitations, we are authorized to require a manufacturer to provide a recall remedy without charge for motor vehicles under 10 years of age. This 10-year limitation applies only to the manufacturer's responsibility to repair a defect free of charge as part of a safety recall campaign under the Federal statute.

With respect to your concerns as to the significant delay in your receipt of a notification letter from Yamaha, please be advised that NHTSA ordered a renotification of affected owners by its letter dated January 18, 2007 (copy enclosed.)



In addition, the Federal Trade Commission (FTC) has jurisdiction over non-safety defects, paint, fraud or deception, warranty and dealership problems, remuneration matters, and fair trade practices. There are three ways you can contact the FTC: by toll free telephone at 1-877-FTC-HELP (1-877-382-4357); by mail at Federal Trade Commission, CRC-240, Washington, DC 20580; and by using the Internet complaint form at <http://www.ftc.gov/ftc/complaint.htm>.

Should you encounter a safety-related problem with a motor vehicle or item of motor vehicle equipment in the future, you can complete an electronic Vehicle Owner's Questionnaire online at <http://www.nhtsa.dot.gov/ivoq>. Also, a summary listing of vehicle owners' complaints, safety recalls, manufacturers' service bulletins, etc. can be obtained at <http://www.nhtsa.dot.gov/cars/problems>.

Sincerely,

Frank S. Borris II, Acting Chief
Correspondence Research Division
Office of Defects Investigation
Enforcement