

CL-10568382-7174

[REDACTED]
Rapid City, SD
[REDACTED]

INFORMATION Redacted PURSUANT TO THE FREEDOM OF
INFORMATION ACT (FOIA), 5 U.S.C. 552(B)(6)

February 24, 2014

To: Harley-Davidson Motor Company
Attention: Harley-Davidson Enterprise Contact Center
P.O. Box 653
Milwaukee, Wisconsin 53201

and;

U.S. Department of Transportation
National Highway Traffic Safety Administration
Office of Defects Investigation
NVS-210
400 7th Street S.W.
Washington, D.C. 20590

MAR - 5 2014

Re: Notice of Nonconforming Condition pursuant to South Dakota Codified Law (SDCL) 32-6D-2, and
Demand for Correction or Repair of the Nonconforming Condition pursuant to SDCL 32-6D-6.

To Whom It May Concern:

This is the required notice of nonconforming condition required by my Owners Manual, and
South Dakota Codified Law, SDCL 32-6D-2, mailed to Harley-Davidson Motor Company (the
manufacturer) by certified mail as required by SDCL 32-6D-6; and a Demand for Correction or Repair
of the Nonconforming Condition.

On Friday, February 21, 2014, at approximately 9:45 a.m. I, [REDACTED] spoke to a man
named Kelly (Sales Manager), at Black Hills Harley Davidson (BHHD) in Rapid City, South Dakota,
in person. I informed him of a tire design defect, in the original factory tires on my 2013 Harley
Davidson XL883L Sportster; and that I had almost crashed my motorcycle on the highway outside of
Hill City, South Dakota, one week earlier (64 degrees), because of water on the highway, because the
tires lost traction, because they have no tread in the middle of the tire; that the tires are completely
smooth in the middle (Michelin Scorchers). I told Kelly that I wasn't going 30 mph at the time, and that
I was too scared of the faulty tire design to ride my motorcycle, which has less than 3,000 miles on it
now, until the tires were replaced under warranty as being faulty/defective, at no charge to me. At that
time, Kelly got rude and abusive; told me that there was nothing wrong with the tires or the design, and
that BHHD was not going to replace my tires.

I then asked Kelly who the owners were and to see the business license. Kelly then stood up and
ordered me to leave the store and the premises or he would call the police and have me arrested. I then
turned around and walked out without saying another word. Kelly followed me clear up to the front
door, talking and trying to intimidate me the whole way; saying things like I didn't know how to ride a
motorcycle (probably because I walk with a cane), and that I bought a bike that was too small for me.

I got into my Blazer and left the property. I will never return to BHHD, as I was ordered to leave the property and premises. Now I have no place to get my bike serviced.

I purchased my Harley Davidson XL883L Sportster, VIN # 1HD4CR218DC [REDACTED] at Black Hills Harley Davidson, brand new in April of 2013. The motorcycle came with a 2 year warranty, which is now worthless. My Owners Manual states: "Tires are a critical safety component. Contact a Harley-Davidson dealer for tire repair or replacement. Improper tire service can adversely affect stability and handling, which could result in death or serious injury. (00057a)" (See page 125).

My Owners Manual also states: "Safety defects must be reported to the National Highway Traffic Safety Administration (NHTSA) and Harley-Davidson....If you believe that your motorcycle has a defect which could cause a crash or could cause injury or death, you should immediately inform the National Highway Traffic Safety Administration (NHTSA) in addition to notifying Harley-Davidson...Refer to Table 43 to contact NHTSA." (See page 193) The following address is provided to contact the NHTSA:

U.S. Department of Transportation
National Highway Traffic Safety Administration
Office of Defects Investigation
NVS-210
400 7th Street S.W.
Washington, D.C. 20590

My Owners Manual also states: "If you have questions or concerns regarding the performance of your motorcycle or the application of the limited warranty described here, or are not satisfied with the service you are receiving from an authorized Harley-Davidson dealership, do the following:

1. Contact the selling and/or servicing dealership and speak to the sales and/or service manager." (I contacted Kelly, the general sales manager at BHHD, with concerns regarding the safety and performance of my motorcycle tires, and the application of my warranty, as I was instructed to do by my Owners Manual; BHHD's sales manager Kelly, threw me off the property and threatened to call the police and have me arrested. That was Harley-Davidson's and BHHD's response.)
2. If your concern cannot be addressed to your satisfaction by the dealership, contact the Harley-Davidson Enterprise Contact Center by mailing your concern to the following address or calling the phone number below.

In the U.S., state warranty laws, often referred to as lemon laws, may provide you with certain rights not specifically mentioned here. To the extent allowed by your state, Harley-Davidson requires that you first send written notification of any defect or warranty non-conformity that you have experienced with your motorcycle to Harley-Davidson.....Harley-Davidson requests that you send your complaint to the Harley-Davidson Enterprise Contact Center.

Harley-Davidson Motor Company
Attention: Harley-Davidson Enterprise Contact Center
P.O. Box 653
Milwaukee, Wisconsin 53201

SDCL 32-6D-1(8) states: "Notice of a nonconforming condition," a written statement delivered to the manufacturer and which describes the motor vehicle, the nonconforming condition, and all previous attempts to correct such nonconforming condition by identifying the person who made the attempt and the time the attempt was made." I have now provided you with this information.

SDCL 32-6D-6 requires that before a civil action is commenced against the manufacturer, that I give notice of the nonconforming condition by certified mail, and demand correction or repair of the nonconforming condition. This notice, and demand, is being sent by certified mail.

Please find attached hereto pictures of the tire tread design on the rear tire of my Sportster. One picture is a closeup of the rear tire tread design, and one picture (farther away) shows the rear tire and my license plate. The "DP" next to the symbol of a wheelchair, stands for "Disabled Person". Did Harley-Davidson Motor Company, and/or BHHD, throw me off the property and refuse to address my warranty issue because I'm disabled and walk with a cane? I'm not sure yet, but it appears that way.

The third picture is a copy of page 126 of my Owners Manual, showing the tread pattern of Michelin tires for my Sportster (expressed). You can clearly see the difference between what my bike is apparently supposed to have (as expressed in the Owners Manual) and what it does have (smooth tires).

Here's my demand: Replace both the tires, front and back, on my Sportster, with tires having the same, or very similar, tread design as shown and expressed in my Owners Manual, at no cost to me. This is a warranty and safety issue. The tires on my motorcycle are dangerous and have no traction at all on wet pavement.

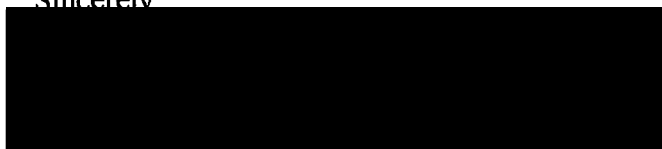
Next warranty demand: as I have been thrown off the property at BHHD and threatened with arrest, I have no place to take my bike for service, in or out, of warranty. This makes my Harley Davidson motorcycle absolutely worthless to me. I'm 62 years old and disabled; I can't repair or service it myself; and I don't think Harley-Davidson is going to come get it and haul it to the next closest dealership in Wyoming or Colorado for service, so Harley-Davidson Motor Company can just buy my Sportster back from me, for every dime I've invested in it (about \$11,000.00), or.... Harley-Davidson Motor Company can revoke the franchise license of Black Hills Harley Davidson and get a dealer in Rapid City that knows how to take care of Harley-Davidson customers and disabled persons.

Pursuant to SDCL 32-6D-6 which states in part;

"....The manufacturer shall within seven calendar days of receiving the written notice of nonconforming condition notify the consumer of a reasonably accessible repair facility. After delivery of the new vehicle to the authorized repair facility by the consumer, the manufacturer shall attempt to correct the nonconforming condition and conform the vehicle to the express warranty within a period not to exceed fourteen calendar days."

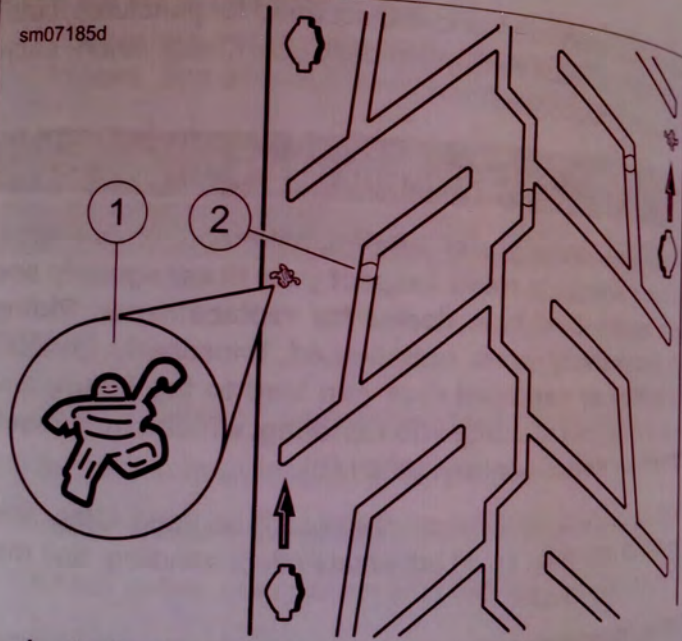
the manufacturer (Harley-Davidson Motor Company) will have seven days to contact me after receipt of this letter.

Sincerely

A large black rectangular redaction box covering the signature area.



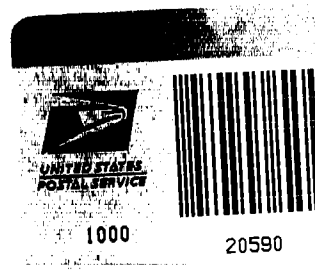
sm07185d



1. Indicator
2. Tread wear bar

Figure 48. Tread Pattern: Michelin Tires

Rapid City, SD



U.S. POSTAGE
PAID
RAPID CITY, SD
57701
FEB 24, 14
AMOUNT

\$1.19

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