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Associate Administrator for Enforcement (NVS-211)
National Highway Traffic Safety Administration
400 7th Street SW, RM 5319
Washington, DC 20590

April 17, 2017

Re: 49 C.F.R. Part 579 Subpart B Report
Model Year 2017 Polaris Slingshot Vehicles
Recall in Canada of Canadian Slingshot Models

Dear Administrator:

This letter is submitted pursuant to 49 C.F.R. Part 579 Subpart B – Reporting of Safety Recalls and Other Safety Campaigns in Foreign Countries. Specifically, this letter fulfills the requirements of 49 C.F.R. § 579.11(b) – *Determination by a Foreign Government*, for a recall associated with a non-compliance with a Canadian requirement applicable to Polaris Slingshot models sold in Canada. The subject requirement does not apply to the Slingshot vehicles sold in the United States.

The subject Canada Slingshot models, which are classified as Three-Wheeled Vehicles in Canada, are not sold in the United States. The similar U.S. Slingshot models are separate model numbers that are classified as motorcycles in the United States.

For foreign recalls and other safety campaigns that are reported under the subject provisions, the following must be submitted:

49 C.F.R. §579.12 – Contents of reports:

Each report made pursuant to §579.11 of this part must be dated and must include the information specified in §573.6(c)(1), (c)(2), (c)(3), and (c)(5) of this chapter. Each such report must also identify each foreign country in which the safety recall or other safety campaign is being conducted, state whether the foreign action is a safety recall or other safety campaign, state whether the determination to conduct the recall or campaign was made by the manufacturer or by a foreign government, describe the manufacturer's program for remedying the defect or noncompliance (if the action is a safety recall), specify the date of the determination and the date the recall or other campaign was

4/17/2017

commenced or will commence in each foreign country, and identify all motor vehicles, equipment, or tires that the manufacturer sold or offered for sale in the United States that are identical or substantially similar to the motor vehicles, equipment, or tires covered by the foreign recall or campaign. If a determination has been made by a foreign government, the report must also include a copy of the determination in the original language and, if the determination is in a language other than English, a copy translated into English.

49 C.F.R. § 573.6(c)(1):

The manufacturer's name. The full corporate or individual name of the fabricating manufacturer and any brand name or trademark owner of the vehicle.

Manufacturer name:

Polaris Industries, Inc.

2100 Highway 55

Medina, MN 55340

Person Submitting Report:

Mike Gentine

Regulatory Affairs Attorney

Polaris Industries, Inc.

2100 Highway 55

Medina, MN 55340

49 C.F.R. § 573.6(c)(2):

Identification of the vehicles or items of motor vehicle equipment potentially containing the defect or noncompliance.

Model Year 2017 Polaris Slingshot Three-Wheeled Vehicles distributed in Canada.

49 C.F.R. § 573.6(c)(3):

The total number of vehicles or items of equipment potentially containing the defect or noncompliance.

23 units exported into (including 4 sold in) Canada are non-compliant with the Canadian CMVSS 202 standard.

49 C.F.R. § 573.6(c)(5):

A description of the defect or noncompliance, including both a brief summary and a detailed description, with graphic aids as necessary, of the nature and physical location (if applicable) of the defect or noncompliance. In addition, the manufacturer shall identify and describe the risk to motor vehicle safety reasonably related to the defect or noncompliance consistent with its evaluation of risk required by 49 C.F.R. 577.5(f).

During a review of the Canada Motor Vehicle Safety Standard 202 (CMVSS 202) and Technical Standard Document No. 202 (TSD 202), Polaris determined that Model Year 2017 Slingshot three-wheeled vehicles sold in Canada are not in compliance with that Standard, which, by reference to TSD 202, requires that head restraints (i.e. headrests) on seats in front outboard seating positions provide a backset of not greater than 55mm. TSD 202 S4.2.3. To comply with this provision, the head restraint specified for use on Canada Slingshot three-wheeled vehicles is approximately 37mm thicker than the comparable part used on U.S. Slingshot motorcycles. Polaris has determined that some Canada Slingshot units were exported with the U.S. Slingshot head restraint installed.

Evaluation of Safety Risk:

Polaris assesses this non-compliance with Canada regulations as inconsequential to safety. While the head restraint is marginally narrower than prescribed in CMVSS 202, this difference does not significantly reduce the crash protection provided to occupants. Moreover, Polaris recommends that each occupant wear a motorcycle helmet while driving or riding on a Slingshot. The 37mm difference between the head restraints used in the Canada Slingshot three-wheeled vehicle and the U.S. Slingshot motorcycle equates to the space occupied by such helmet.

Other Information Required by 49 C.F.R. § 579.12:

Canada is the only foreign country in which the recall is being conducted.

The foreign action is a recall to remedy the non-compliance with Canada regulations.

The determination to conduct the recall or campaign was made in conjunction with the Canadian Government (Transport Canada).

The Polaris program for remedying the Canada noncompliance consists of a consumer and dealer notification campaign and a recall in which the head restraint required by the Canada regulations will be installed on the Canada model vehicles sold in Canada.

The date of the determination made by Transport Canada is March 14, 2017.

The date the recall will commence in Canada is still being determined. Consumer and dealers will be notified no later than May 14, 2017.

The motor vehicles that Polaris sold or offered for sale in the United States that are identical or substantially similar to the motor vehicles covered by the foreign recall are the U.S. Model Year 2017 Slingshot vehicles, which are regulated as motorcycles in the United States.

Part 579 Report – Slingshot Head Restraints (Canada)

4/17/2017

A copy of the English language Transport Canada determination is provided as an appendix to this letter. The original language was English.

If you need any further information, please do not hesitate to contact me.

Respectfully,

A handwritten signature in blue ink that reads "S. Mike Gentine". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

S. Mike Gentine, Esq. (MD)
Regulatory Affairs Attorney
Polaris Industries, Inc.



50 Prairie Way
Winnipeg, MB R2J 3J8 CANADA

Larry Keller
To Call Manufacturer Directly:
(651) 408-7253

Barry Buck
To Call Importer Directly:
(204) 925-7113

March 13, 2017

VIA E-MAIL

Mr. Jean-Léon Morin
jean-leon.morin@tc.gc.ca
Head, Recalls
Defect Investigations and Recalls Division
Transport Canada
80 Noël Street
Gatineau, Canada J8Z 0A1

Re: Model Year 2017 Polaris Slingshot Three-Wheeled Vehicles
Notice of Non-Compliance with CMVSS 202

Dear Mr. Morin,

Polaris is notifying Transport Canada of a noncompliance affecting certain Model Year 2017 Polaris Slingshot Three-Wheeled Vehicles distributed in Canada that were built with seats that do not meet the CMVSS 202 Seat Head Restraint requirements.

Polaris has no evidence of any field incidents related to this non-compliance. For all affected 2017 Model Year production, Polaris intends to quickly inform the dealers and customers to have the vehicles fitted with the correct seat assembly. Polaris looks forward to Transport Canada's confirmed receipt of this notice and that Polaris may proceed with its proposed plan to remedy the issue as outlined.

Polaris requests that this letter and its attachment be treated as confidential and withheld from public disclosure indefinitely.

Thank you,

Authorized Importer Signature

A handwritten signature in blue ink that reads "Lawrence E. Keller". The signature is written in a cursive style with a large, stylized 'L' and 'K'.

Lawrence E. Keller
Director, Product Compliance
Polaris Industries Inc.

On Behalf of
Barry Buck, C.A., Controller
Polaris Industries Ltd.
50 Prairie Way
Winnipeg, MB R2J 3J8 CANADA

ATTACHMENT: Notice of Non-Compliance

Notice of Non-Compliance

S. 10.1 of the Canada Motor Vehicle Safety Act

1. Name of Company Providing Notice

Polaris Industries Ltd. (Canada Importer)
50 Prairie Way
Winnipeg, MB R2J 3J8 CANADA

Person Submitting Report:

Larry Keller, Product Compliance Director
Polaris Industries Inc.
7290 Viking Boulevard East
Wyoming, MN 55092

2. Manufacturer:

Polaris Industries Inc.
2100 Highway 55
Medina, Minnesota 55340

3. Description of Product:

MY 2017 Polaris Slingshot Three-wheeled vehicles with incorrect seats that were imported into Canada:

Slingshot vehicles	Quantity
Shipped (at dealers)	19
Retail (sold to customer)	4
Total Affected	23

4. Nature and Extent of Non-Compliance:

Polaris has determined that some Model Year 2017 Slingshot three-wheeled vehicles imported into Canada were fitted with a USA seat back and head restraint that does not comply with the backset requirement of the CMVSS 202 Head Restraints requirement. The correct Canada seats have a head restraint that measures approximately 37 mm thicker than the USA assembly to comply with the following CMVSS 202 requirement: S4.2.3 Front Outboard Designated Seating Position Backset: When measured in accordance with S5.2.3 of this section, the backset must not be more than 55 mm, when the seat is adjusted in accordance with S5.1.

Note: Backset means the minimum horizontal distance between the rear of a representation of the head of a seated 50th percentile male occupant and the head restraint, as measured by the head restraint measurement device.

5. Evaluation of Safety Risk:

Polaris acknowledges that this is a violation of the CMVSS 202 – Head Restraints safety standard, specifically S4.2.3 Front Outboard Designated Seating Position Backset.

A motorcycle helmet is recommended to be worn when driving a Slingshot. The head restraint backset reduced by 37 mm on the USA Slingshot seat approximately equates to the space occupied by the helmet itself.

The company is aware of 1 warranty claim from a customer who noted that the incorrect seat was on the vehicle. There are no legal claims, or any incidents or injuries related to the subject condition, which suggests that it has had no impact in the field.

6. Chronology of Principal Events

- 1) 3/6/17: Polaris was alerted by a Canada customer that the seat in a purchased vehicle did not appear to be the correct seat.
- 2) 3/7/17: Internal review of CMVSS 202 and affected population data initiated.
- 3) 3/8/17: Continuing internal review of affected population details.
- 4) 3/13/17: Preliminary review concludes non-compliance reporting is required.

7. Measures to be Taken to Correct the Non-Compliance

Polaris will replace any incorrect seats with the correct seat in the affected Canadian Polaris Slingshot vehicles.