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November 3, 2017

Bruce York
Chief, Medium & Heavy Duty Vehicles Division
Office of Defect Investigation
National Highway Traffic Safety Administration
1200 New Jersey Avenue SE
Washington, DC 20590

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

Submitted via CD-ROM

Re: Polaris, PE17-005

Dear Mr. York:

Thank you for your letter received September 29, 2017, addressed to my colleague, Ryan Bigot. Per the Information Request (IR) reflected in that letter, please find below and attached information and documents regarding the above-reference Preliminary Evaluation (PE).

As described in your letter, this PE concerns “allegations of a seatbelt retractor failure in [one] model year (MY) 2015 Polaris Slingshot vehicle[.]” To wit, NHTSA “received one consumer complaint [alleging that] the seatbelt retractor failed, breaking apart, possibly during the time of a crash [that allegedly] caused the mechanism to be pulled from the chassis mounts, allowing the seat belt to release.”

Polaris disputes the allegations made in the complaint described. In consultation with a third-party expert, Polaris has determined that the retractor showed signs of having performed its intended function during the initial impact phase of the incident, prior to its suffering collision damage. Polaris’ submission of information and documents in response to NHTSA’s PE and IR are not and should not be construed as any admissions of fault or defect concerning the incident that was the subject of the complaint or any warranty or other claims or complaints relayed herein.

To obtain the materials being submitted, Polaris conducted searches of the places where responsive material should be located in the ordinary course of business. Other responsive materials may exist that have not been produced because they have not been identified or located or are privileged. In order to meet the requirements of the MVSA and advance public safety, the responses provided

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below are submitted in good faith based upon information currently developed and reasonably believed to be true. Polaris reserves the right to correct this letter, provide additional information, or submit supplemental information as time permits and circumstances warrant.

If you have any further question about this matter, please do not hesitate to contact me. If you wish, Polaris would be willing to meet with you at a mutually convenient time.

Respectfully,

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

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

SUBJECT VEHICLES

- 2015 – 2016 Polaris Slingshot
- Please note: The IR defined the Subject Vehicles as “all MY 2014-2016 Polaris Slingshot motorcycles.” The Polaris Slingshot motorcycle entered service in MY 2015.

SUBJECT COMPONENT

- The Polaris part number for the seatbelt retractor is 2635442.

1 – State, by model and model year, the number of subject vehicles Polaris has manufactured for sale or lease in the United States. Separately, for each subject vehicle manufactured to date by Polaris, state the following:

- a. Vehicle identification number (VIN);
- b. Make;
- c. Model;
- d. Model Year;
- e. Subject component part number and design version installed as original equipment;
- f. Date of manufacture
- g. Date warranty coverage commenced; and
- h. The State in the United States where the vehicle was originally sold or leased (or delivered for sale or lease).

Polaris’ Response: A copy of the requested data has been made available, in a CSV file titled: “PRODUCTION DATA.csv”.

2 – State the number of each of the following, received by Polaris, or of which Polaris is otherwise aware, which relate to, or may relate to, the alleged defect in the subject vehicles:

- a. Consumer complaints, including those from fleet operators;
- b. Field reports, including dealer field reports;
- c. Reports involving a crash, injury, or fatality;
- d. Property damage claims;
- e. Third-party arbitration proceedings where Polaris is or was a party to arbitration; and
- f. Lawsuits, both pending and closed, in which Polaris is or was a defendant or codefendant.

Polaris’ Response: You requested “the number of each of the [below categories of complaints and reports] . . . which relate to, or may relate to, the alleged defect,” which you separately defined as “seatbelt retractor failure.” As such, Polaris has reviewed all of the various report and complaint types as requested, and has found the following numbers of complaints and reports that relate to failure of the seatbelt retractor to function during use. Many of these are co-extensive with warranty claims, detailed in Response 4, below. Additionally, many of these have been included in previous EWR submissions; Polaris has chosen to include them here, rather than referring to those submissions, in the interest of convenience.

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- Consumer complaints – 55 (including the complaint referenced above)
- Field reports (including dealer field reports) – 54
- Reports involving a crash, injury, or fatality – 1 (the complaint referenced above)
- Property damage claims – 0
- Third-party arbitration proceedings where Polaris is or was a party to arbitration – 0
- Lawsuits, pending and closed, in which Polaris is or was a defendant or codefendant – 0

3 – Separately, for each item (complaint, report, claim, notice, or matter) within the scope of your response to Request No. 2, state the following information:

- a. Polaris’ file number or other identifier used;
- b. The category of the item, as identified in Request No. 2 (i.e., consumer complaint, field report, etc.);
- c. Vehicle owner or fleet name (and fleet contact person), street address, email address, and telephone number;
- d. Vehicle’s VIN;
- e. Vehicle’s make, model, and model year;
- f. Vehicle’s mileage at time of incident;
- g. Incident date;
- h. Report or claim date;
- i. Whether a crash is alleged;
- j. Whether property damage is alleged
- k. Number of alleged injuries, if any; and
- l. Number of alleged fatalities, if any.

Polaris’ Response: A copy of the requested data has been made available, in a CSV file titled: “REQUEST NUMBER TWO DATA.csv”.

4 – State, by model, and model year, a total count for all of the following categories of claims collectively, that have been paid by Polaris to date that relate to, or may relate to, the alleged defect in the subject vehicles: warranty claims; extended warranty claims; claims for good will services that were provided; field, zone, or similar adjustments and reimbursements; and warranty claims or repairs made in accordance with a procedure specified in a technical service bulletin or customer satisfaction campaign.

Separately, for each such claim, state the following information:

- a. Polaris’ claim number;
- b. Vehicle owner or fleet name (and fleet contact person), street address, email address, and telephone number
- c. VIN;
- d. Repair date;
- e. Vehicle mileage at time of repair;
- f. Repairing dealer’s or facility’s name, telephone number, city and state or ZIP code;

- g. Labor operation number(s);
- h. Problem code(s);
- i. Replacement part number(s) and description(s);
- j. Concern stated by customer;
- k. Cause as stated on the repair order;
- l. Correction as stated on the repair order; and
- m. Additional comments, if any, by dealer/technician relating to claim and/or repair.

Polaris' Response: Polaris paid 51 warranty or similar claims of the categories described in Question 4. A copy of the requested data has been made available, in a CSV file titled: "WARRANTY DATA.csv".

5 – Describe in detail the search methods and search criteria used by Polaris to identify the claims in response to Request No. 4, including the labor operations, problem codes, part numbers and any other pertinent parameters used. Provide a list of all labor operations, labor operation descriptions, problem codes, and problem code descriptions, applicable to the alleged defect in the subject vehicles. State whether the diagnostic trouble codes are automatically reported to the warranty database electronically or manually entered into the warranty database by a claims administrator. State, by make and model year, the terms of the new vehicle warranty coverage offered by Polaris on the subject vehicles (i.e., the number of months and mileage for which coverage is provided and the vehicle systems that are covered). Describe any extended warranty coverage option(s) that Polaris offered for the subject vehicles and state by option, model, and model year, the number of vehicles that are covered under each such extended warranty.

Polaris' Response: Polaris has extensively reviewed our claims databases for claims related to the alleged defect. Details of these searches are as follows:

- Polaris warranty claims database – All warranty claims are filed with a bill of materials (BOM), which includes every part needed in any case of repair. A search for the seat belt retractor part number (2635442) returned 328 claims. Each of these claims were reviewed by internal engineering, familiar with the seat belt retractor.
- Polaris CRM database – All CRM communications for 2015-2016 Slingshot models were searched with keywords: "seatbelt" and, "seat belt" which returned 228 results. Each of these claims were reviewed by internal engineering, familiar with the seat belt retractor.
- No problem codes were relied upon in this investigation. As described, all warranty claims for the relevant part number and all CRM communications containing the keywords described were manually reviewed for relation to the alleged defect.
- The seatbelt assembly does not generate any diagnostic trouble codes.
- Polaris warranty coverage – Polaris gives a two year limited warranty on all components of your Polaris vehicle against defects in material or workmanship. This warranty covers parts and labor charges for repair or replacement of defective parts and begins on the date of purchase by the original retail purchaser. This warranty is transferable to another

owner during the warranty period through an authorized Polaris dealer, but any such transfer will not extend the original term of the warranty. The duration of this warranty may vary by international region based upon local laws and regulations.

- 6 – Produce copies of all service, warranty, and other documents that relate to, or may relate to, the alleged defect in the subject vehicles, that Polaris has issued, to any dealers, regional, or zone offices, field offices, fleet purchasers, or other entities. This includes, but is not limited to, bulletins, advisories, informational documents, training documents, or other documents or communications, with the exception of standard shop manuals. Also include the latest draft of any communication that Polaris is planning to issue within the next 120 days.

Polaris’ Response: 2015 & 2016 Polaris Slingshot Owners Manuals. A copy of the requested data has been made available, in a ZIP file titled: “COMMUNICATIONS.zip”.

- 7 – Describe all assessments, analyses, tests, test results, studies, surveys, simulations, investigations, inquiries and/or evaluations (collectively, “actions”) that relate to, or may relate to, the alleged defect in the subject vehicles that have been conducted, are being conducted, are planned, or are being planned by, or for, Polaris. For each such action, please provide the following information.

- a. Action title or identifier;
- b. The actual or planned start date;
- c. The actual or expected end date;
- d. Briefly summarize the subject and objective of the action;
- e. Engineering group(s)/supplier(s) responsible for designing and for conducting the action; and
- f. A brief summary of the findings and/or conclusions resulting from the action.

For each action identified, provide copies of all documents related to the action, regardless of whether the documents are in interim, draft, or final form. Organize the documents chronologically by action.

Polaris’ Response:

1- Kostich Investigation

- a. Kostich_Polaris_9_27_17 (reduced size)
- b. Start date: September 27th, 2017
- c. End date: September 27th, 2017
- d. Crash investigation of August 13th, 2016 accident in Livonia, MI
- e. DRE
- f. “The driver side seatbelt was forensically documented through measurements and photographs in its as-found condition. As part of the joint inspection, the participants agreed to remove the rear, tail-section cover of the Slingshot to further inspect the retractor and other components. After removal of the tail-

section cover, further photographic documentation was completed of the retractor in its post-crash condition. The retractor was found to have sustained considerable damage in the crash. The cover for the retractor spring had been dislodged, the spring was unwound, the spool was no longer fully contained within the retractor frame, and no webbing remained wound on the spool. There were load marks on the seatbelt webbing and latchplate consistent with occupant loading from the retractor having locked during the initial impact phase of the crash.”

2- Retractor Report/Investigation

- a. PSS Prelim Inspection Sullivan 9_22_17
- b. Start date: September 19th, 2017
- c. End date: September 19th, 2017
- d. Inspection of a vehicle claiming a similar circumstance with the seat belt retractor
- e. Polaris engineering
- f. Issue was due to excessive slack built up in seat belt while driving due to webbing not being in guide, and drag from the aftermarket shoulder pad – both result in reduced retraction

3- KSS Seatbelt Testing

- a. FMVSS 209 Testing_KSS
- b. Start date: August 3rd, 2012
- c. End date: August 3rd, 2012
- d. Tests of part 2635442 to FMVSS 209
- e. Key Safety Systems (KSS)
- f. Because the Slingshot is regulated as a three-wheeled vehicle under the Canada Motor Vehicle Safety Standards (CMVSS), it is subject to CMVSS 209 concerning Seat Belt Assemblies and that standard’s associated Technical Standards Document (209), which is expressly “based on Federal Motor Vehicle Safety Standard No. 209.” As demonstrated in the attached test report, KSS tested the seatbelt assembly used in the Slingshot to FMVSS/CMVSS 209 and reported that it complied with all aspects of that standard.

A copy of the requested data has been made available, in a ZIP file titled: “ACTIONS.zip”.

8 – Describe all modifications or changes made by, or on behalf of, Polaris in the design, material composition, manufacture, quality control, supply, or installation of the subject component from the start of production to date, which relates to, or may relate to, the alleged defect in the subject vehicles. For each such modification or change, provide the following information:

- a. The date or approximate date on which the modification or change was incorporated into production;
- b. A detailed description of the modification or change;
- c. The reason(s) for the modification or change;

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- d. The part number(s) (service and engineering) of the original component;
- e. The part number(s) (service and engineering) of the modified component;
- f. Whether the original unmodified component was withdrawn from production and/or sale, and if so, when;
- g. When the modified component was made available as a service component; and
- h. Whether the modified component can be interchanged with earlier production components.

Also, provide the above information for any modification or change that Polaris is aware of which may be incorporated into vehicle production within the next 120 days.

Polaris' Response:

- a. Not applicable
- b. Not applicable
- c. Not applicable
- d. Original part number: The Polaris part number for the seatbelt retractor is 2635442
- e. Modified part number: Not applicable
- f. The original component has not been withdrawn from production
- g. Not applicable
- h. Not applicable

9 – Provide the following:

- a. Name(s) of all suppliers of subject components;
- b. Address of supplier(s);
- c. Phone number(s); and
- d. Contact information.

Polaris' Response:

- a. Key Safety Systems, Inc.
- b. 7000 Nineteen Mile Rd.
- c. Sterling Heights, MI 48314
- d. Matt Cohn, Sr. Vice Pres., Legal Affairs, and General Counsel

10 – Produce one/two of each of the following:

- a. Exemplar samples of each design version of the subject component;
- b. Field return samples of the subject component exhibiting the subject failure mode; and
- c. Any kits that have been released, or developed, by Polaris for use in service repairs to the subject component/assembly which relate, or may relate, to the alleged defect in the subject vehicles.

Polaris' Response:

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- a. Samples collected and will be sent to:

NHTSA VRTC, Building 60
10820 State Route 347
East Liberty, Ohio 43319
Attn: Bill Collins

- b. Polaris has not received any “field return samples of the subject component exhibiting the subject [alleged] failure mode.”
- c. Polaris has not developed or released any kits that are related to the alleged issue

11 – State the number of each of the following that Polaris has sold that may be used in the subject vehicles by component name, part number (both service and engineering/production), model and model year of the vehicle in which it is used, and month/year of sale (including the cut-off date for sales, if applicable):

- a. Subject component; and
- b. Any kits that have been released, or developed, by Polaris for use in service repairs to the subject component/assembly.

For each component part number, provide the suppliers name, address, and appropriate point of contact (name, title, and telephone number). Also, identify by make, model, and model year any other vehicles of which Polaris is aware that contain the identical component, whether installed in production or in service, and state the applicable dates of production or service usage.

Polaris’ Response:

- a. 430 parts (seat belt retractor part no. 2635442) have been sold since January 1st, 2015.
- b. Polaris has not developed or released any kits that are related to the alleged issue
- c. This part is used only in Polaris Slingshot

12 – Furnish Polaris’ assessment of the alleged defect in the subject vehicle, including:

- a. The casual or contributory factor(s);
- b. The failure mechanism(s);
- c. The failure mode(s);
- d. The risk to motor vehicle safety that it poses;
- e. What warnings, if any, to the operator and the other persons both inside and outside the vehicle would have that the alleged defect could occur or subject component could malfunction; and
- f. The reports included with this inquiry/fatality.

Polaris’ Response:

- a. Polaris disputes the existence of the alleged defect. As such, Polaris does not believe there are any causal or contributory factors.
- b. Polaris disputes the existence of the alleged defect. As such, Polaris does not believe there is a mechanism for a failure that Polaris believes does not exist.
- c. Polaris disputes the existence of the alleged defect. As such, Polaris does not believe there is a mode for a failure that Polaris believes does not exist.
- d. Polaris disputes the existence of the alleged defect. As such, Polaris does not believe any risk to motor vehicle safety extends from a defect Polaris believes does not exist.
- e. Polaris disputes the existence of the alleged defect. As such, Polaris does not believe a malfunction exists, nor would any warning of such a malfunction be possible.
- f. See Kostich Investigation in ZIP file ACTIONS.

