

Safety Defect and Noncompliance Report Guide for Equipment  
**PART 573 Defect and Noncompliance Responsibility and Reports<sup>1</sup>**

On February 7<sup>th</sup> 2004, Nu Performance Distributing (importer) [MFR] decided that (a defect which relates to motor vehicle safety)(a noncompliance with Federal Motor Vehicle Safety Standard No. s7.7 #2) exists in items of motor vehicle equipment listed below, and is furnishing notification to the National Highway Traffic Safety Administration in accordance with 49 CFR Part 573 Defect and Noncompliance Responsibility and Reports.

Date this report was prepared: Feb. 12, 2004

Furnish the manufacturer's identification code for this recall (if applicable): N/A

1. Identify the full corporate name of the fabricating manufacturer/brand name/trademark owner of the recalled item of equipment. If the recalled item of equipment is imported, provide the name and mailing address of the designated agent as prescribed by 49 U.S.C. §30164.

Evolution High Intensity Discharge Conversion Kit.

Philips High Intensity Discharge Conversion Kit

Nu Performance Distributing-18760 E. Amar Rd. #22, Walnut, CA 91789

Identify the corporate official, by name and title, whom the agency should contact with respect to this recall.

Allison Lester - Sales

Telephone Number: (909) 598-5499

Fax No.: (909) 598-0069

Name and Title of Person who prepared this report.

Mike Wu/Owner

Signed:



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 OFFICE OF THE ASSISTANT ATTORNEY GENERAL  
 MOTOR VEHICLE SAFETY DIVISION

<sup>1</sup> Each manufacturer must furnish a report, to the Associate Administrator for Enforcement, for each defect or noncompliance condition which relates to motor vehicle safety.

This guide was developed from 49 CFR Part 573, "Defect and Noncompliance Responsibility and Reports" and also outlines information currently requested. Any questions, please consult the complete Part 573 or contact Mr. George Person at (202) 366-5210 or by FAX at (202) 366-7882.

**I. Identify the Recalled Items of Equipment**

**2. Identify the Items of Equipment Involved in this Recall, for each make and model or applicable item of equipment product line (provide illustrations or photographs as necessary to describe the item of equipment), provide:**

**Generic name of the item:**

**Make:** Evolution HID **Model:** 9004

**Part Number:** HID-9004-5300K **Size:** N/A

**Function:** Produces several times the light output of normal stock lighting.

**Other information which characterizes/distinguishes the items of equipment to be recalled:**

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**Make:** Evolution HID **Model:** 9005

**Part Number:** HID-9005-5300K **Size:** N/A

**Function:** Produces several times the light output of normal stock lighting.

**Other information which characterizes/distinguishes the items of equipment to be recalled:**

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**Make:** Evolution HID **Model:** 9006

**Part Number:** HID-9006-5300K **Size:** N/A

**Function:** Produces several times the light output of normal stock lighting.

**Model Years Involved:** All

**Other information which characterizes/distinguishes the items of equipment to be recalled:**

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**Make:** Evolution HID **Model:** 9007

**Part Number:** HID-9007-5300K **Size:** N/A

**Function:** Produces several times the light output of normal stock lighting.

**Other information which characterizes/distinguishes the items of equipment to be recalled:**

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**Make:** Evolution HID **Model:** H1

**Part Number:** HID-H1-5300K **Size:** N/A

**Function:** Produces several times the light output of normal stock lighting.

**Other information which characterizes/distinguishes the items of equipment to be recalled:**

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**Make:** Evolution HID **Model:** H3

**Part Number:** HID-H3-5300K **Size:** N/A

**Function:** Produces several times the light output of normal stock lighting.

**Other information which characterizes/distinguishes the items of equipment to be recalled:**

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**Make:** Evolution HID **Model:** H4

**Part Number:** HID-H4-5300K **Size:** N/A

**Function:** Produces several times the light output of normal stock lighting.

**Other information which characterizes/distinguishes the items of equipment to be recalled:**

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**Make:** Evolution HID **Model:** H7

**Part Number:** HID-H7-5300K **Size:** N/A

**Function:** Produces several times the light output of normal stock lighting.

**Other information which characterizes/distinguishes the items of equipment to be recalled:**

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04E-015 (4/13)

**Make:** Evolution HID      **Model:** 9004

**Part Number:** HID-9004-8000K    **Size:** N/A

**Function:** Produces several times the light output of normal stock lighting.

**Other information which characterizes/distinguishes the items of equipment to be recalled:**

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**Make:** Evolution HID      **Model:** 9005

**Part Number:** HID-9005-8000K    **Size:** N/A

**Function:** Produces several times the light output of normal stock lighting.

**Other information which characterizes/distinguishes the items of equipment to be recalled:**

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**Make:** Evolution HID      **Model:** 9006

**Part Number:** HID-9006-8000K    **Size:** N/A

**Function:** Produces several times the light output of normal stock lighting.

**Model Years Involved:** All

**Other information which characterizes/distinguishes the items of equipment to be recalled:**

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**Make:** Evolution HID      **Model:** 9007

**Part Number:** HID-9007-8000K    **Size:** N/A

**Function:** Produces several times the light output of normal stock lighting.

**Other information which characterizes/distinguishes the items of equipment to be recalled:**

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Make: Evolution HID Model: H1

OYE-015 (5/13)

Part Number: HID-H1-8000K Size: N/A

Function: Produces several times the light output of normal stock lighting.

Other information which characterizes/distinguishes the items of equipment to be recalled:

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Make: Evolution HID Model: H3

Part Number: HID-H3-8000K Size: N/A

Function: Produces several times the light output of normal stock lighting.

Other information which characterizes/distinguishes the items of equipment to be recalled:

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Make: Evolution HID Model: H4

Part Number: HID-H4-8000K Size: N/A

Function: Produces several times the light output of normal stock lighting.

Other information which characterizes/distinguishes the items of equipment to be recalled:

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Make: Evolution HID Model: H7

Part Number: HID-H7-8000K Size: N/A

Function: Produces several times the light output of normal stock lighting.

Other information which characterizes/distinguishes the items of equipment to be recalled:

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Make: Philips HID

Model: 9004

04E-015 (6/15)

Part Number: HID-9004-6000K Size: N/A

Function: Produces several times the light output of normal stock lighting.

Other information which characterizes/distinguishes the items of equipment to be recalled:

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Make: Philips HID

Model: 9005

Part Number: HID-9005-6000K Size: N/A

Function: Produces several times the light output of normal stock lighting.

Other information which characterizes/distinguishes the items of equipment to be recalled:

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Make: Philips HID

Model: 9006

Part Number: HID-9006-6000K Size: N/A

Function: Produces several times the light output of normal stock lighting.

Other information which characterizes/distinguishes the items of equipment to be recalled:

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Make: Philips HID

Model: 9007

Part Number: HID-9007-6000K Size: N/A

Function: Produces several times the light output of normal stock lighting.

Other information which characterizes/distinguishes the items of equipment to be recalled:

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Make: Philips HID Model: H1

04E-015 (7/13)

Part Number: HID-H1-6000K Size: N/A

Function: Produces several times the light output of normal stock lighting.

Other information which characterizes/distinguishes the items of equipment to be recalled:

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Make: Philips HID Model: H3

Part Number: HID-H3-6000K Size: N/A

Function: Produces several times the light output of normal stock lighting.

Other information which characterizes/distinguishes the items of equipment to be recalled:

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Make: Philips HID Model: H4

Part Number: HID-H4-6000K Size: N/A

Function: Produces several times the light output of normal stock lighting.

Other information which characterizes/distinguishes the items of equipment to be recalled:

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Make: Philips HID Model: H7

Part Number: HID-H7-6000K Size: N/A

Function: Produces several times the light output of normal stock lighting.

Other information which characterizes/distinguishes the items of equipment to be recalled:

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Identify the approximate percentage of the production of all the recalled models manufactured by your company between the inclusive dates of manufacture provided above, that the recalled model population represents. For example, if the recall involved Widgets equipped with certain items of equipment from January 1, 1996, through April 1, 1997, then what was the percentage of the recalled Widgets of all Widgets manufactured during that time period.

**II. Identifying the Recall Population**

3. Furnish the total number of items of equipment recalled potentially containing the defect or noncompliance.

<u>Items</u>	<u>Year</u>	<u>Number of</u> <u>Potentially</u> <u>Involved</u>
All Philips HID Conversion kits (HID-9004 – HID-H7)	2000-2003	290
All Evolution Conversion kits (HID-9004 – HID-H7)	2000-2003	172

Total Number Potentially Affected by the

Recall: 462

4. Furnish the approximate percentage of the total number of items of equipment estimated to actually contain the defect or noncompliance: 100%

Identify and describe how the recall population was determined--in particular how the recalled models were selected and the basis for the beginning and final dates of manufacture of the recalled items of equipment:

The recall population was determined through the number of imported items. Nu Performance does not manufacture any of these products, therefore, all items listed above are noncompliant.

**III. Describe the Defect or Noncompliance**

**5. Describe the defect or noncompliance. The description should address the nature and physical location of the defect or noncompliance. Illustrations should be provided as appropriate.**

The Kelvin rating on these HID kits exceed safety standards. The base of the light bulbs have been altered to fit light sources in which they were not originally designed to fit.

**Describe the cause(s) of the defect or noncompliance condition.**

We are the importer. We are not the manufacture.

**Describe the consequence(s) of the defect or noncompliance condition.**

The consequences are that the bases of the light bulbs are altered to fit any car, including cars that were not meant to be equipped with this type of lighting equipment.

**Identify any warning which can (a) precede or (b) occur.**

This conversion kit is part of a high voltage high intensity circuit that is hazardous if not used properly. The bulb is made of high intensity compressed nobles gases which to explode under pressure.

**If the defect or noncompliance is in a component or assembly purchased from a supplier, identify the supplier by corporate name and address.**

N/A

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**Identify the name and title of the chief executive officer or knowledgeable representative of the supplier: N/A**

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**IV. Provide the Chronology in Determining the Defect/Noncompliance**

04E-015 (11/13)

*If the recall is for a defect, complete item 6, otherwise item 7.*

**6. With respect to a defect, furnish a chronological summary (including dates) of all the principle events that were the basis for the determination of the defect. The summary should include, but not be limited to, the number of reports, accidents, injuries, fatalities, and warranty claims.**

We first learned of a potential problem when we spoke with Mike Cole in July, 2003. No injuries or accidents were recorded.

**7. With respect to a noncompliance, identify and provide the test results or other data (in chronological order and including dates) on which the noncompliance was determined.**

We are not the manufacture. We cannot provide any technical data.

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**V. Identify the Remedy**

**8. A description of the manufacturer's program for remedying the defect or noncompliance. This program shall include a plan for reimbursing an owner or purchaser who incurred costs to obtain a remedy for the problem addressed by the recall within a reasonable time in advance of the manufacturer's notification of owners, purchasers and dealers, in accordance with §573.13 of this part. A manufacturer's plan may incorporate by reference a general reimbursement plan it previously submitted to NHTSA, together with information specific to the individual recall. Information required by §573.13 that is not in a general reimbursement plan shall be submitted in the manufacturer's report to NHTSA under this section. If a manufacturer submits one or more general reimbursement plans, the manufacturer shall update each plan every two years, in accordance with §573.13. The manufacturer's remedy program and reimbursement plans will be available for inspection by the public at NHTSA headquarters.**

- 1) We will notify all consumers whom have purchased HID kits from our company.
  - 2) We will pay for all shipping costs when customers return the HID kits.
  - 3) We will make full refunds to all of our customers who have returned HID kits.
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04E-015 (12/13)

**9. Furnish a description of the manufacturer's remedy for the defect or noncompliance. Clearly describe the differences between the recall condition and the remedy.**

In addition to the recall process, Nu Performance Distributing will provide a full refund for all consumers including shipping. Because of the nature of the noncompliance, Nu Performance Distributing cannot offer an alternative or remedy to this noncompliance, and can only offer a recall with a full refund to all consumers who have purchased an HID Conversion kit from Nu Performance Distributing.

**Clearly describe the distinguishing characteristics of the remedy component/assembly versus the recalled component/assembly.**

The remedy is part of the recall. There are no changes to be made that will change or correct the noncompliance. The recall is also the remedy to the noncompliance.

**Identify and describe how and when the recall condition was corrected in production. If the production remedy was identical to the recall remedy in the field, so state. If the product was discontinued, so state.**

The remedy is identical to the recall.

04E-015 (13/13)

**VI. Identify the Recall Schedule**

**10. Furnish a schedule or agenda (with specific dates) for notification to other manufacturers, dealers/retailers, and purchasers. Please, identify any foreseeable problems with implementing the recall.**

Notices and other media regarding the recall will be issued starting February 16th, 2004. We will proceed using standard mail, fax transmissions, and e-mail. We will contact all customers and dealers who purchased any of the HID Conversion kits we sold. After notices have been issued and product has been returned to Nu Performance Distributing we will issue refunds to the customer. The only problem we foresee is not being able to reach every customer who purchased an HID kit from Nu Performance Distributing due to a new addresses or phone number.

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**VII. Furnish Recall Communications**

**11. Furnish a final copy of all notices, bulletins, and other communications that relate directly to the defect or noncompliance and which are sent to more than one manufacturer, distributor, or purchaser. This includes all communications (including both original and follow-up) concerning this recall from the time your company determines the defect or noncompliance condition on, not just the initial notification. A DRAFT copy of the notification documents should be submitted to this office by Fax (202-366-7882) for review prior to mailing.**

**Note: These documents are to be submitted separately from those provided in accordance with Part 579.5 requirements.**