

Bestop, Inc.  
P.O. Box 307  
2100 W. Midway Blvd.  
Broomfield, CO 80020-7115



04E-041

8795

May 28, 2004

Associate Administrator for Enforcement  
National Highway Traffic Safety Administration  
United States Department of Transportation  
400 Seventh Street, SW  
Washington, DC 20590

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NHTSA

**Re: 49 CFR Part 573 Defect and Noncompliance Report**  
Bestop, Inc. Rear Shell Roof Rack - Bestop Part # 41400-01

Dear Kenneth N. Weinstein:

On May 26, 2004, Bestop, Inc. decided that a defect which relates to motor vehicle safety exists in the motor vehicle equipment listed below. Therefore, it is furnishing this notification to the National Highway Traffic Safety Administration in accordance with 49 CFR Part 573 "Defect and Noncompliance Reports."

Date this report was prepared: May 28, 2004

Furnish the manufacturer's identification code for this recall (if applicable): Not applicable

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.

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

Joanne Horibe  
Legal Counsel for Bestop, Inc.  
50 Casimir Court  
Concord, Ontario, Canada L4K4J5  
Telephone Number: (905) 760-3326 Fax No.: (905) 669-5532

Name and Title of Persons who prepared this report.

Joanne Horibe, Legal Counsel for Bestop, Inc. (see above telephone and fax numbers)

Brian Martinuzzi, Dickinson Wright PLLC, attorneys for Bestop, Inc.

Telephone Number: (313) 223-3123 Fax No.: (313) 223-3598

Signed: \_\_\_\_\_

  
President, Bestop, Inc.

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: Roof rack

Make: Bestop Model: Rear Shell Roof Rack

Part Number: 41400-01 Size: Not applicable

Function: The Rear Shell Roof Rack includes a latching system that allows the vehicle's removable cockpit cover to be stored on the roof rack when it is removed from the cockpit.

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

The Rear Shell Roof Racks are designed for use with the Bestop Hardtop made for the 1986 - 1995 and 1997 - 2003 Jeep Wrangler. There are 80 Rear Shell Roof Racks which are subject to this campaign. These 80 units represent the entire production from April 27, 2004 through May 20, 2004.

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.

100%

II. Identifying the Recall Population

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

Model	Year	Number of Items Potentially Involved
Bestop Rear Shell Roof Rack, Part # 41400-1	2004	80

Total Number Potentially Affected by the Recall: 100%

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:

All Rear Shell Roof Racks manufactured from the start of production on April 27, 2004 until May 20, 2004 incorporated a latch bracket with mispositioned mounting holes.

### 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 cockpit cover may not stay latched to the roof rack because the latch bracket mispositions the rotary latch to the cockpit cover. (Attached is the cover page from the Rear Shell Roof Rack Installation Instructions that shows the cockpit cover in place in one drawing and stored on the roof rack in the second drawing. Also attached is the Parts List and Hardware Identification page from the Installation Instructions. The affected latch bracket and striker plates are circled on the parts list.)

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

The mounting holes for the screws that fasten the latch bracket to the cockpit cover are in the wrong location. This allows the rotary latch that mounts to the other side of the latch bracket to be mispositioned on the cockpit cover.

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

The mispositioning of the rotary latch on the cockpit cover prevents the striker plates from fully engaging the receiver brackets that secure the cockpit cover to the front cross rail. As a result, the cockpit cover may not stay latched to roof rack and could come off the roof rack.

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

Although Bestop has not received any reports of unintentional separation of the cockpit cover from the roof rack, rattling caused by the movement of the striker plates in the receiver tracks could occur before the cockpit cover separates from the roof rack.

If the defect or noncompliance is in a component or assembly purchased from a supplier, identify

the supplier by corporate name and address.

The latch bracket is purchased from a supplier but the defect is not attributable to the supplier's manufacturing process.

Identify the name and title of the chief executive officer or knowledgeable representative of the supplier:

Not applicable (see above).

Identify by name, business address, and business telephone number every manufacturer that purchases the defective or noncomplying component for use or installation in new motor vehicles or new items of motor vehicle equipment.

None.

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

*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.

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.

In late May 2004, Bestop's hardtop supplier, Blackhawk Manufacturing ("Blackhawk"), installed a production Rear Shell Roof Rack, but was unable to securely latch the cockpit cover to the cross rails. Blackhawk telephoned Bestop under the assumption it had incorrectly installed the Rear Shell Roof Rack and latching components. Bestop determined through discussions with Blackhawk that it had correctly installed the roof rack. Bestop also received three telephone reports in late May 2004 from customers who had latching problems similar to those reported by Blackhawk. As a result of these verbal reports, Bestop conducted an analysis of the roof rack and its latching components and determined that the holes in the latch bracket were mispositioned. On May 25, 2004, Bestop reported its findings to its legal counsel. On May 26, 2004, Bestop and its legal counsel, in consultation Dickinson Wright, PLLC, determined that the consequences of the mispositioned rotary latch created a defect that related to motor vehicle safety.

Bestop knows of no instances of an unintentional separation of a cockpit cover from a roof rack. The four reports that Bestop has received (discussed above) were verbal reports that the cockpit cover was not latching securely to the roof rack.

## V. Identify the Remedy

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

Bestop will provide replacement parts consisting of an updated latch bracket and updated striker plates to all customers who purchased the Rear Shell Roof Rack. The updated latch bracket and updated striker plates will enable the striker plates to fully engage the receiver brackets that secure the cockpit cover to the front cross rail.

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

The replacement latch bracket will have mounting holes located closer to the edge of the bracket that is fastened to the cockpit cover than the recalled component to ensure that the rotary latch is correctly positioned on the cockpit cover. The replacement striker plates will have mounting holes that have a longer slot than the recalled component to allow for greater adjustment of the striker plates on the cockpit cover.

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.

See above. (The production remedy is identical to the recall remedy in the field.)

## VI. Identify the Recall Schedule

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.

On May 26, 2004, Bestop telephoned 4 Wheel Drive Hardware, the only dealer who had an inventory of the Rear Shell Roof Racks, and informed it of the defect and asked for the return of the five units it had in stock. The remaining 75 units are in the hands of purchasers. The three owners who called Bestop to report problems with the latching system were told not to use the roof rack to store the cockpit cover. Bestop anticipates sending the written notification to 4 Wheel Drive Hardware on June 11, 2004. It also anticipates sending the owner notification letters beginning on June 11, 2004 (assuming the proposed letter has been approved by that date). The replacement parts are expected to be available for shipment to the 75 owners beginning on July 1, 2004.

## VII. Furnish Recall Communications

9. 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 573.8 requirements.

Bestop has not yet sent any recall communications. A copy of the proposed dealer notification letter, two proposed owner notification letters (one referencing enclosed parts and one referencing forthcoming parts) and the proposed envelope are being sent under a separate fax.

DETROIT 23954-1 3/2/94



**BESTOP**

## Rear Shell Roof Rack Installation Instructions

For: Wrangler, 1986 - current

Part Number: 41400



### WARNING

This product is designed to enhance the appearance of the vehicle. Do not rely in any way on the components of this product to contain occupants within the vehicle, or to protect against injury or death in the event of an accident. Never operate vehicle in excess of manufacturer's specifications.

#### WEAR SEAT BELTS AT ALL TIMES

Read and follow, precisely, all installation instructions provided when installing this product. Failure to do so could place occupants of the vehicle in a potentially dangerous situation. After installing or reinstalling, check to make sure it has been properly installed.

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## Parts List and Hardware Identification



41444 Universal Rack Tray  
(Sold Separately), Qty - 5



Tray Mounting Tab, Qty - 4,  
Part Number 374.77



Latch Bolt Retainer, Qty - 1,  
Part Number 307.23



1-1/8" Loop Washer, Qty - 4,  
Part Number 304.86



Pillar Shim - BL, Qty - 1,  
Part Number 348.64



Pillar Shim - LL, Qty - 1,  
Part Number 348.65



Pillar, Qty - 4,  
Part Number 348.68



Gasket, Qty - 4,  
Part Number 347.89



Latch Bracket, Qty - 1,  
Part Number 348.69



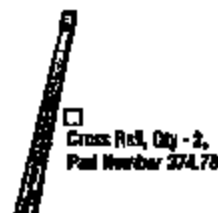
Strike Plate, Qty - 2,  
Part Number 348.71



3/4" Adhesive Hook, Qty - 8,  
Part Number 364.90



3/4" Adhesive Loop, Qty - 4,  
Part Number 364.91



Cross Rod, Qty - 2,  
Part Number 374.78



Latch Shoulder Bolt, Qty - 1,  
Part Number 367.24



Recover Bracket, Qty - 2,  
Part Number 374.73



Rotary Latch, Qty - 1,  
Part Number 397.25



Latch Cover, Qty - 1,  
Part Number 348.70

1/4-20 x 3/4" Pan Head  
Phillips Screw, Qty - 64,  
Part Number 237.92



1/8 x 5/16" Pan Head Phillips  
Tapping Screw, Qty - 4,  
Part Number 378.19

1/4-20 x 1" Hex Head  
Screw, Qty - 2,  
Part Number 394.85



1/4-20 x 1-1/2" Hex Head Screw,  
Qty - 6, Part Number 395.26



1/4-20 x 1-1/4" Pan Head Phillips Screw,  
Qty - 6, Part Number 397.22

1/4" Internal Star Lock  
Washer, Qty - 28,  
Part Number 397.21



1/4-20 Hex Nut,  
Qty - 12,  
Part Number 397.20

### Tools Needed

Drill Motor  
1/8" Drill Bit  
#2 Phillips Screwdriver  
7/16" Wrench  
6" Adjustable Wrench