



U.S. Department
of Transportation
**National Highway
Traffic Safety
Administration**

400 Seventh St., S.W.
Washington, D.C. 20590

**VIA FACSIMILE AND
CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

JAN 17 2007

Mr. Mark Warmoth
President
Weekend Warrior Trailers, Inc.
1320 Oleander Ave.
Perris, CA 92571

NVS-215jtt
05V-444

Dear Mr. Warmoth:

Weekend Warrior Trailers, Inc. (Weekend Warrior) determined over one year ago that over 13,000 of its trailers failed to comply with applicable Federal Motor Vehicle Safety Standards. Nevertheless, Weekend Warrior still has not conducted its recall campaign, provided this agency with its proposed owner notification letter, or given this agency any indication of when it intends to conduct that recall campaign. The purpose of this letter is to make clear our expectation that Weekend Warrior will notify this agency within the next 10 business days of the estimated date(s) for its notifications to owners and dealers about its recall campaign. This letter also serves as notice to Weekend Warrior that its dereliction of duties renders it subject to civil penalties and/or an enforcement action pursuant to 49 U.S.C. §§ 30165. That section authorizes penalties of up to \$6,000 for each violation, with a separate violation occurring for each motor vehicle and for each failure to perform a required action.

Specifically, on September 14, 2005, Weekend Warrior notified NHTSA that certain trailers it manufactured were not in compliance with Federal Motor Vehicle Safety Standard (FMVSS) No. 108, *Lamps, reflective devices, and associated equipment*, in that the trailers were not equipped with various lamps and reflex reflectors that this standard mandates. Weekend Warrior stated that it planned to notify both its customers and dealers of the noncompliance, and would remedy that noncompliance by installing the missing equipment on the trailers. The company noted that it foresaw “no problems on implementing [the] recall.” NHTSA assigned the identification number 05V-444 for the recall.

Rather than implement this recall, however, Weekend Warrior filed a petition for exemption from its notification and remedy responsibilities on grounds that the noncompliances were inconsequential to motor vehicle safety. This petition was dated October 26, 2005.

NHTSA did not agree with Weekend Warrior’s assertions concerning the inconsequentiality of the noncompliances, and therefore denied the company’s petition by way of letter dated January 27, 2006. That decision was also published in the Federal



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Register on February 1, 2006. In its letter, the agency told the company that it was required to submit an amended Noncompliance Report no later than five (5) working days from your receipt of that letter, and that the report must include information concerning, among other things, Weekend Warrior's proposed remedy and recall schedule for the noncompliance.

We did not receive Weekend Warrior's report and did not hear anything further from the company. Consequently, on November 13, 2006, Jennifer Timian in the agency's Recall Management Division contacted Mr. Bryan Atkinson, the same employee who had submitted the petition, about the status of the recall campaign. He explained that he did not think the company had ever received the agency's denial of the company's petition, but that would speak with his staff and promptly get back to Ms. Timian. He provided his facsimile number to Ms. Timian and she sent him a copy of the agency's January 27, 2006, letter and the Federal Register notice. (As an aside, the agency's January 27, 2006 letter was not returned to the agency by the U.S. Postal Service for non-delivery.) The next day, Ms. Timian contacted Mr. Atkinson to follow-up on the status of his efforts to find out whether the company had received the agency's denial and to discuss the matter further. He was not available, so a voicemail to return her call was left. Mr. Atkinson did not return this call.

The following week, on November 17, 2006, Julianna Miller from your company left a message with Ms. Timian explaining that the company was trying to comply with its responsibilities, and that the company's attorney was reviewing the recall information to be sent to NHTSA, including the owner and dealer notification letters for the recall. Ms. Miller said this package of materials was expected to arrive at the agency the following week.

The promised information did not arrive the following week; nor did it arrive the week after that. Therefore, on December 6, 2006, Ms. Timian contacted Ms. Miller. Ms. Miller explained that the information was still at the attorney's office, that it was almost ready for submission, and that the company expected to send it to the agency on December 14, 2006. Ms. Timian reminded Ms. Miller during their call to include a schedule for issuing the notifications about the recall.

As of January 3, 2007, the agency still had not received Weekend Warrior's proposed remedy and notification schedule or its draft owner notification letter. Ms. Timian left another message with Mr. Atkinson and with Ms. Miller inquiring about the promised information and asking that someone contact her immediately. No one returned these calls.

In summary, as of today's date Weekend Warrior has not complied with its responsibilities to timely provide certain recall-related information to this agency, has not issued its obligatory owner and dealer notifications concerning this non-compliance, and has not conducted its recall program to remedy that safety problem. Weekend Warrior has failed to do so despite persistent reminders from the agency.

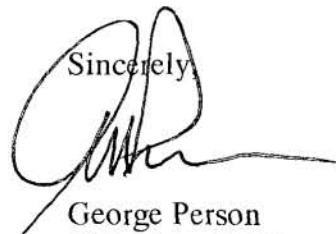
Accordingly, Weekend Warrior needs to provide this agency the estimated date(s) on which it will begin sending notifications to owners, and to dealers and distributors, that there is a noncompliance in the trailers and that a remedy without charge will be available to owners, and the estimated date(s) on which it will complete these notifications. The company must provide this information to this agency no later than **10 business days from**

the date of this letter. In order to ensure your submission is timely, I highly suggest the company consider sending this information via an express mail delivery service that is able to confirm its receipt.

I further remind Weekend Warrior that it is required to submit a draft of its proposed owner notification letter to NHTSA at least five (5) business days before it intends to begin mailing to owners. See 49 CFR § 573.6(c)(11). The language of the draft must be in accordance with 49 CFR § 577.5. Also, a representative copy of this notification, as well as any other notifications, bulletins, or other communications related to the recall, must also be sent to NHTSA within five (5) days after they are first issued. See 49 CFR § 573.6(c)(10). All submissions to NHTSA must conspicuously note your safety recall's identification number (e.g., 05V-444).

As stated earlier, Weekend Warrior is subject to civil penalties of up to \$6,000 per violation, with each vehicle and each failure comprising a separate violation, for its failure to timely provide notification concerning, and free remedy for, the noncompliance. In deciding whether to seek civil penalties or other remedies, the agency looks at the relevant facts. A manufacturer's prolonged delay in taking required action is a factor that would increase the likelihood of the agency's taking enforcement action, especially where the manufacturer's failure to act continues after explicit requests from the agency to correct that failure. In addition to civil penalties, we will also be considering our other enforcement options. One is to hold a hearing pursuant to 49 U.S.C. § 30118(e) on whether Weekend Warrior has reasonably met its notification requirements. If the agency decides to hold a hearing and decides that Weekend Warrior has not reasonably met the notification requirements, the agency would order Weekend Warrior to take specified action to meet those requirements, and may take any other action authorized under Chapter 301, Title 49 of the United States Code. NHTSA may also refer this matter to the United States Department of Justice for appropriate action and ask the Justice Department to pursue those substantial civil penalties available under 49 U.S.C. § 30165. Please also note that Weekend Warrior's completion of its obligatory notification and remedy campaign does not eliminate the possibility of civil penalties.

Your estimated dates for the recall campaign, as well as the other information noted above that you are required to provide, should be submitted to the Recall Management Division (NVS-215). All submissions to this division must conspicuously note your safety recall's identification number (e.g., 05V-444). Should you have any questions, please contact Jennifer Timian on (202) 493-0209.

Sincerely,


George Person
Chief, Recall Management Division

cc: Mr. Bryan Atkinson, Service Director
J. Timian
L. Guerci, Assistant Chief Counsel for Litigation