

**PART 573 Noncompliance Report #3 – 5/19/2006**

(Revisions from Report #2 in Boxes)

On March 6, 2006 The Charles Machine Works, Inc. determined that a non-compliance with the Federal Motor Vehicle Safety Standards which relates to motor vehicle safety exists in the motor vehicles listed below, and is furnishing notification to the National Highway Traffic Safety Administration in accordance with 49 CFR Part 573 Defect and Noncompliance Reports.

This initial report was prepared on March 7, 2006. Revised responses are in bold type.

The manufacturer's identification code for this recall is

**06V-065**

1. Identify the full corporate name of the fabrication manufacturer of the recalled vehicles.

The Charles Machine Works, Inc.  
PO Box 66  
1959 West Fir Street  
Perry, OK 73077

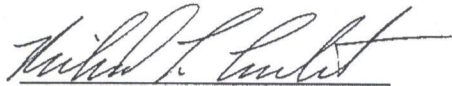
Identify the corporate official, by name and title, which the agency should contact with respect to this recall.

	Richard L. Lambert
	Product Safety Coordinator
Telephone Number	580-572-2480
Facsimile	580-572-3525
E mail	rlambert@ditchwitch.com

Name and Title of Person who prepared this report

Richard L. Lambert  
Product Safety Coordinator

Signed



I. Identifying the Vehicle Models Involved in the Recall

2. Identify the Vehicles Involved in the Recall, for each make and model or applicable vehicle line (provide illustrations or photographs as necessary to describe the vehicle), provide:

Make(s): Ditch Witch  
 Model(s): T18S & T26S  
 Model Years Involved: Not Applicable  
 Production Date: 1/1/2000 to 3/1/2006  
 VIN's: see attached list for T26S (see Report #2 for T18S)  
 Vehicle Type: Trailer Bodystyle: Not Applicable

Descriptive information which characterizes/distinguishes the recalled vehicles from those model vehicles not included in the recall:

All model T18S & T26S trailers are to be recalled.

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 Recalled Population

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

	T18S	T26S
Number of trailers in service in the U.S.	Unknown	26
Number of trailers in dealer inventory	Unknown	15
Total number of trailers affected by the recall in US:	632	41

4. Furnish the approximate percentage of the total number of vehicles 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 inclusive date of manufacture:

All Model T18S & T26S trailers are non-compliant.

III. Identifying the Defect or Noncompliance

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

The T18S & **T26S** trailers have been determined not to be exempt from the requirement to have a rear impact guard meeting the requirements of 49CFR571.223 as per the section S3 of 49CFR571.224 and section (a)(1) of 49CFR393.86. Additionally, reflective tape is being added to the sides of the trailer (T18S only).

If this report is for a noncompliance, identify the applicable section of the standard:

See above

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

The cause of the non-compliance was a misinterpretation of the Federal Motor Vehicle and Federal Motor Carrier regulations.

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

Unknown

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

Not Applicable

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

Not Applicable

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

Not Applicable

IV. Identify the Chronology in Determining the Defect/Noncompliance  
*If the recall is for a defect, complete item 6, other wise 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.

Not Applicable

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

February 17, 2006 – Received a copy of a FAX from Ditch Witch of Minnesota about question concerning rear impact protection on FX60 vacuum system (T18S trailer).

February 17, 2006 – FAX to Ditch Witch of Minnesota about our interpretation of 49CFR393.86.

February 23, 2006 – FAX to Ditch Witch of Minnesota with a further interpretation of the rear impact guard requirements.

February 24, 2006 – Response from Minnesota State Patrol about the FAX sent on 2/23/06.

February 25 to March 3 – Further research was made into rear impact guard regulations and interpretations.

March 6, 2006 – Decision that the T18S trailers were non-compliant and that they would be recalled for modification to install a rear impact guard.

**May 15, 2006 – Decision that the T26S trailers were non-compliant and that they would be recalled for modification to install a rear impact guard.**

#### 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.

The Charles Machine Works will have Ditch Witch dealerships install compliant rear impact guards, install reflective tape, and move the filter canister (filter canister applicable only to T18S).

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

Compliant rear impact guard with label as per 571.223

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.

Trailer production of this type has been suspended as of March 6, 2006 until rear impact guards can be designed, tested, and installed. During the week of March 20, 2006 production of T18S trailers resumed and they will be identical to recall remedied trailers.

**As of May 15, 2006 production of the T26S trailer has been suspended.**

#### VI. 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.

**Not yet determined for the T26S**

#### VII. 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 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 telefax (FAX: 202-366-7882) for review prior to mailing.

For the Model T18S see report #2.

**T26S documents being developed and will be submitted for approval.**

Note that these documents are to be submitted separately from those provided in accordance with Part 573.8 requirements.

**Ditch Witch Trailer Model  
T26S - Vehicle  
Identification Numbers**

**In Service**

1	1DSV183T0217W3555
2	1DSV183T2217W3556
3	1DSV183T4217W3557
4	1DSV183T6217W3558
5	1DSV183T4217W3560
6	1DSV183T6217W3561
7	1DSV183T3317X4051
8	1DSV183T7317X4053
9	1DSV183T0317X4055
10	1DSV183T6317X4058
11	1DSV183T4317X4060
12	1DSV183T1317X4064
13	1DSV183T3317X4065
14	1DSV183T5317X4066
15	1DSV183T7317X4067
16	1DSV183T9317X4068
17	1DSV183T7317X4070
18	1DSV183T6417Y2503
19	1DSV183T8417Y2504
20	1DSV183T5417Y2508
21	1DSV183T5417Y2511
22	1DSV183T7417Y2512
23	1DSV183T7417Y5209
24	1DSV183TX517Z2551
25	1DSV183T1517Z2552
26	1DSV183T7517Z2555

**Dealer Inventory**

1	1DSV183T0317X4069
2	1DSV183T861702153
3	1DSV183TX61702154
4	1DSV183T961702159
5	1DSV183T7217W3553
6	1DSV183T8217W3559
7	1DSV183T9317X4054
8	1DSV183T4317X4057
9	1DSV183T6317X4061
10	1DSV183T9317X4071
11	1DSV183T9417Y2513
12	1DSV183T8517Z2556
13	1DSV183T0517Z2557
14	1DSV183T2517Z2558
15	1DSV183T4517Z2559