

## DEFECT AND NONCOMPLIANCE REPORT

ON JANUARY 11, 2008, the National Highway Traffic Safety Administration (NHTSA) and U.S. Drive Right reached an agreement whereby U.S. Drive Right was granted the designation of Registered Importer (RI). As part of the settlement agreement, U.S. Drive Right is hereby submitting a formal notification to the NHTSA in accordance with CFR Part 573 Defect and Noncompliance Reports concerning noncompliances with Federal Motor Vehicle Safety Standards existing in the motor vehicles listed below previously imported by U.S. Drive Right.

01/29/08

### 1. Importer

Gorilla Barn, LLC, trading as U.S. Drive Right  
R-08-355  
P.O. Box 429  
Spring Arbor, MI 49283

Michael Kesterson, Principal  
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Report prepared by same.

Signed

  
Mike Kesterson

### 2. Vehicles Involved in Recall

Right hand drive Jeep Cherokees, model years 1994-1998, imported between January and June 2007. For complete list of VINs see attachment A.

### 3. Recall Population

Jeep Cherokee	1994	13 vehicles
Jeep Cherokee	1995	28 vehicles
Jeep Cherokee	1996	64 vehicles
Jeep Cherokee	1997	1 vehicle
Jeep Cherokee	1998	1 vehicle

Total vehicles imported 107

### 4. Percentage of Vehicles with Noncompliance

All 107 vehicles referenced were imported and sold without modifications. Only 105 are eligible for importation. The 1998 and 1997 are not eligible for importation and are to be dealt with separately under the terms of the settlement agreement.

## **5. Description of Noncompliance**

According to the existing FMVSS standards, the vehicles require modifications in the following categories: FMVSS 101 Controls and Displays-brake failure lamp indicator, speedometer; FMVSS 108 Lamps, Reflective Devices and Associated Equipment-headlight, sidemarker, and tail light assemblies; FMVSS 111 Rearview Mirror-passenger side rearview mirror; FMVSS 114 Theft Protection; FMVSS 115 Vehicle Identification Number-VIN plate and certification label; FMVSS 118 Power Window Systems-window transport mechanism; FMVSS 120 Tires- tire information placard; FMVSS 208 Occupant Crash Protection-microswitch buzzer; FMVSS 301 Fuel System Integrity- rollover valve.

The righthand drive Jeeps differ slightly from U.S. version vehicles because the manufacturer (Chrysler) produced them for export to foreign countries.

## **6. Determination of Noncompliance**

These noncompliances were determined based on the criteria established for the granting of petitions VSP-180 and VSP-493 governing the importation of 1995 and 1994, 96 right hand drive Jeeps, respectively.

## **7. Remedy Identification**

The details of the remedy are outlined in the settlement agreement between NHTSA and U.S. Drive Right Exhibit B, a copy of which is included with this report. The remedial modifications are to be made by a U.S. Drive Right representative traveling to the customer locations and making the modifications on site.

The distinguishing characteristics of the specific modifications are as follows:

FMVSS 101 Controls and Displays:

- 1) Needs the word "BRAKE" added to the brake failure indicator lamp lens.
- 2) Speedometer must read in MPH.

FMVSS 108 Lamps, Reflective Devices and Associated Equipment:

- 1) Requires U.S. version headlight assemblies
- 2) Requires U.S. version front and rear side marker assemblies.
- 3) Requires U.S. version tail light assemblies.

FMVSS 111 Rearview Mirror:

- 1) The passenger side rearview mirror must have the proper wording.

FMVSS 114 Theft Protection:

- 1) The vehicle must be equipped with U.S. version components.

FMVSS 115 Vehicle Identification Number:

- 1) Requires a VIN plate on the dash near the left windshield pillar.
- 2) Requires a VIN certification label to the edge of the driver's door.

FMVSS 118 Power Window Systems:

- 1) Requires U.S. version window transport mechanism.

FMVSS 120 Tire Selection and Rims for Motor Vehicle other than Passenger Cars:

- 1) Requires a tire information placard.

FMVSS 208 Occupant Crash Protection:

- 1) Requires a belt webbing actuated micro switch in the driver's seat belt

retractor.

2) Requires micro switch to be interfaced with seat belt monitoring system.

FMVSS 301 Fuel System Integrity:

1) Requires fuel system components identical to those in U.S. version vehicles.

### **8. Modification Schedule**

The modifications will be performed on a regional basis and time frame as per the settlement agreement and indicated in the chart below. The time frame begins with the effective date of the settlement agreement which is January 11, 2008.

Region 1- Michigan, Indiana, Ohio, Wisconsin, Illinois, Kentucky- Months 1 through 4

Region 2- Minnesota, Iowa, Missouri, W. Virginia, Pennsylvania, Maryland, New Jersey, New England- Months 5 through 8

Region 3- Tennessee, Alabama, North Carolina, South Carolina, Virginia, Georgia, Florida- Months 9 through 12

Region 4- Western states and Louisiana- concurrent with other regions- Months 1 through 12.

### **9. Owner Notification**

Each owner will be notified in writing in accordance with 49 CFR Part 577 prior to beginning the remedial modifications.

## Attachment A

The following vehicles were imported from Japan between January and June 2007 through Dell Will Customs Brokers in Detroit. All vehicles are 4-door right hand drive Jeep Cherokees and were sold without modifications or certification labels:

1996 1J4FN78S-XTL191787	1996 1J4FN78S-3TL149445
1994 1J4FN78S-7RL130177	1995 1J4FN68S-3SL606800
1994 1J4FN68S-9RL152164	1994 1J4FN78S-6RL206827
1994 1J4FN68S-7RL230038	1995 1J4FN68S-2SL644499
1996 1J4FN68S-9TL136659	1996 1J4FN78S-1TL211831
1994 1J4FN28S-4RL230353	1996 1J4FN78S-4TL203643
1996 1J4FN68S-3TL118612	1995 1J4FN68S-5SL533686
1996 1J4FN68S-0TL118373	1996 1J4FN78S-9TL175564
1995 1J4FN78S-2SL630060	1996 1J4FN78S-2TL284495
1996 1J4FN68S-2TL165114	1994 1J4FN78S-8RL206750
1996 1J4FN68S-3TL187400	1994 1J4FN78S-0RL230091
1996 1J4FN68S-1TL122934	1996 1J4FN68S-XTL133625
1996 1J4FN78S-5TL161726	1995 1J4FN78S-8SL609911
1996 1J4FN68S-8TL122915	1995 1J4FN68S-XSL546871
1995 1J4FN78S-4SL597109	1995 1J4FN68S-3SL602603
1995 1J4FN78S-4SL537265	1995 1J4FN28S-7RL174764
1996 1J4FN68S-2TL130332	1995 1J4FN68S-3SL617545
1995 1J4FN68S-4SL573645	1996 1J4FN78S-XTL175993
1996 1J4FN68S-5TL183025	1995 1J4FN68S-6SL564459
1996 1J4FN68S-9TL130344	1996 1J4FN78S-4TL284482
1995 1J4FN68S-7SL523306	1995 1J4FN78S-1SL629787
1996 1J4FN78S-2TL191993	1996 1J4FN78S-0TL149421
1996 1J4FN78S-4TL140737	1996 1J4FN68S-9TL165157
1994 1J4FN78S-2RL137442	1994 1J4FN78S-4RL151850
1996 1J4FN78S-XTL161012	1996 1J4FN78S-XTL161723
1996 1J4FN68S-0TL126991	1996 1J4FN78S-3TL187452
1996 1J4FN68S-XTL113407	1996 1J4FN78S-3TL164625
1996 1J4FN78Y-1TL176045	1996 1J4FN68S-6TL110612
1996 1J4FN78S-2TL176071	1994 1J4FN78S-5RL149231
1995 1J4FN78S-8SL597145	1996 1J4FN78S-8TL160943
1996 1J4FN68S-8TL136734	1994 1J4FN78S-4RL158907
1996 1J4FN78S-9TL160966	1996 1J4FN68S-7TL124025
1995 1J4FN68S-XSL513126	1996 1J4FN78S-8TL199905
1996 1J4FN68S-9TL240164	1996 1J4FN78S-9TL148106
1995 1J4FN78S-3SL582651	1996 1J4FN78S-2TL176037
1995 1J4FN78S-8SL637823	1996 1J4FN78S-4TL148109
1995 1J4FN78S-3SL629788	1996 1J4FN78S-5TL160964
1995 1J4FN68S-5SL570611	1996 1J4FN78S-2TL175714
1996 1J4FN68S-1TL117183	1996 1J4FN78S-5TL207541
1996 1J4FN78S-2TL160968	1994 1J4FN78S-0RL137259

1996 1J4FN78S-3TL229554  
1996 1J4FN78S-3TL140762  
1996 1J4FN78S-9TL199931  
1996 1J4FN68S-5TL116005  
1996 1J4FN68S-XTL136704  
1995 1J4FN68S-XSL602680  
1996 1J4FN78S-9TL138322  
1996 1J4FN68S-1TL123100  
1996 1J4FN78S-1TL164560  
1996 1J4FN78S-0TL160953  
1996 1J4FN78S-8TL164586  
1998 1J4FN68S-6WL255614  
1997 1J4FN68S-8VL589304  
1996 1J4FN68S-6TL161000  
1996 1J4FN68S-4TL136634  
1995 1J4FN68S-9SL651336  
1994 1J4FN28S-XRL127101  
1995 1J4FN68S-8SL592103  
1996 1J4FN68S-8TL118508  
1995 1J4FN68S-0SL589759  
1996 1J4FN68S-6TL121309  
1996 1J4FN68S-8TL161357  
1995 1J4FN68S-4SL582815  
1996 1J4FN68S-6TL123125

1996 1J4FN68S-1TL113229  
1995 1J4FN68S-0SL641505  
1995 1J4FN68S-6SL634980

**PROPOSAL FOR  
MODIFICATION OF IN-SERVICE VEHICLES  
REMEDIAL PLAN**

January 2008

U.S. Drive Right, between January and June 2007, imported 105 RHD Jeep Cherokee vehicles that were not brought into compliance with all applicable Federal motor vehicle safety standards (FMVSS). These 105 nonconforming vehicles are identified in Exhibit A. U.S. Drive Right will bring these vehicles into compliance with all applicable FMVSS by performing the conformance modifications set forth in the petitions for import eligibility that were submitted to NHTSA and which NHTSA used as the basis for deciding such vehicles are eligible for importation. U.S. Drive Right represents that these 105 nonconforming vehicles are covered by NHTSA eligibility numbers VSP-180 or VSP-493. Modifications that U.S. Drive Right will perform include:

**MY 1995 Jeep Cherokee, VSP-180**

Standard No. 101: Controls and Displays: (a) Placement of the word "Brake" on the brake failure indicator lamp lens; (b) installation of a seat belt warning lamp that displays the appropriate symbol; (c) recalibration of the speedometer/odometer from kilometers to miles per hour.

Standard No. 108: Lamps, Reflective Devices and Associated Equipment: (a) Installation of U.S.-model headlamp assemblies; (b) installation of U.S.-model front and rear sidemarker/reflector assemblies; (c) installation of U.S.-model tail lamp assemblies.

Standard No. 111: Rearview Mirror: replacement of the passenger side rearview mirror with a U.S.-model component.

Standard No. 114: Theft Protection: installation of a warning buzzer microswitch and a warning buzzer in the steering lock assembly.

Standard No. 115: Vehicle Identification Number: installation of a VIN plate that can be read from outside the left windshield pillar, and a VIN reference label on the edge of the door or latch post nearest the driver.

Standard No. 118: Power Window Systems: rewiring of the power window system so that the window transport is inoperative when the ignition is switched off.

Standard No. 120: Tire Selection and Rims for Motor Vehicles other than Passenger Cars: installation of a tire information placard.

Standard No. 208: Occupant Crash Protection: (a) installation of a U.S.- model seat belt in the driver's position, or a belt webbing actuated microswitch inside the driver's seat belt retractor; (b) installation of an ignition switch actuated seat belt warning lamp and buzzer.

Standard No. 301: Fuel System Integrity: installation of a rollover valve in the fuel tank vent line between the fuel tank and the evaporative emissions collection canister.

**MY 1994 and MY 1996 Jeep Cherokee, VSP-493**

Standard No. 101: Controls and Displays: (a) Inscription of the word "brake" on the instrument cluster in place of the international ECE warning symbol; (b) replacement or conversion of the speedometer to read in miles per hour; and (c) inscription of warning symbols and lettering for the seat belt warning telltales that meet the requirements of this standard.

Standard No. 108: Lamps, Reflective Devices and Associated Equipment: installation, on vehicles that are not already so equipped, of U.S.-certified model (a) headlamps; (b) front and rear side-mounted marker lamps which incorporate reflex reflectors; and (c) tail lamps assemblies.

Standard No. 111: Rearview Mirrors: installation of a U.S.-certified model passenger side rearview mirror, or inscription of the required warning statement on the face of the passenger side rearview mirror.

Standard No. 114: Complies as manufactured

Standard No. 115: Vehicle Identification: installation of a vehicle identification plate near the left windshield post to meet the requirements of this standard.

Standard No. 118: Complies as manufactured

Standard No. 120: Tire Selection and Rims for Motor Vehicles Other than Passenger Cars: installation of a tire information placard.

Standard No. 208: Occupant Crash Protection: (a) Inspection of all vehicles and replacement of any non U.S.- certified model seat belt components on vehicles that are not already so equipped and; (b) installation of a supplemental seat belt warning buzzer system, to meet the requirements of this standard.

Standard No. 301: Complies as manufactured

U.S. Drive Right will make these modifications within a 12 month period in such a manner that U.S. Drive Right will be able to certify to NHTSA, as required by 49 CFR 592.6(d)(1): "I know that the vehicle that I am certifying conforms with all applicable Federal motor vehicle safety and bumper standards because I personally witnessed each

## EXHIBIT B

modification performed on the vehicle to effect compliance," or that "I know that the vehicle I am certifying conforms with all applicable Federal motor vehicle safety and bumper standards because the person who performed the necessary modifications to the vehicle is an employee of U.S. Drive Right and has provided full documentation of the work that I have reviewed, and I am satisfied that the vehicle as modified complies."