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10V-354  
(7 pages)

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

On July 23, 2010 Turtle Top [MFR] decided that (a defect which relates to motor vehicle safety)(a noncompliance with Federal Motor Vehicle Safety Standard No. \_\_\_\_\_) 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 Responsibility and Reports**.

Date this report was prepared: July 23, 2010

Furnish the manufacturer's identification code for this recall (if applicable): Ricon (09E-061)

1. Identify the full corporate name of the fabricating manufacturer of the vehicle being recalled. If the recalled vehicle is imported, provide the name and mailing address of the designated agent as prescribed by 49 U.S.C. §30164.

Independent Protection Company, Inc., Turtle Top Division

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

Janet L. Kercher-Dudley, Standards Engineer

Telephone Number: (574)831-4340 X146 Fax No.: (574)831-4349

Name and Title of Person who prepared this report.

Janet L. Kercher-Dudley, Standards Engineer

Signed:



<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, by FAX at (202) 366-7882, or by E-Mail to [RMD.ODI@dot.gov](mailto:RMD.ODI@dot.gov).

**I. Identify 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):** Turtle Top **Model Years Involved:** 2008-2009 **Model(s):** Various—see page 3 for model names

**Production Dates: Beginning:** 09-15-08 **Ending:** 06-11-09

**VIN Range: Beginning:** Various **Ending:** Various

**Vehicle Type:** Bus **Bodystyle:** Transit Bus / Shuttle Bus

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

Recalled vehicles have a Ricon S, or K series L-model wheelchair lift with a software problem where the lift may continue its upward travel over-running the floor level cut off point.

**Make(s):** \_\_\_\_\_ **Model Years Involved:** \_\_\_\_\_ **Model(s):** \_\_\_\_\_

**Production Dates: Beginning:** \_\_\_\_\_ **Ending:** \_\_\_\_\_

**VIN Range: Beginning:** \_\_\_\_\_ **Ending:** \_\_\_\_\_

**Vehicle Type:** \_\_\_\_\_ **Bodystyle:** \_\_\_\_\_

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

**Make(s):** \_\_\_\_\_ **Model Years Involved:** \_\_\_\_\_ **Model(s):** \_\_\_\_\_

**Production Dates: Beginning:** \_\_\_\_\_ **Ending:** \_\_\_\_\_

**VIN Range: Beginning:** \_\_\_\_\_ **Ending:** \_\_\_\_\_

**Vehicle Type:** \_\_\_\_\_ **Bodystyle:** \_\_\_\_\_

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

**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 Vehicles equipped with certain items of equipment from January 1, 1996 through April 1, 1997, then what was the percentage of the recalled Vehicles of all Vehicles manufactured during that time period.**

**II. Identify the Recall Population**

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

<b>Model</b>	<b>Year</b>	<b>Number of Vehicles Potentially Involved</b>
Ford Odyssey	2009	2
Ford Odyssey LT	2009	2
Freightliner Odyssey XL	2009	4
GM Odyssey	2009	1
GM Terra Transport	2009	4
Ford Van Terra	2008	1

**Total Number Potentially Affected by the Recall:** 14

**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 beginning and final dates of manufacture of the recalled vehicles:**

Announcement on recalled equipment was sent to Turtle Top from Ricon with information on affected lifts built between October 2007 and December 2009. Ricon notified the NHTSA of the recall on a 573 Defect and Noncompliance Report; NHTSA assigned Ricon recall number 09E-061. Based on this information from Ricon, along with sales order information for specific vehicles where the recalled equipment parts were optioned into the sales order, as well as a listing of lift registrations from Ricon on affected lift serial numbers purchased by Turtle Top (Terra Transit division), Turtle Top was able to determine potential vehicles affected under this recall.

**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.**

From Ricon's 573 Defect and Noncompliance Report 09E-061, note the following "the defect is in the software loaded onto the printed circuit board that functions as the lift's control system. The anomaly is such that in the event an operator runs the wheelchair lift from the ground to vehicle floor level and releases the "UP" function switch before the floor level limit switch is activated a remote possibility exists such that the lift may continue its upward travel for approx. one second before stopping. The continued upward travel may over-run the floor level cut off point (continued below)\*

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

From Ricon's 573 Defect and Noncompliance Report 09E-06, note the following "a combination of an anomaly in the software and the operator releasing the "UP" button prior to the wheelchair lift completing the function and coming to a stop at vehicle floor level".

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

From Ricon's 573 Defect and Noncompliance Report 09E-061, note the following "when the platform over-runs the vehicle floor level and stops at an angle from 15-20 degrees, it is possible for a person in a wheelchair to tip over and for a standee to fall down".

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

From Ricon's 573 Defect and Noncompliance Report 09E-06, note the following "none".

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

Ricon Corporation

7900 Nelson Road

Panorama City, CA 91402

818-267-3000

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

Stanton Saucier, General Manager

\*(continued from question #5 above) and initiate platform stow resulting in the front of the platform tilting upward approx. 15 degrees if the combined weight of mobility aid and occupant is less than 100lbs and the hydraulic system relief valve has not been altered from it's original factory setting".

#### **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.**

#6 = Defect. From Ricon's 573 Defect and Noncompliance Report, note the following "Ricon introduced the Series L-model wheelchair lift on or about March. The lift incorporated new electronics to better manage all required functions. On or about September 1, 2009, Ricon received a report of an incident involving a Ricon S-series L-model lift, installed in a Champion bus, operated by Capital Metro Transit in Austin, Texas. The incident was caught on video. The video shows a passenger tipping over in her wheelchair as a result of the lift overrunning the vehicle floor level position. Ricon dispatched personnel to inspect the lifts and determined that a problem was present in the control system. This is the first and only reported incident of this type".

#### **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.**

As noted in Ricon's 573 Defect and Noncompliance Report on file with the NHTSA, "Upon determining the problem, Ricon stopped all shipments of L-model lifts. A letter was prepared and emailed to all bus OEMs notifying of the interruption in supply. Ricon believes that this condition is preventable by merely depressing the button down until the "UP" function is completed and the platform has reached the vehicle floor level. This was not a foreseeable failure. The software code is in the process of being re-written. Once the software code is completed and the software is validated, the code will be made available to upgrade all L-model wheelchair lifts in service".

**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.**

see question #8 on previous page.

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

Ricon's remedy as stated the 573 Defect and Noncompliance Report on file with the NHTSA "Remedied lifts:

a). Update all operator manuals to alert operators to depress the function buttons completely, until the selected function is completed and the lift some to a stop. b). The updated software will be installed. Recalled lifts:

the operational software allows the lift to overrun its selected function".

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**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.**

As noted in Ricon's 573 Defect and Noncompliance Report on file with the NHTSA, "A remedy has not been determined. The software code is being rewritten".

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**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.**

Ricon's timeline was provided to the NHTSA in their 573 Defect and Noncompliance Report.

Once Turtle Top's 573 Defect and Noncompliance Report and accompanying Draft Notification

Letter has been approved by the NHTSA ODI, then Turtle Top's customers will promptly be notified of the safety recall and the vehicle customer's Turtle Top distributorship will also be notified.

Ricon will be administering the recall and notify customers and dealers on Turtle Top's behalf.

## 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) or by E-Mail to RMD.ODI@dot.gov for review prior to mailing.**

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