

Safety Defect and Noncompliance Report Guide for Vehicles
PART 573 Defect and Noncompliance Responsibility and Reports¹

On August 30, 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: September 1, 2010

Furnish the manufacturer's identification code for this recall (if applicable): no number assigned

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:


¹ 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.

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:** 2005-2009 **Model(s):** Spirit (MFSAB Terra Transport)

Production Dates: Beginning: 10-27-04 **Ending:** 7-31-09

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

Vehicle Type: Bus **Bodystyle:** Bus

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

Vehicles contain restraint barriers manufactured by Freedman Seating Company, (part numbers 15198 or 38764), that were made between 2005 and 3-4-2010.

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.

Model	Year	Number of Vehicles Potentially Involved
Spirit (MFSAB Terra Transport)	2005	24
Spirit (MFSAB Terra Transport)	2006	6
Spirit (MFSAB Terra Transport)	2007	2
Spirit (MFSAB Terra Transport)	2008	2
Spirit (MFSAB Terra Transport)	2009	2

Total Number Potentially Affected by the Recall: 36

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 Freedman Seating with information on affected barriers built between 2005 and March 2010. Freedman included information on Turtle Top purchase orders for the affected barriers with Turtle Top vehicle body numbers . Based on this information from Freedman, Turtle Top cross-referenced the body numbers to sales records to verify the body numbers did indeed have the recalled equipment installed in the vehicles. Freedman notified the NHTSA of the defect on a 573 Defect and Noncompliance Report.

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.

Affected restraint barriers sold and installed as original equipment on various buses internally contain steel a plate with an incorrect gage of steel. From Freedman's 573 Defect and Noncompliance Report, it states that "Freedman has determined that certain barriers with a thicker 14 gage back plate may not meet the leg protection zone performance requirements of FMVSS 222."

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

information not furnished by the equipment manufacturer

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

Due to the thicker gage steel material, in an impact situation, the resisting force is above the maximum allowable limit per the FMVSS 222 specification; possible injury could result in the leg protection zone area if an occupant's knee contacts the noncompliant restraining barrier.

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

none available

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

Freedman Seating Company

4545 West Augusta Boulevard

Chicago, IL 60651

(773)524-2440

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

David Klopp, Director of Engineering

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 Freedman's 573 Defect and Noncompliance Report, note the following "On January 14, 2010, a 2009 TCI Rondak MFSAB bus was tested at MGA Research Corporation in Burlington, Wisconsin ("MGA") to the leg protection zone performance requirements of FMVSS 222. The resisting force at two impact locations on the vehicle's left front restraining barrier, which is located directly behind the driver's seat, were above the maximum allowable limit of 2,669N (S5.3.2.2) . . . Subsequent tests by Freedman revealed that when the barriers are manufactured to Freedman's specification, (with an 18 gage back plate), the barriers meet the leg protection zone performance requirements of FMVSS 222. Freedman has determined, however, that certain barriers have a thicker 14 gage back plate. These barriers with a thicker back plate may not meet the leg protection zone performance requirements of FMVSS 222."

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.

Freedman has supplied to Turtle Top a copy of a remedy procedure for repair of the restraint barriers and developed a repair kit to supply to customers at no charge. Turtle Top will notify affect vehicle customers of the potential condition and instruct customers to take their vehicle to their Turtle Top distributor to have the remedy performed on the restraint barriers free of charge or the kit can be installed by the vehicle owner. Repair kits can be ordered directly from Freedman Seating Company or Turtle Top.

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.

Remedy procedure is titled "Freedman Seating Company Barrier Foam Retro Kits (Part #s 15198 & 38764)."

The procedure describes how to remove the barrier cover, install a foam piece, and replace the cover.

Photos are included with the remedy procedure.

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

The remedied component assembly will have the correct 18 gage steel back plate installed on the foam retrofit kit. The recalled restraint barriers may or may not have the correct back plate.

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.

Per Freedman's 573 Defect and Noncompliance Report, note the following "All barriers shipped after March 4, 2010 have been manufactured to Freedman's specification and therefore, meet the leg protection zone performance requirements of FMVSS 222."

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.

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 (distributorships) and vehicle owners will be promptly notified of the safety recall and its remedy procedure.

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.