

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

On Aug-29, 2010, Zhejiang Xingyue Vehicle Co.,Ltd [MFR] decided that a defect 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 Responsibility and Reports.

Date this report was prepared: 2010-8-29
Furnish the manufacturer's identification code for this recall (if applicable): L4S

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.

Zhejiang Xingyue Vehicle Co.,Ltd).

Gushang Town, Yongkang City, Zhejiang province, China

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

Xingyue's designated agent in America is NST Inc. (Address: 10830 Ada Avenue, Montclair, CA 91763

Telephone Number: 909-919-9568 Fax No.: 909-860-9438

Name and Title of Person who prepared this report.

Tingting Hu

President

Signed: Ting Ting Hu

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): The Auto Moto **Model Years Involved:** 2009/2010 **Model(s):** XY150ZK

Production Dates: Beginning: 2009-03 **Ending:** 2010-06

VIN Range: Beginning: 92010131 **Ending:** A2010240

year	model	QTY	VIN#	
2009	XY150ZK	28	L4SKGKDK192010131	L4SKGKDKX92010158
	XY150ZK	28	L4SKGKDKX92010161	L4SKGKDK892010188
	XY150ZK	28	L4SKGKDK792010201	L4SKGKDK592010228
	XY150ZK	28	L4SKGKDK392010261	L4SKGKDK192010288
2010	XY150ZK	28	L4SKGKDK392010311	L4SKGKDK192010338
	XY152ZK	42	L4SKGKDK9A2010074	L4SKGKDK8A2010115
	XY150ZK	123	L4SKGKDK3A2010118	L4SKGKDK0A2010240

Vehicle Type: scooter **Bodystyle:** three wheel, with roof

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:

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 eproduction 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 th 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. 0.51%

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
XY150ZK .A(NARROW TIRE)	2010	183pcs
XY150ZK.D(WIDE TIRE)	2010	9PCS
XY150ZK .A(NARROW TIRE)	2009	102pcs
XY150ZK.D(WIDE TIRE)	2009	11PCS

Total Number Potentially Affected by the Recall: 305PCS _____

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:

The total number of this model of vehicles imported into the united states is 305 pcs, and only this model was equipped with rear brake controlled by right-foot pedal system.

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.

We don't think there is any defect existed on this three-wheel motorcycle. The type of rear brake control is performed by right-foot, instead of left hand, which exactly is considered is noncompliance with FMVSS123.



No brake control system on left hand



brake system exists on foot pedal

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

We think, the model XY150ZK is much like a type of vehicle between motorcycle and scooter. It was designed in 2003 and was equipped right foot pedal to control rear brake with respect to the FMVSS No.123. However, as FMVSS No 123 was amended in 2006, it was defined that the rear brake system must be controlled by left-hand handle and results in noncompliance with current FMVSS No123 happened to XY150ZK.

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

Until now, there is no undesirable consequences occurred resulting from it. With such type of rear brake system, it meets the brake requirement regulated in FMVSS No.122 through testing.

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

No.

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

NO

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

NO

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.

NO

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.

Controlling the rear brake by right foot pedal was inspected and approved by China National Center of Supervision and Inspection on Motor Vehicle Products Quality(shanghai), an authoritative certification agency in china and its braking effect meets the requirement regulated in FMVSS No.571. (The testing report was attached in file)

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.

After discussing with the distributor, we agreed to freely replace rear brake system for those that were sold in accordance with our modification project. But the specific quantities and date to each dealer still remains to be identified further.

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.

Before the referred modification of brake system is finished, Xingyue has ceased the production of this models of vehicles temporarily, and also has notified the Auto Moto Company to stop further selling.

To fully comply with FMVSS No. 123, future Auto Moto motorcycle will be equipped with disc brake systems for both front and rear wheels. The front brake control will be located on the right handle bar, and the rear brake control on the left handle bar.

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

The remedying project is enclosed. After modified, brake handle controlling rear brake will be added in left-hand, and also drum brake will be changed into disc brake.

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.

The manufacturer has started the remedying project, and is arranging parts to be delivered to the untied states for replacement. It takes at least four months to finish all these parts and then the manufacturer will dispatch technicians to the United States to replace all noncompliance vehicles along with local dealers.

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.

Replacement parts will be available by the end of 2010. Recall notice will be sent to the purchasers through dealers by the end of January, 2011. The remedy will be done by the end of February, 2011.

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.