

August 16, 2013

**VIA ELECTRONIC TRANSMISSION AND  
CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

Ms. Nancy Lewis  
Associate Administrator for Enforcement  
National Highway Traffic Safety Administration  
1200 New Jersey Avenue, SE  
Washington, DC 20590

Re: Defect Report Regarding Replacement  
Equipment By Different Manufacturers

Dear Ms. Lewis:

Kawasaki Motors Corp., U.S.A. (“KMC”) has determined that defects which relate to motor vehicle safety exist in replacement equipment installed and related modifications made by different manufacturers on 2012 and 2013 model year Concours 14 motorcycles. KMC has informed the manufacturers of this defective replacement equipment, Enforcement Motors, Inc., of Hayden, Idaho (“Enforcement Motors”), and BMS, Inc., of Post Falls, Idaho (“BMS”), of these safety-related defects, but KMC understands that Enforcement Motors and BMS have failed to submit defect reports pursuant to 49 C.F.R. Part 573. KMC has no business relationship with Enforcement Motors or BMS, and has not authorized or otherwise approved the modification of Kawasaki Concours 14 motorcycles through the installation of this replacement equipment for sale to law enforcement agencies.

**Background**

In early 2012, KMC investigated several reports of unexpected failure of electrical systems on Concours 14 motorcycles that had been modified for law enforcement purposes by Beaudry Motors, Inc. (“Beaudry”) of Hayden, Idaho or BMS. KMC determined that the modifications were creating an electrical system malfunction on the vehicles.

NHTSA

August 16, 2013

Page 2

In March 2012, KMC submitted a defect report notifying the National Highway Traffic Safety Administration (“NHTSA”) that it was undertaking a voluntary recall of the modified police motorcycles due to various safety-related defects KMC had discovered. NHTSA designated the recall as safety campaign #12V-134. In the course of conducting the recall, KMC has determined that the modifications made by Beaudry and BMS introduced a number of other safety-related defects beyond electrical system failure.

In conjunction with undertaking the voluntary recall, KMC notified Kawasaki dealers that it was suspending further shipments of Concours 14 motorcycles that were intended to be modified and sold for law enforcement applications. KMC is informed and believes that, despite this suspension notice, BMS and Enforcement Motors have modified as many as 44 additional Concours 14 motorcycles since March 2012, with the same or equivalent modifications as those previously made by Beaudry and BMS, and then sold the modified motorcycles either through Kawasaki dealers or directly to law enforcement agencies. The actual number of additional modified units by BMS and Enforcement Motors and sold to law enforcement agencies could be lower or higher since KMC has not been able to confirm with BMS or Enforcement Motors the exact number of additional modified units. The transfer, modification and sale of these vehicles has been in violation of KMC’s suspension notice to Kawasaki dealers. KMC also believes these Concours 14 motorcycles with the modifications made by Enforcement Motors and BMS have the same or similar safety-related defects as those motorcycles previously modified by Beaudry and BMS.

As the manufacturers of the replacement equipment involved in these unauthorized modifications to Concours 14 motorcycles prior to their sale to law enforcement agencies, Enforcement Motors and BMS are responsible for safety-related defects in the components which they installed and the related modifications they made to the vehicles. 49 C.F.R. §573.5(b). As the manufacturers of this replacement equipment, Enforcement Motors and BMS are also obligated to furnish reports to NHTSA notifying the agency of these safety-related defects. 49 C.F.R. §573.6 (a) and (b).

### **Defect Report**

The following information is being provided pursuant to 49 C.F.R. §573.6 (c):

- 1) The defective replacement equipment was manufactured and installed by Enforcement Motors, Inc., 10145 N. Aero Drive, #7, Hayden, ID 83835, Telephone: 208-772-6101, and/or BMS, Inc., 6180 East Commerce Loop, Post Falls, ID 83854, Telephone: 877-905-1593.
- 2) The affected vehicles containing the defects are 2012 and 2013 model year Concours 14 motorcycles with replacement equipment installed and related modifications made by Enforcement Motors and BMS from March 2012 to the present.

NHTSA

August 16, 2013

Page 3

- 3) The total number of vehicles potentially containing the defects may be as many as 44 or more vehicles.
- 4) It is believed that 100 percent of the vehicles with the replacement equipment and related modifications contain the defects.
- 5) One of the defects relates to the failure of electrical systems and loss of engine power. More specifically, the routing of the additional wiring harness installed by Enforcement Motors can lead to chafing or pinching of the wires. This condition can lead to an electrical short, resulting in a blown main fuse and loss of electrical current necessary for the operation of the motorcycles, including a loss of engine power.

There are additional defects in the vehicles related to the following replacement parts and/or modifications by Enforcement Motors and BMS:

- tail light assembly configuration;
- fuel tank and brake lines;
- charge cable;
- plate and seat supports;
- rear fender support bracket;
- lower fork clamp;
- rear frame;
- fuse boxes 1, 2 and 3;
- grip rails;
- radio head bolt brackets;
- handlebar risers;
- accessory relay harness;
- handlebar switch - right terminal;
- ACG leads bracket;
- master cylinder reservoir rear bracket;
- radio speaker configuration;
- rear turn signal cover;
- light and rear 4-way turn signal relays;
- seat- heated lead configuration;
- siren mounting;
- speed limiter and bracket;
- emission canister and bracket;
- radio box and lock;
- auxiliary main harness;
- front and rear rollover bars;
- front pursuit lights wiring configuration;

NHTSA

August 16, 2013

Page 4

- pursuit and siren switches;
- light cut and 4-way flasher switches;
- isolator and bracket;
- battery tray and mount;
- rear engine mounts; and
- warning labels.

6) The chronology included in the defect report submitted in safety recall campaign #12V-134 provides the basis upon which KMC determined in March 2012 that the equipment installed by Beaudry and BMS contained safety-related defects and that a recall was necessary.

In May 2013, KMC became aware that Enforcement Motors and BMS were obtaining Concours 14 motorcycles from Kawasaki dealers and modifying them for law enforcement applications. In July 2013, KMC determined that the replacement equipment installed and related modifications made by Enforcement Motors and BMS contain the same or similar safety-related defects as the equipment previously installed by Beaudry and BMS.

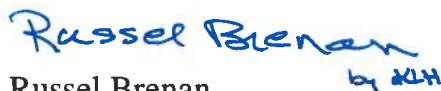
KMC is submitting this defect report because it appears that despite being notified that the replacement equipment they installed and the related modifications they made on as many as 44 (and possibly significantly more) 2012 and 2013 model year Concours 14 motorcycles contain safety-related defects, Enforcement Motors and BMS have declined to submit a defect report to NHTSA. At this time, it does not appear Enforcement Motors or BMS intends to send notification to owners of the vehicles that there are safety-related defects in the replacement equipment and related modifications or to undertake any program for remedying these defects.

KMC has determined the identity of only nine of the various law enforcement agencies that have purchased these vehicles, which were modified by Enforcement Motors or BMS. KMC is separately submitting a supplemental defect report in safety recall campaign #12V-134 notifying NHTSA that it is expanding that campaign to encompass the approximately 44 modified vehicles that were purchased by these nine agencies. KMC cannot, however, provide notification and repairs for the remaining (and possibly significantly greater) number of vehicles for which it has been unable to identify the purchaser.

Please contact the undersigned if you have questions regarding this matter.

Sincerely,

Kawasaki Motors Corp., U.S.A.

  
by KMH

Russel Brenan  
Senior Advisor, Government Relations & Public Affairs