

Part 573 Safety Recall Report

17V-698

Manufacturer Name : Phoenix Motorcars

Submission Date : SEP 27, 2018

NHTSA Recall No. : 17V-698

Manufacturer Recall No. : NR



Manufacturer Information :

Manufacturer Name : Phoenix Motorcars

Address : 401 S. Doubleday Avenue
Ontario CA 91761

Company phone : 987-0815

Population :

Number of potentially involved : 45

Estimated percentage with defect : 99 %

Vehicle Alterer Information :

Vehicle 1 : 2015-2017 Phoenix Zeus 305

Descriptive Information : Vehicles, if and when fully loaded with a full complement of passengers, may exceed the vehicle's rated GAWR.

Production Dates : OCT 01, 2014 - AUG 31, 2017

Vehicle 2 : 2015-2015 Phoenix ZEUS 300

Descriptive Information : Vehicles, if and when fully loaded with a full complement of passengers, may exceed the vehicle's rated GAWR.

Production Dates : NOV 01, 2014 - JUN 30, 2015

Description of Noncompliance :

Description of the Noncompliance : Vehicles, if and when fully loaded with a full complement of passengers, may exceed the vehicle's rated GAWR. As a result, these vehicles may fail to conform to Federal Motor Vehicle Safety Standard (FMVSS) 119 in connection with new pneumatic tires for vehicles with a GVWR greater than 4,536 kg, and FMVSS 120 in connection with tire selection and rims for vehicles with a GVWR greater than 4,536 kg.

FMVSS 1 : 119 - New pneumatic tires- other than passenger cars

FMVSS 2 : 120 - Wheels and rims- other than passenger cars

Description of the Safety Risk : If a vehicle is loaded to its maximum passenger capacity, the rear tires may fail. The risk of occurrence is likely low because the vehicles are generally used for short trips and at low to moderate speeds. Nonetheless, the company in good faith has determined a non-compliance and is conducting a recall.

Description of the Cause : NR

Identification of Any Warning : Excessive/unusual tire wear. It is our understanding that vehicles such as those here are subject to regulated inspection by state departments of

that can Occur : transportation and, as applicable, state law enforcement authorities. In the company's reasonable judgment, excessive/unusual tire wear would likely be noticed during these and other inspections prior to a potential failure.

Supplier Identification :

Component Manufacturer

Name : Nexen Tire Corporation

Address : 355 Chungryeoiro
Yangsan-si Gyeongsangnam-do FOREIGN STATES

Country : Korea, Republic of

Chronology :

In September 2017, as a part of its continuing process improvements, the company reviewed recent testing conducted by the Altoona Bus Research and Test Center (so-called "Altoona testing") for non-Phoenix vehicles of comparable configuration and GVWR. This testing is conducted in connection with Federal Transit Administration (FTA) requirements under applicable law for minimum performance standards for buses that are purchased with FTA financial assistance. The Altoona testing (again, for non-Phoenix vehicles) noted that certain vehicles, when loaded with a full complement of passengers (and assuming the NHTSA defined 150 lbs per passenger weight per seat in the vehicle) may exceed the vehicle's rated GVWR and/or GAWR. As a result, and in the interests of safety, in late September and October 2017, the company proactively gathered data and analyzed this matter as to its potential relevance to Phoenix vehicles. Upon review of this data, the company determined that depending on the shuttle bus seating configuration, and due to the extra weight of the electric vehicle battery, certain vehicles may exceed the GAWR. On or about October 30, 2017, the company decided to conduct a safety recall, as set forth herein. On October 31, 2017, outside regulatory counsel for Phoenix proactively spoke via telephone with NHTSA's Associate Administrator for Enforcement, Chief, Recall Management Division, and Assistant Chief Counsel for Litigation and Enforcement, stating that the company had determined a non-compliance in connection with this issue and to conduct a recall.

Description of Remedy :

Description of Remedy Program : : In January 2018, Phoenix Car LLC notified owners of affected vehicles to return their vehicles to the company to inspect and replace all six vehicle wheels and tires with new wheels and tires that have a higher load rating. Subsequent to this notification, and after significant supplier delays in getting new wheels, Phoenix has identified tires with a higher load rating that will fit the existing wheels and serve as an acceptable remedy to the non-conformity with FMVSS 119 and FMVSS 120. As a result, Phoenix will send an interim owner notification on or before October 15, 2018 updating vehicle owners of the proposed remedy as well as the new timeline for repairs to be made. Additionally, the manufacturer label will be replaced to reference the new tire's higher load rating and GAWR in accordance with 49 CFR Part 567.

How Remedy Component Differs from Recalled Component : Current tires have load rating in line with the current vehicle stated GAWR (anticipated load range of 9880 lbs total). The remedy tires will have significantly higher load rating (anticipated load range of 12,676 lbs total)

Identify How/When Recall Condition was Corrected in Production : Starting with all vehicles manufactured after October 2017, all vehicles will have rear wheels and tires at the appropriate load rating. Additionally, among other process improvements directed to safety, the company will introduce a new load simulation tool to determine projected actual load rating based on the customer/owner's desired seating configuration, such that wheels and tires comply with applicable standards.

Recall Schedule :

Description of Recall Schedule : Phoenix Cars LLC originally began notifying owners on or before January 3, 2018. Updated owner notifications will be sent early on or before October 15, 2018. These updated notifications will provide customers updates as to the nature and timing of the repairs. Phoenix expects repairs to begin in late October.

Planned Dealer Notification Date : NR - NR

Planned Owner Notification Date : OCT 15, 2018 - OCT 31, 2018

Purchaser Information :

The following manufacturers purchased this defective/noncompliant equipment for possible use or installation in new motor vehicles or new items of motor vehicle equipment:

Name :

Address :

Country :

Company Phone :

* NR - Not Reported