



U.S. Department of Transportation
**National Highway Traffic Safety
Administration**

1200 New Jersey Avenue SE
Washington, DC 20590

April 13, 2018

Mr. Marix Stone
Badass Helmet Company
424 Valley Forge Rd
Phoenixville, PA 19460

NEF-150SM
18E-019

Subject: Helmet may not Protect from Impact/FMVSS 218

Dear Mr. Stone:

This letter serves to acknowledge Badass Helmet Company's notification to the National Highway Traffic Safety Administration (NHTSA) of a safety recall which will be conducted pursuant to Federal law for the product(s) listed below. Please review the following information to ensure that it conforms to your records as this information is being made available to the public. If the information does not agree with your records, please contact us immediately to discuss your concerns.

Makes/Models/Model Years:

BADASS/ROGUE/9999

Mfr's Report Date: April 4, 2018

NHTSA Campaign Number: 18E-019

Components:

EQUIPMENT:MOTORCYCLE:HELMETS

Potential Number of Units Affected: 134

Problem Description:

Badass Helmet Company (Badass Helmet) is recalling certain Rogue helmets. These helmets may not adequately protect the wearer in the event of a head impact during a motorcycle crash. As such, these vehicles fail to comply with the requirements of Federal Motor Vehicle Safety Standard (FMVSS) number 218, "Motorcycle Helmets."

Consequence:

A helmet that fails to meet the safety requirements can increase the risk of injury in the event of a crash.

Remedy:

Badass Helmet will notify owners, and issue a full refund. The manufacturer has not yet provided a notification schedule. Owners may contact Badass Helmet customer service at 1-866-334-3563.

Notes:

Owners may also contact the National Highway Traffic Safety Administration Vehicle Safety Hotline at 1-888-327-4236 (TTY 1-800-424-9153), or go to www.safercar.gov.

Under 49 U.S.C. § 30112(a), it is illegal for anyone, including a manufacturer, distributor, dealer, or retailer to sell an item of equipment or vehicle that fails to comply with all applicable Federal motor vehicle safety standards.

Your Noncompliance report does not state what size helmets are being recalled, therefore, we assume that all sizes are being recalled.

Please verify that the helmets being recalled include the production batch that the helmets that failed testing were sampled from.

We note that your report states that Badass Helmet does not believe that lab tests reflect realistic impact points and that the helmets being recalled can save the wearer from head trauma. In our view, this statement has no force or effect in terms of Badass Helmet's obligation to undertake and complete the recall and NHTSA does not agree with it.

Your remedy plan states that the owners of the recalled helmets will be offered a full refund. By the requirements of 49 U.S.C § 30120, an owner cannot incur an expenses to resolve the recall, such as any shipping fees to return the helmet.

Please be reminded of the following requirements:

You are required to submit a draft owner notification letter to this office no less than five days prior to mailing it to the customers. Also, copies of all notices, bulletins, dealer notifications, and other communications that relate to this recall, including a copy of the final owner notification letter and any subsequent owner follow-up notification letter(s), are required to be submitted to this office no later than 5 days after they are originally sent (if they are sent to more than one manufacturer, distributor, dealer, or purchaser/owner).

The information in your report suggests that Badass Helmet may have been aware of this issue more than five business days before filing a report with NHTSA. Please be reminded that under Federal law, this agency is to be notified of all safety defect and/or noncompliance decisions within five business days. 49 CFR 573.6 Significant civil penalties can be assessed for this violation.

You are required to provide an estimated date including month, day, and year, when you will send notifications to owners, dealers, and distributors as soon as it becomes available. Please be reminded that it is required that owners be notified of a safety defect in their vehicles within 60 days of a manufacturer's notification to NHTSA of a safety defect in those vehicles.

As stated in Part 573.7, submission of the first of six consecutive quarterly status reports is required within one month after the close of the calendar quarter in which notification to purchasers occurs. Therefore, the first quarterly report will be due on, or before, 30 days after the close of the calendar quarter.

Your contact for this recall will be Sarah Mcshane who may be reached by phone at (202) 366-7401, or by email at sarah.mcshane@dot.gov or through the office email at rmd.odi@dot.gov. We look forward to working with you.

Sincerely,



Jennifer Timian
Chief, Recall Management Division
Office of Defects Investigations
Enforcement