



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

1200 New Jersey Avenue SE
Washington, DC 20590

August 6, 2012

Mr. Michael Ringstad
Controller
ZAP
501 4th Street
Santa Rosa, CA 95401

NVS-215kjs
12V-363

SUBJECT: Noncompliance to FMVSS No. 122, "Motorcycle Brake Systems"

Dear Mr. Ringstad:

This letter is to you as the importer of model year 2008 ZAP Xebras and as the designated agent for QingQi Group Motorcycle Co. Ltd., and serves to acknowledge QingQi's notification to the National Highway Traffic Safety Administration (NHTSA) of a noncompliance with the requirements of Federal Motor Vehicle Safety Standard No. 122, "Motorcycle Brake Systems" with the vehicles listed below for which a safety recall campaign will be conducted pursuant to Federal law.

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:

ZAP/XEBRA/2008

NHTSA Campaign Number: 12V-363

Mfr's Report Date: July 18, 2012

Components: SERVICE BRAKES, HYDRAULIC:FOUNDATION COMPONENTS:MASTER CYLINDER

Potential Number of Units Affected: 691

Summary:

QingQi Group Motorcycle Co. Ltd., through its designated agent ZAP, is recalling all model year 2008 ZAP Xebra motorcycles manufactured from January 1, 2008, through December 31, 2008. These motorcycles do not conform to the requirements of Federal Motor Vehicle Safety Standard No. 122, "Motorcycle Brake Systems." The motorcycles were produced without a separate brake fluid reservoir for each brake circuit, with each reservoir filler opening having its own cover, seal, and cover retention device.

Consequence:

Without a separate reservoir for each brake, having its own cover, seal, and cover retention device, fluid for one brake circuit may move to the other. If this happens, both reservoirs could lose fluid as a result of a fluid leak in one brake circuit and compromise the stopping ability of the braking system, increasing the risk of a crash.

Remedy:

ZAP will notify owners and ZAP will install or send each owner a remedy kit to bring the vehicles into compliance. ZAP has not provided a notification schedule. Owners may contact ZAP Customer Service at 1-800-251-4555.

Notes:

Customers may contact the National Highway Traffic Safety Administration's Vehicle Safety Hotline at 1-888-327-4236 (TTY: 1-800-424-9153); or go to <http://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.

We have identified the following errors in your report or the attachments provided to it. Please advise immediately if you disagree with our assessment that these are errors.

ZAP filed a form that is used to report motor vehicle equipment issues, and said it had decided certain equipment is not in compliance with a minimum Federal safety standard. The noncompliance addressed by the report is a failure to comply with a vehicle standard, and not an equipment standard.

In Exhibit A, page 14, the caption under the picture under Figure 9. "Warning Labeling," is not sufficient. The note should say "Warning! Use only DOT 4 fluid (brake fluid) **from a sealed container**." Please make sure the caption and any labeling is corrected.

In at least one of the attachments the noncompliance is misidentified as a failure to comply with FMVSS No. 116, "Motor Vehicle Brake Fluids," and not FMVSS No. 122, "Motorcycle Brake Systems."

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).

As stated in Part 573.7, submission of the first of six consecutive quarterly status reports is required within 30 days after the close of the calendar quarter in which the campaign was initiated. Thereafter, quarterly reports will be due on, or before, 30 days after close of the calendar quarter.

Your contact for this recall will be Kelly Schuler, who may be reached by phone at 1-202-366-5227, or by email at Kelly.Schuler@dot.gov, or through the office email at RMD.ODI@dot.gov. We look forward to working with you for successful completion of this recall campaign.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Timian". The signature is fluid and cursive, with the first name being more prominent.

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