

SETRA

LUXURY COACHES

Setra of North America, Inc.

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DEFENSE INVESTIGATION

6012-B High Point Rd.
Greensboro, NC 27407
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February 12, 2004

04V-091 ① of ④

Mr. Kenneth N. Weinstein
National Highway Traffic Safety Administration
400 Seventh Street S.W. (NSA-01)
Washington, DC 20590

Re: Part 573 – Non-Compliance Report

Dear Mr. Weinstein,

Pursuant to the requirements of 49 C.F.R. Part 573, Setra of North America, Inc. ("Setra") as the importer of motor coaches manufactured by EvoBus GmbH advises you of a non-compliance in certain Setra S417 motor coaches. Specifically, Setra submits this report regarding non-compliance with the control illumination requirements of Federal Motor Vehicle Safety Standard ("FMVSS") 101 S5.3.3 (b) (1) in one hundred and seventeen (117) S417 motor coaches.

Part 573.6 (c)(1) – Manufacturer Name

EvoBus GmbH, Ulm, Germany

Designated Agent:
Setra of North America, Inc.,
6012-B High Point Road
Greensboro, NC 27407

Part 573.6 (c) (2) – Vehicle Identification

The affected vehicles are Model Year 2003 and 2004 Setra Model: S417 motor coaches (36-58 passengers). These "affected vehicles" include those buses bearing the Serial #'s WKKA34AD033000001 – WKKA34AD245000115; WKKA34AD943000127 – WKKA34AD043000131 and specifically include all model S417 Coaches produced from start of production in September 2002 to February 2004 except the following: vehicles with the Serial #'s WKKA34CD843000118 – WKKA34AD743000126; WKKA34AD443000083 – WKKA34AD849000085 are not affected, because they are still under control of the manufacturer.

The basis for determination of the affected vehicle population is an analysis of the production records.

Part 573.6 (c) (3) – Affected Vehicles

At total of up to 117 motor coaches are potentially affected.

Part 573.6 (c) (4) - % Affected

100% of the identified vehicles are affected, except as noted above.



Part 573.6 (c) (5) – Description of Non-Compliance

FMVSS 101 S5.3.3(b)(1) requires that the illumination for certain controls, including the Hazard Warning Signal, Heating/Air-conditioning Fan, and Windshield Defrosting and Defogging System "be adjustable to provide at least two levels of brightness...". In the affected vehicles the illumination of the controls for the Hazard Warning Signal, Heating/Air-conditioning Fan, and Windshield Defrosting and Defogging System has only one level of brightness and is not adjustable as required.

Part 573.6 (c) (7) – Basis for Determination of Noncompliance

The determination was made during analysis of the S417 coach's compliance with certain Canadian regulations.

Part 573.6 (c) (8) (i) – Remedial Measures

Setra is conducting a voluntary recall campaign for the affected vehicles, which will be free of charge to vehicle owners. As part of the recall plan, Setra will send technicians to customer locations in order to install a control switch that will provide the requisite adjustable levels of brightness for the Hazard Warning Signal, Heating/Air-conditioning Fan and Windshield Defrosting and Defogging System in the affected vehicles.

Part 573.6 (c) (8) (ii) – Customer Notification

Direct contact with the affected customers is being undertaken by Setra in addition to written notification pursuant to Part 577. Specifically, Setra's Field Service Representatives in each region of the United States are contacting customers to arrange an appointment for the completion of the remedy program outlined above.

Remedial measures are planned to begin April 1, 2004 with completion planned for September 30, 2004.

Part 573.6 (c) (10) – Copies of Proposed Owner Notification Letter

A copy of the customer letter is enclosed.

Setra Contact:

Mr. Joe Davis
Assistant Vice President
(336) 878-5425

Please do not hesitate to contact us if you have any questions regarding this matter. Thank you for your consideration.

Best regards,

Joe Davis
Assistant Vice President

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April __, 2004

NHTSA Recall No.

Dear Setra Owner,

This notice is sent to you in accordance with the requirements of the National Traffic and Motor Vehicle Safety Act. Setra of North America, Inc. ("Setra") has decided that certain Model Year 2003-2004 motor coaches fail to conform to Federal Motor Vehicle Safety Standard No. 101, "Controls and Displays." Setra therefore has initiated a voluntary recall of these vehicles. Our records indicate that your vehicle is included in this group.

Setra has determined that certain S417 motor coaches the illumination of the controls for Hazard Warning Signal and the control unit for the AC/Heating System/Windshield Defrost/Defogging System has only one level of brightness and is not adjustable to provide at least two levels of brightness as required in the applicable Federal Motor Vehicle Safety Regulations at 49C.F.R. § 571.101 S5.3.3(b)(1).

Setra is correcting this non-compliance free of charge. The working time required is approximately two hours. A Setra Tech Rep. will contact you to schedule an appointment for installing a dimmer. We apologize for any inconvenience to you.

If you are no longer the vehicle owner, or have a change of address, please complete the reverse side of this letter and return the complete letter in the enclosed envelope. If this is a leased vehicle and the lessor and registered owner receive this notice, please forward this information by first class mail to the lessee. If you have paid to have this recall condition corrected prior to this notice you may be eligible to receive reimbursement. Please see the reverse side of this notice for details.

Please contact your authorized Setra dealer should you have any questions or encounter any difficulty regarding this recall. If your dealer is unable to remedy your situation please contact us at 1-(800) 882-8054.

If an authorized Setra dealer, fails or is unable to perform this service without charge within 60 days, pursuant to law 49 U.S.C. Chapter 301, you may submit a complaint to the Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 or call the toll-free Auto Safety Hotline at 888-327-4236.

Again, we apologize for any inconvenience this situation may cause you.

Sincerely

Joe Davis
Assistant Vice President

IF FOR ANY REASON YOU DO NOT NOW OWN THIS VEHICLE OR HAVE A CHANGE OF ADDRESS, PLEASE COMPLETE THE SECTION BELOW, PLACE IN THE ENCLOSED ENVELOPE, AND DROP IN ANY MAIL BOX. IF POSSIBLE, PROVIDE THE NAME AND ADDRESS OF THE PRESENT OWNER SO THAT WE MAY CONTACT THEM.

- SCRAPPED
- STOLEN
- OTHER _____
- SOLD _____ I HAVE SOLD THE VEHICLE TO:
- MY NEW ADDRESS IS:

NAME _____

STREET _____ APT. _____

CITY _____ STATE _____ ZIP _____

PHONE _____

THANK YOU FOR YOUR COOPERATION

**** PLEASE DO NOT DETACH. RETURN COMPLETE LETTER ****
DO NOT USE THE ENCLOSED ENVELOPE FOR OTHER CORRESPONDENCE

Reimbursement to Customers for Repairs Performed Prior to Recall

If you have already paid to have this recall condition corrected you may be eligible to receive reimbursement.

Requests for reimbursement may include parts, labor, fees and taxes. Reimbursement may be limited to the amount the repair would have cost if completed by an authorized Setra dealer. The following documentation must be presented to your dealer for reimbursement.

Original or clear copy of all receipts, invoices and/or repair orders that show:

- The name and address of the person who paid for the repair.
- The Vehicle Identification Number (VIN) of the vehicle that was repaired.
- What problem occurred, what repair was done, when it was done and who repaired it.
- The total cost of the repair expense that is being claimed.
- Proof of payment of repair (copy of front and back of cancelled check, or copy of credit card receipt).
- Reimbursement will be made by check from your dealer. If your claim is denied you will receive a letter from Setra within 60 days of receipt with the reason(s) for the denial.

Please speak with your dealer concerning this matter.