



U.S. Department
of Transportation

**National Highway
Traffic Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

MAY 14 2012

VIA CERTIFIED MAIL

Southern Honda Powersports (a/k/a Big Red Powersports, LLC)
c/o General Manager or Counsel
1394 Workman Road
Chattanooga, TN 37407

Timothy Kelly
Registered Agent for
Southern Honda Powersports (a/k/a Big Red Powersports, LLC)
900 Riverfront Pkwy
Chattanooga, TN 37402-2101

VIA FIRST-CLASS MAIL

Southern Honda Powersports (a/k/a Big Red Powersports, LLC)
c/o General Manager or Counsel
PO Box 73022
Chattanooga, TN 37407-6022

To Whom It May Concern:

NHTSA is sending this information request in order to determine whether Southern Honda Powersports (defined below) has complied with the requirements of the National Traffic and Motor Vehicle Safety Act as amended and recodified, 49 U.S.C. § 30101 *et seq.* (Safety Act). The Safety Act requires, among other things, that a dealer not sell a new vehicle subject to a recall unless the recall remedy has been performed. 49 U.S.C. § 30120(i).

This requirement is meant to ensure that vehicles that do not comply with a Federal Motor Vehicle Safety Standard or contain a safety-related defect are not placed in the hands of consumers and driven on the roads, unless and until such noncompliances or defects are remedied.¹ Violations of this provision, along with other violations of the Safety Act, are

¹ 49 C.F.R. § 573.11 provides, in relevant part, that “[i]f . . . the manufacturer has provided to a dealer . . . notification about a new motor vehicle or new item of replacement equipment in the dealer’s possession, including actual and constructive possession, at the time of notification that contains a defect related to motor vehicle safety or does not comply with an applicable motor vehicle safety standard . . . the dealer may sell or lease the motor vehicle or item of replacement equipment only if . . . [t]he defect or noncompliance is remedied as required by 49 U.S.C. 30120 before delivery under the sale or lease” (emphasis added).

punishable by a civil penalty of up to \$6,000 for each violation. A separate violation occurs for each motor vehicle or item of motor vehicle equipment and for each failure to perform an act required by the Safety Act. 49 U.S.C. §§ 30165 and 30166.

Accordingly, NHTSA is sending this information request seeking information about certain motorcycles sold by Southern Honda Powersports. The purpose of this information request is to determine whether Southern Honda Powersports complied with its obligations under the Safety Act for motorcycles that were within the scope of NHTSA recall Nos. 07V-359, 07V-576, 08V-141, 09V-174, 09V-362, 10V-369, 11V-310, 11V-356, 11V-526, and 11V-567.

A copy of the Part 573 Defect and Noncompliance Information report that Honda submitted to NHTSA for each recall is enclosed with this letter.

Definitions and Instructions

Unless otherwise stated in the text, the following definitions and instructions apply to these information requests:

1. The term "Southern Honda Powersports" means Southern Honda Powersports, Big Red Powersports, LLC, Southern Honda, Certified Powersports, and/or Certified Airstream, including all divisions, subsidiaries and affiliated enterprises, including with respect to any of the foregoing within or outside of the United States, any parent corporation, any subsidiary or affiliate, or any subsidiary or affiliate of any parent corporation, and all of their headquarters, regional, zone and other offices and their employees, and all agents, contractors, consultants, attorneys and law firms and other persons engaged directly or indirectly (e.g., employee of a consultant) by or under the control of Southern Honda Powersports (including all business units and persons previously referred to).
2. The term "Honda" means American Honda Motor Co., Inc.
3. The term "communications" is used in the broadest sense of the word and shall mean the exchange, transfer, or relay of any ideas, messages, or information by speech, writing, or other means, whether electronic, paper, or in person.
4. The term "you" or "your" refers to Southern Honda Powersports.
5. The term "person" includes natural persons, proprietorships, partnerships, firms, corporations, federal, state, and local governments, all departments and agencies thereof, and any other governmental agencies, political subdivisions, groups, associations, or organizations, whether located in the United States, or another country.
6. The term "relate to" or "relating to" means constituting, comprising, containing, setting forth, showing, disclosing, describing, explaining, summarizing, concerning, or referring to, directly or indirectly.

7. The terms "explain," "describe in detail," or "state in detail" mean the following:
 - a. Describe fully by reference to underlying facts rather than ultimate facts or conclusions of law or fact.
 - b. Particularize as to:
 - i. The identity of each person involved in each such event, including but not limited to persons employed by Southern Honda Powersports and those persons purporting to act for Southern Honda Powersports;
 - ii. The specific acts of each person participating in each such event;
 - iii. The date and time of each such event;
 - iv. The address and location of each such event; and
 - v. The identity of each person present during each such event.
8. The term "Document(s)" is used in the broadest sense of the word and shall mean all original written, printed, typed, recorded, or graphic matter whatsoever, however produced or reproduced, of every kind, nature, and description, and all non-identical copies of both sides thereof, including, but not limited to, papers, letters, memoranda, correspondence, communications, electronic mail (e-mail) messages (existing in hard copy and/or in electronic storage), and faxes. For purposes of this request, any document that contains any note, comment, addition, deletion, insertion, annotation, or otherwise comprises a non-identical copy of another document shall be treated as a separate document subject to production.
9. Other Terms: To the extent that they are used in these information requests, the terms "claim," "consumer complaint," "dealer field report," "field report," "fire," "fleet," "good will," "make," "model," "model year," "notice," "property damage," "property damage claim," "rollover," "type," "warranty," "warranty adjustment," and "warranty claim," whether used in singular or plural form, have the same meaning as found in 49 CFR 579.4.
10. The singular includes the plural; the plural includes the singular. The masculine gender includes the feminine and neutral genders; and the neuter gender includes the masculine and feminine genders. "And" as well as "or" shall be construed either disjunctively or conjunctively, to bring within the scope of this information request all responses that might otherwise be construed to be outside its scope. "Each" shall be construed to include "every" and "every" shall be construed to include "each." "Any" shall be construed to include "all" and "all" shall be construed to include "any." The use of a verb in any tense shall be construed as the use of the verb in a past or present tense, whenever necessary to bring within the scope of the document request all responses which might otherwise be construed to be outside its scope.

In order for my staff to evaluate whether or not Southern Honda Powersports has complied with the Safety Act's provision that a dealer not sell a recalled vehicle unless the recall remedy has been performed, certain information is required. Pursuant to 49 U.S.C. § 30166, please provide numbered responses to the following information requests. When documents are produced, the documents shall be produced in an identified, organized manner that corresponds with the

organization of this information request letter (including all individual requests and subparts). When documents are produced and the documents would not, standing alone, be self-explanatory, the production of documents shall be supplemented and accompanied by explanation.

INFORMATION REQUESTS

Please repeat the applicable request verbatim above each response. After your response to each request, identify the source of the information and indicate the last date the information was gathered.

Information Requests Nos. 1 through 4 concern recall 07V-359 (Honda campaign Q57)

1. Identify any and all notices Southern Honda Powersports received from Honda (including, but not limited to, notifications, service bulletins, reports, and letters, whether paper or electronic (such as Honda's interactive network, or "iN")) concerning the recall that became NHTSA recall No. 07V-359 (Honda campaign Q57). For each notice you identify, state the date of the notice, the date Southern Honda Powersports received the notice, the type of the notice (*e.g.*, Recall and Stop Sale Notice; Service Action Notice), the identified affected units, and any identifying number (*e.g.*, Dealer Bulletin number). Produce a copy of each notice received.
2. Produce copies of all communications, other than those already identified and produced in your response to the immediately preceding information request, between Southern Honda Powersports and Honda concerning NHTSA recall No. 07V-359.
3. Identify each and every new motorcycle subject to NHTSA recall No. 07V-359 that Southern Honda Powersports has had possession of from and including August 7, 2007 until the present.

Identify each motorcycle by stating the model, model year, and vehicle identification number ("VIN").

For each motorcycle you identify, state the following:

- a. The date on which Southern Honda Powersports took possession of the motorcycle;
- b. What Southern Honda Powersports ultimately did with the motorcycle (*e.g.*, sold to a retail customer; leased to a retail customer);
- c. The date on which the motorcycle was leased or sold to the first purchaser other than for resale (*e.g.*, sold to a retail customer) (if applicable);

- d. The date on which the motorcycle left the possession of Southern Honda Powersports (*e.g.*, delivery date to the retail customer);
- e. Whether the recall remedy was performed on the motorcycle. "Recall remedy" refers to the inspection and repair procedures Honda instructed Southern Honda Powersports to perform under the recall;
- f. The date on which the recall remedy was performed on the motorcycle;
- g. The name and address of the entity that performed the recall remedy on the motorcycle (*e.g.*, Southern Honda Powersports).

Provide your responses in a table in either Microsoft Access, Excel, or a compatible format, entitled "Motorcycles 07V-359."

- 4. Produce copies of all documents that evidence, substantiate, or are otherwise related to your responses to each item within the scope of Request No. 3. Organize the documents separately by VIN.

Information Requests Nos. 5 through 8 concern recall 07V-576 (Honda campaign Q67)

- 5. Identify any and all notices Southern Honda Powersports received from Honda (including, but not limited to, notifications, service bulletins, reports, and letters, whether paper or electronic (such as Honda's interactive network, or "iN")) concerning the recall that became NHTSA recall No. 07V-576 (Honda campaign Q67). For each notice you identify, state the date of the notice, the date Southern Honda Powersports received the notice, the type of the notice (*e.g.*, Recall and Stop Sale Notice; Service Action Notice), the identified affected units, and any identifying number (*e.g.*, Dealer Bulletin number). Produce a copy of each notice received.
- 6. Produce copies of all communications, other than those already identified and produced in your response to the immediately preceding information request, between Southern Honda Powersports and Honda concerning NHTSA recall No. 07V-576.
- 7. Identify each and every new motorcycle subject to NHTSA recall No. 07V-576 that Southern Honda Powersports has had possession of from and including November 30, 2007 until the present.

Identify each motorcycle by stating the model, model year, and VIN.

For each motorcycle you identify, state the following:

- a. The date on which Southern Honda Powersports took possession of the motorcycle;

- b. What Southern Honda Powersports ultimately did with the motorcycle (*e.g.*, sold to a retail customer; leased to a retail customer);
- c. The date on which the motorcycle was leased or sold to the first purchaser other than for resale (*e.g.*, sold to a retail customer) (if applicable);
- d. The date on which the motorcycle left the possession of Southern Honda Powersports (*e.g.*, delivery date to the retail customer);
- e. Whether the recall remedy was performed on the motorcycle. "Recall remedy" refers to the inspection and repair procedures Honda instructed Southern Honda Powersports to perform under the recall;
- f. The date on which the recall remedy was performed on the motorcycle;
- g. The name and address of the entity that performed the recall remedy on the motorcycle (*e.g.*, Southern Honda Powersports).

Provide your responses in a table in either Microsoft Access, Excel, or a compatible format, entitled "Motorcycles 07V-576."

- 8. Produce copies of all documents that evidence, substantiate, or are otherwise related to your responses to each item within the scope of Request No. 7. Organize the documents separately by VIN.

Information Requests Nos. 9 through 12 concern recall 08V-141 (Honda campaign Q75)

- 9. Identify any and all notices Southern Honda Powersports received from Honda (including, but not limited to, notifications, service bulletins, reports, and letters, whether paper or electronic (such as Honda's interactive network, or "iN")) concerning the recall that became NHTSA recall No. 08V-141 (Honda campaign Q75). For each notice you identify, state the date of the notice, the date Southern Honda Powersports received the notice, the type of the notice (*e.g.*, Recall and Stop Sale Notice; Service Action Notice), the identified affected units, and any identifying number (*e.g.*, Dealer Bulletin number). Produce a copy of each notice received.
- 10. Produce copies of all communications, other than those already identified and produced in your response to the immediately preceding information request, between Southern Honda Powersports and Honda concerning the recall that became NHTSA recall No. 08V-141.
- 11. Identify each and every new motorcycle subject to NHTSA recall No. 08V-141 that Southern Honda Powersports has had possession of from and including March 18, 2008 until the present.

Identify each motorcycle by stating the model, model year, and VIN.

For each motorcycle you identify, state the following:

- a. The date on which Southern Honda Powersports took possession of the motorcycle;
- b. What Southern Honda Powersports ultimately did with the motorcycle (*e.g.*, sold to a retail customer; leased to a retail customer);
- c. The date on which the motorcycle was leased or sold to the first purchaser other than for resale (*e.g.*, sold to a retail customer) (if applicable);
- d. The date on which the motorcycle left the possession of Southern Honda Powersports (*e.g.*, delivery date to the retail customer);
- e. Whether the recall remedy was performed on the motorcycle. "Recall remedy" refers to the inspection and repair procedures Honda instructed Southern Honda Powersports to perform under the recall;
- f. The date on which the recall remedy was performed on the motorcycle;
- g. The name and address of the entity that performed the recall remedy on the motorcycle (*e.g.*, Southern Honda Powersports).

Provide your responses in a table in either Microsoft Access, Excel, or a compatible format, entitled "Motorcycles 08V-141."

12. Produce copies of all documents that evidence, substantiate, or are otherwise related to your responses to each item within the scope of Request No. 11. Organize the documents separately by VIN.

Information Requests Nos. 13 through 16 concern recall 09V-174 (Honda campaign R08)

13. Identify any and all notices Southern Honda Powersports received from Honda (including, but not limited to, notifications, service bulletins, reports, and letters, whether paper or electronic (such as Honda's interactive network, or "iN")) concerning the recall that became NHTSA recall No. 09V-174 (Honda campaign R08). For each notice you identify, state the date of the notice, the date Southern Honda Powersports received the notice, the type of the notice (*e.g.*, Recall and Stop Sale Notice; Service Action Notice), the identified affected units, and any identifying number (*e.g.*, Dealer Bulletin number). Produce a copy of each notice received.
14. Produce copies of all communications, other than those already identified and produced in your response to the immediately preceding information request, between Southern Honda Powersports and Honda concerning the recall that became NHTSA recall No. 09V-174.

15. Identify each and every new motorcycle subject to NHTSA recall No. 09V-174 that Southern Honda Powersports has had possession of from and including May 12, 2009 until the present.

Identify each motorcycle by stating the model, model year, and VIN.

For each motorcycle you identify, state the following:

- a. The date on which Southern Honda Powersports took possession of the motorcycle;
- b. What Southern Honda Powersports ultimately did with the motorcycle (*e.g.*, sold to a retail customer; leased to a retail customer);
- c. The date on which the motorcycle was leased or sold to the first purchaser other than for resale (*e.g.*, sold to a retail customer) (if applicable);
- d. The date on which the motorcycle left the possession of Southern Honda Powersports (*e.g.*, delivery date to the retail customer);
- e. Whether the recall remedy was performed on the motorcycle. "Recall remedy" refers to the inspection and repair procedures Honda instructed Southern Honda Powersports to perform under the recall;
- f. The date on which the recall remedy was performed on the motorcycle;
- g. The name and address of the entity that performed the recall remedy on the motorcycle (*e.g.*, Southern Honda Powersports).

Provide your responses in a table in either Microsoft Access, Excel, or a compatible format, entitled "Motorcycles 09V-174."

16. Produce copies of all documents that evidence, substantiate, or are otherwise related to your responses to each item within the scope of Request No. 15. Organize the documents separately by VIN.

Information Requests Nos. 17 through 20 concern recall 09V-362 (Honda campaign R15)

17. Identify any and all notices Southern Honda Powersports received from Honda (including, but not limited to, notifications, service bulletins, reports, and letters, whether paper or electronic (such as Honda's interactive network, or "iN")) concerning the recall that became NHTSA recall No. 09V-362 (Honda campaign R15). For each notice you identify, state the date of the notice, the date Southern Honda Powersports received the notice, the type of the notice (*e.g.*, Recall and Stop Sale Notice; Service Action Notice), the identified affected units, and any

identifying number (e.g., Dealer Bulletin number). Produce a copy of each notice received.

18. Produce copies of all communications, other than those already identified and produced in your response to the immediately preceding information request, between Southern Honda Powersports and Honda concerning NHTSA recall No. 09V-362.
19. Identify each and every new motorcycle subject to NHTSA recall No. 09V-362 that Southern Honda Powersports has had possession of from and including September 7, 2009 until the present.

Identify each motorcycle by stating the model, model year, and VIN.

For each motorcycle you identify, state the following:

- a. The date on which Southern Honda Powersports took possession of the motorcycle;
- b. What Southern Honda Powersports ultimately did with the motorcycle (e.g., sold to a retail customer; leased to a retail customer);
- c. The date on which the motorcycle was leased or sold to the first purchaser other than for resale (e.g., sold to a retail customer) (if applicable);
- d. The date on which the motorcycle left the possession of Southern Honda Powersports (e.g., delivery date to the retail customer);
- e. Whether the recall remedy was performed on the motorcycle. "Recall remedy" refers to the inspection and repair procedures Honda instructed Southern Honda Powersports to perform under the recall;
- f. The date on which the recall remedy was performed on the motorcycle;
- g. The name and address of the entity that performed the recall remedy on the motorcycle (e.g., Southern Honda Powersports).

Provide your responses in a table in either Microsoft Access, Excel, or a compatible format, entitled "Motorcycles 09V-362."

20. Produce copies of all documents that evidence, substantiate, or are otherwise related to your responses to each item within the scope of Request No. 19. Organize the documents separately by VIN.

Information Requests Nos. 21 through 24 concern recall 10V-369 (Honda campaign R41)

21. Identify any and all notices Southern Honda Powersports received from Honda (including, but not limited to, notifications, service bulletins, reports, and letters,

whether paper or electronic (such as Honda's interactive network, or "iN")) concerning the recall that became NHTSA recall No. 10V-369 (Honda campaign R41). For each notice you identify, state the date of the notice, the date Southern Honda Powersports received the notice, the type of the notice (e.g., Recall and Stop Sale Notice; Service Action Notice), the identified affected units, and any identifying number (e.g., Dealer Bulletin number). Produce a copy of each notice received.

22. Produce copies of all communications, other than those already identified and produced in your response to the immediately preceding information request, between Southern Honda Powersports and Honda concerning NHTSA recall No. 10V-369.
23. Identify each and every new motorcycle subject to NHTSA recall No. 10V-369 that Southern Honda Powersports has had possession of from and including August 2, 2010 until the present.

Identify each motorcycle by stating the model, model year, and VIN.

For each motorcycle you identify, state the following:

- a. The date on which Southern Honda Powersports took possession of the motorcycle;
- b. What Southern Honda Powersports ultimately did with the motorcycle (e.g., sold to a retail customer; leased to a retail customer);
- c. The date on which the motorcycle was leased or sold to the first purchaser other than for resale (e.g., sold to a retail customer) (if applicable);
- d. The date on which the motorcycle left the possession of Southern Honda Powersports (e.g., delivery date to the retail customer);
- e. Whether the recall remedy was performed on the motorcycle. "Recall remedy" refers to the inspection and repair procedures Honda instructed Southern Honda Powersports to perform under the recall;
- f. The date on which the recall remedy was performed on the motorcycle;
- g. The name and address of the entity that performed the recall remedy on the motorcycle (e.g., Southern Honda Powersports).

Provide your responses in a table in either Microsoft Access, Excel, or a compatible format, entitled "Motorcycles 10V-369."

24. Produce copies of all documents that evidence, substantiate, or are otherwise related to your responses to each item within the scope of Request No. 23. Organize the documents separately by VIN.

Information Requests Nos. 25 through 28 concern recall 11V-310 (Honda campaign R80)

25. Identify any and all notices Southern Honda Powersports received from Honda (including, but not limited to, notifications, service bulletins, reports, and letters, whether paper or electronic (such as Honda's interactive network, or "iN")) concerning the recall that became NHTSA recall No. 11V-310 (Honda campaign R80). For each notice you identify, state the date of the notice, the date Southern Honda Powersports received the notice, the type of the notice (*e.g.*, Recall and Stop Sale Notice; Service Action Notice), the identified affected units, and any identifying number (*e.g.*, Dealer Bulletin number). Produce a copy of each notice received.
26. Produce copies of all communications, other than those already identified and produced in your response to the immediately preceding information request, between Southern Honda Powersports and Honda concerning NHTSA recall No. 11V-310.
27. Identify each and every new motorcycle subject to NHTSA recall No. 11V-310 that Southern Honda Powersports has had possession of from and including May 25, 2011 until the present.

Identify each motorcycle by stating the model, model year, and VIN.

For each motorcycle you identify, state the following:

- a. The date on which Southern Honda Powersports took possession of the motorcycle;
- b. What Southern Honda Powersports ultimately did with the motorcycle (*e.g.*, sold to a retail customer; leased to a retail customer);
- c. The date on which the motorcycle was leased or sold to the first purchaser other than for resale (*e.g.*, sold to a retail customer) (if applicable);
- d. The date on which the motorcycle left the possession of Southern Honda Powersports (*e.g.*, delivery date to the retail customer);
- e. Whether the recall remedy was performed on the motorcycle. "Recall remedy" refers to the inspection and repair procedures Honda instructed Southern Honda Powersports to perform under the recall;
- f. The date on which the recall remedy was performed on the motorcycle;
- g. The name and address of the entity that performed the recall remedy on the motorcycle (*e.g.*, Southern Honda Powersports).

Provide your responses in a table in either Microsoft Access, Excel, or a compatible format, entitled "Motorcycles 11V-310."

28. Produce copies of all documents that evidence, substantiate, or are otherwise related to your responses to each item within the scope of Request No. 27. Organize the documents separately by VIN.

Information Requests Nos. 29 through 32 concern recall 11V-356 (Honda campaign R86)

29. Identify any and all notices Southern Honda Powersports received from Honda (including, but not limited to, notifications, service bulletins, reports, and letters, whether paper or electronic (such as Honda's interactive network, or "iN")) concerning the recall that became NHTSA recall No. 11V-356 (Honda campaign R86). For each notice you identify, state the date of the notice, the date Southern Honda Powersports received the notice, the type of the notice (*e.g.*, Recall and Stop Sale Notice; Service Action Notice), the identified affected units, and any identifying number (*e.g.*, Dealer Bulletin number). Produce a copy of each notice received.
30. Produce copies of all communications, other than those already identified and produced in your response to the immediately preceding information request, between Southern Honda Powersports and Honda concerning NHTSA recall No. 11V-356.
31. Identify each and every new motorcycle subject to NHTSA recall No. 11V-356 that Southern Honda Powersports has had possession of from and including July 5, 2011 until the present.

Identify each motorcycle by stating the model, model year, and VIN.

For each motorcycle you identify, state the following:

- a. The date on which Southern Honda Powersports took possession of the motorcycle;
- b. What Southern Honda Powersports ultimately did with the motorcycle (*e.g.*, sold to a retail customer; leased to a retail customer);
- c. The date on which the motorcycle was leased or sold to the first purchaser other than for resale (*e.g.*, sold to a retail customer) (if applicable);
- d. The date on which the motorcycle left the possession of Southern Honda Powersports (*e.g.*, delivery date to the retail customer);
- e. Whether the recall remedy was performed on the motorcycle. "Recall remedy" refers to the inspection and repair procedures Honda instructed Southern Honda Powersports to perform under the recall;
- f. The date on which the recall remedy was performed on the motorcycle;

- g. The name and address of the entity that performed the recall remedy on the motorcycle (*e.g.*, Southern Honda Powersports).

Provide your responses in a table in either Microsoft Access, Excel, or a compatible format, entitled "Motorcycles 11V-356."

32. Produce copies of all documents that evidence, substantiate, or are otherwise related to your responses to each item within the scope of Request No. 31. Organize the documents separately by VIN.

Information Requests Nos. 33 through 36 concern recall 11V-526 (Honda campaign S02)

33. Identify any and all notices Southern Honda Powersports received from Honda (including, but not limited to, notifications, service bulletins, reports, and letters, whether paper or electronic (such as Honda's interactive network, or "iN")) concerning the recall that became NHTSA recall No. 11V-526 (Honda campaign S02). For each notice you identify, state the date of the notice, the date Southern Honda Powersports received the notice, the type of the notice (*e.g.*, Recall and Stop Sale Notice; Service Action Notice), the identified affected units, and any identifying number (*e.g.*, Dealer Bulletin number). Produce a copy of each notice received.
34. Produce copies of all communications, other than those already identified and produced in your response to the immediately preceding information request, between Southern Honda Powersports and Honda concerning NHTSA recall No. 11V-526.
35. Identify each and every new motorcycle subject to NHTSA recall No. 11V-526 that Southern Honda Powersports has had possession of from and including October 20, 2011 until the present.

Identify each motorcycle by stating the model, model year, and VIN.

For each motorcycle you identify, state the following:

- a. The date on which Southern Honda Powersports took possession of the motorcycle;
- b. What Southern Honda Powersports ultimately did with the motorcycle (*e.g.*, sold to a retail customer; leased to a retail customer);
- c. The date on which the motorcycle was leased or sold to the first purchaser other than for resale (*e.g.*, sold to a retail customer) (if applicable);
- d. The date on which the motorcycle left the possession of Southern Honda Powersports (*e.g.*, delivery date to the retail customer);

- e. Whether the recall remedy was performed on the motorcycle. "Recall remedy" refers to the inspection and repair procedures Honda instructed Southern Honda Powersports to perform under the recall;
- f. The date on which the recall remedy was performed on the motorcycle;
- g. The name and address of the entity that performed the recall remedy on the motorcycle (*e.g.*, Southern Honda Powersports).

Provide your responses in a table in either Microsoft Access, Excel, or a compatible format, entitled "Motorcycles 11V-526."

- 36. Produce copies of all documents that evidence, substantiate, or are otherwise related to your responses to each item within the scope of Request No. 35. Organize the documents separately by VIN.

Information Requests Nos. 37 through 40 concern recall 11V-567 (Honda campaign S03)

- 37. Identify any and all notices Southern Honda Powersports received from Honda (including, but not limited to, notifications, service bulletins, reports, and letters, whether paper or electronic (such as Honda's interactive network, or "iN")) concerning the recall that became NHTSA recall No. 11V-567 (Honda campaign S03). For each notice you identify, state the date of the notice, the date Southern Honda Powersports received the notice, the type of the notice (*e.g.*, Recall and Stop Sale Notice; Service Action Notice), the identified affected units, and any identifying number (*e.g.*, Dealer Bulletin number). Produce a copy of each notice received.
- 38. Produce copies of all communications, other than those already identified and produced in your response to the immediately preceding information request, between Southern Honda Powersports and Honda concerning the recall that became NHTSA recall No. 11V-567.
- 39. Identify each and every new motorcycle subject to NHTSA recall No. 11V-567 that Southern Honda Powersports has had possession of from and including November 24, 2011 until the present.

Identify each motorcycle by stating the model, model year, and VIN.

For each motorcycle you identify, state the following:

- h. The date on which Southern Honda Powersports took possession of the motorcycle;
- i. What Southern Honda Powersports ultimately did with the motorcycle (*e.g.*, sold to a retail customer; leased to a retail customer);

- j. The date on which the motorcycle was leased or sold to the first purchaser other than for resale (*e.g.*, sold to a retail customer) (if applicable);
- k. The date on which the motorcycle left the possession of Southern Honda Powersports (*e.g.*, delivery date to the retail customer);
- l. Whether the recall remedy was performed on the motorcycle. "Recall remedy" refers to the inspection and repair procedures Honda instructed Southern Honda Powersports to perform under the recall;
- m. The date on which the recall remedy was performed on the motorcycle;
- n. The name and address of the entity that performed the recall remedy on the motorcycle (*e.g.*, Southern Honda Powersports).

Provide your responses in a table in either Microsoft Access, Excel, or a compatible format, entitled "Motorcycles 11V-567."

- 40. Produce copies of all documents that evidence, substantiate, or are otherwise related to your responses to each item within the scope of Request No. 39. Organize the documents separately by VIN.

This letter is being sent to Southern Honda Powersports pursuant to 49 U.S.C. § 30166(b),(e), which authorizes NHTSA to conduct any investigation that may be necessary to enforce Chapter 301 of Title 49 and to request reports. It constitutes a new request for information. Southern Honda Powersports' failure to respond promptly and fully to this letter could subject Southern Honda Powersports to civil penalties pursuant to 49 U.S.C. § 30165 or lead to an action for injunctive relief pursuant to 49 U.S.C. § 30163. (Other remedies and sanctions are available as well.) Section 5(a) of the TREAD Act, codified at 49 U.S.C. § 30165(b), provides for civil penalties of up to \$6,000 per day, with a maximum of \$17,350,000 for a related series of violations, for failing or refusing to perform an act required under 49 U.S.C. § 30166. See 49 CFR 578.6 (as amended by 75 Fed. Reg. 79978 (Dec. 21, 2010)). This includes failing to respond to information requests.

If Southern Honda Powersports cannot respond to any specific request or subpart(s) thereof, please state the reason why it is unable to do so. If on the basis of attorney client, attorney work product, or other privilege, Southern Honda Powersports does not submit one or more requested documents or items of information in response to this information request, Southern Honda Powersports must provide a privilege log identifying each document or item withheld, and stating the date, subject or title, name and position of the person(s) from, and the person(s) to whom it was sent, and the name and position of any other recipient (to include all carbon copies or blind carbon copies), the nature of that information or material, and the basis for the claim of privilege and why that privilege applies.

All documents should be bates stamped unless they are to be provided in Microsoft Access or Microsoft Excel format. This includes documentation that Southern Honda

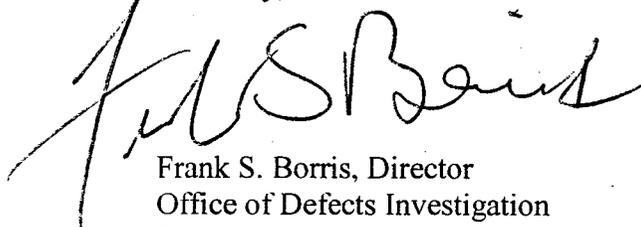
Powersports links electronically to any of the spreadsheets it produces in response to these requests. Unless otherwise stated, please provide documents in chronological order.

Southern Honda Powersports' response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by June 7, 2012. If Southern Honda Powersports finds that it is unable to provide all of the information requested within the time allotted, Southern Honda Powersports must request an extension from me at (202) 366-8089 no later than five business days before the response due date. If Southern Honda Powersports is unable to provide all of the information requested by the original deadline, it must submit a partial response by the original deadline with whatever information Southern Honda Powersports then has available, even if an extension has been granted.

If Southern Honda Powersports claims that any of the information or documents provided in response to this information request constitute confidential commercial material within the meaning of 5 U.S.C. § 552(b)(4), or are protected from disclosure pursuant to 18 U.S.C. § 1905, Southern Honda Powersports must submit supporting information together with the materials that are the subject of the confidentiality request, in accordance with 49 CFR Part 512, as amended, to the Office of Chief Counsel (NCC-111), National Highway Traffic Safety Administration, Room W41-326, 1200 New Jersey Avenue, S.E., Washington, D.C. 20590. Southern Honda Powersports is required to submit two copies of the documents containing allegedly confidential information (except only one copy of blueprints) and one copy of the documents from which information claimed to be confidential has been deleted. Please remember that the word "CONFIDENTIAL BUSINESS INFORMATION" must appear at the top of each page containing information claimed to be confidential, and the information must be clearly identified in accordance with 5 U.S.C. § 512.6. If you submit a request for confidentiality for all or part of your response to this IR that is in an electronic format (e.g., CD-ROM), your request and associated submission must conform to the requirements in NHTSA's Confidential Business Information Rule regarding submissions in electronic formats (49 CFR 512.6(c)).

If you have any questions concerning this matter, please call John Piazza in the Office of Chief Counsel at (202) 366-8852.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank S. Borris". The signature is written in a cursive, somewhat stylized font.

Frank S. Borris, Director
Office of Defects Investigation
Enforcement

Enclosures