

**CARS**

Our Ref: TA/USREP/573

Date: 16th May 2013

Chief
Recall Management Division
Office of Defects Investigation
National Highway Traffic Safety Administration
1200 New Jersey Avenue S.E.
Washington
D.C. 20590

Subject: Part 573 Determination of Non-Compliance

This information is submitted in accordance with the requirements of Title 49 Part 573 of the Code of Federal Regulations.

Lotus Cars Limited (Lotus) has determined that certain 2013 model year Evora vehicles are non-compliant with the Federal Motor Vehicle Safety Standards. Following an internal investigation, NHTSA has reached a settlement agreement with Lotus. Consequently, the content of the Part 573 notification includes details of this settlement (see Annexe A).

Please contact the undersigned if you have any questions.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Ian Cawdron".

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Annexes:

- A. Non-Compliance Information Report
- B. Affected VIN Ranges

Enclosure:

1. sb_2013_02R_Federal_Evora_13MY_Certification_label_Recall.pdf



Non-Compliance Information Report

573.6(c)(1) **Manufacturers Name**

Full Corporate Name: Lotus Cars Limited

Designated Agent: Mr Arnold Johnson
Lotus Cars USA Inc

Official Contact: Mr Ian Cawdron
Principal Legislation Engineer
Email: icawdron@lotuscars.com
Tel: +44 (0)1953 608297

Customer Enquiries: Mr Ron Mann
Customer Services & Warranty Manager
Email: rmann@lotuscars.com
Tel: (770) 476 6564

573.6(c)(2)(i) **Identification of Vehicles**

The front passenger seat 5th% adult female in the Evora does not meet the higher speed requirement for FMVSS208 which came into effect on 1st September 2012. Lotus has been granted a waiver for this with effect from 8th March 2013 for a 12-month period and a maximum of 450 units.

A total of 57 vehicles completed build after 31st August 2012 and before 8th March 2013. Of these, 6 vehicles were substantially complete on 31st August 2012. The remaining 51 are considered to be non-compliant vehicles but were subsequently imported.

Wholesale to dealers: 27
Retailed to customers: 1
Stock at Lotus Cars USA: 23 (quarantined)

Make: Lotus
Line: Evora
Model Year: 2013
Month/Year of Manufacture: Sep 2012 – Nov 2012
Affected VIN: See Annexe B

573.6(c)(3) **Number of Vehicles Potentially Containing the Non-Compliance**

51 vehicles in the United States are affected by this non-compliance issue.



573.6(c)(4) **Percentage of Vehicles Actually Containing the Non-Compliance**

The percentage of affected vehicles estimated to actually contain the non-compliance is 100%.

573.6(c)(5) **Description of Non-Compliance**

Through a combination of parts shortages, manufacturing delays and process control failures Lotus has manufactured, imported and, in one case, retailed vehicles built on or after 1st September 2012 and before the waiver became effective. These vehicles also carry a Federal compliance label that details an incorrect date of manufacture.

6 of the affected vehicles were substantially complete on 31st August 2012 but were not fully completed for a further 2 – 3 working days due to parts shortages. NHTSA has agreed with Lotus that these cars should be excluded from this recall.

The affected cars are physically the same, including the occupant protection system, as USA specification cars manufactured both before the 1st September 2012 deadline as well as after issuance of the waiver (8th March 2013).

573.6(c)(7) **Non-Compliance Test Report**

Not applicable.

573.6(c)(8) **Remedial Program**

Lotus has quarantined all unsold vehicles in Lotus Cars USA possession and has informed dealers not to retail any affected vehicles. Manufacturing process controls at the factory have also been amended to avoid a similar occurrence in the future.

The following remedial measures have been agreed with NHTSA:

- Lotus will export the single vehicle imported in October 2012.
- The agency will amend Exemption 13-01 to cover vehicles imported on or after 7 Nov 2012 and manufactured on or before 7 Nov 2013.
- The 50 vehicles that remain in the U.S. will be included in the 450 vehicle limit provided in Exemption 13-01.
- Lotus will recall the 28 vehicles that are no longer in control of Lotus USA (the 27 vehicles quarantined at dealers and the single vehicle sold at retail).
- Lotus will re-label all 50 vehicles that remain in the United States to provide the correct date of manufacture and to meet the labeling requirements of the exemption.

It is proposed that the single customer affected will be contacted by Lotus directly by phone and that a formal customer recall letter is not released in this instance. The customer will be instructed to take his vehicle to a convenient Lotus dealer so that the federal compliance label can be replaced in accordance with the service bulletin (Enclosure 1).



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Dealer & Customer notification: 23rd May 2013

Reimbursement to the owner prior to the recall is not applicable in this case.

573.6(c)(10) **Representative Copy of all Notices, Bulletins etc**

A copy of the service bulletin is enclosed (see Enclosure 1).

573.6(c)(11) **Manufacturers Recall Code**

2013/02R.



CARS

Annexe B to
TA/USREP/573
Dated 16th May 2013

AFFECTED VIN RANGES

SCCLMDTUXDHA
SCCLMDSUXDHA
SCCLMDTU3DHA
SCCLMDTU5DHA
SCCLMDTU7DHA
SCCLMDTU9DHA
SCCLMDTU0DHA
SCCLMDTU2DHA
SCCLMDTU6DHA
SCCLMDSU3DHA
SCCLMDTU4DHA
SCCLMDTU8DHA
SCCLMDSU8DHA
SCCLMDTU1DHA
SCCLMDSU6DHA
SCCLMDTUXDHA
SCCLMDSC0DHA
SCCLMDSU1DHA
SCCLMDSU9DHA
SCCLMDSU0DHA
SCCLMDSU4DHA
SCCLMDSU5DHA
SCCLMDSU7DHA