

13E-033
(6 pages)

**Safety Defect and Noncompliance Report for Motor Vehicle Equipment
PART 573 Defect and Noncompliance Report [49 CFR Part 573]**

Date of Submission: June 7, 2013

Submitted to: Defects and Recall Information Analysis Division via RMD.ODI@dot.gov and fax (202) 366-7882

This report serves as Kuryakyn Holdings, LLC's notification to the U.S. Department of Transportation, National Highway Traffic Safety Administration that a "defect related to motor vehicle safety" exists in certain on road motorcycle backrests. Reporting party decided that this "defect" existed in this equipment on the above noted date of submission.

I. Manufacturer, Designated Agent, and Other Chain of Distribution Information

Manufacturer's corporate name:

Unknown; This product was purchased from/thru [REDACTED] which placed the order through their Taiwan manufacturers.

[REDACTED]

Equipment's brand or trademark name owner(s) (where applicable):

Kuryakyn Holdings, LLC

Designated Agent (imported equipment):

Kuryakyn Holdings, LLC is listed as the importer of record into the USA.

If this notification concerns equipment that was installed in new motor vehicles or new items of motor vehicle equipment, identify by name, address, and telephone number each vehicle manufacturer and equipment manufacturer who purchased that equipment:

N/A

If this notification concerns a defective or noncompliant component that the above identified manufacturer did not manufacture, identify that component and provide the name, address, and phone number of the manufacturer of the component (if this manufacturer is unknown, provide this information as to the supplier of the component):

N/A

Name, address, email, and phone and fax numbers for the person(s) to whom inquiries about this report should be directed:

Steven W. Hansen

LAW OFFICES OF STEVEN W. HANSEN
 5913 Lorelei Avenue (email preferred)
 Lakewood, CA 90712-1347
 Phone 562.912.1923 (9am to 5pm PST)
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 steven.w.hansen@swhlaw.com

Manufacturer's assigned campaign number (where applicable):

N/A

II. Identification of the Recall Population and Its Size

Complete the tables below for each item of equipment subject to this notification. Additional tables may be necessary where there are more than three items subject to a notification.

Type of equipment (e.g., tire, child restraint, headlamp): Multi-purpose driver & passenger backrest	
Part/Model number: 1660 (chrome finish)	
Size and function (where applicable): Only one size; Multi-purpose driver & passenger backrest	
Inclusive dates of manufacture (month and year): 3/2012 to 5/2013	
	
Other information necessary to describe this equipment: (see photo below) chrome finish	
Total number of these items of equipment: In reporting party's inventory waiting for retrofit: 1010	
Sold to USA customers/retailers: 300 (subject to this recall) Sold in Canada: 43 Sold outside North America: 176	

Type of equipment (e.g., tire, child restraint, headlamp): Multi-purpose driver & passenger backrest	
Part/Model number: 1661 (black and chrome finish)	
Size and function (where applicable):	

Only one size; Multi-purpose driver & passenger backrest

Inclusive dates of manufacture (month and year):
8/2012 to 5/2013



Other information necessary to describe this equipment: (see photo below)

black and chrome finish

Total number of these items of equipment:

In reporting party's inventory waiting for retrofit: 99

Sold to USA customers/retailers: 86 (subject to this recall)

Sold in Canada: 7

Sold outside North America: 13

Provide the following information as to all the items of equipment ("the recall population") identified above:

Grand total number of items of equipment in the recall population: $300+86 = 386$

The percentage of the recall population you estimate actually contain the defect or noncompliance: 100%

Identify and describe how the recall population was determined (e.g., on what basis the recalled models were selected and how the inclusive dates of manufacture were determined):

The recall population and dates of manufacture were determined by using the purchasing, sales and inventory history information contained in the Kuryakyn inventory database.

Describe how the recall population is different from any similar items of equipment not subject to this notification:

The recall population includes the total US sales of P/N 1660 and P/N 1661 received to date at Kuryakyn. These backrests are different from other backrests because of the unique pivoting feature allowing it to be quickly repositioned from the driver use location to the passenger use location.

III. Description of the Defect or Noncompliance and Chronology of Events

Describe the defect or noncompliance, including a summary and detailed description of the nature and physical location (if appropriate) of the defect or noncompliance. Graphic aids should be provided where necessary.

If not tightened pursuant to existing instructions during installation, the backrest pivot screws [P/N 201660; 5/16 in. (thread OD)-18 (threads per inch) x ¾ in. (overall length)] socket flat head cap screw, 18-8 (grade stainless steel per ANSI B18.3); pictured below]



may come loose from -rotation by friction applied to the pivot joint when changing the backrest from the driver to passenger position or back again. Once the fastener is loose, it is suspected that the screw may vibrate out due to normal vibrations encountered during normal motorcycle operation because the screws do not have a secondary retaining method to combat the vibration loosening.

Describe the cause(s) of the defect or noncompliance condition.

The supplied instruction sheets did not have a torque specification for the tightening of the pivot screws and the pivot screws did not require consumers to use a thread lock compound to prevent vibration loosening.

Describe the consequence(s) of the defect or noncompliance condition.

If the screws vibrate out during use, it is possible for the backrest to separate from the mounting brackets at the pivot locations, which could result in possible loss of control or injury.

For defects, provide a dated, chronological summary of all the principle events that were the basis for the determination that the defect is related to motor vehicle safety, including a summary of all warranty claims, field or service reports, and other information such as numbers of crashes, injuries and fatalities.

There were a few issues where some consumers called in to us to complain about screws loosening but there were no incidents or injuries involved and no total loss of the backrest.

There was one sprained wrist injury that was reported due to the backrest falling off a motorcycle. At this point the product has just recently been returned to us (without either affected screw) and is undergoing examination. There is a dispute between the motorcycle owner and the retailer as to who may have not adequately tightened the screws at issue.

For non-compliances, identify the test results and other information considered in determining the existence of the noncompliance, and provide the date of each test and observation indicative of that noncompliance.

N/A

IV. The Remedy Program and Its Schedule

Describe the program for remedying the defect or noncompliance, including the plan for reimbursing those owners and purchasers who may have incurred costs to remedy the defect or noncompliance before receiving the manufacturer's notification concerning that defect or noncompliance. Also include, where applicable, details with dates concerning any production remedy that was conducted or will be conducted.

The original supplied pivot screws are 3/4" long with no thread lock adhesive and have no installation torque specified in the installation instructions. If the screws are not sufficiently tightened during installation or get loosen through any method after installation, the screws are subject to additional loosening or possibly falling out of the holes due to vibration encountered during normal use or by just repeatedly adjusting the seat. After tightening, the screws with no thread lock can be loosened by applying a reverse torque equivalent to the tightening torque plus minor frictional forces of the screw threads and under surface of the screw head. After breakaway has been achieved, the turn out torque is essentially 0 ft-lbs.

We are proposing to send replacement screws to customers that are 7/8" long with 3M 2353B thread lock adhesive (see attached specification sheet; Exhibit 3) applied to prevent possible loosening or loss due to pivot moments or vibrations encountered during normal use. We will also be specifying an installation torque requirement of 15 ft-lbs in the installation instructions. If the replacement screws with thread adhesive get loose through any method after the installation torque has been applied and the adhesive has cured, the thread adhesive provides a significant frictional resistance that will prevent additional loosening due to vibrations encountered during normal use. After tightening the screws with thread lock adhesive can be loosened by applying a reverse torque equivalent to the tightening torque plus 4-5 ft-lbs. With the proposed installation torque of 15 ft-lbs, the breakaway torque is 19-20 ft-lbs. After the breakaway has been achieved, the turn out torque is 8-10 ft-lbs. with the thread lock adhesive.

We will instruct customers to visit their nearest motorcycle dealer, or where they purchased the backrest, to have the replacement screws installed. We will pay for the full cost of the installation. We will also reimburse customers for costs they may have incurred prior to the defect remedy.

We will also be supplying retailers and "do it yourself" consumers with retrofit instructions (attached as Exhibit 1). Also all retrofitters will also be asked to put warning sticker on both sides of the backrest near the bolt (attached as Exhibit 2) Also all inventory in stock and new production will come with updated instructions and the warning stickers will be added at the factory.

Provide the estimated date(s) on which owner and purchaser notifications will be issued and the estimated date(s) for completion of those notifications.

We will issue the notifications within 10 working days after approval of our recommended remedy (for consumers that purchased directly from us) or once we are notified of purchaser's addresses by the selling retailers.

Provide the estimated date(s) on which dealer and distributor notifications will be issued and the estimated date(s) for completion of those notifications.

We will issue the notifications within 10 working days after approval of our recommended remedy.

Describe the distinguishing characteristics of the remedy component/assembly versus the recalled component/assembly.

We propose putting a center punch mark on the face of the replacement screws. (Please see photos below comparing center punched bolt with existing non center punched recalled bolts; the center punched bolt is on the right)

