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July 1, 2014

VIA EMAIL

Chief
Recall Management Division (NVS-215)
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 – The Morgan 3 Wheeler; FMVSS 122a

Dear Sir or Madam:

This information is submitted in accordance with the requirements of Title 49 Part 573 of the Code of Federal Regulations. The Morgan 3 Wheeler Limited (Morgan) has determined that certain 2012, 2013 and 2014 model year Morgan 3 Wheeler vehicles are non-compliant with the Federal Motor Vehicle Safety Standards.

Non Compliance Information Report

573.6(c)(1) Manufacturers Name

Full Corporate Name: Morgan 3 Wheeler Limited (“MORGAN”)
Designated Agent: Mr Lance Tunick
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Homologation Engineer
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573.6(c)(2)(i) Identification of Vehicles

Make: Morgan 3 Wheeler
Line: 3W (three-wheeled motorcycle)
Model Year: 2012, 2013 and 2014

Affected VINs: See Exhibit A

Morgan commenced US imports of the 3W approximately in June 2012. All vehicles imported to date are affected.

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

235 vehicles in the United States are affected by non-compliances.

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

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

573.6(c)(5) Description of Non-Compliances

- **FMVSS 122a--** *The brake failure warning lamp does not comply with FMVSS 122a*
 - Morgan has certified the subject vehicles under existing FMVSS 122a **split service** brake system. See attached Millbrook test report dated September 2, 2013.
 - The standard states as follows:

S5.1.3 Split service brake system. In addition to the equipment required by S5.1.2 each motorcycle equipped with a split service brake system shall have a failure indicator lamp as specified in S5.1.3.1.

S5.1.3.1 Failure indicator lamp.

(a) One or more electrically operated service brake system failure indicator lamps that is mounted in front of and in clear view of the driver, and that is activated—

(1) In the event of pressure failure in any part of the service brake system, other than a structural failure of either a brake master cylinder body in a split integral body type master cylinder system or a service brake system failure indicator body, before or upon application of not more than 20 pounds of pedal force upon the service brake.

(2) Without the application of pedal force, when the level of brake fluid in a master cylinder reservoir drops to less than the recommended safe level specified by the manufacturer or to less than one-half the fluid reservoir capacity, whichever is the greater.

(b) All failure indicator lamps shall be activated when the ignition switch is turned from the “off” to the “on” or to the “start” position.

(c) Except for the momentary activation required by S5.1.3.1(b), each indicator lamp, once activated, shall remain activated as long as the condition exists, whenever the ignition switch is in the “on” position. An indicator lamp activated when the ignition is turned to the “start” position shall be deactivated upon return of the switch to the “on” position unless a failure exists in the service brake system.

(d) Each indicator lamp shall have a red lens with the legend “Brake Failure” on or adjacent to it in letters not less than three thirty-seconds of an inch high that shall be legible to the driver in daylight when lighted.

- To comply with FMVSS 122a the addition of a compliant low fluid indicator light is necessary.
- We currently do have a brake warning lamp installed on our vehicles – it is just not a lamp as specified in S5.1.3.1. The lamp that we have been using shows a (P) type symbol that illuminates red when the park brake is applied or there is a failure in the brake system leading to low brake fluid.
- The Morgan 3 Wheeler meets all other aspects of FMVSS 122a including all dynamic tests/requirements.

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

Not applicable- non-compliances identified by visual inspection.

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

- **FMVSS 122a** -- Correct warning lamps are being sourced, and Morgan will recall all Morgan 3Ws in customer and dealer hands to have correct lamps installed.
- Reimbursement to owners prior to the recall -- not applicable in this case.

- Estimated dates of sending notifications to owners and dealers – 14th July 2014.
Estimated date of completion of notifications – 15th August 2014.

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

Information shall be submitted as soon as possible.

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

We shall use the NHTSA number.

Respectfully submitted,

Matthew Welch
Homologation Engineer