

BMW Group

VIA FEDERAL EXPRESS

October 29, 2018

The Honorable Heidi King
Deputy Administrator
National Highway Traffic Safety Administration
1200 New Jersey Ave., S.E.
Washington, DC 20590

**Re: 49 CFR 556 – Petition for Inconsequential Non-Compliance
Model Year 2019 BMW F750 GS and F850 GS
FMVSS 205 (Glazing Materials)
18V-738**

Dear Ms. King:

BMW of North America, LLC, a subsidiary of BMW AG, Munich, Germany, ("BMW") is submitting this 49 CFR 556 Petition for Inconsequential Non-Compliance.

On October 19, 2018, BMW submitted a 49 CFR 573 report which stated that approximately 604 Model Year 2019 BMW F750 GS and F850 GS motorcycles (the "affected vehicles") have been manufactured with windscreens that may not fully conform to FMVSS 205. NHTSA assigned Recall ID "18V-738" to our report. A copy of that report is included as Attachment 1.

BMW stated in its October 19, 2018 report that the possible noncompliance involved marking of the windscreen. Specifically, BMW stated that the windscreens of potentially affected vehicles may not conform to FMVSS 205 Section 6.3 regarding the DOT certification mark. In other words, the windscreens conform to the FMVSS 205 performance requirements, but may not conform to certain marking requirements.

We believe that this issue is inconsequential to motor vehicle safety for the reasons set forth below.

FMVSS 205 Section 2 (Purpose)

FMVSS 205 Section 2 (Purpose) states, "The purpose of this standard is to reduce injuries resulting from impact to glazing surfaces, to ensure a necessary degree of transparency in motor vehicle windows for driver visibility, and to minimize the possibility of occupants being thrown through the vehicle windows in collisions."

As noted herein and in Attachment 2, potentially affected vehicles conform to all of the FMVSS 205 performance requirements. Therefore, they satisfy the stated purpose of FMVSS 205 regarding a) injury reduction, and b) rider visibility.

FMVSS 205 Performance Requirements

Potentially affected vehicles conform to all of the FMVSS 205 performance requirements. Therefore, there is no safety performance implication associated with this potential noncompliance. Please refer to Attachment 2 for a copy of the FMVSS 205 certification test report.

Owner Contacts to BMW Customer Relations

BMW has not received any contacts from vehicle owners regarding this issue. Therefore, BMW is unaware that any vehicle owner has encountered this issue.

Accidents / Injuries

BMW is unaware of any accidents or injuries that may have occurred as a result of this issue.

Company
BMW of North America, LLC
BMW Group Company

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PO Box 1227
Westwood, NJ
07675-1227

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300 Chestnut Ridge Road
Woodcliff Lake, NJ
07677-7731

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(201) 307-4000

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Website
bmwusa.com

Prior NHTSA Grants to Manufacturer Petitions

NHTSA has previously granted Petitions for Inconsequential Non-Compliance regarding FMVSS 205 involving marking of window glazing. BMW believes that its petition is similar to other manufacturer's petitions in which NHTSA has granted approval. Examples of similar petitions, in which NHTSA has granted approval, include the following:

- Ford Motor Company, NHTSA-2014-0054 N2, March 2, 2015.
- Ford Motor Company, NHTSA-2010-0060 N2, May 30, 2013.
- Ford Motor Company, NHTSA-1999-5210 N2, December 15, 1999.
- General Motors, LLC, NHTSA-2013-0039 N2, September 25, 2015.
- General Motors, LLC, NHTSA-2005-21675 N2, August 25, 2005.
- Toyota Motor North America Inc., NHTSA-2002-12367 N2, March 4, 2003.
- Fuji Heavy Industries USA, Inc., NHTSA-2013-0017 N2, September 25, 2013.
- Mitsubishi Motors North America, Inc., NHTSA-2015-0066 N2, August 22, 2015.
- Pilkington North America, Inc., NHTSA-2009-0092 N2, April 17, 2003.
- Supreme Corporation, NHTSA-2015-0126 N2 October 21, 2016.
- Custom Glass Solutions Upper Sandusky Corp., NHTSA-2013-0124 N2, January 23, 2015.

Vehicle Production

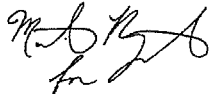
Vehicle production has been corrected to conform to FMVSS 205 Section 6.3.

* * *

For the reasons set forth above, we believe that this issue is inconsequential to motor vehicle safety. Accordingly, BMW requests relief from the 49 CFR 573 notification and remedy requirements.

Sincerely,

BMW of North America, LLC



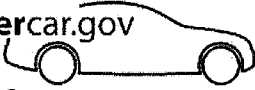
Samuel Campbell, III
Department Head
Safety Engineering and Intelligent Transportation Systems

Attachments

- Att. 1 – 18V-738, Part 573 Report (October 19, 2018)
- Att. 2 – FMVSS 205 Certification Report (DEKRA Automobil GmbH, Sep 27, 2017)

Cc: C. Covell, Chief, Equipment Division, Office of Vehicle Safety Compliance (OVSC), (Letter only)

safercar.gov



U.S. Department of Transportation

BMW of North America, LLC

Vehicle Report

Transaction ID: 18-0010039-21424-10 (Original Report)
Required fields indicated with *

Your report has been submitted. Your Transaction No. is 18-0010039-21424-10.

Manufacturer: BMW of North America, LLC

 P.O. Box 1227
 Westwood NJ 07675-1227

 Martin Rapaport
 201-571-5208,

This is a Noncompliance Report. Filing a petition pursuant to 49 CFR 556

Vehicle Information
BMW 750GS, 850GS 2019

* Model Yr. Start: 2019	* Model Yr. End: 2019	Type: MOTORCYCLES
* Make: BMW		Body Style:
* Model: 750GS, 850GS		Powertrain: GAS

Production Dates	Begin: 06/21/2018
	End: 09/19/2018

Descriptive Information:

Approximately 604 motorcycles were equipped with a windscreen which may have an incorrect FMVSS 205 "DOT" certification marking. Basis for recall population determination: Supplier production records were reviewed to determine the production period of potentially affected windscreens, and the corresponding production period (06/21/2018 – 09/19/2018) of potentially affected motorcycles. Recall component difference to non-recall component: N/A as BMW believes that this matter is inconsequential to motor vehicle safety and therefore will be filing a Petition for Inconsequential Noncompliance in accordance with the provisions of Part 556.

VIN Range(s): Begin: End:

Number potentially involved: 604 Estimated percentage of involved with defect: 100%
Defect / Noncompliance Description

For this Defect/Noncompliance:

*** Describe the defect or noncompliance:**

This non-compliance involves the motorcycle's windscreen. FMVSS 205 Section S6.3 requires that glazing material must be marked in accordance with section 7 of ANSI/SAE Z26.1-1996, which includes the "DOT" marking and the manufacturer's code mark that NHTSA has assigned to the manufacturer. Due to an engineering release issue, windscreens may not have been marked with the correct "DOT" certification marking. Specifically, windscreens may have been marked with "AS4" instead of "AS6".

If a noncompliance, provide the applicable FMVSS:

205 - Glazing materials

If applicable, provide any further FMVSS affected:
Describe the cause:
*** Describe the safety risk:**

BMW believes that this matter is inconsequential to motor vehicle safety and therefore will be filing a Petition for Inconsequential Noncompliance in accordance with the provisions of Part 556.

Identify any warning which can precede or occur:
This Recall affects all vehicles.

If applicable, identify the manufacturer of the defective or noncompliant component. If the manufacturer of the component is unknown, provide the information for the company that supplied the subject component.

Component manufacturer

Company Information

Company Name: Nanogate PD Systems GmbH

Country: Germany

Address 1: Altenhagener Str. 13

Company Contact Information

First Name: Radu

Last Name: Papp

Position:

Address 2:

City: Bad Salzuflen
State: FOREIGN STATES
Zip/Postal Code: 32107

Email:

Phone: 4952089116625

Chronology of Defect / Noncompliance Determination**Provide the chronology of events leading up to the defect decision or test data for the noncompliance decision.:**

On October 1, 2018, BMW was notified by the supplier that certain windscreens which were delivered may not have been marked with the correct "DOT" certification marking due to an engineering release issue. Worldwide glazing requirements were reviewed, along with engineering drawings, technical specifications and certification documentation. The review suggested that a possible non-compliance with FMVSS 205 Section 6.3 might exist. The review indicated that the windscreens satisfy the FMVSS 205 performance requirements. Supplier production records, and BMW motorcycle assembly information, were reviewed to determine the number, and production date range, of potentially affected motorcycles. On October 12, 2018, BMW determined that the potentially affected motorcycles may not fully conform to FMVSS 205. BMW has not received any reports, nor is BMW otherwise aware, of any accidents or injuries related to this issue.

Identify the Remedy**Describe the defect/noncompliance remedy program, including the manufacturer's plan for reimbursement.**

BMW believes that this matter is inconsequential to motor vehicle safety and therefore will be filing a Petition for Inconsequential Noncompliance in accordance with the provisions of Part 556.

Describe what distinguishes the remedy component from the recalled component.

BMW believes that this matter is inconsequential to motor vehicle safety and therefore will be filing a Petition for Inconsequential Noncompliance in accordance with the provisions of Part 556.

Identify and describe how and when the recall condition was corrected in production.**Identify the Recall Schedule****Describe the recall schedule for notifications.:**

BMW believes that this matter is inconsequential to motor vehicle safety and therefore will be filing a Petition for Inconsequential Noncompliance in accordance with the provisions of Part 556.

Planned Dealer Notification Begin Date:**Planned Dealer Notification End Date:****Planned Owner Notification Begin Date:****Planned Owner Notification End Date:****Manufacturer's identification code for this recall (if applicable):**

Please be reminded that owner notification letters must be mailed no more than 60 days from submission of this report.

Manufacturer Comments to NHTSA Staff

BMW believes that this matter is inconsequential to motor vehicle safety and therefore will be filing a Petition for Inconsequential Noncompliance in accordance with the provisions of Part 556.

Document Upload

There are 0 documents associated with this report.

Test Report No.:

201640532

Regulation: ANSI/SAE Z26.1-1996



Test Report

according to the Federal Motor Vehicle Safety Standards and Regulations [FMVSS] – U.S. Department of Transportation §571.205 and American National Standard for Safety Glazing Materials for Motor Vehicles and Motor Vehicle Equipment Operating on Land Highways ANSI / SAE Z26.1-1977 / 1996

Rendered to:

Nanogate PD Systems GmbH
Altenhagener Str. 13
32107 Bad Salzuflen (Germany)

Test object

Tests of clear safety plastics (Polycarbonate "LEXAN® LS2, 111 H nature") in thicknesses of 3.0mm, 4.0mm and 5.0mm with a mar resistant coating ("PHC 587" from GE Bayer Silicones) on both sides. Safety Glazing Material (rigid plastic) for use as Windscreens for Motorcycles.

Marking of test Samples

Thickness 3 mm
LEXAN®
DOT780 M3 AS6

Thickness 4 mm
LEXAN®
DOT780 M4 AS6

Thickness 5 mm
LEXAN®
DOT780 M5 AS6

Test Report No.:

201640532

Regulation: ANSI/SAE Z26.1-1996



Introduction

This report contains the results of examination and test of the following safety glazing materials to demonstrate compliance with the applicable requirements of the American National Standard for Safety Glazing Materials for Glazing Motor Vehicles and Motor Vehicle Equipment Operating on Land Highways (ANSI/SAE Z26.1-1996).

Test summary

The following is a summary of the results of tests which were performed in accordance with the FMVSS 205 (ref. Standard ANSI/SAE Z26.1-1977, Z26.1a-1980 and Z26.1-1996, Item 6).

Test No.	Test	Remarks
2	Luminous transmittance	Complies
16	Weathering	Complies
17	Abrasion Resistance	Complies
19	Chemical resistance	Complies
20	Chemical resistance (stressed)	Complies
22	Flexibility test	Complies
24	Flammability test	Complies

Authorization

Letter from Nanogate PD Systems GmbH, Altenhagener Str. 13, 32107 Bad Salzuffen, Germany, dated February 15, 2017.

Material Submitted

The following is a summary of the results of tests which were performed in accordance with the FMVSS 205 (ref. Standard ANSI/SAE Z26.1-1977, Z26.1a-1980 and Z26.1-1996, Item 6).

Ten pcs	305 mm x 305 mm (12 in x 12 in),
Six pcs	102 mm x 102 mm (4 in x 4 in),
twenty pcs	178 mm x 25 mm (1 in x 7 in) and
three pcs	152 mm x 13 mm (0.5 in x 6 in)

flat specimens of the mentioned material in thicknesses of 3 mm and 5 mm as well as

two 152 mm x 152 mm x 6.35 mm (6 in x 6 in x ¼ in).

These test samples were received March, 2017.

Test Report No.:

201640532

Regulation: ANSI/SAE Z26.1-1996



Tests and Results of Tests

For the tests of plastic glazings (rigid plastics) with various thickness of 3.0mm and 4.0mm and 5.0mm will be formed a family. The thinnest material (3.0mm) and the thickest material (5.0mm) will be tested. Therewith are included all intermediate sizes.

Generally test conditions (ambient conditions):

Test room temperature	Air pressure	Relative Humidity
20 +/-5 °C	860 bis 1060 mbar	60 +/-20 %

The generally test conditions are adjusted according to the requirements of the above mentioned Safety Code and will warrented during length the tests. Continuing especially conditions to be carried out for each tests separately.

The following specimens were tested according to the above mentioned Safety Code (see test summary):

Test No. 2 – Luminous Transmittance

If plastic is being tested, the data obtained in Test 16.

Specimen	Result
	luminous transmittance of not less than 70 % of the light, at normal incidence, both before and after irradiation
<i>Thickness 3.0 mm</i>	
1	Complies
2	Complies
3	Complies
<i>Thickness 5.0 mm</i>	
1	Complies
2	Complies
3	Complies

Test No. 16 – Wheathering Test

Special Conditioning: T= 23 +/-1°C and 50 % +/-2% relative humidity at least for 48hours

Each three 102 mm x 102 mm [4 in x 4 in] resp. three 40 mm x 130 mm [1.6 in x 5 in] samples of each material thickness are tested:

Specimen	Percent Luminous Transmittance		Result
	before weathering	after weathering	
<i>Thickness 3.0 mm</i>			
1	91.2	91.4	Complies
2	91.3	91.5	Complies
3	91.3	91.4	Complies
<i>Thickness 5.0 mm</i>			
1	90.9	91.2	Complies
2	91.1	91.3	Complies
3	91.0	91.2	Complies

Test Report No.:

201640532

Regulation: ANSI/SAE Z26.1-1996



Test No. 17 – Abrasion Resistance

Special Conditioning: T= 22 to 24°C and 50 % ± 2% relative humidity at least for 48hours, vertical load 500g and for 100 cycles, exposed in the Weathering Test (Test No. 16) three 102 mm x 102 mm [4 in x 4 in] flat specimens samples of each material thickness are tested:

Specimen colour	Haze of plastic	Haze of track	Net Haze [%]	Arithmetic mean [%]	Result Limit value: 4%
<i>Thickness 3.0 mm</i>					
1	0.7	3.0	2.3	2.1	Complies
2	0.6	2.9	2.3		
3	0.8	2.5	1.7		
<i>Thickness 5.0 mm</i>					
1	0.6	2.6	2.0	2.2	Complies
2	0.5	3.3	2.8		
3	0.3	2.2	1.9		

Test No. 19 – Chemical resistance (Nonstressed)

Special Conditioning: T= 23 +/-1°C and 50 % +/-2% relative humidity at least for 48hours
Ten 25 mm x 178 mm [1 in x 7 in] flat specimens of each material thickness are tested:

Specimen	Test medium	Remark	Result
<i>Thickness 3.0 mm</i>			
10	1 % solution of a nonabrasive soap Kerosene Alcohol Motor car gasoline Commercial windshild cleaner	No tackiness, crazing or apparent loss of transparency in the specimens	Complies
<i>Thickness 5.0 mm</i>			
10	1 % solution of a nonabrasive soap Kerosene Alcohol Motor car gasoline Commercial windshild cleaner	No tackiness, crazing or apparent loss of transparency in the specimens	Complies

Test No. 20 – Chemical resistance (Stressed)

Special Conditioning: T= 23 +/-1°C and 50 % +/-2% relative humidity at least for 48hours
Ten 25 mm x 178 mm [1 in x 7 in] flat specimens of each material thickness are tested:

Specimen	Test medium	Remark	Result
<i>Thickness 3.0 mm</i>			
10	1 % solution of a nonabrasive soap Kerosene Alcohol Motor car gasoline Commercial windshild cleaner	No tackiness, crazing or apparent loss of transparency in the specimens	Complies

Test Report No.:

201640532

Regulation: ANSI/SAE Z26.1-1996



<i>Thickness 5.0 mm</i>			
10	1 % solution of a nonabrasive soap Kerosene Alcohol Motor car gasoline Commercial windshild cleaner	No tackiness, crazing or apparent loss of transparency in the specimens	Complies

Test No. 22 – Flexibility

Special Conditioning: T= 22 + 2°C and 50 % ± 2% relative humidity at least for 48hours

Two 254 mm x 64 mm [10 in x 2½ in] flat specimens are tested:

Specimen	Interpretation	Result
<i>Thickness 3.0 mm</i>		
2	The material show no cracks, wrinkles, or surface impairment during or after bending	The material meets the applicable requirements.
<i>Thickness 5.0 mm</i>		
2	The material show no cracks, wrinkles, or surface impairment during or after bending	The material meets the applicable requirements.

Test No. 24 – Flammability

Special Conditioning: T= 25 +/-4°C at least for 4 hours.

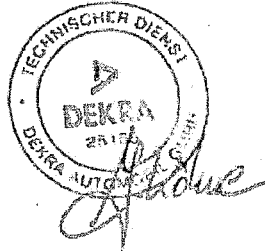
Three 152 mm x 13 mm [6 in x 0.5 in] flat specimens of each material thickness are tested:

Specimen	Burning rate, [mm / s]	Result ^{*)}
<i>Thickness 3.0 mm</i>		
1	0.3 (0.7 in/min)	Complies
2	0.2 (0.5 in/min)	Complies
3	0.2 (0.5 in/min)	Complies
<i>Thickness 5.0 mm</i>		
1	0.1 (0.2 in/min)	Complies
2	0.2 (0.5 in/min)	Complies
3	0.1 (0.2 in/min)	Complies

*) The horizontal burning rate did not exceed 1.48 mm/s [3.5 in/min]. All specimen comply.

Klettwitz, September 27th, 2017

Test Report approved by



Dipl.-Ing.(FH) Yvonne Köhne
Specialist

Part 573 Safety Recall Report

18V-738

Manufacturer Name : BMW of North America, LLC**Submission Date :** OCT 19, 2018**NHTSA Recall No. :** 18V-738**Manufacturer Recall No. :** NR**Manufacturer Information :**

Manufacturer Name : BMW of North America, LLC

Address : P.O. Box 1227

Westwood NJ 07675-1227

Company phone : 18005257417

Population :

Number of potentially involved : 604

Estimated percentage with defect : 100 %

Vehicle Information :

Vehicle 1 : 2019-2019 BMW 750GS, 850GS

Vehicle Type : MOTORCYCLES

Body Style :

Power Train : GAS

Descriptive Information : Approximately 604 motorcycles were equipped with a windscreen which may have an incorrect FMVSS 205 "DOT" certification marking.

Basis for recall population determination: Supplier production records were reviewed to determine the production period of potentially affected windscreens, and the corresponding production period (06/21/2018 – 09/19/2018) of potentially affected motorcycles.

Recall component difference to non-recall component: N/A as BMW believes that this matter is inconsequential to motor vehicle safety and therefore will be filing a Petition for Inconsequential Noncompliance in accordance with the provisions of Part 556.

Production Dates : JUN 21, 2018 - SEP 19, 2018

VIN Range 1 : Begin :

NR

End : NR

 Not sequential**Description of Noncompliance :**

Description of the Noncompliance : This non-compliance involves the motorcycle's windscreen. FMVSS 205 Section S6.3 requires that glazing material must be marked in accordance with section 7 of ANSI/SAE Z26.1-1996, which includes the "DOT" marking and the manufacturer's code mark that NHTSA has assigned to the manufacturer. Due to an engineering release issue, windscreens may not have been marked with the correct "DOT" certification marking. Specifically, windscreens may have been marked with "AS4" instead of "AS6".

FMVSS 1 : 205 - Glazing materials

FMVSS 2 : NR

Description of the Safety Risk : BMW believes that this matter is inconsequential to motor vehicle safety and therefore will be filing a Petition for Inconsequential Noncompliance in accordance with the provisions of Part 556.

Description of the Cause : NR

Identification of Any Warning that can Occur : NR

Supplier Identification :

Component Manufacturer

Name : Nanogate PD Systems GmbH

Address : Altenhagener Str. 13
Bad Salzuflen FOREIGN STATES 32107

Country : Germany

Chronology :

On October 1, 2018, BMW was notified by the supplier that certain windscreens which were delivered may not have been marked with the correct "DOT" certification marking due to an engineering release issue.

Worldwide glazing requirements were reviewed, along with engineering drawings, technical specifications and certification documentation. The review suggested that a possible non-compliance with FMVSS 205 Section 6.3 might exist. The review indicated that the windscreens satisfy the FMVSS 205 performance requirements.

Supplier production records, and BMW motorcycle assembly information, were reviewed to determine the number, and production date range, of potentially affected motorcycles.

On October 12, 2018, BMW determined that the potentially affected motorcycles may not fully conform to FMVSS 205.

BMW has not received any reports, nor is BMW otherwise aware, of any accidents or injuries related to this issue.

Description of Remedy :

Description of Remedy Program : BMW believes that this matter is inconsequential to motor vehicle safety and therefore will be filing a Petition for Inconsequential Noncompliance in accordance with the provisions of Part 556.

How Remedy Component Differs from Recalled Component : BMW believes that this matter is inconsequential to motor vehicle safety and therefore will be filing a Petition for Inconsequential Noncompliance in accordance with the provisions of Part 556.

Identify How/When Recall Condition was Corrected in Production : NR

Recall Schedule :

Description of Recall Schedule : BMW believes that this matter is inconsequential to motor vehicle safety and therefore will be filing a Petition for Inconsequential Noncompliance in accordance with the provisions of Part 556.

Planned Dealer Notification Date : NR - NR

Planned Owner Notification Date : NR - NR

* NR - Not Reported