



ElectraMeccanica Vehicles Corp.
102 East 1st Avenue
Vancouver, BC Canada V5T 1A4
1-604-428-7656 (SOLO)
www.EMVauto.com

EXECUTIVE SECRETARIAT
RECEIVED-NHTSA

2019 AUG 14 P 2:32

August 12, 2019

Ms. Heidi King
Deputy Administrator
National Highway Traffic Safety Administration
1200 New Jersey Avenue, S.E.
Washington, DC 20590

RE: Petition under 49 C.F.R. Part 566 for Determination of Inconsequential Noncompliance to Federal Motor Vehicle Safety Standard 120 (Absence of Manufacturer Marking)

Dear Ms. King:

Pursuant to 49 C.F.R. Part 556, 49 U.S.C. §30118(d) and §30120(h), ElectraMeccanica Vehicles Corp. ("EMV") requests an exemption from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act for a noncompliance with Federal Motor Vehicle Safety Standard (FMVSS) No. 120 on the basis that the noncompliance is inconsequential to motor vehicle safety.

In accordance with 49 C.F.R. §556.4(b)(6), EMV has submitted a 49 C.F.R. Part 573 noncompliance notification to the NHTSA. Three copies of the submission are enclosed with this letter. Please refer to the Part 573 notification for additional details regarding the noncompliance.

Description of the Noncompliance

EMV has determined that rims sourced, starting in 2018, for some SOLO MY18 and all SOLO MY19 vehicles do not fully comply with the rim marking requirements of FMVSS 120 S5.2(d). Specifically, the rims were not marked with the manufacturer name, trademark, or symbol of the rim supplier who does not typically mark the rims with their name, trademark, or symbol unless specifically requested by the customer. A miscommunication between EMV and the rim manufacturer resulted in the absence of the manufacturer marking required for motorcycles in accordance with FMVSS No. 120 S5.2(d). Four of the affected MY18 SOLOs shipped to the U.S. between November 2018 and July 2019 equipped with the affected rims have been sold to consumers. All other affected MY18 and MY19 vehicles in the U.S. have been or are in the process of being brought into compliance with the marking requirement.

Inconsequential Noncompliance

This noncompliance is inconsequential to motor vehicle safety for the following reasons:

1. The absence of the manufacturer name, trademark, or symbol does not have any effect on the structure, performance, or safe use of the rim.

2. NHTSA has previously granted similar petitions for inconsequential noncompliance with respect to the rim marking requirements for vehicles other than passenger cars¹.
3. In the event that a vehicle owner or operator must replace a rim or tire, the absence of the manufacturer name, trademark, or symbol marking will not affect proper selection of replacement rims or tires.

1. Not a Safety Issue

The absence of the manufacturer name, trademark, or symbol does not have any effect on the operation, performance, or safety of the affected vehicles. For example, the manufacturer name, trademark, or symbol is not required to be marked on rims for use on passenger cars in accordance with FMVSS No. 110. The marking is helpful for traceability in the event that a future wheel defect was to be discovered. However, as EMV has only the single source for supply of the pertinent rim style, the absence of the marking does not inhibit traceability of the affected rims. Note that the other markings present such as the date of manufacture, heat treatment lot, and all other markings required as per FMVSS No. 120 S5.2 are present and provide for sufficient traceability of any given rim.

EMV is not aware of any crashes, injuries, or customer complaints associated with the absence of the rim manufacturer name, trademark, or symbol marking.

2. Granting of Similar Petitions for Inconsequential Noncompliance

Granting EMV's petition for inconsequential noncompliance would be consistent with the NHTSA's past decisions pertaining to rim markings required by FMVSS No. 120 and FMVSS No. 110 (for vehicles other than passenger cars). For example, the NHTSA has granted petitions for inconsequential noncompliance related to incorrect marking of the rim size² and absence of required rim markings³.

3. Correction of Production and Replacement Rims

All affected MY18 and MY19 vehicles that are under EMV's control in, or destined for, the U.S. have been or are in the process of being brought into compliance with the FMVSS No. 120 manufacturer marking requirement. EMV has additionally ensured that all required markings will be present on rims used for future production.

For these reasons, EMV believes the subject noncompliance is inconsequential as it relates to motor vehicle safety.

¹ Refer to 49 CFR §571.120 S5.2 and 49 CFR §571.110 S4.4.2.

² Arconic Wheel and Transportation Products, Grant of Petition for Decision of Inconsequential Noncompliance (Docket No. NHTSA-2016-0137; Notice 2), 82 Fed. Reg. 196, October 12, 2017 (82 FR 47599).

³ Nissan North America, Inc.; Grant of Petition for Decision of Inconsequential Noncompliance (Docket No. NHTSA-2007-27073; Notice 2), 72 Fed. Reg. 83, July 16, 2008 (72 FR 23889).

In consideration of the foregoing, EMV petitions to be exempted from the remedy and recall provisions of the Safety Act for this specific rim marking noncompliance to FMVSS No. 120 for the affected population of vehicles.

If you have questions regarding this petition, please contact me at (250) 532-1261 or bree@srcinc.ca.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bree Sharratt".

Bree Sharratt
Compliance and Regulatory Affairs
ElectraMeccanica Vehicles Corp.
47 Braid Street
New Westminster, BC Canada V3L 3P2

Encl: 3 copies of the submitted Part 573 submission.



Electra Meccanica Vehicles Corp

Vehicle Report

Transaction ID: 19-0026869-23146-11 (Amendment 1)

Required fields indicated with *

Manufacturer: Electra Meccanica Vehicles Corp
102 East 1st Avenue
Vancouver 00 VST1A4Bree Sharratt
250-532-1261,This is a Noncompliance Report. Filing a petition pursuant to [49 CFR 556](#)
Vehicle Information
ElectraMeccanica Vehicles SOLO 2018

* Model Yr. Start: 2018

* Model Yr. End: 2018

Type: MOTORCYCLES

* Make: ElectraMeccanica Vehicles

Body Style:

* Model: SOLO

Powertrain:

Production Dates Begin: 03/01/2018
 End: 06/28/2019

Descriptive Information:

BASIS FOR THE RECALL POPULATION: The population of potentially affected vehicles is all MY18 SOLOs shipped to the US from 25 April 2018 through 24 July 2019, which includes the production dates specified. The total number of vehicles shipped in this period is 20. HOW AFFECTED VEHICLES DIFFER: MY18 SOLOs were equipped with either charcoal rims having 10 spokes or silver rims having 12 spokes. Affected vehicles are only those MY18 SOLOs shipped to the U.S. equipped with silver colored rims having 12 spokes. PERCENTAGE OF AFFECTED VEHICLES INVOLVED: Based on production and sales records, 9 of the 20 vehicles are estimated to be equipped with the affected rims. Of the 9, five remain within EMV's control and 4 have been sold to consumers.

VIN Range(s): Begin: 2E9ESA213JN080100	End: 2EZESA212JN000107
VIN Range(s): Begin: 2EZESA214JN000139	End: 2EZESA213JN000147
VIN Range(s): Begin: 2EZESA217JN000149	End: 2EZESA213JN000150
VIN Range(s): Begin: 2EZESA210JN000123	End: 2EZESA210JN000123
VIN Range(s): Begin: 2EZESA210JN000123	End: 2EZESA210JN000123

Number potentially involved: 20

Estimated percentage of involved with defect: 20%

Defect / Noncompliance Description

For this Defect/Noncompliance:

*** Describe the defect or noncompliance:**

A subset of rims installed on MY18 SOLOs, silver rims with 12 spokes, are missing the required marking of the manufacturer's name, trademark, or symbol and therefore do not comply with paragraph S5.2(d) of FMVSS No. 120.

If a noncompliance, provide the applicable FMVSS:

120 - Wheels and rims- other than passenger cars

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

Miscommunication with the component manufacturer that the rims required markings as for vehicles other than passenger cars (i.e. motorcycle).

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: Zhejiang Yueling
Co.,Ltd.

Country: China

*** Describe the safety risk:**

There is no risk to vehicle safety. The absence of the manufacturer mark on the rim does not have any effect on the performance or safe operation of the affected vehicles. The manufacturer mark is helpful only as it facilitates identification of the rim manufacturer and therefore traceability of the rim in the event that a future defect were discovered.

Identify any warning which can precede or occur:

N/A

Company Contact Information

First Name: Linhui

Last Name: Ji

Position:

Address 1: No. 888 Zeguo Road
Address 2: Zuego Town
City: Wenling City Zhejiang Province
State: FOREIGN STATES
Zip/Postal Code: 317523

Email: export-5@yueling.com.cn
Phone: 8618806767990

Chronology of Defect / Noncompliance Determination

Provide the chronology of events leading up to the defect decision or test data for the noncompliance decision.:

In the course of preparing for manufacture of MY20 SOLOs, a review of the rim markings identified a potential lack of manufacturer marking on the rim. On 20 July 2019 the manufacturer was requested to confirm which marking on the rim might represent the manufacturer name/trademark/symbol. Confirmation was received on 22 July 2019 that the rim manufacturer's name/trademark/symbol is not typically present on rims. On 24 July 2019, we confirmed that rims from the same supplier had been procured for production of MY18 SOLOs. On 25 July 2019 we confirmed that the affected rims were installed on a portion of MY18 SOLOs shipped to the U.S. between November 2018 and July 2019.

Identify the Remedy

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

EMV will petition for exemption from notification and remedy requirements on the grounds that the absence of the manufacturer's marking on the rim is inconsequential as it relates to motor vehicle safety. Consequently, no remedy or reimbursement program is planned for the affected vehicles.

Describe what distinguishes the remedy component from the recalled component.

N/A

Identify and describe how and when the recall condition was corrected in production.

For vehicles that remain in EMV's control, and for parts on the shelf, rims will receive the manufacturer's marking meeting the requirements of FMVSS 120 S5.2 prior to sale to consumers. Corrected rims will be marked with 'YUELING', of a height and depth as required by the standard. 'YUELING' represents the manufacturer's common name as registered with NHTSA.

Identify the Recall Schedule

Describe the recall schedule for notifications.:

N/A

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):

19SC02

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

Note that EMV USA, Studio City, the only current dealer for SOLOs in the U.S. has been notified that vehicles equipped with the affected rims (silver, 12-spoke, missing the manufacturer name marking) cannot be sold until correctly marked.

Document Upload

There are 0 documents associated with this report.

Part 573 Safety Recall Report

19V-559

Manufacturer Name : Electra Meccanica Vehicles Corp

Submission Date : JUL 30, 2019

NHTSA Recall No. : 19V-559

Manufacturer Recall No. : 19SC02



Manufacturer Information :

Population :

Manufacturer Name : Electra Meccanica Vehicles Corp

Address : 102 East 1st Avenue

Vancouver 00 V5T1A4

Company phone : 5228488

Number of potentially involved : 20

Estimated percentage with defect : 20 %

Vehicle Information :

Vehicle 1 : 2018-2018 ElectraMeccanica Vehicles SOLO

Vehicle Type : MOTORCYCLES

Body Style :

Power Train : NR

Descriptive Information : BASIS FOR THE RECALL POPULATION:

The population of potentially affected vehicles is all MY18 SOLOs shipped to the US from 25 April 2018 through 24 July 2019, which includes the production dates specified. The total number of vehicles shipped in this period is 20.

HOW AFFECTED VEHICLES DIFFER:

MY18 SOLOs were equipped with either charcoal rims having 10 spokes or silver rims having 12 spokes. Affected vehicles are only those MY18 SOLOs shipped to the U.S. equipped with silver colored rims having 12 spokes.

PERCENTAGE OF AFFECTED VEHICLES INVOLVED:

Based on production and sales records, 9 of the 20 vehicles are estimated to be equipped with the affected rims. Of the 9, five remain within EMV's control and 4 have been sold to consumers.

Production Dates : MAR 01, 2018 - JUN 28, 2019

VIN Range 1 : Begin : 2E9ESA213JN080100 End : 2EZESA212JN000107

☐ Not sequential

VIN Range 2 : Begin : 2EZESA214JN000139 End : 2EZESA213JN000147

☐ Not sequential

VIN Range 3 : Begin : 2EZESA217JN000149 End : 2EZESA213JN000150

☐ Not sequential

VIN Range 4 : Begin : 2EZESA210JN000123 End : 2EZESA210JN000123

☐ Not sequential

VIN Range 5 : Begin : 2EZESA210JN000123 End : 2EZESA210JN000123

☐ Not sequential

Description of Noncompliance :

Description of the Noncompliance : A subset of rims installed on MY18 SOLOs, silver rims with 12 spokes, are missing the required marking of the manufacturer's name, trademark, or symbol and therefore do not comply with paragraph S5.2(d) of FMVSS No. 120.

FMVSS 1 : 120 - Wheels and rims- other than passenger cars

FMVSS 2 : NR

Description of the Safety Risk : There is no risk to vehicle safety. The absence of the manufacturer mark on the rim does not have any effect on the performance or safe operation of the affected vehicles. The manufacturer mark is helpful only as it facilitates identification of the rim manufacturer and therefore traceability of the rim in the event that a future defect were discovered.

Description of the Cause : Miscommunication with the component manufacturer that the rims required markings as for vehicles other than passenger cars (i.e. motorcycle).

Identification of Any Warning that can Occur : N/A

Supplier Identification :**Component Manufacturer**

Name : Zhejiang Yueling Co.,Ltd.

Address : No. 888 Zeguo Road

Zuego Town Wenling City Zhejiang Province FOREIGN STATES 317523

Country : China

Chronology :

In the course of preparing for manufacture of MY20 SOLOs, a review of the rim markings identified a potential lack of manufacturer marking on the rim. On 20 July 2019 the manufacturer was requested to confirm which marking on the rim might represent the manufacturer name/trademark/symbol. Confirmation was received on 22 July 2019 that the rim manufacturer's name/trademark/symbol is not typically present on rims. On 24 July 2019, we confirmed that rims from the same supplier had been procured for production of MY18 SOLOs. On 25 July 2019 we confirmed that the affected rims were installed on a portion of MY18 SOLOs shipped to the U.S. between November 2018 and July 2019.

Description of Remedy :

Description of Remedy Program :	EMV will petition for exemption from notification and remedy requirements on the grounds that the absence of the manufacturer's marking on the rim is inconsequential as it relates to motor vehicle safety. Consequently, no remedy or reimbursement program is planned for the affected vehicles.
How Remedy Component Differs from Recalled Component :	N/A
Identify How/When Recall Condition was Corrected in Production :	For vehicles that remain in EMV's control, and for parts on the shelf, rims will receive the manufacturer's marking meeting the requirements of FMVSS 120 S5.2 prior to sale to consumers. Corrected rims will be marked with 'YUELING', of a height and depth as required by the standard. 'YUELING' represents the manufacturer's common name as registered with NHTSA.

Recall Schedule :

Description of Recall Schedule :	N/A
Planned Dealer Notification Date :	NR - NR
Planned Owner Notification Date :	NR - NR

* NR - Not Reported