

RV REPORTER

Quarterly

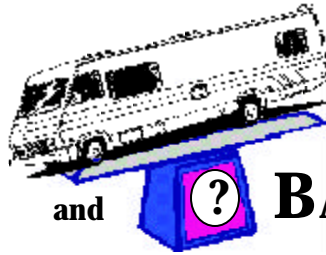
Searching For Safety in
Recreational Vehicles

1999-5

RV CONSUMER GROUP

AT ISSUE

WEIGHT



and

BALANCE

“Deficiencies relating to weight and balance are at a critical stage,” states JD Gallant, president of RV Consumer Group. “Although the issue is extremely serious with motor homes, travel trailer coaches are so commonly out of balance that they cannot be safely towed with the vehicles for which they are marketed. Hitch weights may be within acceptable parameters when the trailer leaves the factory, but when loaded with water and operational equipment, the hitch weights are nowhere within range of safe parameters. Many accidents with trailer coaches are happening every day because hitch weights are either too light or too heavy due to poor design.”

The following cases referencing weight and balance problems are featured in RV Consumer Group’s website at the Court of Public Opinion section and in the Member Library:

♥ Tom and Patricia Martland have had enough. When they purchased their new class C Tioga motor home in September of 1997, they had no idea that they would be forced into litigation with Fleetwood, the world’s largest RV manufacturer. Once they started using their motor home, they discovered that it had less than 1,000 pounds of payload capacity. This means that, for their family of six, the motor home cannot safely carry basic supplies because the payload is consumed by bodies alone. Thus the Martlands found they were traveling the highways beyond the limits of the motor home’s brakes, tires, and other suspension components. Having felt betrayed by the information marketed with the RV, the Martlands have initiated a class-action lawsuit in Martin County, Florida. They hope it will teach RV manufacturers that they can’t mislead consumers with impunity.

♥ After having difficulty steering, Ted Lewis found that his new Fleetwood Jamboree class C was overloaded on the

front axle. Although Fleetwood worked on the suspension, it was still overloaded by 40 pounds without driver or passenger. Fleetwood then told him to keep the water tank in the rear full to balance the weight of the driver and passenger. They said that they could do no more to correct the problem. Lewis has filed a lawsuit for damages.

♥ Alan Stecz and his partner found their new Coachmen class A motor home well over the rear axle capacity after a few hundred miles of “white knuckle” driving. After they emptied it of personal items, they found it was still very close to the axle capacity. They could find no way of loading the vehicle without exceeding the gross axle weight rating. They are now pursuing a court settlement for this deficiency and other serious deficiencies by Coachmen.

♥ Ron Kunzelman found his 1999 Aerbus motor home overloaded on the rear axle by 40 pounds before loading it with persons or supplies. Although it apparently had adequate payload because the front axle was under its GAWR by 1,800 pounds, he could not find a way to balance the load so that it would not exceed the rear axle rating. After recognizing the

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WHAT’S INSIDE

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discrepancy, Rexhall exchanged the motor home for a satisfactory one.

♥ Fifth wheels are not exempt from weight and balance problems. When Frank Durance suspected excessive hitch weight on his new SunnyBrook trailer, he took it to the scales. He found that the hitch weight exceeded the truck capacity by almost 1,000 pounds. When he bought the trailer, the manufacturer said the hitch weight was 2,000 pounds dry, well within the capacity of his ¾ ton pickup. With water, batteries, and propane, he found the hitch weight was 2,700 pounds. With a small load of supplies the hitch weight rose to well over 3,000 pounds. Upon investigation, he found all holding tanks and storage compartments well forward of the axles. Fifty percent of every pound loaded would go onto the hitch. To tow safely, he will need to switch from a ¾ ton to a 1-ton truck.

The battle to correct the deficiencies in RV weight and balance is one-sided. The RV Industry Association (RVIA) and individual manufacturers are putting so many millions of dollars into the pockets of lawyers and lobbyists that individuals have a tough time even getting the courage to take them on. The frustrations and the financial costs of doing battle are beginning to mount on both sides. Unless agencies like the National Highway Traffic Safety Administration (NHTSA) see the problem as a safety issue, the situation will get worse before it gets better. You can help by becoming familiar with the issue and talking it up with your RVing friends. Get anyone with a complaint to notify NHTSA by calling 1-888-DASH-2-DOT or enter a complaint online at <http://www.nhtsa.dot.gov/cars/problems/ivoq/default.html>. If NHTSA doesn't get complaints from RVers, the problem doesn't exist.

WHAT MEMBERS HAVE TO SAY

Some people have said that RV Consumer Group is being too tough on motor home manufacturers. I am writing to tell you that I think you are not being tough enough when it comes to the evaluation of payload. I am concerned that the payload calculations in *The RV Rating Book* may be giving your readers overly optimistic and incorrect conclusions regarding available payloads.

Your payload calculations take into account only the gross vehicle wet weight - the combined weight on both axles, not the actual weights on each individual axle. We experienced this problem when we discovered that our overweight motor home was seriously out of balance front to rear. With full tanks of gasoline, propane and water, and the coach otherwise empty, the rear end of the coach weighed almost the

maximum allowed load on the rear axle. If one looks only at the total gross wet weight of this coach and not at the actual load on each axle, you would conclude that this coach had 2,000 pounds of available payload. In our case, the only place to load is over the front axle. There is no way to put 2,000 pounds of payload over the front axle. If we attempt to fill any of the inside or outside compartments, it would increase the load on the rear axle, which is already at maximum.

In our case it is the rear axle that is overloaded, but I have also heard that many motor homes are overloaded on the front axle. I suspect that out-of-balance weight distributions similar to what we have experienced are typical for many of the motor homes being built today. I assume that the wet weight on either the front or rear axle of many 1999 motor homes is close to the GAWR ratings before any consumer payload has been added. I suggest that you ask motor home manufacturers for the per axle wet weights for each of their models. In my experience, having per axle wet weight data is the only way that motor home payload can be evaluated accurately.

What do you think? Am I right? Is this a good idea? Would any manufacturer willingly provide this data? What would you do if some manufacturers provided it but others refused? Is there some way that the Government could require this information to be provided to consumers?

Ron Kunzelman, California

Manufacturers withhold information about weights because it's to their financial advantage to do so. Beginning with the year 2000 models, RVCG will attempt to bring the issue of weight and balance to the forefront. We will request both dry and wet UVWs of motor homes and trailers. We expect strong resistance from the manufacturers. As you said, Ron, because it is the only way to check for balance before loading, it is something that must be done. If it isn't done voluntarily, we are ready to take the issue to state legislatures and the federal government. You should expect, however, that this will be a tough and dirty fight. The RVIA will use millions of dollars to keep us from accomplishing these objectives.



I would like to comment on a couple of articles on your website about trailer sway and loss of control. Your response was that short wheelbase of the tow vehicle was the problem. While that may have been a factor, I do not believe it to be the primary one. I believe that the problem comes from the center of gravity of the trailer being too far aft. I have read that at least 15% of the trailer weight should be on the tongue of the trailer.

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It is not uncommon to see semi-trucks going down the road with a very short wheelbase tractor and a 45' trailer. Nearly half of the trailer weight is then on the truck, which is designed to carry it. Of course, a tow vehicle that is too small has the potential of having too much weight aft even if the trailer is properly balanced. I think this is why fifth wheel trailers have become so popular.

I have noticed that you are very concerned with wheelbase ratios in motor homes. I think the real issue is weight distribution. If a motor home has lots of overhang, there is potential for unfavorable weight distribution. With a lot of overhang out from the axles, there could be an adverse impact to leverage from excess weight. The rear engines concern me some. I imagine that the wheelbase ratios to which you refer, 52% or 54%, normally take care of any problems with the way the weight is distributed in a motor home. I think a rig with less than 50% wheelbase ratio could be perfectly safe if the weight were distributed between the axles. Motor homes with a greater than 54% wheelbase ratio could be bad if the weight were distributed mostly beyond the axles.

Ed Meyer, Alaska

You are quite right in that distribution of weight is important, but not in saying that load distribution is a primary cause of loss of control. A fact heavily published in the commercial trucking industry, and supported by various government agencies, is that wheelbase and braking are the two primary factors for maintaining control of the vehicle. If the wheelbase is long enough and the braking is good enough, any towing vehicle should be controllable under most conditions when the vehicle is properly loaded. If a vehicle is overloaded or if the load is not reasonably balanced, all bets are off in regards to controllability.

Accident data clearly show that commercial and noncommercial trailers are subject to high risks under certain conditions. With RVs the risk increases proportionately with a decrease in wheelbase more than in commercial vehicles. Two primary reasons for this increase in risk are: (1) RVs are not as well designed as commercial vehicles, and (2) RV drivers, who are not professional drivers, are not cognizant of wheelbase-to-length ratio importance. Many other factors are important. Braking, load distribution, weight on towing vehicle, placement of axles on trailer, and hitch configuration undoubtedly enter into the risk equation.

Short wheelbase motor homes are a serious problem. There is much evidence that wheelbase-to-length ratios under 50% are not controllable under adverse road conditions whether or not the load is perfectly distributed. However, whether you are driving a motor home or towing a trailer, to ignore that wheelbase is the primary controllability factor is quite foolhardy. If you compromise on wheelbase, you better monitor all those other factors very closely. ♥



Court of Public Opinion Updates

Village RV vs Christensen

On November 23, 1998 Kay Christensen was scheduled to have her small claims judgement appeal case heard in Superior Court. A pro-tem judge was assigned to the case at the last minute because the regular judge was not available. There was a delay in the new judge reaching the court so the bailiff suggested that Kay and Village RV use the adjacent conference room to see if they could hammer out an agreement.

Mary Watterson, Director of Legal Affairs for Village RV, told Kay that things had gotten out of hand and the whole situation was blown up more than it needed to be. She said that Village RV had reconsidered their stance and decided that they were not going to pursue their claim to the \$3500 judgement and just wanted the whole matter to go away.

Kay and her attorney asked if papers could be drawn that would affirm this new declaration of Village RV's position. Watterson answered that they would be forthcoming and sent to the attorney's office in a short time. Kay and her attorney went back into court and dropped their appeal before the case was heard.

Kay has signed the agreement papers from Village RV attesting to the fact that the claim against her has been dropped.

To read about this case, go to the Court of Public Opinion section in our website and look for case #1998-6.

Monaco vs Biddle, case #1999-2

“As unbelievable as it may seem, the printout shown is a single-spaced itemized list of the repairs done to our new motor home.”

Danny Biddle



Check out our Court of Public Opinion at www.rv.org

Compartments — to fill



or not to fill



New RV buyers are mesmerized by large storage compartments. Because human beings are becoming more attached to possessions with the advent of the technological age, there is a greater desire to take it all with you. Large storage compartments tend to satisfy that desire. A few manufacturers put it on the line in the owner's manuals. In the manual's instructions, you will probably be told that the large storage compartments are designed to give you latitude for distributing the weight. You might be told that you shouldn't plan on taking more than a few hundred pounds of supplies with you. In many cases, you will find that the "few hundred pounds" suggestion is correct.

What the manufacturers are saying, in essence, is that you can't really go by the size of the compartments to judge how much you can take with you. This information is not, of course, in the manufacturer's brochures. It is not information available to you until after you buy the RV. By the time you read the complete owner's manual, you may be sitting at a lake in a state of bliss with your



This motor home has two large compartments that go all the way through from one side to the other. Although this is very convenient storage, this particular motor home has less than 1,000 pounds of payload capacity.

crammed-full-of-goodies RV nearby. If you are a conscientious person, you will never be the same. Regardless of how you try to shrug it off as some technical disclaimer, deep down inside you'll know that you've been taken. Every time you apply the brakes, you'll wonder about overloading. Every time the RV doesn't handle right, you'll wonder about overloading. You'll know you should weigh the RV, but you'll hesitate to do so. You might not want to know that the vehicle you are riding in is unsafe. You'll also know that your dream RV will have to go away sooner than you planned. It may not be earth shattering, but it will be frustrating.

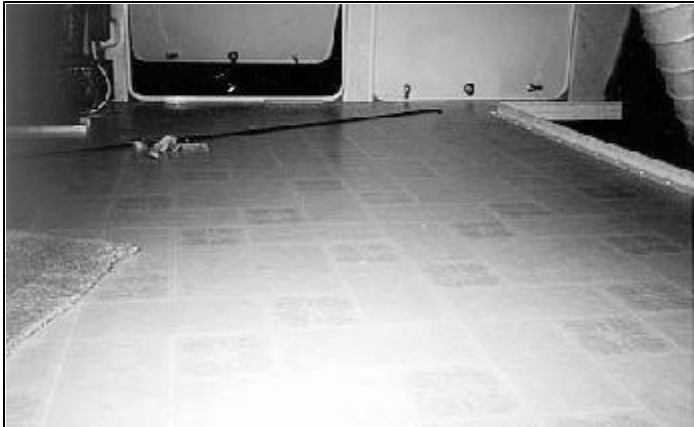
There is something you can do about it before and after. Begin by scrutinizing and questioning all weight data published. You will need to know the various terms like, GVWR, GAWR, UVW, GAW, GVW, NCC, payload, and curb weight. It begins here — it doesn't end here.

Once you are informed, you'll weigh the RV at front and rear before you sign the final papers. Because you need to weigh the RV with fresh water tank and fuel tank full, however, you might have a problem with the dealership. If the dealership is reluctant to fill the RV with fresh water and fuel, you'll need to do some fancy calculations. All this will be part of your education. (RVCG will help with the education.) With motor homes be sure to have enough left over on the front axles to carry driver and passengers. With trailers be sure that the hitch weight is within acceptable limits so that the towing vehicle will respond well to the load. In every case you'll need to anticipate what you'll be loading, how much it will weigh, and where you'll be loading it.

Being a conscientious RVer means being concerned about your RV's weight and balance. Without this concern, your life and the life of others may be in jeopardy. Do it for yourself and you'll be doing it for all of us.

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**Research the payload capacity before you buy.
The RV Rating Book gives you this information.**



Is this a dance floor? No! It's the front storage compartment in a fifth wheel. How much can you store in here? You can store well over 1,000 pounds very easily. Over 50% of this weight will be put onto the hitch. Will your truck carry that much more? Where is the fresh water tank? How much of that weight goes on the hitch? Many questions need to be answered correctly.



The engineers designed the operating mechanism on this slideout to keep it working for many years under its own weight — about 600 pounds. How long will this loose fitting room function if you load it with another 600 pounds of supplies?



This storage compartment looks just about the right size. But what if the fresh water tank is also placed at the rear? Will whatever weight you put in this compartment reduce the weight on the front? Will it make the front too light? Whenever a storage compartment is at the rear, you can develop problems at the front.



This storage compartment is just forward of the motor home's rear axle. That's where it should be. It's a reasonable size and placed in the right spot. If the RV you're looking at isn't as fortunate, you'll need to do some careful calculations and make some serious considerations.

**Call 1-800-405-3325 to order
The RV Rating Book.**

Countertops that work...

A good workshop countertop, home-kitchen countertop, or galley countertop must be designed for a particular type of activity with consideration to special circumstances. Workshop countertops are almost always designed for work efficiency. A home-kitchen countertop is usually designed to serve family style meals with the use of multiple modern gadgetry. Galleys in boats, motor homes, and travel trailers must be compact, superbly designed for simple meal preparations, forgiving to spills from unlevelled conditions, and easy to clean. Galley countertops are the most difficult to design.

The countertop in photo 1 is compact. It is made of durable material that is easy to clean. It has a backcap and endcap to control accidental spills. You can't see the stovetop because it has a cover that is made of the same material as the countertop. It could be Corian or some other type of hard service countertop designed to withstand the cutting, preparing, and cleaning activity that takes place in such a small activity area. This would be an ideal countertop for snowbirding or fulltiming.



Photo 1

Photo 2 shows a countertop that will work if one is careful about cooking spills. Notice that there is a slight endcap to stop spills from dripping on the sofa, but nothing to stop cooking spatter. It does, however, have an excellent countertop backcap that should keep water from getting behind the counter and make it easy to wipe up any spills.



Photo 2

Photo 3 shows a plexiglass barrier that will keep cooking spatter away from the furniture. Notice, however, that in photo 3 the window blinds are close to the stove. Although the stovetop cover will act somewhat as a shield for spatter, one will have to be careful when cooking, or cleanup might become a chore. Because we need plenty of light and air in an RV, this compact design should work well for vacationing or light-snowbirding use.



Photo 3

Most vacation-class galleys have stoves well set into the countertop as shown in photo 4. Notice that the countertop has a short backcap to help seal the counter and assist in cleaning. It needs, however, a spatter shield to the left of the stove. Many used RVs show signs of deterioration on the walls because wiping spatter is often hard on the thin vinyl used as wall covering. This countertop design is okay for weekend and vacationing use.



Photo 4

and countertops that don't

What works at home might not work on the road. Because RVers often find themselves preparing food with the RV unlevelled, spills will make for tough cleanups of cabinets and floors. Large island countertops as shown in photo 5 might work for RVers who stay put more than they travel.



Photo 5

Photo 6 shows a countertop that doesn't work at all. There is no counter endcap to stop items or spills from getting onto the sofa and floor. There is no counter backcap. Only a round beading called "gimp" is shown between the wall and the counter. Gimp is not designed to prevent moisture from getting between the counter and the wall. Gimp makes it difficult to thoroughly clean the countertop. We find many countertops warping because they were not properly sealed where contacting the wall.



Photo 6

The countertop in photo 7 has a "reverse cove" trim to seal between it and the wall. This trim generally works well for vacationing use if correctly applied. Notice, however, that there is no countertop endcap or spatter guard to protect the sofa from spills.



Photo 7

In photo 8, the plastic facing-trim has gaps that will allow food particles and moisture to get into the countertop.

If the galley work area doesn't work, then RVing will be more chore than fun.



Photo 8

RVers need to reject those designs that will depreciate the RV because of warping counters, upholstery stains, and soiled carpets. You also need to think of hygiene. One major manufacturer uses nothing but gimp between the countertop and the wall. The only way this countertop can be properly cleaned is with a small brush that will reach under the oval gimp. This is not practical. Because most countertops are made with composition wood, warping quickly takes place whenever moisture gets into the material. Countertops with gimp as a sealant should always be rejected as substandard. Gimp is designed to be placed between partitions to cover imperfections in manufacturing. It was never designed as a sealant.

Some manufacturers use silicone sealants between the countertop and wall. This might work if carefully applied. We have seen some that do and some that don't. If you are planning on serious activity in the galley, always look for countertops that have endcaps, backcaps, and spatter shields. Be sure that any facing trim is tightly glued to the countertop, is gap free, and is not made of a material that will look worn as soon as the newness is gone.

Choosing a good galley isn't easy, but it's extremely important. ♥

A TECHNICAL ASPECT OF WEIGHT AND BALANCE

Questions relating to weights and balance have plagued the RV industry for over 20 years. Critical issues of safety and efficiency did not emerge as a major safety concern, however, until the advent of slideout rooms in the early nineties. This report is designed to explore the issue of weight and balance, define the status of regulatory solutions, and approach those safety concerns.

In considering a vehicle's weight rating and balance, there are three key factors: gross vehicle weight rating (GVWR), gross axle weight rating (GAWR), and cargo carrying capacity (payload). In the commercial trucking sector, GVWR is the total capacity weight of the vehicle. A truck's cargo carrying capacity is the GVWR less the actual weight of the vehicle. The controlling variable for any vehicle, semi-truck, or motor home, is the manufacturer's specified maximum load that each axle can carry – the GAWR. The American RV industry uses the same terminology with a slightly different vocabulary.

Weight ratings begin with unloaded vehicle weight (UVW). The UVW is defined as the weight of a factory built RV with full fuel tanks. As with a commercial vehicle, the difference between an RV's UVW and GVWR is the net carrying capacity or payload.

The issue of weight is mostly about the total payload of the RV. The issue of balance is about the difference between the weight carrying capacity available at each axle when the RV is without fresh water (dry weight) and when it has some amount of fresh water capacity in various holding tanks (wet weight). When the typical owner loads their motor home or travel trailer with a few family members and supplies for a weekend excursion, they should not expect to exceed the gross vehicle weight rating or the safe rating of any axle. But increasingly, RV travelers have discovered unpleasant surprises behind the glossy ads.

The weight and balance problem now facing the RV industry has been compounded by profit on one end and consumer demands on the other. Although a few quality-conscious manufacturers have emerged with vehicles that set a benchmark for safety and high value for the buyer, it is clear that a large number of companies take advantage of the lack of consistent standards or enforceable regulations. Too many factories turn out motor homes and trailers that become unacceptable to consumers and a significant hazard on our roads

and highways. The issue is discussed among the RV manufacturers, but always behind closed doors. This environment was created by legislators and enforcement agencies who decided during the 1970's that a "hands off" approach would allow an industry, then in its infancy, to innovate and develop products to satisfy a new market. But with sales now over \$12 billion annually and almost 9 million owners nationwide, the problem is ready to blow the lid off a Pandora's box. RVers are beginning to take their claims to the courts. Lawyers are beginning to ask for punitive damages. Judges and juries are beginning to listen.

RV consumers are becoming more knowledgeable. They are beginning to demand value for what they pay. They want vehicles that meet reasonable safety standards, vehicles that will hold their value and not deteriorate rapidly, and vehicles that have the strength and capacity to accommodate real families and their belongings. In legal language this is often called

"reasonable use for the intended purpose". It is this "reasonable use" that is in the mind of every honest manufacturer who is serious about turning out a product that truly meets the expectations of consumers. Careless disregard of this principle is usually at the heart of most product liability lawsuits; and, in extreme cases, it has caused injury and even death to unsuspecting RV owners. From the factory to the road the debate continues over the margin of safety built into every RV and the practical needs of owners to carry people and cargo. Data collected by RV Consumer Group directly from buyers and owners indicates that 20% to 25% are concerned about the strength and safety of RV bodies. More troubling is the information gathered from the industry itself that shows approximately 30% of all motor homes have chassis that are moderately to severely overloaded when delivered by the manufacturer. Many of these motor homes may allow payloads of as little as 300 pounds before exceeding the manufacturer's specified gross axle weight rating (GAWR). When, in the worst cases, RVs exceed their weight ratings when loaded only with fuel and water, any hope of reasonable use disappears. Since positioning and balancing payload on an overloaded chassis will always affect safe handling on the road, owners of such vehicles must choose to risk significant hazards each time they drive.

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Even if drivers and passengers can avoid collision or other accidents, overloaded RVs are vulnerable to a variety of structural and equipment failures. Defective weight and balance design can cause extreme stresses throughout the vehicle frame. Chassis rails can and do fracture – twisting door frames, breaking plumbing connections and separating weather seals. Wear and tear on brake components and transmissions increases noticeably, with measurable impacts on safety and efficiency.

Many manufacturers continue to deny these problems exist, even while the National Highway Traffic Safety Administration (NHTSA) struggles to investigate a growing number of complaints and issues recall orders. In 1997 and 1998, NHTSA ordered recalls of twelve RV models with chassis related problems. These actions involved some of the largest companies in the industry: Fleetwood, Coachmen, Jayco and Gulf Stream among others. Defects and failures ranged from cracked welds on frame plates to loss of steering control. Despite the increasing evidence, many RVs are still designed without regard for weight and balance factors, as the builders fight to defeat or delay new safety regulations and consumer protection laws through their lobbying arm, the Recreation Vehicle Industry Association (RVIA).

RVIA's involvement as a lobby group is aggressive. An example of their aggressiveness is the recent RVIA sponsored amendment that created a new obstacle course for RV owners seeking a remedy under Washington State's lemon law, RCW 19.118. The change now requires that no claims can be filed until a vehicle has been out of service for 60 days, instead of 30 as provided in the original statute. Under the new law the owner is now responsible for notifying each component manufacturer individually before taking action. Previously the builder completing the final assembly of the RV components was assumed to be responsible for the finished product. According to RVIA, the amendment "allows the manufacturers an opportunity to coordinate repairs."

RVIA flexed more muscle in May of 1998 when it held a private meeting with representatives of the National Highway Traffic Safety Administration in Washington, D.C. Lobbyists argued that manufacturers, rather than NHTSA specialists, should take the lead in developing any new RV safety standards. RVIA's position was that they would need "more time to validate information," and that public input would be premature. The impact of vehicle weight on performance factors like braking and maneuverability is treated as a problem caused by owners who carelessly ignore load limits. Subsequent to RVIA's aggressive moves, NHTSA has indicated

that it has no plans to develop new information on RV safety.

The stalemate created by indecisive lawmakers and industry lobbyists determined to win special treatment for manufacturers does not favor new reforms. Although the federal government and many states enforce strict safety standards for all classes of commercial vehicles, the RV industry has, so far, been successful in insisting that standards set for buses, heavy vans, trucks and commercial trailers simply should not apply to motor homes and travel trailers. Under the industry's self-regulation approach, few penalties are imposed on manufacturers who may deliberately overload chassis to the point where strength and controllability are compromised. The debate over special status for RVs goes on despite the fact that (1) virtually all recreational vehicles use commercial axles and suspension components with clearly defined weight ratings; and (2) many RVs are built directly onto modified truck and bus chassis. The cold reality for consumers

is that under this double standard, bulk freight may be better protected than RV occupants.

Although it may be unrealistic to expect sweeping vehicle safety initiatives on the state or federal level, understanding the scope of existing laws can be important for RV owners planning

to take direct action on their own. While there are few special rules regulating the safety of motor homes or travel trailers, some protections are available under wider legislation dealing with vehicle and traffic safety. The shared mission of federal agencies such as the Department of Transportation (DOT), NHTSA and the National Center for Statistics and Analysis (NCSA) is to arm consumers with valuable information. These agencies are the key players in motor vehicle regulation in the U.S. Their roles are divided as follows:

DOT: Created in 1967, the agency consists of 7 administrations including the Federal Highway Administration, NHTSA, Federal Transit Administration and the Research and Special Programs Administration. DOT has broad responsibility for transportation safety improvements and enforcement. In this role the agency prepares all legislation related to transportation and coordinates issues with other departments at the federal level. DOT is further mandated to provide technical assistance to states and cities dealing with planning objectives and safety issues. The agency operates the National Crash Alert System to aid in gathering accident information. The Department also acts as a watchdog through consumer protections written into one of their primary enforcement statutes, 49 USC 301.

The cold reality for consumers is that under this double standard, bulk freight may be better protected than RV occupants.

NHTSA: Since it was established in 1970 this agency has been officially charged with reducing deaths, injuries and economic losses from motor vehicle crashes. It does so under the authority of the DOT and provisions of the Motor Vehicle Safety and Highway Safety acts of 1966. NHTSA conducts research on traffic safety and investigates safety defects in all classes of motor vehicles. It has a small but detailed database of information on RVs, which are categorized for study purposes along with light trucks. The agency has primary responsibility for enforcing regulations known as Federal Motor Vehicle Safety Standards (FMVSS), an area of increased concern to the RV industry lobby RVIA. NHTSA's most powerful enforcement tool, in addition to fines, is the authority to order manufacturer recalls on any vehicle which it determines to be unsafe or defective.

NCSA: The foundation for much of the federal regulatory role rests on detailed and accurate analysis of the stream of data collected on vehicle safety. The National Center for Statistics and Analysis was established for this purpose in the 1970's as an office of NHTSA. NCSA's role includes study of human, vehicle, and environmental factors related to crash frequency and injuries. RV owners who want to focus official attention on accidents or defects related to weight and balance problems should pay special attention to the investigation and reporting services provided by NCSA. The office produces annual fact sheets on a wide variety of vehicle accident data, and also operates a field unit called Special Crash Investigations (SCI). SCI deploys professional crash investigators to gather information from accident scenes, assess damaged vehicles and interview witnesses. The current focus is on effectiveness of seatbelt and airbag systems, but actual case selection is based on the program manager's discretion. SCI will respond to public concerns on RV safety if a significant number of complaints are received. A 24-hour toll free line is available for accident reporting at 1-877-201-3172. Requests for fact sheets should be directed to NCSA at 1-800-934-8517.

More direct interaction between consumers and government agencies can make it clear where the public interest really lies and may pay off in better enforcement. Any owner of a vehicle with design defects who receives poor treatment from the dealer or manufacturer should consider contacting DOT and NHTSA as an option. Federal law in 49 USC 301 sec. 30117 requires that all manufacturers report significant problems that occur in vehicles sold to the public. Such reports become public record when filed. Notification must be given not only to DOT but also to individual

purchasers. Failure to comply with these provisions may result in a fine of up to \$800,000 for repeat violations. But most important for the consumer are the terms of 49 USC 301 sec. 30121, which hold manufacturers liable to purchasers in civil actions when notice of defects is not given.

A pattern of complaints regarding RV frame and chassis defects can trigger investigation or recall by NHTSA. Owners should make an effort to coordinate their reporting when they are aware of a common problem experienced by purchasers of a particular make or model. Both DOT and NHTSA maintain a toll free hotline for reporting problems with vehicle safety at 1-888-327-4236. Agency policy on defect reports is that complaints will receive a follow-up response to the reporting party. Five or more individual complaints may flag the vehicle for investigation.

Accessing the resources and authority of government agencies may be a good strategy for consumers willing to be patient in building a case and resolving their complaints, but other RV owners may need timely remedies for immediate problems. When dealers and manufacturers fail to honor warranties or repair obvious design defects, the most effective

Any owner of a vehicle with design defects who receives poor treatment from the dealer or manufacturer should consider contacting DOT and NHTSA...

measure may be an action for product liability. Product liability laws vary in certain aspects from state to state, but most offer advantages over lemon law statutes. Limitations on liability and the requirement for mandatory coordination of repairs generally do not apply. In Washington state, for example, product liability provisions under RCW 7.72 continue in full force despite the RV industry's raid on lemon law protections. Under terms of 7.72.030 (2), "A product manufacturer is subject to strict liability to a claimant if the claimant's harm was caused by the fact that the product was not reasonably safe in construction, or not reasonably safe because it did not conform to the manufacturer's express warranty or to the implied warranties." Here the issue of the consumer's expectation of reasonable use becomes a major factor, and allows RV owners to collect damages for property loss in addition to physical harm.

If a manufacturer or dealer provides false or misleading information regarding an RV's weight and payload ratings, many states will allow claims for unfair business practices under consumer protection laws. California Civil Code sec. 1770(a) defines deceptive sales methods as, "Representing that goods or services are of a particular standard, quality or grade...if they are of another," and, "Representing that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits or quantities which they do not have." California courts have ruled that this broad language applies to vehicle advertising and misleading statements made to pro-

spective buyers, and routinely approve punitive damages where violations are proven.

But when litigation is the only tool available to curb the negligence of irresponsible manufacturers, solutions may be slow in coming. RV builders who ignore good design to produce overloaded and poorly balanced vehicles do so in a competitive market where buyers demand more luxuries and more room. Consumers who pay top dollar for motor homes and travel trailers are outraged when their investments are wasted on products that do not perform. The trust and objectivity needed to create reasonable standards for safety and practical use becomes more remote even as the industry argues for more self-regulation. Without consensus, federal agencies are reluctant to propose new rules that could provide real and fair solutions.

But at least one model of cooperative problem solving outside the U.S. shows that a partnership between consumers, government and industry can get results. Canada's Motor Vehicle Safety Act of 1978 weighed the interests of all parties in an RV market that relies on steady domestic sales and healthy exports for survival. The Act took a realistic approach to safety requirements based on the standard industry ratings for all vehicle components. The result was a clear, no-nonsense regulation that Canada's consumers and RV manufacturers have lived with for 20 years. Section 8 states: "Where a company completes the assembly of a vehicle from a chassis-cab or from a truck tractor not fitted with a fifth-wheel coupling, the company shall ...respect the gross axle weight ratings and gross vehicle weight ratings recommended by the original manufacturer [and] ensure that they are within the load carrying capacity of the vehicle's components when the vehicle is loaded for its intended use." The rule also applies to RVs built on modified platforms.

The Act provided more guidance in 1998 by adopting a formula that offers a working definition of gross vehicle weight rating (GVWR), and its real-world relationship to passenger payload. In section 5.2 GVWR is formulated as: "...not less than the sum of (a) the unloaded vehicle mass, (b) the cargo carrying capacity, (c) the product obtained by multiplying the designated seat capacity by 55 kg. [approximately 121 lbs.] in the case of a school bus, or by 70 kg. [approximately 154 lbs.] in any other case, and (d) in the case of a vehicle having living or sanitary accommodations [RVs], the mass of its fresh water, hot water and propane tanks, but not its waste water tanks, when full." Although the Act has not specifically addressed balance, it is reasonable to make this the next step.

A standard that actually puts people in the equation of RV payloads is like a breath of fresh air. Canadians cut through the haze of endless bureaucratic studies and industry double-talk to achieve what has so far eluded their colleagues south of the border — a rule that works and can be

understood. Importing the same common sense might be good business. Whether such model regulations gain acceptance here, American consumers should expect that it will be up to them to take the initiative. The stakes go beyond economics and simple mechanics. There is no way to justifiably downplay the issue of weight and balance in RV design. A close look at vehicle specifications and industry sales figures indicates that there may be as many as 2 million overloaded and defective RVs on the road. The risks to life and property are real. As the regulation game between manufacturer and government agencies goes on, valuable information is shuffled further down the deck, and the public's right to know is largely ignored. State governments and the courts may be necessary alternatives to federal agencies that are reluctant to extend their mandate to protect public safety. There are choices to be made, but there is little reason to believe that this important safety issue will not be with us for years to come. ♥

This report is not intended, nor should be used, as a legal guide. It is merely a summary of the weight and balance issue.

According to the Society of Automotive Engineers

"A vehicle may be loaded in varying configurations that affect its mass properties during normal use. These properties include total mass, center of gravity (Cg) location, and moments of inertia. The ranges of these parameters, which are determined by the varied load configurations, define the vehicle's mass property envelopes.

Vehicle Cg location, mass, and mass moments of inertia are vehicle mass properties. Changes in a vehicle's mass properties, while by no means the only factor, produce first order effects of handling, controllability, and roll stability. Vehicle mass properties are affected by vehicle load."

For more information on weight limits and State limitations on RV widths, check the Laws & Legalities section of the Member Library in our website at www.rv.org.

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◆ No luxury tax — for now...

RVs have been omitted from the luxury tax. Currently, the tax applies to automobiles above \$30,000 and weighing 6,000 pounds unloaded vehicle weight or less. This includes trucks and vans, except that only trucks and vans with a loaded gross vehicle weight of 6,000 pounds or less are subject to this tax.

The tax does not apply to the sale of any passenger vehicle for use by the purchaser exclusively in the active conduct of a trade or business of transporting persons or property for compensation or hire. Thus, the tax excludes most motor homes due to their weight and all travel trailers. The law only applies to automobiles, not trailers.

◆ P32 Motor Home Chassis Discontinued

General Motors (GM) discontinued production of its P32 motor home chassis during December 1998. Related assets were sold to another company in Indiana. GM will continue to stand behind all of its warranty and parts supports for motor home chassis products produced and sold by Chevrolet.

◆ RV Salespeople: Get listed in our directory

We are now including in our database the names of RV salespersons who purchase the current edition of *The RV Rating Book* to become familiar with our ratings and information. The dealership name, address, telephone number, and all the brands they carry are listed under the salesperson's name. This information is made available to our members when they inquire where a particular brand is sold in their area.

To participate, all a salesperson needs to do is purchase a copy of *The RV Rating Book* and a subscription to the *RV Reporter*. \$68 includes s/h.

RV salespeople need to be better informed about their products and ratings.

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We will discuss rollover protection, structural integrity, and related accidents involving RVs.

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