

110TH CONGRESS
1ST SESSION

S. 1815

To assure compliance with basic standards for all-terrain vehicles in the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 18 (legislative day, JULY 17), 2007

Mr. STEVENS introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To assure compliance with basic standards for all-terrain vehicles in the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION. 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “All-Terrain Vehicle Standards and Compliance Act of
6 2007”.

7 (b) **TABLE OF CONTENTS.**—The table of contents for
8 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Adoption of ANSI ATV standard as a consumer product safety standard.

Sec. 3. Modification of standard.

Sec. 4. All-terrain vehicles to which standard applies.

Sec. 5. Action plans.
 Sec. 6. Labeling and certification.
 Sec. 7. Definitions.

1 **SEC. 2. ADOPTION OF ANSI ATV STANDARD AS A CON-**
 2 **SUMER PRODUCT SAFETY STANDARD.**

3 (a) IN GENERAL.—Within 90 days after the date of
 4 enactment of this Act, the Consumer Product Safety Com-
 5 mission shall promulgate a consumer product safety
 6 standard for all-terrain vehicles and publish the standard
 7 in the Federal Register. The consumer product safety
 8 standard shall be the same as the American National
 9 Standards Institute/Specialty Vehicle Institute of Amer-
 10 ica’s publication entitled “Four Wheel All-Terrain Vehi-
 11 cles—Equipment, Configuration and Performance Re-
 12 quirements ANSI/SVIA 1–2001”, except that—

13 (1) the Commission shall modify the definition
 14 of an all-terrain vehicle in that standard by deleting
 15 any reference to a single rider and no passenger;

16 (2) the standard shall clearly indicate that it is
 17 a consumer product safety standard promulgated by
 18 the Commission; and

19 (3) the Commission may make any other nec-
 20 essary changes in format or style necessary to con-
 21 form the standard to the format and style of other
 22 consumer product safety standards promulgated by
 23 the Commission.

1 (b) CERTAIN PROVISIONS OF LAW NOT APPLICABLE
 2 TO INITIAL STANDARD.—Sections 7, 9, 11, and 30(d) of
 3 the Consumer Product Safety Act (15 U.S.C. 2056, 2058,
 4 2060, and 2079(d)) and section 553 of title 5, United
 5 States Code, shall not apply to promulgation of the con-
 6 sumer product safety standard required by subsection (a).

7 **SEC. 3. MODIFICATION OF STANDARD.**

8 (a) ANSI REVISIONS.—If the American National
 9 Standards Institute modifies its all-terrain vehicle stand-
 10 ard after the date on which the ATV standard is published
 11 in the Federal Register under section 2(a), it shall notify
 12 the Commission of the modification.

13 (b) COMMISSION ACTION.—

14 (1) IN GENERAL.—Within 120 days after it re-
 15 ceives notice of such a modification by the American
 16 National Standards Institute, the Commission
 17 shall—

18 (A) issue a notice of proposed rulemaking
 19 in accordance with section 553 of title 5,
 20 United States Code, to amend the ATV stand-
 21 ard to include any such modification that the
 22 Commission determines is reasonably related to
 23 the safe performance of all-terrain vehicles; and

24 (B) notify the Institute of any provision it
 25 has determined not to be so related.

1 (2) DEADLINE.—The Commission shall promul-
 2 gate an amendment to the ATV standard under
 3 paragraph (1)(A) within 180 days after the date on
 4 which the notice of proposed rulemaking for the
 5 amendment is published in the Federal Register.

6 (c) UNREASONABLE RISKS OF INJURY.—Notwith-
 7 standing any other provision of this Act, the Commission
 8 may amend the ATV standard to include any additional
 9 provision that the Commission determines is reasonably
 10 necessary to reduce unreasonable risks of injury associated
 11 with the performance of all-terrain vehicles.

12 (d) CERTAIN PROVISIONS OF CPSA NOT APPLICA-
 13 BLE.—Sections 7, 9, 11, and 30(d) of the Consumer Prod-
 14 uct Safety Act (15 U.S.C. 2056, 2058, 2060, and
 15 2079(d)) shall not apply to promulgation of any amend-
 16 ment of the ATV standard under subsection (b)(1)(A). Ju-
 17 dicial review of any amendment of the ATV standard
 18 under subsection (b)(1)(A) shall be in accordance with
 19 chapter 7 of title 5, United States Code.

20 **SEC. 4. ALL-TERRAIN VEHICLES TO WHICH STANDARD AP-**
 21 **PLIES.**

22 (a) IN GENERAL.—The ATV standard shall apply to
 23 all-terrain vehicles manufactured in the United States, or
 24 imported for use in the United States, more than 150 days

1 after the date on which the ATV standard is published
2 in the Federal Register.

3 (b) COMPLIANT MODELS WITH ADDITIONAL FEA-
4 TURES.—The ATV standard shall not be construed to pro-
5 hibit a manufacturer or importer of an all-terrain vehicle
6 that complies with the requirements of the consumer prod-
7 uct safety standard from manufacturing or distributing
8 any such all-terrain vehicle that incorporates characteris-
9 ties or components that are not covered by the consumer
10 product safety standard. Any such characteristics or com-
11 ponents shall be subject to the requirements of section 15
12 of the Act (15 U.S.C. 2064).

13 **SEC. 5. ACTION PLANS.**

14 (a) ACTION PLAN REQUIRED.—

15 (1) IN GENERAL.—Each manufacturer or im-
16 porter of an all-terrain vehicle to which the ATV
17 standard applies shall submit an action plan to the
18 Commission for its approval.

19 (2) COMMISSION APPROVAL REQUIRED.—If the
20 Commission approves an action plan, it shall indi-
21 cate its approval in writing. The Commission may
22 not unreasonably withhold approval of an action
23 plan.

24 (3) EXISTING ACTION PLANS.—An action plan
25 submitted to the Commission by a manufacturer or

1 importer before the date of enactment of this Act is
2 deemed to have been approved in writing by the
3 Commission.

4 (b) COMPLIANCE WITH ACTION PLAN REQUIRED.—

5 (1) IN GENERAL.—A manufacturer or importer
6 of all-terrain vehicles may not distribute an all-ter-
7 rain vehicle in commerce unless the manufacturer or
8 importer has complied with its obligations under its
9 action plan that has been approved by the Commis-
10 sion.

11 (2) REQUIREMENTS FOR 3-WHEELED ATVS.—

12 Until a mandatory consumer product safety stand-
13 ard applicable to 3-wheeled all-terrain vehicles pro-
14 mulgated pursuant to this Act is in effect, new 3-
15 wheeled all-terrain vehicles may not be imported into
16 or distributed in commerce in the United States.

17 (3) ENFORCEMENT.—Violation of paragraph

18 (1) or (2) shall be considered to be a violation of
19 section 19(a)(1) of the Consumer Product Safety
20 Act (15 U.S.C. 2068(a)(1)) and may also be en-
21 forced under section 17 of that Act (15 U.S.C.
22 2066).

23 (c) AMENDMENT OF ACTION PLAN.—

24 (1) IN GENERAL.—A manufacturer or importer
25 may amend an action plan approved by the Commis-

1 sion by notifying the Commission in writing of the
2 proposed amendment not less than 60 days before
3 the date on which the proposed amendment is to
4 take effect.

5 (2) COMMISSION REVIEW.—Within 60 days
6 after receiving notice of a proposed amendment, the
7 Commission shall approve or disapprove the pro-
8 posed amendment and notify the manufacturer or
9 importer in writing of its action. If the Commission
10 does not notify the manufacturer or importer of its
11 action within that 60-day period, the Commission is
12 deemed to have approved the proposed amendment.
13 If the Commission disapproves the proposed amend-
14 ment, the Commission shall include an explanation
15 in writing of the reasons for the disapproval in the
16 notification to the manufacturer or importer. The
17 approval or disapproval by the Commission of a pro-
18 posed amendment shall constitute final agency ac-
19 tion for purposes of judicial review under chapter 7
20 of title 5, United States Code.

21 (d) REVOCATION OF APPROVAL; RELEASE OF OBLI-
22 GATION.—

23 (1) REVOCATION.—If the Commission deter-
24 mines, after notice and the opportunity for a hear-
25 ing, that a manufacturer or importer has failed to

1 comply substantially with its obligations under its
2 action plan, the Commission may revoke its approval
3 of the action plan. The revocation shall constitute
4 final agency action for purposes of judicial review
5 pursuant to chapter 7 of title 5, the United States
6 Code. Upon receipt of notice of a revocation of the
7 action plan, the manufacturer or importer shall
8 cease further distribution in commerce of any all-ter-
9 rain vehicle subject to the ATV standard. The rev-
10 ocation by the Commission of its approval of a man-
11 ufacturer's or importer's action plan shall not pre-
12 clude the manufacturer or importer from submitting
13 another action plan under subsection (a)(1).

14 (2) RELEASE.—If the Commission determines
15 that compliance by a manufacturer or importer with
16 a specific requirement of its approved action plan is
17 not necessary to promote all-terrain vehicle safety, it
18 shall notify the manufacturer or importer in writing
19 of its determination and release the manufacturer or
20 importer from any obligation under this Act to com-
21 ply with that requirement.

22 **SEC. 6. LABELING AND CERTIFICATION.**

23 Pursuant to section 14 of the Consumer Product
24 Safety Act (15 U.S.C. 2063) each all-terrain vehicle to
25 which the ATV standard applies shall bear a label that—

1 (1) is permanent and allows viewing without re-
2 moving any part of the all-terrain vehicle;

3 (2) certifies that the all-terrain vehicle complies
4 with the consumer product safety standard and is
5 subject to an action plan accepted by the Commis-
6 sion;

7 (3) identifies the manufacturer, importer, or
8 private labeler issuing the certification; and

9 (4) contains sufficient information to enable the
10 Commission to identify the particular action plan or
11 letter of undertaking that applies to that all-terrain
12 vehicle.

13 **SEC. 7. GAO STUDY.**

14 The Comptroller General shall conduct a study of the
15 utility, recreational, and other benefits of all-terrain vehi-
16 cles, and the costs associated with all-terrain vehicle re-
17 lated fatalities and injuries.

18 **SEC. 8. DEFINITIONS.**

19 In this Act:

20 (1) ACTION PLAN.—

21 (A) IN GENERAL.—The term “action plan”
22 means a written document submitted to the
23 Commission by the manufacturer or importer of
24 all-terrain vehicles that—

1 (i) describes actions the manufacturer
2 or importer agrees to take to promote all-
3 terrain vehicle safety, including rider train-
4 ing, dissemination of safety information,
5 age recommendations, other policies gov-
6 erning marketing and sale of the vehicles,
7 the monitoring of such sales, and other
8 safety-related measures; and

9 (ii) is substantially similar to the
10 plans described under the heading The Un-
11 dertakings of the Companies in the Con-
12 sumer Product Safety Commission Notice
13 published in the Federal Register on Sep-
14 tember 9, 1998 (63 FR 48199–48204).

15 (B) LETTER OF UNDERTAKING.—The
16 term “action plan” includes a letter of under-
17 taking that meets the requirements of subpara-
18 graph (A).

19 (2) ALL-TERRAIN VEHICLE.—

20 (A) IN GENERAL.—The term “all-terrain
21 vehicle” means a motorized off-highway vehicle
22 designed to travel on 3 or 4 wheels that has—

23 (i) a seat designed to be straddled by
24 the operator; and

25 (ii) handlebars for steering control.

1 (B) EXCEPTIONS.—The term does not in-
2 clude—

3 (i) a prototype of an all-terrain vehicle
4 not available for sale; or

5 (ii) an all-terrain vehicle designed and
6 manufactured exclusively for research and
7 development purposes and not available for
8 sale.

9 (3) ATV STANDARD.—The term “ATV stand-
10 ard” means the consumer product safety standard
11 promulgated under section 2(a) of this Act.

12 (4) COMMISSION.—The term “Commission”
13 means the Consumer Product Safety Commission.

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