

**AMENDMENT THE AMENDMENT IN THE NATURE  
OF A SUBSTITUTE TO H.R. 4040  
OFFERED BY MR. HILL**

At the end of the bill insert the following:

1       **TITLE III—MISCELLANEOUS**  
2                               **PROVISIONS**

3       **SEC. 301. ALL-TERRAIN VEHICLE SAFETY STANDARD.**

4               (a) IN GENERAL.—

5                       (1) MANDATORY STANDARD.—Notwithstanding  
6               any other provision of law, not later than 90 days  
7               after the date of enactment of this Act, the Commis-  
8               sion shall publish in the Federal Register as a man-  
9               datory consumer product safety standard the Amer-  
10              ican National Standard for Four Wheel All-Terrain  
11              Vehicles Equipment Configuration, and Performance  
12              Requirements developed by the Specialty Vehicle In-  
13              stitute of America (American National Standard  
14              ANSI/SVIA-1-2007). The standard shall take effect  
15              150 days after it is published.

16                      (2) COMPLIANCE WITH STANDARD.—After the  
17              standard takes effect, it shall be unlawful for any  
18              manufacturer or distributor to import into or dis-  
19              tribute in commerce in the United States any new

1 assembled or unassembled all-terrain vehicle un-  
2 less—

3 (A) the vehicle complies with each applica-  
4 ble provision of the standard;

5 (B) is subject to an ATV action plan filed  
6 with the Commission before January 1, 2008,  
7 or subsequently filed with and approved by the  
8 Commission, bears a label certifying such com-  
9 pliance and identifying the manufacturer, im-  
10 porter, or private labeler and the ATV action  
11 plan to which it is subject; and

12 (C) the manufacturer or distributor is in  
13 compliance with all provisions of the applicable  
14 ATV action plan.

15 (3) VIOLATION.—The failure to comply with  
16 any requirement of paragraph (2) shall be deemed to  
17 be a failure to comply with a consumer product safe-  
18 ty rule under the Consumer Product Safety Act and  
19 subject to all of the penalties and remedies available  
20 under that Act.

21 (4) COMPLIANT MODELS WITH ADDITIONAL  
22 FEATURES.—Paragraph (2) shall not be construed  
23 as prohibiting the distribution in commerce of new  
24 all-terrain vehicles that comply with the require-  
25 ments of that paragraph but also incorporate char-

1       acteristics or components that are not covered by  
2       those requirements. Any such characteristics or com-  
3       ponents shall be subject to the requirements of sec-  
4       tion 15 of the Consumer Product Safety Act (15  
5       U.S.C. 2064).

6       (b) MODIFICATION OF ALL-TERRAIN VEHICLE SAFE-  
7       TY STANDARD.—

8               (1) ANSI REVISIONS.—If the American National  
9       Standard ANSI/SVIA-1-2007 is revised through the  
10      applicable consensus standards development process  
11      after the date on which the product safety standard  
12      for all-terrain vehicles is published in the Federal  
13      Register, the American National Standards Institute  
14      shall notify the Commission of the revision.

15              (2) COMMISSION ACTION.—Within 120 days  
16      after it receives notice of such a revision by the  
17      American National Standards Institute, the Com-  
18      mission shall issue a notice of proposed rulemaking  
19      in accordance with section 553 of title 5, United  
20      States Code, to amend the product safety standard  
21      for all-terrain vehicles to include any such revision  
22      that the Commission determines is reasonably re-  
23      lated to the safe performance of all-terrain vehicles,  
24      and notify the Institute of any provision it has de-  
25      termined not to be so related. The Commission shall

1 promulgate an amendment to the standard for all-  
2 terrain vehicles within 180 days after the date on  
3 which the notice of proposed rulemaking for the  
4 amendment is published in the Federal Register.

5 (3) UNREASONABLE RISK OF INJURY.—Not-  
6 withstanding any other provision of this Act, the  
7 Commission may, pursuant to sections 7 and 9 of  
8 the Consumer Product Safety Act, amend the prod-  
9 uct safety standard for all-terrain vehicles to include  
10 any additional provision that the Commission deter-  
11 mines is reasonably necessary to reduce an unrea-  
12 sonable risk of injury associated with the perform-  
13 ance of all-terrain vehicles.

14 (4) CERTAIN PROVISIONS NOT APPLICABLE.—  
15 Sections 7, 9, 11, and 30(d) of the Consumer Prod-  
16 uct Safety Act shall not apply to promulgation of  
17 any amendment of the product safety standard  
18 under paragraph (2). Judicial review of any amend-  
19 ment of the standard under paragraph (2) shall be  
20 in accordance with chapter 7 of title 5, United  
21 States Code.

22 (c) REQUIREMENTS FOR 3-WHEEL ALL-TERRAIN  
23 VEHICLES.—Until a mandatory consumer product safety  
24 rule applicable to 3-wheeled all-terrain vehicles promul-  
25 gated pursuant to this section is in effect, new 3-wheeled

1 all-terrain vehicles may not be imported into or distributed  
2 in commerce in the United States. Any violation of this  
3 subsection shall be considered to be a violation of section  
4 19(a)(1) of the Consumer Product Safety Act and may  
5 also be enforced under section 17 of that Act.

6 (d) FURTHER PROCEEDINGS.—

7 (1) DEADLINE.—The Commission shall issue a  
8 final rule in its proceeding entitle “Standards for All  
9 Terrain Vehicles and ban of Three-wheeled All Ter-  
10 rain Vehicles”.

11 (2) CATEGORIES OF YOUTH.—In the final rule,  
12 the Commission may provide for a multiple factor  
13 method of categorization that, as a minimum, takes  
14 into account—

15 (A) the weight of the vehicle;

16 (B) the maximum speed of the vehicle;

17 (C) the velocity at which a vehicle of a  
18 given weight is traveling at the maximum speed  
19 of the vehicle;

20 (D) the age of children for whose operation  
21 the vehicle is designed or who may reasonable  
22 be expected to operate the vehicle; and

23 (E) the average weight of children whose  
24 operation the vehicle is designed or who may  
25 reasonable be expected to operate the vehicle.

1 (e) DEFINITIONS.—In this section:

2 (1) ALL-TERRAIN VEHICLE OR ATV.—The term  
3 “all-terrain vehicle” or “ATV” means—

4 (A) any motorized, off-highway vehicle de-  
5 signed to travel on 3 or 4 wheels, having a seat  
6 designed to be straddled by the operator and  
7 handlebars for steering control; but

8 (B) does not include a prototype of a mo-  
9 torized, off-highway, all-terrain vehicle or other  
10 motorized, off- highway, all-terrain vehicle that  
11 is intended exclusively for research and develop-  
12 ment purposes unless the vehicle is offered for  
13 sale.

14 (2) ATV ACTION PLAN.—The term “ATV action  
15 plan” means a written plan or letter of undertaking  
16 that describes actions the manufacturer or dis-  
17 tributor agrees to take to promote ATV safety, in-  
18 cluding rider training, dissemination of safety infor-  
19 mation, age recommendations, other policies gov-  
20 erning marketing and sale of the vehicles, the moni-  
21 toring of such sales, and other safety related meas-  
22 ures, and that is substantially similar to the plans  
23 described under the heading “The Undertakings of  
24 the Companies in the Commission Notice published

1 in the Federal Register on September 9, 1998 (63  
2 FR 48199-48204)''.

3 (b) GAO STUDY.—The Comptroller General shall con-  
4 duct a study of the utility, recreational, and other benefits  
5 of all-terrain vehicles to which this section applies, and  
6 the costs associated with all-terrain vehicle-related acci-  
7 dents and injuries.

Amend the table of contents in section 1(b) by add-  
ing at the end the following:

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. All terrain vehicle safety standard.