

jury associated with the performance of all-terrain vehicles.

**(4) Certain provisions not applicable**

Sections 2056 and 2058 of this title shall not apply to promulgation of any amendment of the product safety standard under paragraph (2). Judicial review of any amendment of the standard under paragraph (2) shall be in accordance with chapter 7 of title 5.

**(c) Requirements for 3-wheeled all-terrain vehicles**

Until a mandatory consumer product safety standard applicable to 3-wheeled all-terrain vehicles promulgated pursuant to this chapter is in effect, new 3-wheeled all-terrain vehicles may not be imported into or distributed in commerce in the United States. Any violation of this subsection shall be considered to be a violation of section 2068(a)(1) of this title and may also be enforced under section 2066 of this title.

**(d) Further proceedings**

**(1) Deadline**

The Commission shall issue a final rule in its proceeding entitled “Standards for All Terrain Vehicles and Ban of Three-wheeled All Terrain Vehicles”.

**(2) Categories of youth ATVS**

In the final rule, the Commission, in consultation with the National Highway Traffic Safety Administration, may provide for a multiple factor method of categorization that, at a minimum, takes into account—

- (A) the weight of the ATV;
- (B) the maximum speed of the ATV;
- (C) the velocity at which an ATV of a given weight is traveling at the maximum speed of the ATV;
- (D) the age of children for whose operation the ATV is designed or who may reasonably be expected to operate the ATV; and
- (E) the average weight of children for whose operation the ATV is designed or who may reasonably be expected to operate the ATV.

**(3) Additional safety standards**

In the final rule, the Commission, in consultation with the National Highway Traffic Safety Administration, shall review the standard published under subsection (a)(1) and establish additional safety standards for all-terrain vehicles to the extent necessary to protect the public health and safety. As part of its review, the Commission shall consider, at a minimum, establishing or strengthening standards on—

- (A) suspension;
- (B) brake performance;
- (C) speed governors;
- (D) warning labels;
- (E) marketing; and
- (F) dynamic stability.

**(e) Definitions**

In this section:

**(1) All-terrain vehicle or ATV**

The term “all-terrain vehicle” or “ATV” means—

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

(B) does not include a prototype of a motorized, off-highway, all-terrain vehicle or other motorized, off-highway, all-terrain vehicle that is intended exclusively for research and development purposes unless the vehicle is offered for sale.

**(2) ATV action plan**

The term “ATV action plan” means a written plan or letter of undertaking that describes actions the manufacturer or distributor agrees to take to promote ATV safety, including rider training, dissemination of safety information, age recommendations, other policies governing marketing and sale of the ATVs, the monitoring of such sales, and other safety related measures, and that is substantially similar to the plans described under the heading “The Undertakings of the Companies in the Commission Notice” published in the Federal Register on September 9, 1998 (63 FR 48199–48204).

(Pub. L. 92–573, §42, as added Pub. L. 110–314, title II, §232(a), Aug. 14, 2008, 122 Stat. 3071.)

CODIFICATION

August 14, 2008, referred to in subsec. (a)(2)(B), was in the original “the date of enactment of the Act” and was translated as reading “the date of enactment of the Consumer Product Safety Improvement Act of 2008”, which enacted this section, to reflect the probable intent of Congress.

EFFECTIVE DATE

Subsec. (c) of this section effective on the date that is 30 days after Aug. 14, 2008, see section 239(a) of Pub. L. 110–314, set out as an Effective Date of 2008 Amendment note under section 2051 of this title.

**CHAPTER 48—HOBBY PROTECTION**

Sec.	
2101.	Marking requirements.
2102.	Private enforcement.
2103.	Enforcement by Federal Trade Commission.
2104.	Imports.
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2106.	Definitions.

**§ 2101. Marking requirements**

**(a) Political items**

The manufacture in the United States, or the importation into the United States, for introduction into or distribution in commerce of any imitation political item which is not plainly and permanently marked with the calendar year in which such item was manufactured, is unlawful and is an unfair or deceptive act or practice in commerce under the Federal Trade Commission Act [15 U.S.C. 41 et seq.].

**(b) Coins and other numismatic items**

The manufacture in the United States, or the importation into the United States, for introduction into or distribution in commerce of any imitation numismatic item which is not plainly and permanently marked “copy”, is unlawful and is an unfair or deceptive act or practice in commerce under the Federal Trade Commission Act [15 U.S.C. 41 et seq.].