

ENROLLED HOUSE
RESOLUTION NO. 1024

By: Luttrell, Duncan, Armes, Auffet,
Bailey, Banz, Bengel, Billy, Blackwell,
Brannon, Brown, Buck, Cannaday, Carey,
Christian, Collins, Coody, Cooksey,
Cox, Dank, Denney, Derby, DeWitt,
Dorman, Enns, Faught, Fields, Glenn,
Hamilton, Harrison, Hickman, Hilliard,
Holland, Hoskin, Inman, Jackson, Jett,
Johnson, Jones, Jordan, Joyner, Kern,
Key, Kiesel, Kirby, Kouplen, Lamons,
Liebmann, Martin (Scott), Martin
(Steve), McAffrey, McCullough, McDaniel
(Jeannie), McDaniel (Randy), McMullen,
McNiel, McPeak, Miller, Moore, Morgan,
Morrissette, Murphey, Nations, Nelson,
Ortega, Osborn, Ownbey, Peters,
Peterson, Pittman, Proctor, Pruett,
Renegar, Reynolds, Richardson, Ritze,
Roan, Rousselot, Sanders, Schwartz,
Scott, Sears, Shannon, Shelton,
Sherrer, Shoemaker, Shumate, Smithson,
Steele, Sullivan, Terrill, Thompson,
Thomsen, Tibbs, Trebilcock, Walker,
Watson, Wesselhoft, Williams, Wright
(Harold) and Wright (John)

A Resolution urging the Consumer Product Safety
Commission to provide a waiver or exclusion for youth
all-terrain vehicles and motorcycles from the lead-
limit requirements of the Consumer Product Safety
Improvement Act; and directing distribution.

WHEREAS, a new federal law, the Consumer Product Safety
Improvement Act, aimed at protecting children from lead in toys has
also forced a nationwide halt in sales of off-road motorcycles and

recreational vehicles built for young riders, a multimillion-dollar industry that was thriving despite the recession; and

WHEREAS, on February 10, 2009, the Consumer Product Safety Improvement Act requirements that limit the lead content in all products made for children went into effect; and

WHEREAS, under the Consumer Product Safety Improvement Act, "children's product" means a consumer product designed or intended primarily for children twelve (12) years of age or younger; and

WHEREAS, youth-model all-terrain vehicles (ATVs) and off-highway motorcycles, as well as the parts and accessories for youth ATVs and motorcycles are severely impacted by the new lead limits established under the Consumer Product Safety Improvement Act; and

WHEREAS, as a result of the Consumer Product Safety Improvement Act, thousands of powersports dealers were told to halt all sales of vehicles designed for children twelve (12) years of age and younger, new and used; and

WHEREAS, concern over the restrictions on youth all-terrain vehicles and motorcycles is great as evidenced by over seventy thousand (70,000) persons requesting through www.tomself.com alone that a letter be sent on their behalf to the Consumer Product Safety Commission voicing their concerns on this issue; and

WHEREAS, the Motorcycle Industry Council estimates nearly one hundred thousand (100,000) youth bikes were sold in the United States in 2008 and an industry trade publication estimates the value of inventory at United States dealers which can no longer be sold probably exceeds One Hundred Million Dollars (\$100,000,000.00); and

WHEREAS, the industry estimates the retail market value for all off-road cycles and all-terrain vehicles at Fourteen Billion Five Hundred Million Dollars (\$14,500,000,000.00) a year, including sales, service, parts, accessories, and payroll; and

WHEREAS, consumers have borrowed significant amounts of money on untold hundreds of thousands of youth all-terrain vehicles and motorcycles; and

WHEREAS, parts for these youth all-terrain vehicles (ATV) and motorcycles are now unavailable, which in many cases renders the ATV

or motorcycle inoperable or not safe to operate, or causes the machine to perform improperly; and

WHEREAS, the Consumer Product Safety Commission needs to take a common sense approach to implementation of the lead provisions in the Consumer Product Safety Improvement Act in order to avoid major disruptions to youth all-terrain vehicle and motorcycle enthusiasts, owners, manufacturers, and the dealer network of thousands of small, independent businesses which employ tens of thousands of Americans; and

WHEREAS, while protecting children from those products that truly present a lead risk is important, there should be a waiver or exclusion for products that do not truly present a lead risk to children; and

WHEREAS, while the Consumer Product Safety Improvement Act provides for exclusions and authorizes the Consumer Product Safety Commission to grant exclusions under certain conditions, to date the Consumer Product Safety Commission has not granted any exclusions for youth all-terrain vehicles and motorcycles; and

WHEREAS, any further delay in providing a waiver or exclusion for youth all-terrain vehicles and motorcycles creates an untenable situation for thousands of owners, manufacturers, and dealers, many of whom are small businesses; in addition, huge inventories of products that present no health risk to children are rendered retroactively illegal, and future products are prohibited from sale; and

WHEREAS, if a waiver or exclusion for youth all-terrain vehicles (ATV) and motorcycles from the lead-limit requirements of the Consumer Product Safety Improvement Act is not granted there likely will not be any new youth ATVs or motorcycles available for purchase from local dealerships and current owners will not be able to obtain parts for youth ATVs and motorcycles already purchased.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE 1ST SESSION OF THE 52ND OKLAHOMA LEGISLATURE:

THAT the Oklahoma House of Representatives strongly urges the Consumer Product Safety Commission to provide a waiver or exclusion for youth all-terrain vehicles and motorcycles from the lead-limit requirements of the Consumer Product Safety Improvement Act.

THAT a copy of this resolution be distributed to the Consumer Product Safety Commission, the Congressional committees of the United States House and Senate with oversight of the Consumer Product Safety Commission, and each member of the Oklahoma Congressional Delegation.

Adopted by the House of Representatives the 24th day of March, 2009.

Presiding Officer of the House of
Representatives