

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE

4 RESOLUTION 1024

By: Luttrell and Duncan

5  
6 AS INTRODUCED

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

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11  
12 WHEREAS, a new federal law, the Consumer Product Safety  
13 Improvement Act, aimed at protecting children from lead in toys has  
14 also forced a nationwide halt in sales of off-road motorcycles and  
15 recreational vehicles built for young riders, a multimillion-dollar  
16 industry that was thriving despite the recession; and

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

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

23 WHEREAS, youth-model all-terrain vehicles (ATVs) and off-highway  
24 motorcycles, as well as the parts and accessories for youth ATVs and

1 motorcycles are severely impacted by the new lead limits established  
2 under the Consumer Product Safety Improvement Act; and

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

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

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

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

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

24

1       WHEREAS, parts for these youth all-terrain vehicles (ATV) and  
2 motorcycles are now unavailable, which in many cases renders the ATV  
3 or motorcycle inoperable or not safe to operate, or causes the  
4 machine to perform improperly; and

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

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

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

21       WHEREAS, any further delay in providing a waiver or exclusion  
22 for youth all-terrain vehicles and motorcycles creates an untenable  
23 situation for thousands of owners, manufacturers, and dealers, many  
24 of whom are small businesses; in addition, huge inventories of

1 products that present no health risk to children are rendered  
2 retroactively illegal, and future products are prohibited from sale;  
3 and

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

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

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

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

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