

114TH CONGRESS  
1ST SESSION

# S. 1040

To direct the Consumer Product Safety Commission and the National Academy of Sciences to study the vehicle handling requirements proposed by the Commission for recreational off-highway vehicles and to prohibit the adoption of any such requirements until the completion of the study, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

APRIL 22, 2015

Mr. HELLER (for himself and Mr. MANCHIN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To direct the Consumer Product Safety Commission and the National Academy of Sciences to study the vehicle handling requirements proposed by the Commission for recreational off-highway vehicles and to prohibit the adoption of any such requirements until the completion of the study, 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.**

4 This Act may be cited as the “ROV In-Depth Exam-  
5 ination Act of 2015”.

1 **SEC. 2. RECREATIONAL OFF-HIGHWAY VEHICLE STAND-**  
2 **ARDS STUDY.**

3 (a) DEFINITIONS.—In this section:

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

6 (2) RECREATIONAL OFF-HIGHWAY VEHICLE  
7 AND ROV.—

8 (A) IN GENERAL.—The term “recreational  
9 off-highway vehicle” or “ROV” means a motor-  
10 ized off-highway vehicle designed to travel on  
11 four or more tires, intended by the manufac-  
12 turer for recreational use by one or more per-  
13 sons and having the following characteristics:

14 (i) A steering wheel for steering con-  
15 trol.

16 (ii) Foot controls for throttle and  
17 service brake.

18 (iii) Non-straddle seating.

19 (iv) Maximum speed capability greater  
20 than 30 miles per hour.

21 (v) Gross vehicle weight rating no  
22 greater than 3,750 pounds.

23 (vi) Less than 80 inches in overall  
24 width, exclusive of accessories.

1 (vii) Engine displacement equal to or  
2 less than 61 cubic inches for gasoline  
3 fueled engines.

4 (viii) Identification by means of a 17-  
5 character personal or vehicle information  
6 number.

7 (B) EXCLUSION.—Such term does not in-  
8 clude a prototype of a motorized, off-highway,  
9 all-terrain vehicle or other motorized, off-high-  
10 way, all-terrain vehicle that is intended exclu-  
11 sively for research and development purposes  
12 unless the vehicle is offered for sale.

13 (b) NO MANDATORY STANDARDS REGARDING PER-  
14 FORMANCE OR CONFIGURATION OF ROVs.—

15 (1) IN GENERAL.—The Consumer Product  
16 Safety Commission shall have no authority to estab-  
17 lish any standards concerning the performance or  
18 configuration of recreational off-highway vehicles  
19 until after the completion of the study required by  
20 subsection (c). This prohibition includes a prohibi-  
21 tion on the exercise of any authority pursuant to  
22 section 27(e) of the Consumer Product Safety Act  
23 (15 U.S.C. 2076(e)) to require ROV manufacturers  
24 to provide performance and technical data to pro-

1        spective purchasers and to the first purchaser of an  
2        ROV for purposes other than resale.

3            (2) VOLUNTARY STANDARDS.—Nothing in this  
4        section shall be construed as suggesting that ROVs  
5        shall not be manufactured in compliance with appli-  
6        cable voluntary standards.

7            (c) STUDY ON PROPOSED LATERAL STABILITY AND  
8        VEHICLE HANDLING REQUIREMENTS.—

9            (1) AGREEMENT.—

10            (A) IN GENERAL.—The Commission shall  
11        seek to enter into an agreement with the Na-  
12        tional Academy of Sciences to perform the serv-  
13        ices covered by this subsection.

14            (B) TIMING.—The Commission shall seek  
15        to enter into the agreement described in sub-  
16        paragraph (A) not later than the latest date by  
17        which the Commission considers reasonable for  
18        the National Academy of Sciences to begin per-  
19        forming the services covered by this subsection  
20        and complete them before the date described in  
21        paragraph (2)(D).

22            (2) STUDY.—

23            (A) IN GENERAL.—Under an agreement  
24        between the Commission and the National  
25        Academy of Sciences under this subsection, the

1 National Academy of Sciences shall conduct a  
2 study on matters concerning the lateral stability  
3 and vehicle handling requirements proposed by  
4 the Commission in a notice of proposed rule-  
5 making published in the Federal Register No-  
6 vember 19, 2014 (79 Fed. Reg. 68964).

7 (B) ELEMENTS.—The study carried under  
8 subparagraph (A) shall determine—

9 (i) the technical validity of the lateral  
10 stability and vehicle handling requirements  
11 described in subparagraph (A), for pur-  
12 poses of reducing the risk of ROV rollovers  
13 in the off-road environment, including the  
14 repeatability and reproducibility of testing  
15 for compliance with such requirements;

16 (ii) the number of ROV rollovers that  
17 would be prevented if the proposed require-  
18 ments were adopted;

19 (iii) whether there is a technical basis  
20 for the proposal to provide information on  
21 a point-of-sale hangtag about a vehicle's  
22 rollover resistance on a progressive scale;  
23 and

1 (iv) the effect on the utility of ROVs  
2 used by the Armed Forces if the proposed  
3 requirements were adopted.

4 (C) CONSULTATION.—In carrying out the  
5 study pursuant to subparagraph (A), the Na-  
6 tional Academy of Sciences shall consult with  
7 the Administrator of the National Highway  
8 Traffic Safety Administration and the Secretary  
9 of Defense.

10 (D) DEADLINE AND REPORT.—In carrying  
11 out the study pursuant to subparagraph (A),  
12 the National Academy of Sciences shall com-  
13 plete and transmit to the Commission a report  
14 containing the findings of the study not later  
15 than 2 years after the date of the enactment of  
16 this Act.

17 (3) REPORT TO CONGRESS.—Not later than 5  
18 days after receiving the report described in para-  
19 graph (2)(D) from the National Academy of  
20 Sciences, the Commission shall submit to the Com-  
21 mittee on Commerce, Science, and Transportation of  
22 the Senate and the Committee on Energy and Com-  
23 merce of the House of Representatives such report,  
24 along with such comments as the Commission may  
25 have concerning the report.

1           (4) CONSIDERATION.—The Commission shall  
2 consider the results of the study conducted under  
3 this subsection in any subsequent rulemaking re-  
4 garding the performance or configuration of ROVs,  
5 or the provision of point-of-sale information regard-  
6 ing ROV performance.

7           (5) ALTERNATE CONTRACT ORGANIZATION.—

8           (A) IN GENERAL.—If the Commission is  
9 unable within the period prescribed in para-  
10 graph (1)(B) to enter into an agreement de-  
11 scribed in paragraph (1)(A) with the National  
12 Academy of Sciences on terms acceptable to the  
13 Commission, the Commission shall seek to enter  
14 into such an agreement with another appro-  
15 priate organization that—

16                   (i) is not part of the Government;

17                   (ii) operates as a not-for-profit entity;

18                   and

19                   (iii) has expertise and objectivity com-  
20 parable to that of the National Academy of  
21 Sciences.

22           (B) TREATMENT.—If the Commission en-  
23 ters into an agreement with another organiza-  
24 tion as described in subparagraph (A), any ref-  
25 erence in this section to the National Academy

1 of Sciences shall be treated as a reference to  
2 the other organization.

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