

AMENDMENT NO. _____

Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—114th Cong., 1st Sess.

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.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. HELLER *and Mr. Manchin*

Viz:

1 Strike all after the enacting clause and insert the following:
2

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "ROV In-Depth Examination Act of 2015".
5

6 **SEC. 2. RECREATIONAL OFF-HIGHWAY VEHICLE STANDARDS STUDY.**
7

8 (a) DEFINITIONS.—In this section:

9 (1) COMMISSION.—The term "Commission"
10 means the Consumer Product Safety Commission.

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

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

9 (i) A steering wheel for steering con-
10 trol.

11 (ii) Foot controls for throttle and
12 service brake.

13 (iii) Non-straddle seating.

14 (iv) Maximum speed capability greater
15 than 30 miles per hour.

16 (v) Gross vehicle weight rating no
17 greater than 3,750 pounds.

18 (vi) Less than 80 inches in overall
19 width, exclusive of accessories.

20 (vii) Engine displacement equal to or
21 less than 61 cubic inches for gasoline
22 fueled engines.

23 (viii) Identification by means of a 17-
24 character personal or vehicle information
25 number.

1 (B) EXCLUSION.—Such term does not in-
2 clude a prototype of a motorized, off-highway,
3 all-terrain vehicle or other motorized, off-high-
4 way, all-terrain vehicle that is intended exclu-
5 sively for research and development purposes
6 unless the vehicle is offered for sale.

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

9 (1) IN GENERAL.—The Consumer Product
10 Safety Commission shall have no authority to estab-
11 lish any standards concerning the performance or
12 configuration of recreational off-highway vehicles
13 until after the completion of the study required by
14 subsection (c). This prohibition includes a prohibi-
15 tion on the exercise of any authority pursuant to
16 section 27(e) of the Consumer Product Safety Act
17 (15 U.S.C. 2076(e)) to require ROV manufacturers
18 to provide performance and technical data to pro-
19 spective purchasers and to the first purchaser of an
20 ROV for purposes other than resale.

21 (2) VOLUNTARY STANDARDS.—Nothing in this
22 section shall be construed as suggesting that ROVs
23 shall not be manufactured in compliance with appli-
24 cable voluntary standards.

1 (c) STUDY ON PROPOSED LATERAL STABILITY AND
2 VEHICLE HANDLING REQUIREMENTS.—

3 (1) AGREEMENT.—

4 (A) IN GENERAL.—The Commission shall
5 seek to enter into an agreement with the Na-
6 tional Academy of Sciences to perform the serv-
7 ices covered by this subsection.

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

16 (2) STUDY.—

17 (A) IN GENERAL.—Under an agreement
18 between the Commission and the National
19 Academy of Sciences under this subsection, the
20 National Academy of Sciences shall conduct a
21 study on matters concerning the lateral stability
22 and vehicle handling requirements proposed by
23 the Commission in a notice of proposed rule-
24 making published in the Federal Register No-
25 vember 19, 2014 (79 Fed. Reg. 68964).

1 (B) ELEMENTS.—The study carried under
2 subparagraph (A) shall determine—

3 (i) the technical validity of the lateral
4 stability and vehicle handling requirements
5 described in subparagraph (A), for pur-
6 poses of reducing the risk of ROV rollovers
7 in the off-road environment, including the
8 repeatability and reproducibility of testing
9 for compliance with such requirements;
10 and

11 (ii) whether there is a technical basis
12 for the proposal to provide information on
13 a point-of-sale hangtag about a vehicle's
14 rollover resistance on a progressive scale.

15 (C) CONSULTATION.—In carrying out the
16 study pursuant to subparagraph (A), the Na-
17 tional Academy of Sciences shall consult with
18 the Administrator of the National Highway
19 Traffic Safety Administration and the Secretary
20 of Defense.

21 (D) DEADLINE AND REPORT.—In carrying
22 out the study pursuant to subparagraph (A),
23 the National Academy of Sciences shall com-
24 plete and transmit to the Commission, the
25 Committee on Commerce, Science, and Trans-

1 portation of the Senate, and the Committee on
2 Energy and Commerce of the House of Rep-
3 resentatives a report containing the findings of
4 the study not later than 480 days after the date
5 of the enactment of this Act.

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

12 (4) ALTERNATE CONTRACT ORGANIZATION.—

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

21 (i) is not part of the Government;

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

23 and

1 (iii) has expertise and objectivity com-
2 parable to that of the National Academy of
3 Sciences.

4 (B) TREATMENT.—If the Commission en-
5 ters into an agreement with another organiza-
6 tion as described in subparagraph (A), any ref-
7 erence in this section to the National Academy
8 of Sciences shall be treated as a reference to
9 the other organization.