

Calendar No. 642

114TH CONGRESS
2D SESSION

S. 1040

[Report No. 114–357]

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.

IN THE SENATE OF THE UNITED STATES

APRIL 22, 2015

Mr. HELLER (for himself, Mr. MANCHIN, Mr. GARDNER, Ms. AYOTTE, Mr. DAINES, Mr. SULLIVAN, Mr. CRAPO, Mr. COTTON, Mr. BOOZMAN, and Mr. LANKFORD) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

SEPTEMBER 22, 2016

Reported by Mr. THUNE, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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”.

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

8 (a) DEFINITIONS.—In this section:

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

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

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

19 (i) A steering wheel for steering con-
 20 trol.

21 (ii) Foot controls for throttle and
 22 service brake.

23 (iii) Non-straddle seating.

24 (iv) Maximum speed capability greater
 25 than 30 miles per hour.

1 (v) Gross vehicle weight rating no
2 greater than 3,750 pounds.

3 (vi) Less than 80 inches in overall
4 width, exclusive of accessories.

5 (vii) Engine displacement equal to or
6 less than 61 cubic inches for gasoline
7 fueled engines.

8 (viii) Identification by means of a 17-
9 character personal or vehicle information
10 number.

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

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

19 (1) IN GENERAL.—The Consumer Product
20 Safety Commission shall have no authority to estab-
21 lish any standards concerning the performance or
22 configuration of recreational off-highway vehicles
23 until after the completion of the study required by
24 subsection (c). This prohibition includes a prohibi-
25 tion on the exercise of any authority pursuant to

1 section 27(e) of the Consumer Product Safety Act
 2 (15 U.S.C. 2076(e)) to require ROV manufacturers
 3 to provide performance and technical data to pro-
 4 spective purchasers and to the first purchaser of an
 5 ROV for purposes other than resale.

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

10 ~~(c) STUDY ON PROPOSED LATERAL STABILITY AND~~
 11 ~~VEHICLE HANDLING REQUIREMENTS.—~~

12 ~~(1) AGREEMENT.—~~

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

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

25 ~~(2) STUDY.—~~

1 (A) ~~IN GENERAL.~~—Under an agreement
2 between the Commission and the National
3 Academy of Sciences under this subsection, the
4 National Academy of Sciences shall conduct a
5 study on matters concerning the lateral stability
6 and vehicle handling requirements proposed by
7 the Commission in a notice of proposed rule-
8 making published in the Federal Register No-
9 vember 19, 2014 (79 Fed. Reg. 68964).

10 (B) ~~ELEMENTS.~~—The study carried under
11 subparagraph (A) shall determine—

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

19 (ii) the number of ROV rollovers that
20 would be prevented if the proposed require-
21 ments were adopted;

22 (iii) whether there is a technical basis
23 for the proposal to provide information on
24 a point-of-sale hangtag about a vehicle's

1 rollover resistance on a progressive scale;
2 and

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

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

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

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

1 along with such comments as the Commission may
 2 have concerning the report.

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

9 ~~(5) ALTERNATE CONTRACT ORGANIZATION.—~~

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

18 (i) is not part of the Government;

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

20 and

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

24 ~~(B) TREATMENT.—~~If the Commission en-
 25 ters into an agreement with another organiza-

tion as described in subparagraph (A), any reference in this section to the National Academy of Sciences shall be treated as a reference to the other organization.

SECTION 1. SHORT TITLE.

This Act may be cited as the “ROV In-Depth Examination Act of 2015”.

SEC. 2. RECREATIONAL OFF-HIGHWAY VEHICLE STANDARDS STUDY.

(a) DEFINITIONS.—In this section:

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

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

(A) IN GENERAL.—The term “recreational off-highway vehicle” or “ROV” means a motorized off-highway vehicle designed to travel on four or more tires, intended by the manufacturer for recreational use by one or more persons and having the following characteristics:

(i) A steering wheel for steering control.

(ii) Foot controls for throttle and service brake.

(iii) Non-straddle seating.

1 (iv) *Maximum speed capability greater*
 2 *than 30 miles per hour.*

3 (v) *Gross vehicle weight rating no*
 4 *greater than 3,750 pounds.*

5 (vi) *Less than 80 inches in overall*
 6 *width, exclusive of accessories.*

7 (vii) *Engine displacement equal to or*
 8 *less than 61 cubic inches for gasoline fueled*
 9 *engines.*

10 (viii) *Identification by means of a 17-*
 11 *character personal or vehicle information*
 12 *number.*

13 (B) *EXCLUSION.—Such term does not in-*
 14 *clude a prototype of a motorized, off-highway,*
 15 *all-terrain vehicle or other motorized, off-high-*
 16 *way, all-terrain vehicle that is intended exclu-*
 17 *sively for research and development purposes un-*
 18 *less the vehicle is offered for sale.*

19 (b) *NO MANDATORY STANDARDS REGARDING PER-*
 20 *FORMANCE OR CONFIGURATION OF ROVS.—*

21 (1) *IN GENERAL.—The Consumer Product Safety*
 22 *Commission shall have no authority to establish any*
 23 *standards concerning the performance or configura-*
 24 *tion of recreational off-highway vehicles until after*
 25 *the completion of the study required by subsection (c).*

1 *This prohibition includes a prohibition on the exercise*
 2 *of any authority pursuant to section 27(e) of the Con-*
 3 *sumer Product Safety Act (15 U.S.C. 2076(e)) to re-*
 4 *quire ROV manufacturers to provide performance and*
 5 *technical data to prospective purchasers and to the*
 6 *first purchaser of an ROV for purposes other than re-*
 7 *sale.*

8 (2) *VOLUNTARY STANDARDS.—Nothing in this*
 9 *section shall be construed as suggesting that ROVs*
 10 *shall not be manufactured in compliance with appli-*
 11 *cable voluntary standards.*

12 (c) *STUDY ON PROPOSED LATERAL STABILITY AND*
 13 *VEHICLE HANDLING REQUIREMENTS.—*

14 (1) *AGREEMENT.—*

15 (A) *IN GENERAL.—The Commission shall*
 16 *seek to enter into an agreement with the Na-*
 17 *tional Academy of Sciences to perform the serv-*
 18 *ices covered by this subsection.*

19 (B) *TIMING.—The Commission shall seek to*
 20 *enter into the agreement described in subpara-*
 21 *graph (A) not later than the latest date by which*
 22 *the Commission considers reasonable for the Na-*
 23 *tional Academy of Sciences to begin performing*
 24 *the services covered by this subsection and com-*

plete them before the date described in paragraph
(2)(D).

(2) *STUDY*.—

(A) *IN GENERAL*.—Under an agreement between the Commission and the National Academy of Sciences under this subsection, the National Academy of Sciences shall conduct a study on matters concerning the lateral stability and vehicle handling requirements proposed by the Commission in a notice of proposed rulemaking published in the Federal Register November 19, 2014 (79 Fed. Reg. 68964).

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

(i) the technical validity of the lateral stability and vehicle handling requirements described in subparagraph (A), for purposes of reducing the risk of ROV rollovers in the off-road environment, including the repeatability and reproducibility of testing for compliance with such requirements; and

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

1 (C) *CONSULTATION.*—*In carrying out the*
2 *study pursuant to subparagraph (A), the Na-*
3 *tional Academy of Sciences shall consult with the*
4 *Administrator of the National Highway Traffic*
5 *Safety Administration and the Secretary of De-*
6 *fense.*

7 (D) *DEADLINE AND REPORT.*—*In carrying*
8 *out the study pursuant to subparagraph (A), the*
9 *National Academy of Sciences shall complete and*
10 *transmit to the Commission, the Committee on*
11 *Commerce, Science, and Transportation of the*
12 *Senate, and the Committee on Energy and Com-*
13 *merce of the House of Representatives a report*
14 *containing the findings of the study not later*
15 *than 480 days after the date of the enactment of*
16 *this Act.*

17 (3) *CONSIDERATION.*—*The Commission shall*
18 *consider the results of the study conducted under this*
19 *subsection in any subsequent rulemaking regarding*
20 *the performance or configuration of ROVs, or the pro-*
21 *vision of point-of-sale information regarding ROV*
22 *performance.*

23 (4) *ALTERNATE CONTRACT ORGANIZATION.*—

24 (A) *IN GENERAL.*—*If the Commission is un-*
25 *able within the period prescribed in paragraph*

1 (1)(B) to enter into an agreement described in
2 paragraph (1)(A) with the National Academy of
3 Sciences on terms acceptable to the Commission,
4 the Commission shall seek to enter into such an
5 agreement with another appropriate organiza-
6 tion that—

7 (i) is not part of the Government;

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

9 and

10 (iii) has expertise and objectivity com-
11 parable to that of the National Academy of
12 Sciences.

13 (B) TREATMENT.—If the Commission enters
14 into an agreement with another organization as
15 described in subparagraph (A), any reference in
16 this section to the National Academy of Sciences
17 shall be treated as a reference to the other orga-
18 nization.

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