

# House Resolution No. 736

## 95TH GENERAL ASSEMBLY

1995L.03I

1 **Whereas**, a new federal law aimed at protecting children from lead in toys has also  
2 forced a nationwide halt in sales of off-road motorcycles and recreational vehicles built for young  
3 riders, halting a multimillion-dollar industry that was thriving despite the recession; and  
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5 **Whereas**, on February 10, 2009, the new Consumer Product Safety Improvement  
6 Act (CPSIA) requirements that limit the lead content in all children's products went into effect;  
7 and  
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9 **Whereas**, under the CPSIA, "children's product" means a consumer product  
10 designed or intended primarily for children 12 years of age or younger; and  
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12 **Whereas**, youth model all-terrain vehicles (ATVs) and off-highway motorcycles,  
13 as well as parts and accessories for youth ATVs and motorcycles are severely impacted by the  
14 new lead limits established under the CPSIA; and  
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16 **Whereas**, over 50,000 U.S. citizens have requested through [www.tomself.com](http://www.tomself.com)  
17 alone that a letter be sent on their behalf to the Consumer Product Safety Commission voicing  
18 their concerns on this small powersports issue; and  
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20 **Whereas**, there are many other ongoing efforts which are receiving a large volume  
21 of responses from citizens similarly concerned with this small powersports issue; and  
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23 **Whereas**, as a result of the CPSIA, thousands of powersports dealers were told to  
24 halt all sales of vehicles designed for children 12 and younger, new and used; and

25       **Whereas**, the Motorcycle Industry Council estimates nearly 100,000 youth bikes  
26 were sold in the United States in 2008. An industry trade publication estimates the value of  
27 inventory at United States dealers which can no longer be sold probably exceeds \$100 million;  
28 and  
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30       **Whereas**, beyond the current inventory, there are millions and millions of dollars  
31 worth of parts now in the product pipeline to dealers that cannot be sold; and  
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33       **Whereas**, the industry estimates the retail market value for all off-road cycles and  
34 ATVs at \$14.5 billion a year, including sales, service, parts, accessories, and payroll; and  
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36       **Whereas**, consumers have borrowed significant amounts of money on untold  
37 hundreds of thousands of youth ATVs and motorcycles; and  
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39       **Whereas**, parts for these youth ATVs and motorcycles are now unavailable, which  
40 in many cases renders the ATV or motorcycle inoperable or not safely operable; and  
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42       **Whereas**, if parts are not readily available, owners and operators may be tempted  
43 or forced to go beyond normal maintenance and repair guidelines, resulting in an improperly  
44 performing machine; and  
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46       **Whereas**, some machines may require some wear parts to be replaced in as little  
47 as 10 hours of use and operators may try to operate improperly sized units if properly sized units  
48 are not readily available; and  
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50       **Whereas**, the Consumer Product Safety Commission needs to take a common  
51 sense approach to implementation of the CPSIA's lead provisions in order to avoid major  
52 disruptions to youth ATV and motorcycle enthusiasts, owners, manufacturers, and the dealer

53 network of thousands of small, independent businesses which employ tens of thousands of  
54 Americans; and  
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56 **Whereas**, while protecting children from those products that truly present a lead  
57 risk is important, there should be a waiver or exclusion for products that do not present risk to  
58 children; and  
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60 **Whereas**, while the CPSIA provides for exclusions and authorizes the Consumer  
61 Product Safety Commission to grant exclusions under certain conditions, to date the Consumer  
62 Product Safety Commission has not granted any exclusions for youth ATVs and motorcycles;  
63 and  
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65 **Whereas**, any delay in providing a waiver or exclusion for youth ATVs and  
66 motorcycles creates an untenable situation for thousands of owners, manufacturers, and dealers,  
67 many of whom are small businesses. Huge inventories of products that present no health risk  
68 to children are rendered retroactively illegal, and future products are prohibited from sale; and  
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70 **Whereas**, a waiver or exclusion for youth ATVs and motorcycles is needed  
71 because, in the absence of government action, there likely will not be any new youth ATVs or  
72 motorcycles available for purchase in their local dealerships and owners will not be able to  
73 obtain parts for youth ATVs and motorcycles already purchased:  
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75 **Now, therefore, be it resolved** that we, the members of the Missouri  
76 House of Representatives, Ninety-fifth General Assembly, strongly urge the Consumer Product  
77 Safety Commission to provide a waiver or exclusion for youth ATVs and motorcycles from the  
78 lead limit requirements of the Consumer Product Safety Improvement Act; and  
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80 **Be it further resolved** that the Chief Clerk of the Missouri House of  
81 Representatives be instructed to prepare properly inscribed copies of this resolution for the  
82 Consumer Product Safety Commission, the Congressional committees of the United States

83 House and Senate with oversight of the Consumer Product Safety Commission, and each  
84 member of the Missouri Congressional delegation.

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