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19 OCT 1973

Jim Brodsky, Esquire
Consumer Union
1714 Massachusetts Avenue
Washingotn, D.C. 20036

Dear Mr. Brodsky:

This letter is in reply to your letter of September 19, 1973, concerning "Pedal-Powered Vehicles". You inquired as to whether the Commission intends to regulate these and related products under any of the statutes within our jurisdiction, or whether, for example, the National Highway Safety Traffic Administration is the appropriate regulatory body.

It is our opinion that the pedal-powered vehicle~~s~~ described in the October issue of Consumer Reports is a consumer product as that term is defined in section 3(a) of the Consumer Product Safety Act. Although section 3(d) of the Act excludes Motor Vehicles (as defined by sections 102(3) and (4) of the National Traffic and Motor Vehicle Safety Act of 1966) from the Commission's jurisdiction, pedal-powered vehicles as described in Consumer Reports would not be considered a motor vehicle. Section 102(3) of the Motor Vehicle Safety Act defines motor vehicle as "any vehicle driven or drawn by mechanical power manufactured primarily for use on the public streets, roads, and highways...." The vehicle in question is not drawn or powered by mechanical power therefore it is not a motor vehicle and thus falls within the Commission's jurisdiction. The Commission has the authority to regulate pedal-powered vehicles to the extent and in the manner provided for in the Act.

In regard to the other questions raised in your letter, the Commission, at the present time, has not done any work or conducted any studies in the area of pedal-powered vehicles. We are sending a copy of your letter to our Product Safety Operations Center for appropriate action. We are unaware of any efforts taken by industry groups or others to establish safety standards for this or related products.

Please let me know if I may be of further assistance.

Sincerely,

Michael A. Brown

Michael A. Brown
General Counsel

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