



U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, DC 20207

Record of Commission Action
Commissioners Voting by Ballot*

Commissioners Voting: Chairman Hal Stratton
Commissioner Thomas H. Moore

ITEM:

Polaris Industries Inc.
(Briefing package dated December 28, 2004, OS No. 3116)

DECISION:

The Commission voted unanimously (2-0) to provisionally accept a Settlement Agreement and Order, which would order Polaris Industries Inc. to pay a civil penalty of \$950,000 in settlement of two cases involving Commission staff allegations that the company violated the reporting requirements of section 15(b) of the Consumer Product Safety Act (CPSA). In one case, the Commission Compliance staff has alleged that the throttle on certain Polaris All Terrain Vehicles (ATVs) could stick and prevent the ATV from slowing down or stopping when riders released the throttle lever. In the second case, the staff contends that the oil lines on certain Polaris ATVs could become disconnected thereby discharging hot pressurized oil on riders. The staff claims that the alleged defect in each case could cause severe injury or death. Polaris violated the reporting requirements of section 15(b) of the Consumer Product Safety Act (CPSA), 15 U.S.C. § 2064(b). The failure to furnish information required by section 15(b) is a prohibited act under section 19(a)(4) of the CPSA, 15 U.S.C. § 2068(a)(4). Section 20(a)(1) of the CPSA, 15 U.S.C. § 2069(a)(1), permits the imposition of civil penalties for any person who knowingly violates section 19 of the CPSA by a company's failure to report information under section 15(b).

For the Commission:

Todd A. Stevenson
Secretary

* Ballot vote due January 10, 2005