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Guidance for Categorizing Youth All-Terrain Vehicles (ATVs)

The Office of Compliance and Field Operations (“Compliance”) at the U.S. Consumer Product Safety Commission (“CPSC” or “Commission”) is issuing this guidance to assist firms in appropriately assessing whether their products are youth all-terrain vehicles (“ATVs”). ATVs are required to comply with federal mandatory requirements set out at 15 U.S.C. § 2089 and 16 C.F.R. Part 1420. This guidance describes the factors that CPSC will consider when determining whether products must meet federal ATV requirements.

Marketplace Changes Impacting ATV Compliance

In recent years, CPSC has seen an increasing number of children’s electric-powered four-wheeled products being distributed in commerce. Improvements in battery technology have allowed ATV manufacturers to create products with electric motors that achieve performance capabilities comparable to gasoline-powered ATVs. In addition, toy manufacturers have continued to enhance the performance capabilities of their electric-powered products, giving their products extended battery ranges, faster acceleration, and higher maximum speeds.

As a result of these changes, Compliance has observed two concerning trends in the marketplace. First, an increasing number of products that meet the definition of an ATV—and that possess off-road capabilities, characteristics, and speeds that are consistent with youth ATVs—are being incorrectly classified by firms as children’s electric ride-on toys (“ROTs”). These products do not comply with federal mandatory requirements for ATVs. Second, even while asserting an ROT classification and failing to meet the federal mandatory requirements for ATVs, some firms are advertising these products as children’s “ATVs.”

Requirements for All-Terrain Vehicles

Enacted in 2008 and codified at 15 U.S.C. § 2089, section 42 of the Consumer Product Safety Act defines an “ATV” as “any motorized, off-highway vehicle designed to travel on 3 or 4 wheels, having a seat designed to be straddled by the operator and handlebars for steering control.” 15 U.S.C. § 2089(e)(1)(A); 16 C.F.R. § 1420.2(a).



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Based on this definition, the features of an ATV are:

- a motorized vehicle (which includes—but is not necessarily limited to—gasoline or electric motors);
- for use off-highway;¹
- utilizing 3 or 4 wheels;²
- including a straddle seat (as opposed to “bucket” seats); and
- a handlebar for steering (as opposed to a steering wheel).

Any product that meets the statutory definition of an “ATV” is required to comply with federal requirements for ATVs. Specifically, an ATV manufacturer or distributor may not import into or distribute in commerce in the United States any new assembled or unassembled ATV, unless:

- A. the ATV complies with each applicable provision of the ANSI/SVIA 1-2017 American National Standard for ATVs;
- B. the ATV is subject to an ATV action plan³ filed with the Commission before August 14, 2008, or subsequently filed with and approved by the Commission, and bears a label certifying such compliance and identifying the manufacturer, importer, or private labeler and the ATV action plan to which it is subject; and
- C. the manufacturer or distributor is in compliance with all provisions of its ATV action plan.

15 U.S.C. § 2089(a)(2); 16 C.F.R. § 1420.3.

¹ As “off-highway” vehicles, ATVs differ from “motor vehicles,” which are primarily used on public streets, roads, and highways and are subject to the jurisdiction of the National Highway Traffic Safety Administration. See 49 U.S.C. § 30102(a)(7). As “off-highway” vehicles, ATVs also differ from ROTs, which are typically used on flat, smooth surfaces such as driveways, sidewalks, or well-groomed lawns and backyards, commonly found in residential areas.

² Until a mandatory consumer product safety standard is promulgated and in effect for 3-wheeled ATVs, it remains unlawful to import or distribute new 3-wheeled ATVs. See 15 U.S.C. § 2089(c).

³ An “ATV action plan” means “a written plan or letter of undertaking that describes actions the manufacturer or distributor agrees to take to promote ATV safety, including rider training, dissemination of safety information, age recommendations, other policies governing marketing and sale of the ATVs, the monitoring of such sales, and other safety related measures, and that is substantially similar to the plans described under the heading ‘The Undertakings of the Companies in the Commission Notice’ published in the Federal Register on September 9, 1998 (63 F.R. 48199-48204).” 15 U.S.C. § 2089(e)(2).



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Any violation of the above provisions is deemed a failure to comply with a consumer product safety standard. 15 U.S.C. § 2089(a)(3).

Compliance Guidance

When determining whether a product is an ATV and required to comply with the federal mandatory requirements for ATVs, Compliance will evaluate whether the product meets the definition of an “ATV.” Compliance’s evaluation will place particular emphasis on a product’s likelihood for use as an “off-highway vehicle,” including its off-road capabilities, characteristics, and foreseeable uses. Compliance will evaluate the following criteria in determining whether a product is likely to be used “off-highway,” and meeting one or more of these criteria will weigh in favor of classifying such a product, that otherwise meets the definition, as an ATV:

- one or more active suspension members of any configuration;⁴
- tires labeled or designated for off-highway use (pneumatic or non-pneumatic);
- a total product weight that reflects the ability to operate in and withstand off-highway environments (approximately 75 lbs. or greater);
- sufficient speed that is likely to encourage use of the product in off-highway environments;⁵
- importation, distribution, labeling, advertising, marketing, or sale as an “ATV”; or
- product reviews or other evidence demonstrating the nature and extent of actual or potential consumer use off-highway.

The above factors are not exhaustive. Compliance recognizes that there may be other relevant factors or considerations and will consider the totality of the circumstances of a product in determining whether it is an ATV.

⁴ “Active” suspension members are functional, non-cosmetic, shock absorbing elements which dampen or reduce ride harshness and/or improve steering responsiveness in off-highway environments.

⁵ Compliance considers increasing speed as being instructive of a product’s off-highway capabilities and the likelihood that such vehicle will be used in an off-highway environment. Thus, Compliance will consider products that exceed 5 miles per hour (MPH) as more likely to be used in an off-highway environment. Products with speeds of less than 5 MPH (8.05 KM/H) are more likely to be consistent with an ROT, as the average walking speed of an adult is 3-4 MPH, allowing an adult to accompany and supervise a child using an ROT.



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CPSC recommends that firms exercise care when categorizing their 4-wheeled youth products and do so with this guidance in mind. Firms must ensure that ATVs comply with federal mandatory requirements.

The Commission retains the power to supersede staff determinations at any time. This guidance is effective immediately and supersedes any inconsistent guidance previously provided by Compliance regarding categorization of any particular product.

Contact Information

For additional information regarding this guidance, please contact Regulatory Enforcement <RegulatoryEnforcement@cpsc.gov>.