

ATV Action Plan of Chongqing Shineray Motorcycle Co., Ltd.



July 17, 2009

Renee K. Haslett
Trial Attorney
Division of Compliance
Office of the General Counsel
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814-4408

MER/PRV/LBR NOTIFIED 12/3/09
COMMENTS: YES NO
OVERRULED; ATTACHED
EXCISIONS/FOIA Hz. 346(a)(2)
DO NOT RE-NOTIFY RE-NOTIFY

Dear Ms. Haslett:

Chongqing Shineray Motorcycle Co., Ltd. (herein "Shineray") is fully committed to the goal of reducing ATV-related accidents. We have implemented new policies in accordance with the rules set forth by Section 232 of the Consumer Product Safety Improvement Act of 2008. The actions outlined below are part of our continuing effort to promote safe and responsible use of our ATVs.

Age Recommendations

Shineray will not recommend, market, advertise, or sell new adult-sized ATVs for use by persons less than 16 years of age. In addition, Shineray will use only the maximum speed and speed limitations specified in Section 6 of the ANSI/SVIA-1-2007 Standard for ATVs. Shineray will use its best efforts to ensure that its dealers comply with these requirements.

Dealer Monitoring

Shineray will use its best efforts to obtain dealer compliance with the age recommendations, including through dealer monitoring programs consisting of (b)(3):CPSA undercover, random, on-site inspections annually conducted by independent investigators or an outside monitoring firm.

Shineray will take corrective actions, (b)(3):CPSA Section 6(a),(b)(4) against non-complying dealers who do not abide by Shineray's age recommendations.

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Training

Shineray will offer free, hands-on ATV training to all first-time purchasers and age appropriate members of their immediate families within a reasonable time from purchase. Shineray notes that this free, hands-on training program is in addition to the training information already provided in a variety of formats to all purchasers, including the owner's manual, hang tags, ATV safety video and other media.

(b)(3):CPSA Section 6(a),(b)(4)

(b)(3):CPSA Section 6(a),(b)(4)

After completion of the ASI training course, the rider will qualify for an incentive worth \$100. The \$100 incentive for training will include at least \$50 in cash, with the balanced offered (at the consumer's choice) as a rebate for already purchased safety equipment or a credit towards the purchase of new safety equipment.

The training program information and the reimbursement method of the training expense will be introduced

(b)(3):CPSA Section 6(a),(b)(4)

(b)(3):CPSA Section 6(a),(b)(4)

(b)(3):CPSA Section 6(a),(b)(4)

Safety Video

Shineray will provide each purchaser with an ATV safety video as described in Section H.3.b. (4) (b) and paragraphs II.A and II.C of Appendix I of the 1988 ATV Consent Decrees. The safety video will actively promote the training course and provide a series of important safety messages.

Safety Alerts

Shineray will provide to dealers for dissemination to each purchaser a "Safety Alert" containing the same substantive safety information as the Safety Alert described in Section H.3.b. (4)(c) and Appendix J of the 1988 ATV Consent Decrees. The information will also include death and injury statistics for ATVs, safety rules, age recommendations, and the information about the ATV training course.

Toll-free Telephone Hotline

Shineray will provide a toll-free 24-hour hotline to respond to consumer inquires as described in Section H.4 of the 1988 ATV Consent Decrees and will provide safety and training information, including age recommendations.

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Advertising

Shineray will require the ATV advertising and promotional materials to include the substance of the safety messages that are described at Section J.1 and Appendix K to the 1988 ATV Consent Decrees and will depict ATVs in a manner consistent with safe and responsible use of the product. Shineray will make sure all riders shown in such advertisements shall wear helmets and full protective gear. Shineray will also use its best efforts to promote dealer compliance with Shineray's ATV advertising policies, (b)(3):CPSA Section 6(a),(b)(4)

(b)(3):CPSA Section 6(a),
(b)(4)

Information/Education Program

Shineray will work with its ATV dealers to create and implement an information/education campaign directed primarily at providing safety information and at deterring children under age sixteen from operating adult-size ATVs. Among other things, this effort will further promote Shineray's ongoing efforts to communicate age recommendation, passenger, and other safety-related information to consumers. (b)(3):CPSA Section 6(a),(b)(4)

(b)(3):CPSA Section 6(a),(b)(4)

Notice of Termination of Action Plans

Shineray will give the CPSC at least 60 days advance notice of its intention to terminate or materially change any commitment under the Action Plan.

Conclusion

Shineray intends to maintain the above specified actions and will continue Shineray's effective efforts to promote safe and responsible use of its ATVs. Shineray will provide information about these activities upon reasonable request from CPSC.

Sincerely,

CHONGQING SHINERAY MOTORCYCLE CO., LTD., INC.

(b)(3):CPSA Section 6(a),(b)
(4)

Dasheng Gong
General Manager

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Appendix A

CHONGQING SHINERAY MOTORCYCLE CO., LTD.

Proposed Education Plan for the ATV Safety Public Awareness Campaign

July 17, 2009

This document describes the ATV Safety Awareness Information and Education Campaign that Chongqing Shineray Motorcycle Co., Ltd. (herein "Shineray") plans to implement.

Objective

Generate and raise awareness of the safety issues, such as the Age Recommendations, and proper operation of ATVs, such as the importance of the Training Program, among the target audience in an effort to help reduce the occurrence of injuries associated with ATV riding.

Target

The campaign's target audience will primarily consist of customers who made a purchase from Shineray's dealer stores as well as the prospective buyers of any product distributed by Shineray.

(b)(3):CPSA Section 6(a),(b)(4)



