



## MAXTRADE

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July 13, 2009

Howard N. Tarnoff  
Lead Trial Attorney  
Division of Compliance  
Office of the General Counsel  
U.S. Consumer Product Safety Commission  
4330 East-West Highway  
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WER/PRVLR NOTIFIED 12/3/09  
COMMENTS: ☒ YES ☐ NO   
☒ OVERRULED; ☐ ATTACHED  
☒ EXCISIONS/FOIA H. 346(a)(2)  
☒ DO NOT RE-NOTIFY ☐ RE-NOTIFY

Re: ATV Action Plan

Dear Mr. Tarnoff:

Maxtrade 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

Maxtrade will only recommend, market, and sell ATVs for use under the age category/speed guidelines specified at Section 6 of the ANSI/SVIA 1-2007 Standard for ATVs ("the ATV Standard"). Maxtrade will not recommend, market, advertise, or sell adult-sized ATVs for the use of persons less than 16 years of age. Maxtrade will use its best efforts to ensure that our dealers comply with these requirements.

### Training

Maxtrade will offer free, hands-on, interactive training to all Maxtrade ATV purchasers. This free training will be extended to the buyers' immediate relatives who are age appropriate for the ATV purchased. This training will be conducted through the existing educational programs of the ATV Safety Institute ("ASI").

Maxtrade will instruct its dealers to communicate to ATV purchasers the availability and importance of the ASI training course. Purchasers will also find a toll-free phone number to



contact ASI in the owner's manual to arrange an appointment for the training course.

Purchasers will have to pay ASI an up-front fee for the training. This fee will be reimbursed by Maxtrade after consumers mail to Maxtrade a certificate of completion for the course and a copy of their bill of sale for the Maxtrade ATV.

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

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### Safety Video

Maxtrade will provide a Safety Video to its distributors for dissemination to all retail purchasers of Maxtrade ATVs. The video shall comply with all requirements described at Section H.3.b.(4)(b) and Appendix I of the 1988 ATV Consent Decree.

### Safety Alerts

Maxtrade will provide to its distributors, for dissemination to all prospective purchasers, an ATV Safety Alert that conveys all of the safety messages specified at Section H.3.b.(4)(c) and Appendix J of the 1988 ATV Consent Decree. The information will include injury and death statistics for ATVs, safety rules, age recommendations, and information about the availability of the ATV training course.

### Toll-free Telephone Hotline

Maxtrade will provide a toll-free, 24-hour hotline to respond to consumer inquiries as described at Section H.4 of the 1988 ATV Consent Decree. Agents will be trained to provide safety and training information, including age recommendations. Maxtrade's toll-free number will be printed in all owners' manuals, ATV websites, and other promotional materials.

- Maxtrade will also offer free of charge to anyone who calls materials regarding ATV safety and Manual supplements.

### Advertising

When preparing and presenting advertising and promotional materials, Maxtrade will depict the safe and responsible operation of ATVs. The use shown will be appropriate to the ATV, the age of the operator, and the depicted situation. ATV riders depicted in advertising and promotional materials will wear helmets and full protective gear. These marketing materials and presentations will contain the safety messages described in Section J.1. and Appendix K of the 1988 ATV Consent Decree and will contain information about the availability of operator



training. Maxtrade will use its best efforts to promote dealer compliance with the advertising requirements.

### Information / Education Program

Maxtrade LLC will implement a new information/education effort to communicate age recommendation, passenger, and other safety-related information to consumers. Among other things, this effort will further promote Maxtrade LLC's ongoing efforts to deter children under the recommended age from operating adult sized ATVs. Maxtrade LLC will continue to discuss with CPSC staff the nature and scope of this effort as it develops.

The methods that will be used for the information/education program are the following:

1. All information/education program materials distributed by Maxtrade will include an ASI phone # (800)- 887-2887 for the training course.

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



Maxtrade will have a safety slogan for all advertising methods **“Please attend the ASI Safety Training Course.”**

**“Please attend the ASI Safety  
Training Course”**

**MAXTRADE  
ASI Phone #(800)-887-2887**



6. Maxtrade will undertake this program for 5 years.

#### Dealer monitoring regarding age recommendations

Maxtrade requires that its dealers verify the intended ATV rider's age prior to selling that rider or his/her guardian an ATV. Maxtrade warranty registration cards require the identification of the intended rider's name and date of birth to ensure that dealers do not sell Maxtrade ATVs to under-aged riders.


Maxtrade will use its best efforts to obtain dealer compliance with the age recommendation requirements of the ATV Standard. Maxtrade will conduct a minimum of 50 on-site, undercover inspections per year of our authorized ATV dealers by means of independent, undercover investigators (also known as "secret shoppers") to ensure that these dealers follow age requirements and other safety related practices during sales or promotional functions. The initial annual goal of the inspection program will be to inspect the dealers who sell at least 75% of the Maxtrade ATVs sold in the United States. This will be augmented by annual random testing of dealers who are not in the initial inspection group. Maxtrade will also modify the visitation criteria of its field support staff so that inspecting for dealer compliance becomes a normal function of the dealer visit.

In addition to on-site, undercover inspections of its dealers, Maxtrade will conduct regular telephone "secret shopper" calls to ensure that its dealers are complying with the age recommendation requirements of the ATV Standard.

When Maxtrade learns of dealers who do not abide by the age requirements of the ATV Standard, it will arrange follow-up inspections. If Maxtrade finds evidence of continued violations, Maxtrade will take remedial action, up to and including possible termination or non-renewal of the dealer's contract with Maxtrade.

#### Notice of Termination of Action Plans

Maxtrade LLC shall give CPSC at least 60 days advance notice of its intention to terminate or materially change any commitment under the action plan.

  
**Jeff Ma President, MAXTRADE LLC**