MER PRVLBR NOTHFIED /2/20/10

COMMENTS: YES NO -/2 -/2

OVERRULED; _ATTACHED

EXCISIONS FOLA Hxs. _:

XDO NOT RE-NOTIFY _ RE-NOTIFY

Vitacci Motorcycles, Inc. 8383 Commerce Park Dr. Suite 608 Houston, TX 77036 www.vitacci.com



TEL: 713-266-9900 FAX: 713-266-9908 Email: info@vitacci.com

May 19, 2010

Delivery by Fax and US Mail

Jennifer W. Feinberg
Trial Attorney
Office of the General Counsel
United States Consumer Product Safety Commission
4330 East-West Highway
Bethesda, Maryland 20814

Re: ATV Action Plan of Vitacci Motorcycles, Inc.

Action Plan for CPSC

Vitacci Motorcycles, Inc. ("Vitacci") 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

Vitacci 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"). Vitacci will not recommend, market, advertise, or sell adult-sized ATVs for the use of persons less than 16 years of age. Vitacci will use its best efforts to ensure that our dealers comply with these requirements.

Dealer Monitoring

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

Vitacci will use its best efforts to obtain dealer compliance with the age recommendation requirements of the ATV Standard. Vitacci will conduct on-site inspections of each of its authorized ATV dealers at least twice a year, with a minimum of 50 on-site inspections per year. These inspections will be conducted 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. Vitacci 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.

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

Information & Education Program

Vitacci will develop a new informational and educational effort to communicate age requirements, passenger dangers, and other safety related information to consumers, through its websites, literature and posters in dealer's stores. This program will be implemented immediately for a 10 (ten) year duration with monthly reviews conducted by Vitacci's management. Vitacci will spend a minimum of \$15,000 per year for information and education.

Safety Reminders

Vitacci will use safety reminders as part of its educational and informational effort by doing the following:

- 1. Within a few days of each consumer purchase, Vitacci will utilize the trained staff of the 24-hour hotline to call each new purchaser to ensure that customers were properly notified by the dealer about taking the ASI Safety Training course and about the \$100 incentive for completing the course.
- 2. A few weeks after each consumer purchase, Vitacci will also send a letter or email to all purchasers of Vitacci ATVs to remind the purchaser about the importance of taking the ASI Safety Training course.

Development of Safety Devices

We feel the most critical safety issue is that there must be an effort to deter children under the age of sixteen from operating adult-sized ATVs or riding as passengers. We will continue to work with the CPSC in this effort, and Vitacci will continue to work on additional safety devices to aid responsible parents in supervision. One of those could be some type of safety key requirement for adults using the vehicle, as is used currently in racing ATVs, whereas a safety wrist harness would be attached to the adult-sized ATV for safety, and if the adult leaves the vehicle, the vehicle would stop running and reduce the dangers of small children being attracted to a running ATV. Vitacci will make technical advances on ATVs to prevent unwanted stop and start functions, and to keep young children off of unattended, idling adult ATVs.

Boy/Girl Scouts

In continuing education efforts, Vitacci will pursue creating an Eagle Scout award program with the Boy/Girl Scouts of America to develop an awareness of the dangers and the required training and safety within the local community. Vitacci and its dealers would develop this program by giving the Eagle Scout candidate registration in an ATV Safety Institute training class and the loan of an ATV vehicle from the local dealer to promote ATV safety.

Internet

In promoting ATV safety and educational efforts, Vitacci will also provide its safety video for use for the Boy/Girl Scouts of America's website, to distribute its safety message and promote the safe use of ATVs. Vitacci will provide though website mediums such as the BSA and other non-profit groups that have a core constituency of young adults, both information and educational materials on the dangers of ATVs. Through internet links, Vitacci will continue its educational outreach on a continual basis. Through local, state and national non-profit groups, Vitacci will make an annual effort to further ATV safety. By renewing the safety message each year, Vitacci will be keeping the message of ATV safety, fresh and alive, just like its ATV customers.

To get the word out on ATV safety and to make sure it gets to a young audience, Vitacci will be putting its own video of ATV safety on You Tube. This video will be a short video to tell of the importance of taking a hands-on ATV safety training course and demonstrating dangerous things not to do on an ATV. This will get the attention of younger You Tube internet visitors and still be non-commercial enough to get the point across of safety.

Dealers

Vitacci will create and disseminate a safety poster for posting by all of Vitacci's dealers. This poster will feature safety and educational information containing ATV safe riding messages and encouraging correct ATV sizing and the need to take the hands-on safety training.

Vitacci will encourage dealers to promote the importance of ATV safety by recommending that each purchaser visit the ASI's website to learn more about the safe operation of an ATV. In addition, Vitacci will provide dealers information about the dangers of unsafe riding.

Targeted Distribution of Safety Materials

Vitacci intends to distribute the aforementioned safety posters to pediatric offices, schools, and public libraries on a national level so that these materials may target children in the hopes of keeping children informed of safety precautions. Additionally, Vitacci intends to distribute safety brochures to dealers in order to target individual consumers. Additionally, Vitacci will mail safety brochures directly to individual consumers subsequent to their ATV purchase in order to act as a post-purchase reminder of safety measures that a consumer should abide to. Further, these brochures will incorporate valuable safety messages to parents in regards to child safety warnings and precautions.

ATV Labels

All Vitacci ATVs will have the warning labels required by Section 4.23 of the ANSI/ SVIA 1-2007 Standard for ATVs ("the ATV Standard"). This includes general, age recommendation, passenger, tire pressure, and overloading labels.

Owners Manuals

All Vitacci ATVs will be sold with an owner's manual that complies with the requirements of Section 4.21 of the ATV Standard.

ATV Hangtags

All Vitacci ATVs will have the hang tags required by Section 4.24 of the ATV Standard. The hang tags will include information about age recommendations, vehicle category, training availability, and safety messages. Vitacci will use its best efforts to require dealers to display the hang tags on all new ATVs. Vitacci field representatives will spot check that tags remain on ATVs on display at ATV dealerships.

Training

Vitacci will offer free, hands-on, interactive training to all Vitacci 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.

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

Consumers will be notified about the availability of the free, hands-on training for a Vitacci ATV purchaser and the buyers' immediate relatives who are age appropriate for the ATV purchased, before, during and after the purchase of the Vitacci ATV.

Before a consumer makes a purchase of a Vitacci ATV, the consumer will have an opportunity to view Vitacci sponsored posters positioned in the store, displaying a rider with the proper safety helmet and safety gear on and announcing the Vitacci-sponsored free, hands-on training and the additional incentive of a \$100 for completing the ASI training program.

During the purchase, the consumer will be asked to read, and sign a document acknowledging all of the safety warnings, hazards and dangers of riding and driving an ATV. The purchaser has to read and sign this document in order to receive the manufacturer's warranty on the ATV.

After the purchase, the purchaser is told by the dealer that he can sign up now for the ASI training program. The dealer will also give the purchaser of the Vitacci ATV a coupon to get reimbursed for the full cost of the ASI training program when finished.

And, finally, the Vitacci ATV purchaser will receive in the mail or by email shortly after the purchase from Vitacci, a letter of congratulations from Vitacci of the ATV purchase and another reminder of the offer for the Free, hands-on training program of the ASI and the \$100 incentive on completing the safety training program.

Each Vitacci ATV will have a form included in the ATV to fill out for the dealer to receive direct compensation from Vitacci for the \$100 for the free training completion incentive, and to have the dealer reimbursed for the ASI training that was completed.

ATV Safety Video

Vitacci will provide a Safety Video in DVD-Format to its distributors for dissemination to all retail purchasers of Vitacci ATVs. The video shall comply with all requirements described at Section H.3.b. (4) (b) and paragraphs II.A and II.C of Appendix I of the 1988 ATV Consent Decree. The Safety Video may be used by dealers at the point of purchase for demonstration of safety issues and to highlight the need for and availability of hands-on safety training.

Advertising

When preparing and presenting advertising and promotional materials, Vitacci 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. Vitacci will use its best efforts to promote dealer compliance with the advertising requirements, including conditioning cooperative advertising funding on such compliance.

Toll-free ATV Hotline

Vitacci 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. Vitacci will also provide to callers, free of charge, appropriate copies of safety-related materials. Vitacci's toll-free number will be printed in all owners' manuals, ATV web-sites and other promotional materials.

Safety Alert

Vitacci will supply its dealers "Safety Alert" documentation to be provided at the point of purchase to all retail purchases of Vitacci ATVs. The document will contain the same substantive safety information as the Safety Alert described at Section H.3.b. (4) (c) and Appendix J of the 1988 ATV Consent Decree. This information includes: death and injury statistics for ATVs, safety rules, age recommendations and the availability of safety training.

3-Wheel ATV

Vitacci has never manufactured any such vehicle with only three wheels as an ATV, and it will not manufacture, sell or market such ATVs.

Notice of Termination of or Material Changes to Action Plan:

Vitacci intends to maintain the above specified actions indefinitely. Vitacci will provide information about these activities upon receipt of reasonable requests from the CPSC. Vitacci will notify the CPSC at least sixty (60) days prior to terminating or materially changing any of these activities.

Sincerely,

, Dated:

May 19, 2010

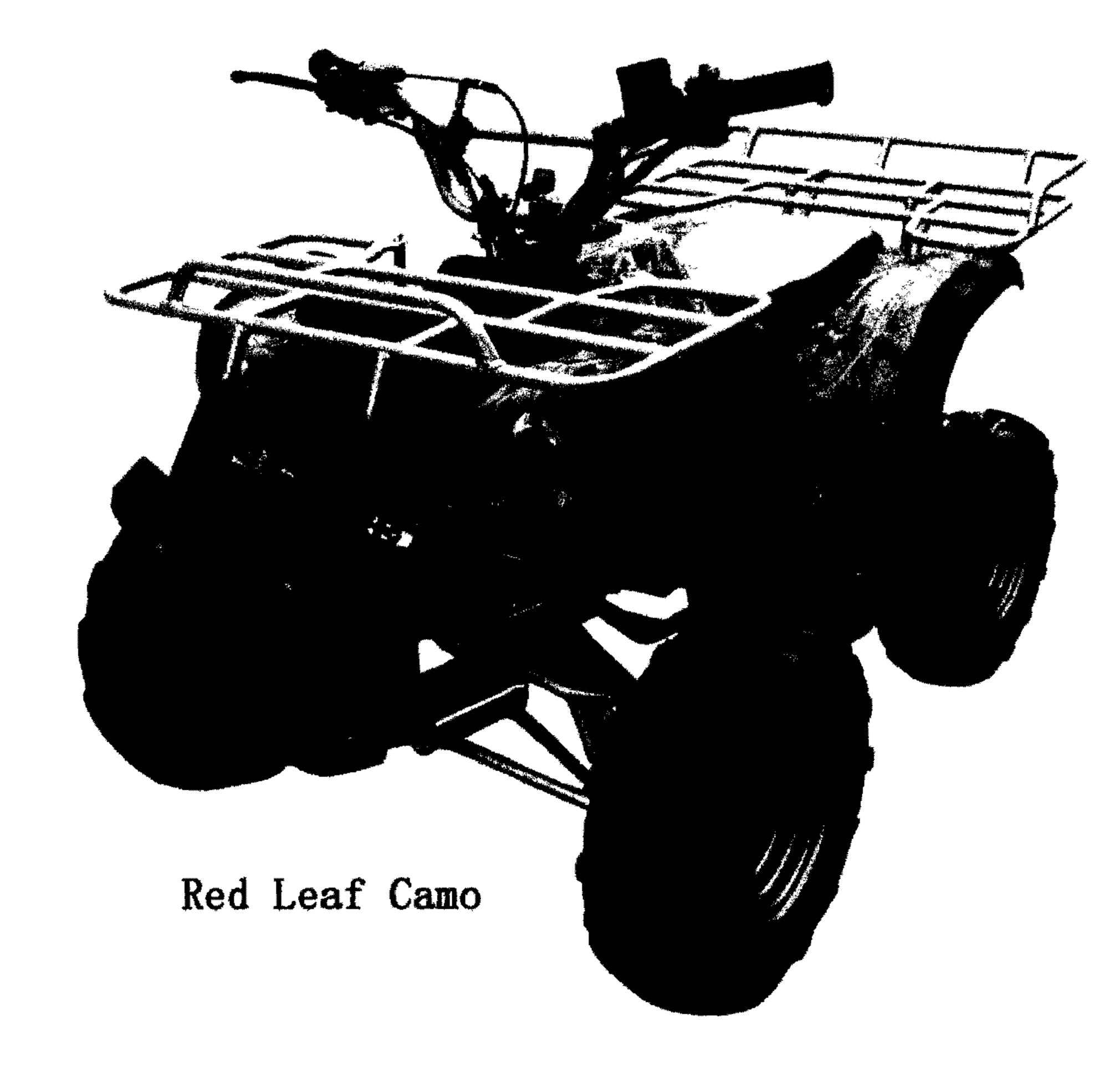
Tony Pourghaed, General Manager

Vitacci Motorcycles, Inc.

8383 Commerce Park Dr. Suite 608

Houston, TX 77036

Motolabs Corp., EPA/ DOT/ ATV Consultants and Onsite Manufacturing Vehicle Testing



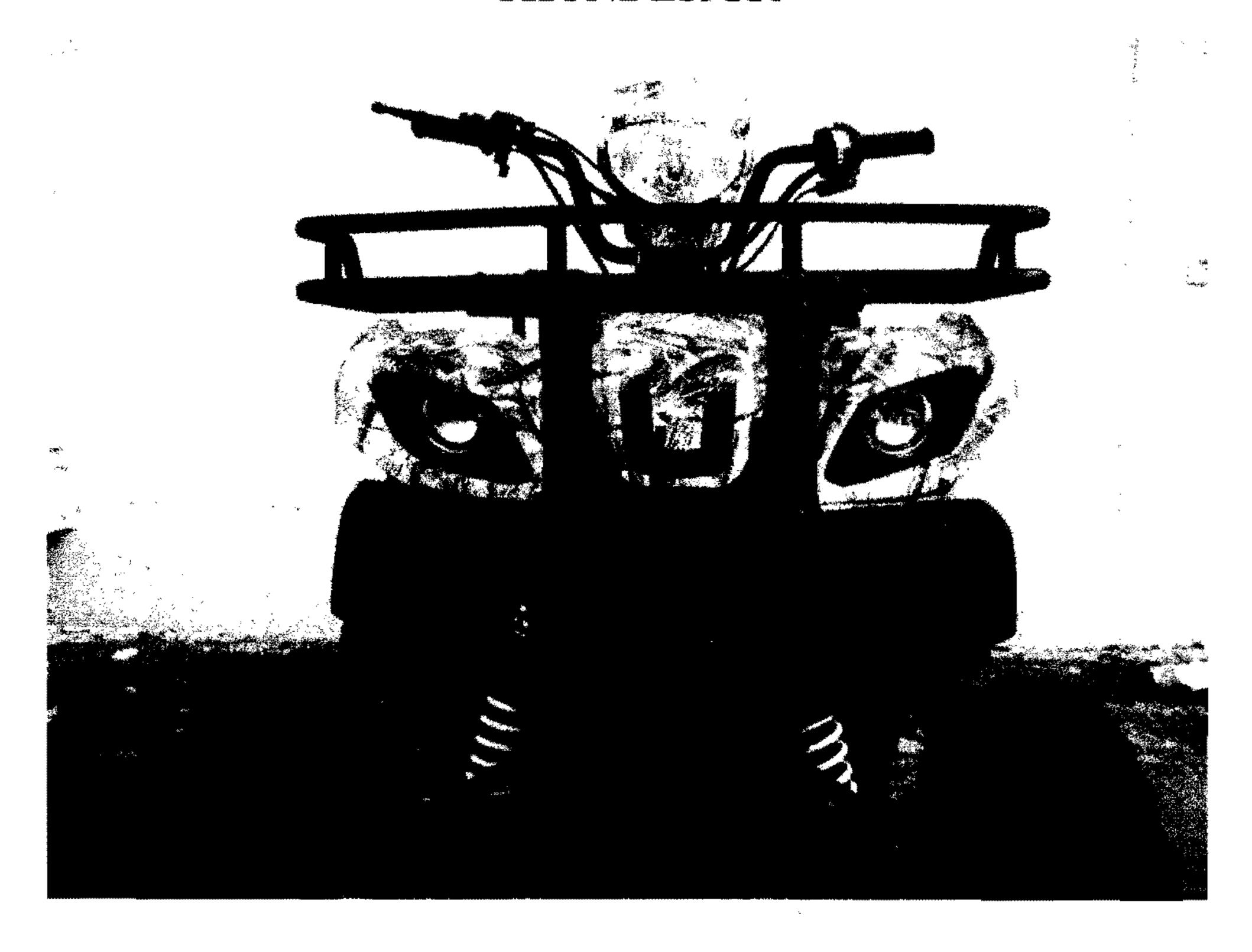
QUAD Y90



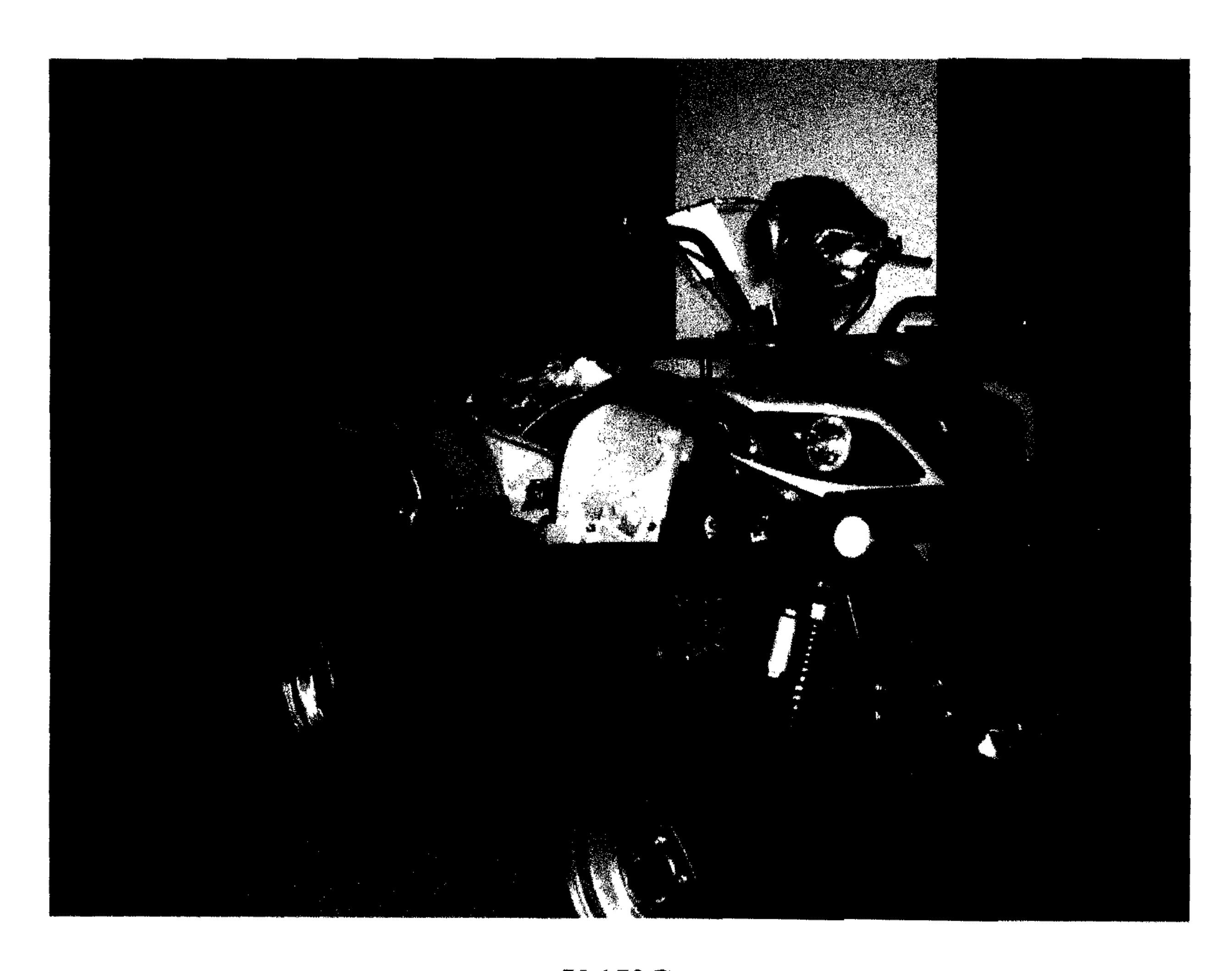
DESERT 300



THUNDER 110



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