



364 S. Smith Rd.
Tempe, AZ. 85280
Phone: 888-405-8725

January 8, 2014

Sean R. Ward
Division of Compliance, Office of the General Counsel
U.S. Consumer Product Safety Commission
4330 East West Highway, Room 703-F
Bethesda, MD 20814-4423

Re: ATV Action Plan of Coleman Powersports

Dear Mr. Ward:

Rich Godfrey & Associates, Inc., d/b/a Coleman Powersports ("Coleman") is fully committed to the goal of reducing ATV related accidents. We have implemented 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

Coleman will only recommend, market, and sell ATVs for use under the age category/speed guidelines specified at Section 6 of the ANSI/SVIA 1-2010 Standard for ATVs ("the ATV Standard"). Coleman will not recommend, market, advertise or sell adult sized ATVs for the use of persons less than 16 years of age and Coleman will use its best efforts to ensure that its dealers comply with these requirements.

Dealer Education and Dealer Monitoring

1. **Scope and Components of Monitoring Program**

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

Coleman will use its "best efforts"¹ to ensure that its dealers comply with:

- the user age recommendation requirements of the ATV Standard;
- the requirements related to notifying ATV purchasers about the availability and importance of free, hands-on ATV training and the monetary incentive for taking such training; and
- the requirements relating to providing the ATV Hang Tag, the ATV Owner's Manual, the ATV Safety Video, and the ATV Safety Alert to ATV purchasers at the point of purchase.

Coleman 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, by means of independent, undercover investigators (also known as "secret shoppers") to ensure that these dealers comply with the above-listed requirements and other safety-related practices during sales or promotional functions. Coleman will also modify the visitation criteria of its field personnel so that inspecting for dealer compliance with the above-listed requirements becomes a normal function of routine dealer visits.

2. Notice and Training Program

Within fifteen (15) days of learning of a dealer's non-compliance with the above-listed requirements from the CPSC staff or by one of Coleman's independent investigators,² Coleman will:

- notify the dealer of its non-compliance;
- inform the dealer of the operative facts reported by the CPSC staff or the independent investigator (such as the name of the salesperson and the model(s) of the ATV(s) allegedly recommended during the inspection); and
- demand a cure of the reported violation(s).

¹ "Best Efforts" shall include, among other things, an obligation to require, to the extent permissible under federal and state law, compliance by Coleman's dealers, agents, or representatives with the terms of this ATV Action Plan in future contracts entered into with dealers, agents, or representatives, and, where possible and within a reasonable time, modification of existing contracts with dealers, agents, or representatives to impose this duty.

² Within fifteen (15) days of learning of a dealer's non-compliance with the above-listed requirements from a third party (such as another dealer or distributor), Coleman will notify the dealer of the reported non compliance and arrange an undercover, on-site inspection of the dealer to determine whether the dealer is complying with the above-listed requirements. If Coleman discovers a violation during this inspection, Coleman will initiate the notice and training procedures outlined in this section.

In addition, within thirty (30) days after notifying the dealer of its non-compliance, Coleman will provide on-site training to all dealership personnel who are involved in the sale of ATVs. The training will include, but not be limited to, information concerning the above-listed requirements, the need for compliance with them, and the potential enforcement actions (including termination and non-renewal of the dealership agreement) that the dealer may incur if non-compliance continues. A record of the training effort will be made by Coleman and provided to CPSC staff during bi-annual reporting (as described in the "Reporting" section below).

3. Follow-up Monitoring and Enforcement for Repeated Non-Compliance

Within sixty (60) days after completing the above-referenced training for a non-compliant dealer, Coleman will conduct an undercover, on-site, follow-up inspection of the dealer to determine whether the dealer is complying with the above-listed requirements. If this follow-up inspection reveals evidence of continuing violations, Coleman will take remedial action against the dealer, up to and including possible termination or non-renewal of the dealership agreement with Coleman.³ If Coleman elects not to terminate the dealer's contract, remedial actions will at a minimum include additional undercover on-site inspections of the dealer. If these additional inspections reveal an additional violation, Coleman will terminate or decline to renew the dealer's contract. In each instance, Coleman will inform the CPSC Office of Compliance and Field Operations in advance of any remedial action or disposition, and it will provide the CPSC staff a reasonable opportunity to comment on such action or disposition before it occurs.

4. Reporting

Coleman will report the results of its dealer monitoring program to the CPSC staff on a bi-annual basis, with reports due to the CPSC's Office of Compliance and Field Operations on February 1 and August 1 of each year. These reports should include a list of non-complying dealerships, the date of inspection, and all training or enforcement actions taken by Coleman, along with dates of all follow up activities and remedial actions. Coleman should maintain a list of all dealerships inspected each year in spreadsheet format, and this spreadsheet shall be provided promptly to the CPSC staff upon its request. The CPSC staff will maintain the confidentiality of these reports in accordance with applicable laws. The CPSC staff also reserves

³ The nature of the enforcement action will be determined on a case-by-case basis, and Coleman will consider factors such as the applicable state and local laws, the circumstances of the reported violations, the length of time between reported violations, any intervening inspections in which the dealer was reported to be in compliance with the above listed requirements, and the strength of the evidence supporting termination.

the right to request additional information from Coleman regarding the results of Coleman's dealer monitoring program.

5. Notice to Dealers

Coleman will notify its dealers in writing of its dealer monitoring program within fifteen (15) days of the effective date of this Action Plan. The notice will remind dealers of their ongoing obligations to comply with the above-listed requirements and the consequences of non-compliance, including, but not limited to, the assessment of administrative costs for Coleman's monitoring of the dealer and possible termination or non-renewal of the dealership agreement. Coleman will provide the CPSC's Office of Compliance and Field Operations an advance copy of the notice.

Coleman's Owner's Manuals will conform to Section 4.21 of the ATV Standard

Coleman's Owner's Manuals will conform to Section 4.21 of the ATV Standard.

ATV Warning Labels

Coleman will use Warning Labels as required by Section 4.23 of the ATV Standard - which includes general age recommendation, passenger, tire pressure, and overloading labels.

Hang Tags

Coleman will use ATV Hang Tags as required by Section 4.24 of the ATV Standard - which includes age recommendations, vehicle category, training availability, and safety messages. Coleman will use its best efforts to require retailers to display the hang tags on new ATVs, and this will be part of Coleman's unannounced audits of retailers.

Training

Coleman will offer free hands on training through the existing ATV Safety Institute ("ASI") safety program to all purchasers of ATVs and age appropriate members of their immediate families.

Coleman will offer a full refund of any training fees associated with attending an ASI Program. 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 toward the purchase of new safety equipment.

The purchaser will be informed of the free training offer several different ways. Inside the package containing the instruction manual will be a Free Training Certificate. To help ensure that the customer not only has the certificate but also is aware of the free training offer, the sales person and the customer will be required to fill out an online Warranty Registration form before the ATV leaves the store. One of the items which must be checked off by the customer

is an acknowledgement that they have received the offer of free training. In addition, the free training offer will be set out on Coleman's web site and in brochures available in the stores.

Coleman will also require warranty information to be completed on-line by Coleman's retailers at time of purchase. Within two weeks of purchase, Coleman will send by electronic (if available) and regular mail a reminder card of the training offer and incentives to the purchaser.

The hands-on training offer will be in addition to training information provided to the consumer in the form of owner manual's, hang tags, warning labels, safety alerts, DVD safety video, warning labels and other media.

ATV Safety Video

Coleman will provide to each purchaser of a Coleman ATV a DVD 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 video will be included in the shipping carton when the unit is packaged during production. The video will contain safety messages in accordance with safety message found on the general ATV warning label. The video will be given to the consumer by the retailer during the sales process. Coleman will also place a link on the Coleman Powersports Web-site to this safety video. This will allow users, and subsequent owners, who may not have the DVD to watch the video presentation.

Safety Alerts

Coleman's Safety Alert will be packaged with each ATV during production and given to each consumer at the time of purchase. Each "Safety Alert" 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 Decrees, including:

- Death and injury statistics for ATVs
- Safety rules
- Age recommendations
- Availability of safety training

Coleman will provide additional copies of the Safety Alert to each retail location.

Toll Free Hotline

Coleman will provide a toll-free, 24-hour hotline to respond to consumer inquiries as described at Section H.4 of the 1988 ATV Consent Decrees. Agents will be trained to provide safety and training information including age recommendations. Coleman further agrees the hotline service will offer to send, free of charge, to every person who calls and requests copies of the ATV Safety Guide produced for the in-store distribution. Coleman's toll-free number will be printed in all owner manuals, ATV web-sites, and other promotional materials.

Advertising

All Coleman's ATV advertising and promotional materials will 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. All riders shown in such advertisements shall wear helmets and full protective gear. The company shall use best efforts to promote dealer compliance with advertising requirements.

Information/Education Program

The focus of the Coleman ATV safety and education program is to stress the importance of children under the age of 16 not operating Adult ATVs and the importance of wearing the appropriate safety gear while riding ATVs. The program's message will be delivered through in-store advertising, in-store pamphlets, and the Internet.

The content of the Coleman ATV and education program will be consistent with information found on the ATV Safety Alert, General Warning and age restriction warning label. The elements of the Coleman ATV safety and education program include the following:

Website: Coleman's company website will provide on-line access and the ability for consumers to download safety and education information. The website provides appropriate warnings against the improper use of ATVs and teaches about the risks associated with ATV use. Users will be able to print the valuable safety and education information for personal use or to share with others.

Print Ad Campaign: The delivery of the message will also be promoted through the inclusion of the web-site address on all Owner's manuals and printed safety messages. The web-site address and safety message will be included in Retail Print Circulars published by Coleman ATV retailers.

Store Display and Pamphlets: Coleman will also supply a Coleman ATV Safety in-store poster for participating Coleman retailers. The standalone in-store poster will deliver a message consistent with the general warning label and age restriction warning label. The in-store poster will contain a small pamphlet containing safety information and directions to the Coleman ATV Safety web-site. The displays and pamphlets stress personal and family responsibility in the proper use of ATVs.

Program Budget Estimate: Coleman will set aside a fund of \$20,000 per year for the next ten years on its Information and Education Program.

3-wheel ATV'S

Coleman will not manufacture, market or sell 3-wheel ATVs.

Participation In ASI's Safety Program

If at any time Coleman is no longer a participating member of ASI's Safety Program, and therefore no longer able to access ASI's training and safety materials and services, Coleman will cease to distribute ATVs into U.S. commerce until such time that Coleman is able to provide equal or greater materials and services as described herein.

Notice of Change

Coleman will inform CPSC with at least 60 days advance notice if we have any intention to terminate or materially change any commitment under this action plan. Coleman will provide information about these activities upon request from CPSC.

Amendment and Termination Procedures

If Commission staff determines that Coleman's approved ATV Action Plan is no longer effective or adequate, Commission staff may take certain action, including but not limited to notifying Coleman that the ATV Action Plan must be amended to address the effectiveness or adequacy of the plan. With that notification, Commission staff shall provide Coleman with the text of any proposed amendment. Coleman and Commission staff must reach agreement on the proposed amendment within 30 calendar days of the notification, unless Commission staff grants an extension for good cause. If Coleman and Commission staff fail to reach an agreement within the designated timeframe, then Commission staff may recommend termination of the Action Plan. Additionally, (i) if Coleman fails to comply with the obligations of this ATV Action Plan, or (ii) if Commission staff determines that Coleman can no longer comply with the obligations of this ATV Action Plan, or (iii) if Coleman fails to adopt a requested amendment within the timeframe specified by staff, Commission staff, after providing Coleman with notice and an opportunity to respond, may recommend termination of the ATV Action Plan. Coleman may not manufacture, import, or distribute any ATV in the United States under this Action Plan after receiving notice of termination. Failure to cease manufacture, importation, or distribution in United States commerce of any ATV under this ATV Action Plan after receipt of notice of termination is a prohibited act under section 19(a)(1) of the CPSA, 15 U.S.C. § 2068(a)(1).

Coleman Powersports looks forward to joining the CPSC and other responsible ATV sellers to jointly promote the safe and responsible use of ATV's.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rich Godfrey', with a stylized flourish at the end.

Rich Godfrey

President



7/18/2014

Lauren Oliner Kleinman
Trial Attorney
Office of the General Counsel
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, Maryland 20814

Re: ATV Action Plan of Coleman Powersports

Dear Ms. Kleinman:

This letter supplements the ATV Action Plan submitted to the U.S. Consumer Product Safety Commission by Rich Godfrey & Associates, Inc., doing business as Coleman Powersports ("Coleman"), on January 8, 2014 (the "Plan") and should be considered to be part of the Plan.

Coleman hereby agrees to take all of the actions to promote ATV safety set forth in the Plan, and further agrees to fulfill each of the undertakings set forth in the Plan.

Coleman understands that any failure to perform the actions, or fulfill the commitments, set forth in the Plan could result in termination of the Plan.

Sincerely,

A handwritten signature in black ink, appearing to read "Rich Godfrey", written over the word "Sincerely,".

Rich Godfrey



7/22/2014

Lauren Oliner Kleinman
Trial Attorney
Office of the General Counsel
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, Maryland 20814

Re: ATV Action Plan of Coleman Powersports

Dear Ms. Kleinman:

This letter serves as the second supplement to the ATV Action Plan submitted to the U.S. Consumer Product Safety Commission by Rich Godfrey & Associates, Inc., doing business as Coleman Powersports ("Coleman"), on January 8, 2014 (the "Plan") and should be considered to be part of the Plan.

Coleman hereby agrees that the Firm's dealer monitoring system will include bi-annual on-site inspections of authorized dealers, with a minimum of 50 on site inspections annually, by means of independent, undercover investigators to ensure compliance with safety requirements during sales or promotional functions. The dealers who will be subject to undercover monitoring will be randomly selected annually.

Coleman hereby further agrees that all aspects of the Firm's future advertising will adhere to specified provisions of the advertising guidelines set forth in the 1988 ATV Consent Decrees.

Sincerely,

A handwritten signature in black ink, appearing to read "Rich Godfrey", written over a horizontal line.

Rich Godfrey