

(2) Categories of youth ATVs

In the final rule, the Commission, in consultation with the National Highway Traffic Safety Administration, may provide for a multiple factor method of categorization that, at a minimum, takes into account—

- (A) the weight of the ATV;
- (B) the maximum speed of the ATV;
- (C) the velocity at which an ATV of a given weight is traveling at the maximum speed of the ATV;
- (D) the age of children for whose operation the ATV is designed or who may reasonably be expected to operate the ATV; and
- (E) the average weight of children for whose operation the ATV is designed or who may reasonably be expected to operate the ATV.

(3) Additional safety standards

In the final rule, the Commission, in consultation with the National Highway Traffic Safety Administration, shall review the standard published under subsection (a)(1) and establish additional safety standards for all-terrain vehicles to the extent necessary to protect the public health and safety. As part of its review, the Commission shall consider, at a minimum, establishing or strengthening standards on—

- (A) suspension;
- (B) brake performance;
- (C) speed governors;
- (D) warning labels;
- (E) marketing; and
- (F) dynamic stability.

(e) Definitions

In this section:

(1) All-terrain vehicle or ATV

The term “all-terrain vehicle” or “ATV” means—

- (A) 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; but
- (B) does not include a prototype of a motorized, off-highway, all-terrain vehicle or other motorized, off-highway, all-terrain vehicle that is intended exclusively for research and development purposes unless the vehicle is offered for sale.

(2) ATV action plan

The term “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 FR 48199–48204).

(Pub. L. 92–573, §42, as added Pub. L. 110–314, title II, §232(a), Aug. 14, 2008, 122 Stat. 3071.)

CODIFICATION

August 14, 2008, referred to in subsec. (a)(2)(B), was in the original “the date of enactment of the Act” and was translated as reading “the date of enactment of the Consumer Product Safety Improvement Act of 2008”, which enacted this section, to reflect the probable intent of Congress.

EFFECTIVE DATE

Subsec. (c) of this section effective on the date that is 30 days after Aug. 14, 2008, see section 239(a) of Pub. L. 110–314, set out as an Effective Date of 2008 Amendment note under section 2051 of this title.

DEADLINE FOR RULE BY CONSUMER PRODUCT SAFETY COMMISSION ON STANDARDS FOR ALL TERRAIN VEHICLES

Pub. L. 112–28, §9, Aug. 12, 2011, 125 Stat. 282, provided that: “The Commission shall issue the final rule described in section 42(d) of the Consumer Product Safety Act (15 U.S.C. 2089(d)) not later than 1 year after the date of enactment of this Act [Aug. 12, 2011].”

CHAPTER 48—HOBBY PROTECTION

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§ 2101. Marking requirements

(a) Political items

The manufacture in the United States, or the importation into the United States, for introduction into or distribution in commerce of any imitation political item which is not plainly and permanently marked with the calendar year in which such item was manufactured, is unlawful and is an unfair or deceptive act or practice in commerce under the Federal Trade Commission Act [15 U.S.C. 41 et seq.].

(b) Coins and other numismatic items

The manufacture in the United States, or the importation into the United States, for introduction into or distribution in commerce, or the sale in commerce of any imitation numismatic item which is not plainly and permanently marked “copy”, is unlawful and is an unfair or deceptive act or practice in commerce under the Federal Trade Commission Act [15 U.S.C. 41 et seq.].

(c) Rules and regulations

The Federal Trade Commission shall prescribe rules for determining the manner and form in which items described in subsection (a) or (b) shall be permanently marked.

(d) Provision of assistance or support

It shall be a violation of subsection (a) or (b) for a person to provide substantial assistance or support to any manufacturer, importer, or seller if that person knows or should have known that the manufacturer, importer, or seller is engaged in any act or practice that violates subsection (a) or (b).

(e) Exemption

Subsections (a)¹ (b), and (d), and regulations under subsection (c), shall not apply to any com-

¹ So in original. Probably should be followed by a comma.

mon carrier or contract carrier or freight forwarder with respect to an imitation political item or imitation numismatic item received, shipped, delivered, or handled by it for shipment in the ordinary course of its business.

(Pub. L. 93-167, § 2, Nov. 29, 1973, 87 Stat. 686; Pub. L. 113-288, § 2(1), Dec. 19, 2014, 128 Stat. 3281.)

REFERENCES IN TEXT

The Federal Trade Commission Act, referred to in subsecs. (a) and (b), is act Sept. 26, 1914, ch. 311, 38 Stat. 717, as amended, which is classified generally to subchapter I (§ 41 et seq.) of chapter 2 of this title. For complete classification of this Act to the Code, see section 58 of this title and Tables.

AMENDMENTS

2014—Subsec. (b). Pub. L. 113-288, § 2(1)(A), inserted “, or the sale in commerce” after “distribution in commerce”.

Subsec. (d). Pub. L. 113-288, § 2(1)(B), added subsec. (d). Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 113-288, § 2(1)(B), (C), redesignated subsec. (d) as (e) and substituted “(b), and (d)” for “and (b)”.

EFFECTIVE DATE

Pub. L. 93-167, § 8, Nov. 29, 1973, 87 Stat. 687, provided that: “This Act [enacting this chapter] shall apply only to imitation political items and imitation numismatic items manufactured after the date of enactment of this Act [Nov. 29, 1973].”

SHORT TITLE OF 2014 AMENDMENT

Pub. L. 113-288, § 1, Dec. 19, 2014, 128 Stat. 3281, provided that: “This Act [amending this section and sections 2102 and 2106 of this title] may be cited as the ‘Collectible Coin Protection Act’.”

SHORT TITLE

Pub. L. 93-167, § 1, Nov. 29, 1973, 87 Stat. 686, provided: “That this Act [enacting this chapter] may be cited as the ‘Hobby Protection Act’.”

§ 2102. Private enforcement

(a) In general

If any person violates section 2101(a) or (b) of this title or a rule under section 2101(c) of this title, any interested person may commence a civil action for injunctive relief restraining such violation, and for damages, in any United States District Court for a district in which the defendant resides, has an agent, transacts business, or wherever venue is proper under section 1391 of title 28. In any such action, the court may award the costs of the suit, including reasonable attorneys’ fees.

(b) Trademark violations

If the violation of section 2101(a) or (b) of this title or a rule under section 2101(c) of this title also involves unauthorized use of registered trademarks belonging to a collectibles certification service, the owner of such trademarks shall have, in addition to the remedies provided in subsection (a), all rights provided under sections 34, 35, and 36 of the Trademark Act of 1946 (15 U.S.C. 1116, 1117, and 1118) for violations of such Act.

(Pub. L. 93-167, § 3, Nov. 29, 1973, 87 Stat. 686; Pub. L. 113-288, § 2(2), Dec. 19, 2014, 128 Stat. 3281.)

REFERENCES IN TEXT

The Trademark Act of 1946, referred to in subsec. (b), is act July 5, 1946, ch. 540, 60 Stat. 427, also popularly known as the Lanham Act, which is classified generally to chapter 22 (§ 1051 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1051 of this title and Tables.

AMENDMENTS

2014—Pub. L. 113-288 designated existing provisions as subsec. (a), inserted heading, substituted “, has an agent, transacts business, or wherever venue is proper under section 1391 of title 28” for “or has an agent”, and added subsec. (b).

§ 2103. Enforcement by Federal Trade Commission

(a) Statutory authority

Except as provided in section 2102 of this title, this chapter shall be enforced by the Federal Trade Commission under the Federal Trade Commission Act [15 U.S.C. 41 et seq.].

(b) Incorporation of Federal Trade Commission Act provisions

The Commission shall prevent any person from violating the provisions of this chapter in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act [15 U.S.C. 41 et seq.] were incorporated into and made a part of this chapter; and any such person violating the provisions of this chapter shall be subject to the penalties and entitled to the privileges and immunities provided in said Federal Trade Commission Act, in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though the applicable terms and provisions of the said Federal Trade Commission Act were incorporated into and made a part of this chapter.

(Pub. L. 93-167, § 4, Nov. 29, 1973, 87 Stat. 686.)

REFERENCES IN TEXT

The Federal Trade Commission Act, referred to in text, is act Sept. 26, 1914, ch. 311, 38 Stat. 717, as amended, which is classified generally to subchapter I (§ 41 et seq.) of chapter 2 of this title. For complete classification of this Act to the Code, see section 58 of this title and Tables.

§ 2104. Imports

Any item imported into the United States in violation of section 2101(a) or (b) of this title or regulations under section 2101(c) of this title shall be subject to seizure and forfeiture under the customs laws.

(Pub. L. 93-167, § 5, Nov. 29, 1973, 87 Stat. 687.)

§ 2105. Application of other laws

The provisions of this chapter are in addition to, and not in substitution for or limitation of, the provisions of any other law of the United States or of the law of any State.

(Pub. L. 93-167, § 6, Nov. 29, 1973, 87 Stat. 687.)

§ 2106. Definitions

For purposes of this chapter:

(1) The term “original political item” means any political button, poster, literature, stick-