

ATVs on Public Roads

Autumn, 2009



Introduction

In 2007, a law was passed allowing farmers to operate All-Terrain Vehicles (ATVs) being used for farming purposes on county and township roadways. Use on State highways or city streets is not authorized. Prior to that time, ATVs had been prohibited from anything but crossing a public road unless local ordinance provided further authorization. Non-farm use of ATVs on public roads is still prohibited.

This provision is currently in jeopardy. A legislative remedy is being sought before it expires January 1, 2010.

What Does the State Consider to be an ATV?

That definition is spelled out in the Illinois Vehicle Code. It limits this "public road use" to vehicles fitting this definition.

(625 ILCS 5/1-101.8) All-terrain vehicle. Any motorized off-highway device designed to travel primarily off-highway, 50 inches or less in width, having a manufacturer's dry weight of 900 pounds or less, traveling on 3 or more low-pressure tires, designed with a seat or saddle for operator use, and handlebars or steering wheel for steering control, except equipment such as lawnmowers.
(Source: P.A. 92-812, eff. 8-21-02.)

Are other off-road vehicles allowed the same advantage?

The limited public road use allowance in the statute also applies to off-highway motorcycles. The Illinois Vehicle Code's definition of an off-highway motorcycle is:

(625 ILCS 5/1-153.1) Off-highway motorcycle. Any motorized device designed to travel primarily off-highway on 2 wheels, having a seat or saddle for the use of the operator, upon or by which any person, persons or property may be transported or drawn.
(Source: P.A. 85-830.)

Does this apply to vehicles such as the John Deere Gator or the Kubota RTV900?

Not yet. In May of 2009, the Illinois General Assembly passed legislation that would apply the same on-road privileges to such cargo-hauling off-road vehicles—often known as UTVs (Utility Terrain Vehicles.) However, that legislation is now in question and is not yet effective. It would include off-road utility vehicles up to 64" wide and up to 2,000# when being used for farming.

The statutory language refers to "Roadway"—what's that?

Generally it refers to the area that is paved (other than shoulders.) The Illinois Vehicle Code's definition of "Roadway" is:

(625 ILCS 5/1-179) Roadway. That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.
(Source: P.A. 76-1586.)

Should an SMV emblem be displayed on the back of an ATV?

Generally, the use of an SMV in Illinois is not based on the speed of the vehicle; instead it is limited to three vehicle types:

- Implements of husbandry;
- Special mobile equipment (operating outside of construction zones); and,
- Animal-drawn vehicles.

Since the ATV does not meet any of those definitions, it is unlikely that the SMV emblem is required/allowed—though a formal opinion has yet to be issued.

If used like a farm tractor, can an ATV be operated on public roads like a farm tractor can be?

No. The Illinois Vehicle Code specifies that an ATV is not considered to be a farm tractor. That distinction is found in the law's definition of a farm tractor.

*(625 ILCS 5/1 -120) **Farm tractor.** Every motor vehicle designed and used primarily as a farm implement for drawing wagons, plows, mowing machines and other implements of husbandry, and every implement of husbandry which is self propelled, excluding all-terrain vehicles and off-highway motorcycles as defined in this Code.*

(Source: P.A. 85-830; 85-1010.)

More Information

- Illinois Farm Bureau®
309-557-3274
www.ilfb.org
- Illinois State Police
217-782-6267
<http://www.isp.state.il.us/>

A pdf version of this document is available with hyperlinks at the ilfb web address.

625 ILCS 5/11-1426) Operation of all-terrain vehicles and off-highway motorcycles on streets, roads and highways.

(a) Except as provided under this Section, it shall be unlawful for any person to drive or operate any all-terrain vehicle or off-highway motorcycle upon any street, highway or roadway in this State.

(a-1) It shall not be unlawful for any person to drive or operate any all-terrain vehicle upon any county roadway or township roadway for the purpose of conducting farming operations to and from the home, farm, farm buildings, and any adjacent or nearby farm land. An all-terrain vehicle that is operated on a county or township roadway at any time between one-half hour before sunset and one-half hour after sunrise must be equipped with head lamps and tail lamps, and the head lamps and tail lamps must be lighted.

(b) Except as provided under subsection (c) of this Section, all-terrain vehicles and off-highway motorcycles may make a direct crossing provided:

- (1) The crossing is made at an angle of approximately 90 degrees to the direction of the street, road or highway and at a place where no obstruction prevents a quick and safe crossing; and
- (2) The all-terrain vehicle or off-highway motorcycle is brought to a complete stop before attempting a crossing; and
- (3) The operator of the all-terrain vehicle or off-highway motorcycle yields the right of way to all pedestrian and vehicular traffic which constitutes a hazard; and
- (4) That when crossing a divided highway, the crossing is made only at an intersection of the highway with another public street, road, or highway; and

(5) That when accessing township roadways in counties which contain a tract of the Shawnee National Forest, the accessing complies with rules promulgated by the Department of Natural Resources to govern the accessing.

(c) No person operating an all-terrain vehicle or off-highway motorcycle shall make a direct crossing upon or across any tollroad, interstate highway, or controlled access highway in this State.

(d) The corporate authorities of a county, road district, township, city, village, or incorporated town may adopt ordinances or resolutions allowing all-terrain vehicles and off-highway motorcycles to be operated on roadways under their jurisdiction, designated by signs as may be prescribed by the Department, when it is necessary to cross a bridge or culvert or when it is impracticable to gain immediate access to an area adjacent to a highway where an all-terrain vehicle or off-highway motorcycle is to be operated. The crossing shall be made in the same direction as traffic.

(e) The corporate authorities of a county, road district, township, city, village, or incorporated town may adopt ordinances or resolutions designating one or more specific public highways or streets under their jurisdiction as egress and ingress routes for the use of all-terrain vehicles and off-highway motorcycles. Operation of all-terrain vehicles and off-highway motorcycles on the routes shall be in the same direction as traffic. Corporate authorities acting under the authority of this subsection (e) shall erect and maintain signs, as may be prescribed by the Department, giving proper notice of the designation.

(Source: P.A. 95-575, eff. 8-31-07.)