



ATVS ON PUBLIC ROADS

Under certain conditions and only for purposes of farming, farmers are allowed to operate All-Terrain Vehicles (ATVs) and Gator-type vehicles of limited size on county and township roadways. Use on State highways or city streets is not authorized. A driver's license is required for this on-road operation of ATV's for farming purposes.

VEHICLE TYPES

ATV is defined by the Illinois Vehicle Code. It narrowly describes only a certain type of vehicle based on size, weight and configuration. It excludes others that the public might normally think of as ATVs, so be cautious as to how broadly you apply the ATV moniker.

[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.

ROHV is short for "Recreational Off-Highway Vehicle", the statutory name for Gator-type vehicles, which can informally go by a variety of other names.

[625 ILCS 5/1168.8] **Recreational off-highway vehicle.** Any motorized off-highway device designed to travel primarily off-highway, 64 inches or less in width, having a manufacturer's dry weight of 2,000 pounds or less, traveling on 4 or more nonhighway tires, designed with a non-straddle seat and a steering wheel for steering control, except equipment such as lawnmowers.

Off-Highway Motorcycle - Although not as common in agricultural use, off-highway motorcycles are treated similarly under this statute.

[625 ILCS 5/1153.1] **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.

TITLING

Generally, ATVs purchased on or after January 1, 1998, are required to be titled; there is no known requirement for registration in Illinois.

MANDATORY INSURANCE

Illinois law requires ATVs and ROHVs to be insured for on-road use if they will be used in that manner. Either a highway motor vehicle insurance policy meeting the minimum levels of coverage under Illinois' mandatory vehicle insurance requirements or equivalent levels of coverage under a farm, home, or non-highway vehicle insurance policy is required. Talk with your insurance agent for specifics.

DRIVER'S LICENSE

Illinois law requires the operators of such vehicles on the road hold a valid driver's license. This effectively sets a minimum age for drivers, as well.

DOES THIS APPLY TO VEHICLES SUCH AS THE JOHN DEERE GATOR OR THE KUBOTA RTV900?

Yes. The law applies the same on-road privileges to such cargo-hauling off-road vehicles—known by various names—up to 64 inches wide and up to 2,000 pounds when being used for farming. Despite their utilitarian capability, the law calls these Recreational Off-highway Vehicles (ROHV).

THE STATUTORY LANGUAGE REFERS TO "ROADWAY"—WHAT IS THAT?

Generally, it refers to travel portion of the road, 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 emblem in Illinois is not based on the speed of the vehicle; instead, it is limited to four vehicle types:

Implements of husbandry;

Special mobile equipment (operating outside of construction zones);

Animal-drawn vehicles; and,

Non-highway vehicles (ATV, golf cart) in municipalities or other local government that have passed a resolution or ordinance to allow the operation of these vehicles on roadways under its jurisdiction.

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

IF USED LIKE A FARM TRACTOR, CAN AN ATV BE OPERATED ON PUBLIC ROADS LIKE A FARM TRACTOR?

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.

From the practical perspective, this means that an ATV may not be operated on a state highway or city street as though it was a farm tractor.

LOCAL AUTHORITIES

Local governments may authorize the operation of certain non-highway vehicles on roadways under its jurisdiction if they deem it safe to do so. They must post signs along the route indicating that authorization.