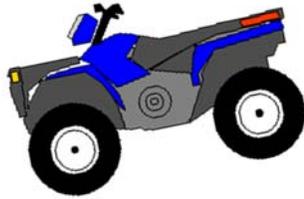


# ATVs ON PUBLIC ROADS

FOR ILLINOIS FARMERS



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. Prior to this 2010 law, 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. A driver's license and insurance are required for this on-road operation. [625 ILCS 5/11-1426.1]

## 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 5/1-168.8] *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 non-highway tires, designed with a non-straddle seat and a steering wheel for steering control, except equipment such as lawnmowers.*

## 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" wide and up to 2,000 pounds when being used for farming. Despite their utilitarian capability, this legislation calls these contrivances "Recreational Off-Highway Vehicles" (ROHV.)

## Titling

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

## Driver's License

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

## 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. [625 ILCS 5/11-1426.1(h)]

## Lighting

Though excused from the lighting required of other non-highway vehicles, farm-use ATVs are generally covered by a law requiring all motor vehicles—unless specifically excused—to exhibit: at least 2 (white) headlamps and 2 (red) tail lamps, brake lamps (red or amber), and turn signals at front (white or amber) and rear (red or amber). Head lamps and tail lamps must be lit at times identical to those required of automobiles (from sunset to sunrise and at times of rain, snow, fog, etc.)

[625 ILCS 5/12-201(b) & 5/12-208(a) & (b)]

## 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 three vehicle types when operated on a public road [625 ILCS 12-709(a)]:

- 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 not required by this section to display the SMV emblem.

Certain non-highway vehicles are also required to display the SMV emblem when allowed to be operated on a public road. This includes ATVs, however those ATVs and ROHVs used under the farmer exemption are excused from this requirement. [625 ILCS 5/11-1426.1(h)]

Elsewhere, statute prohibits the use of the SMV emblem on any other vehicle. That makes it unlikely that the SMV emblem is required—or even allowed—on an ATV or ROHV being operated under the farm-use exemption, though a formal judicial opinion has yet to be issued. [625 ILCS 5/11-1426.1(h)]

## 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.*

From the practical perspective, this only means that an ATV or ROHV may not be operated on a state highway or city street as though it was a farm tractor. Operation on county and township roads, however, remains fair game.



## The statutory language refers to "Roadway"—what's 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.)*

## 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.

## Confusion

There seems to be a lot of confusion on the provisions of the farm-use exemption for ATVs and ROHVs. There are likely several reasons for that.

First, the law is relatively new in its current form, having only been in-place since 2013.

Secondly, the language of this statute went through several iterations over five years before settling into its current form. That left the language somewhat disjointed. It's plausible that it could cause confusion, even among law enforcement officers.

Finally, the fact that some ATV use is allowed and other types of uses are not muddies the water.

## For more information

For a full copy of the statute, refer to:  
[625 ILCS 5/11-1426.1](#)

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