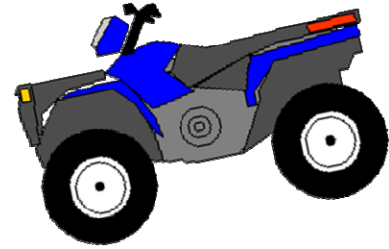


ATVs ON PUBLIC ROADS

FOR ILLINOIS FARMERS



QUESTION:

Can farmers again operate ATVs on local roads yet?

RESPONSE:

In a word, "No." Legislation re-establishing that authority has yet to be signed by the Governor.

Change in Law

In 2007, farmers were granted the authority to operate ATVs on county and township roadways for purposes of farming. However, in 2009, legislation was passed that took away that authority as of January 1, 2010. That was the same date that Gator-type vehicles were to have joined ATVs on roadways, but that authority never came into being.

The problem centered on a multitude of drafting errors in legislation designed to address golf cart use on roadways. Unfortunately, ATVs were entangled in the mess. Not only did ATV operators lose the ability to use local roads, but also to cross a public road.

Besides Illinois Farm Bureau-supported legislation authorizing use of Gators, there were two other public acts passed in 2009 that affect the operation of "non-highway" vehicles on public roads: PA 096-0653 and PA 096-0279. They were both very poorly written. On top of that, they contradict one another.

Golf Carts

For purposes of this discussion, it might be best to simply dismiss PA 096-0653 because it generally does not address ATVs. Its primary focus is 4-wheeled vehicles with a maximum speed greater than 20 mph but not more than 25 mph and that meet certain federal standards; in other words, golf carts. However, any ATV that fits those parameters (highly unlikely) could be subject to its provisions, one of which is registration. PA 096-0653 requires golf carts to be titled and registered. Generally, any vehicle required to be registered is also subject to mandatory insurance.

Non-highway Vehicles

PA 096-0279 is the one that has done most to damage the farm use of ATVs. It limits the use of "non-highway" vehicles (including ATVs) to only those highways where the highway jurisdiction has authorized their use and posted the road accordingly, and only if those highways have a speed limit of 35 mph or less. A non-highway vehicle can't even cross a State highway except at a stop light or stop sign and only if the speed limit there is 35 mph or less. That virtually rules out all farm use of ATVs on public roads.

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

Mandatory Insurance

Both of those Public Acts would require mandatory vehicle insurance for operation on roadways. But the fact of the matter is, their restrictions are such that there is no practical means of operating an ATV on a public road. That makes any discussion of mandatory insurance or registration for farm ATVs a mute point.

Corrective Action

In 2010 Illinois Farm Bureau successfully sought legislation [HB 6094] to correct the farm ATV problem and restore the authority for both ATVs and Gator-type vehicles to be used on local roads for purposes of farming. **It has been passed by the General Assembly, but has yet to be signed into law by the Governor.** If signed, it will have an immediate effective date, meaning that it would be effective for this fall's harvest season

More Information

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