

captured 12/12/12

Regulations for All-Terrain Vehicles & Off-Highway Motorcycles



Illinois

Department of

Natural Resources

This brochure is only a guide to the regulations governing the use of all terrain vehicles (ATVs) and off-highway motorcycles (OHMs) governed by the Illinois Vehicle Code (Illinois Compiled Statutes, Chapter 625). Please remember that regulations on State or County managed public lands may be more restrictive. Be sure to check area managers to determine local regulations. The information in this brochure is based on laws in effect as of January 2005 and is subject to change.

Definitions

“All-terrain vehicle” (ATV) - Any motorized off-highway device 50 inches or less in width, having a manufacturer’s dry weight of 900 lbs or less, traveling on three or more low pressure tires, designed with a seat or saddle for operator use, and handlebars or steering wheel for steering control.

“Off-highway motorcycle” (OHM) - Any motorized device designed to travel primarily off-highway on two wheels, having a seat or saddle for use of the operator, upon or by which any person, persons or property may be transported or drawn.

“Highway” - the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for the purpose of vehicular travel.

“Roadway” - that portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder.

Titling of ATVs and OHMs

Every owner of an all-terrain vehicle or off-highway motorcycle purchased on or after January 1, 1998 shall make application to the Secretary of State for a certificate of title. Applications for title are available from your local Secretary of State Driver Services Facility or by calling 217-782-6306. Title fees are \$30.00. Additional information is available online on the Secretary of State’s website at www.cyberdrive.com.

Operation of ATVs and OHMs on Streets, Roads and Highways

It is unlawful for any person to drive or operate any ATV or OHM upon any street, highway or roadway in this State, except a direct crossing may be made

provided:

1. The crossing is made at an angle of approximately 90° 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 ATV or OHM is brought to a complete stop before attempting a crossing; and
3. The operator 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.

Note: It is unlawful to make a direct crossing upon or across any tollroad, interstate highway or controlled access highway in this state.

Except for authorized crossings, operation of an ATV or OHM on any Illinois roadway, subjects the operator to all Illinois Vehicle code laws including mandatory insurance, equipment, licensing, registration and DUI.

Local Ordinances

The corporate authorities of a county, road district, city, village or incorporated town may adopt ordinances or resolutions allowing ATVs and OHMs 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 ATV or OHM is to be operated, the crossing shall be made in the same direction as traffic.

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 ATVs and OHMs. Operation on these routes shall be in the same direction as traffic. Corporate authorities will designate the routes by erecting and maintaining signs.

Illegal Operation of an ATV or OHM

It is unlawful for any person to drive or operate any all-terrain vehicle or off-highway motorcycle in the following ways:

- a. Careless Operation - No person shall operate any ATV or OHM in a careless or heedless manner so as to be grossly indifferent to the person or property or other persons, or at a rate of speed greater than will permit him in the exercise of reasonable care to bring the ATV or OHM to a stop within the assured clear distance ahead.
- b. Reckless Operation - No person shall operate any ATV or OHM in such a manner as to endanger the life, limb, or property of any person.
- c. Nature Preserves - No person shall operate any ATV or OHM within any nature preserve as defined in Section 3.11 of the Illinois Natural Areas Preservation Act [525 ILCS 30/3.11].
- d. Railroads - No person shall operate any ATV or OHM on the tracks or right of way of an operating railroad.
- e. Tree nurseries - No person shall operate any ATV or OHM in any tree nursery or planting in a manner which damages or destroys growing stock, or creates a substantial risk thereto.
- f. Private property - No person shall operate any ATV or OHM on private property, without the written or verbal consent of the owner or lessee thereof. Any person operating an ATV or OHM upon lands of another shall stop and identify himself upon the request of the landowner or his duly authorized representative, and, if requested to do so by the landowner shall promptly remove the ATV or OHM from the premises.
- g. Landowners - Notwithstanding any other law to the contrary, an owner, lessee, or occupant of premises owes no duty of care to keep the premises safe for entry or use by others for use by an ATV or OHM, or to give warning of any condition, use, structure or activity on such



premises. This subsection does not apply where permission to drive or operate an ATV or OHM is given for a valuable consideration other than to this State, any political subdivision or municipality of this State, or any landowner who is paid with funds from the Off-Highway Vehicle Trails Fund. In the case of land leased to the State or a subdivision of the State, any consideration received is not valuable consideration within the meaning of this Section.

Nothing in this subsection limits in any way liability which otherwise exists for willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity.

- h. Public Lands - No person shall operate any ATV or OHM on publicly owned lands unless such lands are designated for use by ATVs or OHMs. For publicly owned lands to be designated for use by ATVs or OHMs, a public hearing shall be conducted by the governmental entity that has jurisdiction over the proposed land prior to the designation.

Nothing in this subsection limits in any way liability which otherwise exists for willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity.

- i. Speed - No person shall operate any ATV or OHM at a rate of speed too fast for conditions, and the fact that the speed of the ATV or OHM does not exceed the applicable maximum speed limit allowed does not relieve the driver from the

duty to decrease speed as may be necessary to avoid colliding with any person, vehicle, or object within legal requirements and the duty of all persons to use due care.

- j. On ice - No person shall operate any ATV or OHM on the frozen surface of public waters of this State within 100 feet of a person, including a skater, not in or upon an ATV or OHM; within 100 feet of a person engaged in fishing, except at the minimum speed required to maintain forward movement of the ATV or OHM on an area which has been cleared of snow for skating purposes unless the area is necessary for access to the frozen waters of this State.
- k. Near dwellings - No person shall operate any ATV or OHM within 100 feet of a dwelling between midnight and 6 a.m. at a speed greater than the minimum required to maintain forward movement of the ATV or OHM. This does not apply on private property where verbal or written consent of the owner or lessee has been granted to drive or operate an ATV or OHM upon the private property or frozen waters of this State.
- l. Firearms - No person, except persons permitted by law, shall operate or ride any ATV or OHM with any firearm in his or her possession unless he or she is in compliance with Section 2.33 of the Wildlife Code [520 ILCS 5/2.33]. The Wildlife Code requires that all firearms must be unloaded and enclosed in a firearm carrying case. (Note: Bows must be in a case or otherwise made inoperable.)

It is unlawful to hunt from an ATV or OHM except for certain handicapped individuals who possess a standing vehicle permit issued by the IDNR, Office of Law Enforcement. For more information call 217-782-6431.
- m. Pollutants - No person shall operate any ATV or OHM emitting pollutants in violation of standards established pursuant to the Environmental Protection Act [415 ILCS 5/1 et seq.].
- n. Littering - No person shall deposit from an ATV or OHM on the snow, ice or ground surface, trash, glass, garbage, insoluble material, or other offensive matter.

o. Signal from officer to stop - An ATV or OHM operator, after having received a visual or audible signal from a law enforcement officer to come to a stop may not:

- (1) operate an ATV or OHM in willful or wanton disregard of the signal to stop;
- (2) interfere with or endanger the law enforcement officer or another person or vehicle; or
- (3) increase speed or attempt to flee or elude the officer.



ATV/OHM Safety - For safety classes, contact the ATV Safety Institute at 1-800-887-2887 or 949-727-3727.

Off-Highway Vehicle (OHV) Public Access Decals and OHV Grant Assisted Public Riding areas

Off-Highway Vehicle (OHV) Public Access Decals are required on all off-highway vehicles operating on OHV grant assisted sites in Illinois.

Definition: **“Off-highway vehicle”** means a motor-driven recreational vehicle capable of cross-country travel on natural terrain without benefit of a road or trail, including an all-terrain vehicle and off-highway motorcycle as defined in the Illinois Vehicle Code. “Off-highway vehicle” does not include a snowmobile; a motorcycle; a watercraft; a farm vehicle

being used for farming; a vehicle used for military, fire, emergency, or law enforcement purposes; a motor vehicle owned or operated under contract with a utility, whether publicly or privately owned, when used for work on utilities; a commercial vehicle being used for its intended purpose; snow grooming equipment when used for its intended purpose; or an aircraft.

A person may not operate and an owner may not give permission to another to operate an off-highway vehicle on land or lands in public off-highway vehicle parks paid for, operated, or supported by the OHV grant program unless the off-highway vehicle displays an off-vehicle public access decal in the legally prescribed manner.

OHV public access decals must be on a visible location in the front center of the vehicle. OHV public access decals are good for one year, expiring March 31st of each year. The price of the decal includes a \$1 issuing fee and may be purchased in the following categories:

- (1) OHVs titled for recreational use with the Illinois Secretary of State, \$11.
- (2) OHVs either not titled or titled for production agriculture with the Illinois Secretary of State; rental units; non-residents from state that do not have reciprocal agreements with IDNR, \$18
- (3) Dealer or manufacturer decals, \$26.

Proof of identity and legal residence in Illinois is necessary to issue a decal to a resident, for example, a driver's license. The person requesting a replacement decal must show proof of original purchase with a copy of the decal receipt from the original decal issuance. States with reciprocal agreements include Iowa, Tennessee and Oregon. For information regarding issuance of replacement decals, where to buy decals and an update on what states have reciprocal agreements, contact the IDNR at 217-782-2965.

For more information on the OHV grant program, contact the Illinois Department of Natural Resource's Division of Grant Administration 1 Natural Resources Way, Springfield, IL 62702. The telephone number is 217-782-7481. Or visit our website at www.dnr.state.il.us.