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This memo is a summary of state laws concerning the operation of all-terrain vehicles (ATV's), off-highway vehicles (OHV's), and off-road vehicles (ORV's) on state highways. Conditions permitting operation on state highways fall roughly into four categories:

- Where expressly allowed by state law;
- Where determination is delegated to localities;
- Where determination is delegated to Dept. of Transportation and;
- When special circumstances permit; i.e. agricultural related.

States expressly allowing ATVs to be driven on roadway shoulders:

-Indiana

Ind. Code. Ann. § 14-16-1-20: Operation on highways and roads

Sec. 20. (a) An individual may not operate a vehicle required to be registered under this chapter upon a public highway, street, or rights-of-way thereof or on a public or private parking lot not specifically designated for the use of vehicles, except under the following conditions:

- (1) A vehicle may be operated on the public right-of-way adjacent to the traveled part of the public highway, except a limited access highway, if there is sufficient width to operate at a reasonable distance off and away from the traveled part and in a manner so as not to endanger life or property.

States where localities can determine whether ATVs may be driven on roadway shoulders

-Florida, Illinois, Maine, Oklahoma.

Florida

Fl. Stat. § 316.2123: Operation of an ATV on certain roadways

(1) The operation of an ATV, as defined in [s. 317.0003](#), upon the public roads or streets of this state is prohibited, except that an ATV may be operated during the daytime on an unpaved roadway where the posted speed limit is less than 35 miles per hour.

(2) A county is exempt from this section if the governing body of the county, by majority vote, following a noticed public hearing, votes to exempt the county from this section. Alternatively, a county may, by majority vote after such a hearing, designate certain unpaved roadways where an ATV may be operated during the daytime as long as each such designated roadway has a posted speed limit of less than 35 miles per hour and is appropriately marked to indicate permissible ATV use.

(3) Any ATV operation that is permitted under subsection (1) or subsection (2) may be undertaken only by a licensed driver or a minor who is under the direct supervision of a licensed driver. The operator must provide proof of ownership under chapter 317 upon the request of a law enforcement officer.

Illinois

Ill. Consolidated Stat. ch. 625 § 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.

(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.

Maine

Link to summary of Maine's ATV laws: http://www.maine.gov/ifw/laws_rules/atvlaws.htm

Me. Rev. Stat. Ann. tit. 12 § 13157-A: Operation of ATVs

6. Operating ATV on public way. Except as provided in this subsection, a person may not operate an ATV, other than an ATV registered with the Secretary of State under Title 29-A, on any portion of a public way maintained or used for the operation of conventional motor vehicles or on the sidewalks of any public way.

H. Notwithstanding paragraphs A to G, an ATV may be operated on the extreme right of a public way or as directed by the appropriate governmental unit within the public way of a municipality or an unorganized or unincorporated township if the appropriate governmental unit has designated the public way as an ATV-access route. An ATV must travel in the same direction as motor vehicle traffic on a public way designated as an ATV-access route. A public way designated by an appropriate governmental unit as an ATV-access route must be posted conspicuously at regular intervals by that governmental unit with highly visible signs designating the ATV-access route. Before designating a public way as an ATV-access route, the appropriate governmental unit shall make appropriate determinations that ATV travel on the extreme right of the public way or as directed by the appropriate governmental unit within the public way may be conducted safely and will not interfere with vehicular traffic on the public way. For purposes of this paragraph, "appropriate governmental unit" means the Department of Transportation, county commissioners or municipal officers within their respective jurisdictions. The jurisdiction of each appropriate governmental unit over public ways pursuant to this paragraph is the same as its jurisdiction over the passage of vehicles on public ways pursuant to Title 29-A, section 2395. Municipal or county law enforcement officials having jurisdiction have primary enforcement authority over any route established under this paragraph.

Oklahoma

Okla. Stat. tit. 47 § 11-1116

D. All-terrain vehicles shall not be operated on the streets and highways of this state, except:

1. On unpaved roads which are located within the boundaries of any property of the Forest Service of the United States Department of Agriculture;
2. On public streets and highways if:
 - a. the vehicle needs to make a direct crossing of the street or highway while the vehicle is traveling upon a regularly traveled trail and needs to continue travel from one area of the trail to another and, if the vehicle comes to a

complete stop, yields the right-of-way to all oncoming traffic that constitutes an immediate hazard, and crosses the street or highway at an angle of approximately ninety (90) degrees to the direction of the street or highway. This exception shall not apply to divided highways or streets or highways with a posted speed limit of more than thirty-five (35) miles per hour in the area of the crossing,

b. the vehicle needs to travel on a public street or highway in order to cross a railroad track. In that event, the all-terrain vehicle may travel for not more than three hundred (300) feet on a public street or highway to cross a railroad track,

c. the operator of the all-terrain vehicle making the crossing at a street or highway has a valid driver license, and

d. the operator of the vehicle makes a crossing on a street or highway during daylight hours only;

3. All-terrain vehicles may be operated on streets and highways within a municipality if the municipal governing body has adopted an ordinance governing the operation of golf carts, utility vehicles or all-terrain vehicles on streets and highways within the municipality.

States in which the State DOT determines where ATVs may be driven on highways

-Kentucky, New York, Pennsylvania, Wisconsin

Kentucky

Allows the state and a locality to determine where ATV use can occur

Ky. Rev. Stat. § 189.515: Restrictions on operation of all-terrain vehicles

(a) A person may operate an all-terrain vehicle on any two (2) lane public highway in order to cross the highway. In crossing the highway under this paragraph, the operator shall cross the highway at as close to a ninety (90) degree angle as is practical and safe, and shall not travel on the highway for more than two-tenths (2/10) of a mile.

(b) A person may operate an all-terrain vehicle on any two (2) lane public highway, if the operator is engaged in farm or agricultural related activities, construction, road maintenance, or snow removal.

(c) The Transportation Cabinet may designate, and a city or county government may designate, those public highways, segments of public highways, and adjoining rights-of-way of public highways under its jurisdiction where all-terrain vehicles that are prohibited may be operated.

New York

New York Vehicle and Traffic Law § 2403: Operation of ATVs; where permitted

1. *Highways*. No person shall operate an ATV on a highway except as provided herein.

(a) An ATV may make a direct crossing on a highway other than an interstate highway or a controlled access highway, provided:

(i) the crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;

(ii) the vehicle is brought to a complete stop before crossing the shoulder or main travelled way of the highway;

(iii) the driver yields the right-of-way to all oncoming traffic that constitutes an immediate hazard;

(iv) in crossing a divided highway, the crossing is made only at an intersection of the highway with another public street or highway, and

(v) if the crossing is made between the hours of one-half hour after sunset to one-half hour before sunrise or in conditions of reduced visibility, only if both front and rear lights are lighted.

(b) An ATV may be operated on any highway which has been designated and posted as open for travel by ATVs in accordance with the provisions of [section twenty-four hundred five](#) of this article.

New York Vehicle and Traffic Law § 2405: Designation of highways and public lands for travel by ATVs

1. *Highways*. Except with respect to interstate highways or controlled access highways, the department of transportation with respect to state highways, maintained by the state and any other governmental agency with respect to highways, including bridge and culvert crossings, under its jurisdiction may designate and post any such public highway or portion thereof as open for travel by ATVs when in the determination of the governmental agency concerned, it is otherwise impossible for ATVs to gain access to areas or trails adjacent to the highway. Such designations by a state agency shall be by rule or regulation, and such designations by any municipality other than a state agency shall be by local law or ordinance.

2. *Public lands other than highways*. A governmental agency other than a municipality, by regulation or order, and a municipality, by ordinance or local law, may designate any appropriate public lands, waters and properties other than highways under its

- jurisdiction as a place open for travel by ATVs upon written request for such designation by any person, and may impose restrictions and conditions for the regulation and safe operation of ATVs on such public property, such as travel on designated trails and hours of operation. In addition thereto, such agency or municipality may not require the operator of an ATV to possess a motor vehicle operator's license. A municipality may charge a fee for use of ATVs on such public lands.
3. *Signs and markers.* (a) Such designated highways or portions thereof or designated lands shall be identified by markers in such manner as may be provided by rules and regulations of the commissioner. (b) All signs or markers shall be erected at the expense of the state or municipality, provided, however, that the municipality may accept funds or contributions therefore from private persons, clubs or associations interested in the promotion of ATVs.
 4. Any regulation, order, local law or ordinance which designates a highway or portion thereof or designated lands which may be used for ATV operations may include rules and impose restrictions and conditions for the regulation and safe operation of ATVs on the highways and lands so designated, such as travel on designated trails and hours of operation. Any restriction or condition not contained in this chapter must be posted.
 5. Copies of orders, regulations, local laws or ordinances adopted by governmental agencies pursuant to this section shall be filed with the commissioner.

Pennsylvania

Pa. Conn. Stat. Ann. tit. 75 § 7721: Operation on streets and highways

(a) *General Rule*--Except as otherwise provided in this chapter, it is unlawful to operate a snowmobile or an ATV on any street or highway which is not designated and posted as a snowmobile or an ATV road by the governmental agency having jurisdiction.

§ 7722: Designation of snowmobile and ATV roads

(a) *General Rule*--The Department of Transportation on State-designated highways and local authorities on any highway, road or street within its jurisdiction may designate any highway, road or street within its jurisdiction as a snowmobile road, an ATV road, or both, and may, in its discretion, determine whether such road shall be closed to vehicular traffic or whether snowmobiles and ATV's may share this designated road with vehicular traffic.

(b) *Posting notices*--Adequate notices of such designation and determination shall be sufficiently and prominently displayed.

(c) *Liability*--There shall be no liability imposed on the Department of Transportation or any other State agency or any political subdivision of this Commonwealth as a result of designating any highway, road or street as a snowmobile road or an ATV road as provided in subsection (a).

Wisconsin

Wis. Stat. Ann. § 23.33: Operation on or near highways

(4)(a) *Freeways*. No person may operate an all-terrain vehicle or utility terrain vehicle upon any part of any freeway which is a part of the federal system of interstate and defense highways. No person may operate an all-terrain vehicle or utility terrain vehicle upon any part of any other freeway unless the department of transportation authorizes the use of that vehicle on that freeway. No person may operate an all-terrain vehicle or utility terrain vehicle with a snow removal device attached upon any part of any freeway under any circumstances

States where ATVs can be driven on roadway shoulders in special circumstances

-Delaware, Illinois, Kansas, Kentucky, Louisiana, Maine, Pennsylvania, Utah

Delaware

Del. Code Ann. tit. 21 § 6814: Operation of OHVs--Upon public highways, streets, sidewalks or rights-of-way; penalties for violation

(a) OHVs shall not be operated upon a public highway or street or sidewalk or right-of-way thereof located within this State except under the following conditions:

(1) An OHV may be pushed across or along such public way provided such OHV is in neutral or that the power train is otherwise disengaged and further provided that such use shall be in conformance with Chapter 41 of this title.

(2) An OHV may be operated on a street or highway located within this State for a special event of limited duration, conducted according to a prearranged schedule only under permit from the governmental unit having jurisdiction.

(b) A person convicted of a violation of any provision of subsection (a) of this section shall be punished by the penalties in § 6831 of this chapter.

Illinois

Ill. Consolidated Stat. ch. 625 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.

Kansas

Kan. Stat. Ann. § 8-15, 100: Operation of all-terrain vehicles; where; when; exceptions

- (a) Except as provided in subsection (b), it shall be unlawful for any person to operate an all-terrain vehicle:

- (1) On any interstate highway, federal highway or state highway; or
- (2) Within the corporate limits of any city unless authorized by such city.

(b) Notwithstanding the provisions of subsection (a), all-terrain vehicles owned and operated by a county noxious weed department, or all-terrain vehicles owned and operated by persons contracting with a county noxious weed department or the Kansas department of transportation may be allowed to operate such all-terrain vehicles upon the right-of-way of any federal highway or state highway for the purpose of eradicating noxious weeds and such all-terrain vehicles may be operated incidentally upon such federal highway or state highway.

(c) No all-terrain vehicle shall be operated on any public highway, street or road between sunset and sunrise unless equipped with lights as required by law for motorcycles.

Kentucky

Ky. Rev. Stat. § 189.515: Restrictions on operation of all-terrain vehicles

(6) (a) A person may operate an all-terrain vehicle on any two (2) lane public highway in order to cross the highway. In crossing the highway under this paragraph, the operator shall cross the highway at as close to a ninety (90) degree angle as is practical and safe, and shall not travel on the highway for more than two-tenths (2/10) of a mile.

(b) A person may operate an all-terrain vehicle on any two (2) lane public highway, if the operator is engaged in farm or agricultural related activities, construction, road maintenance, or snow removal.

Maine

Link to summary of Maine's ATV laws: http://www.maine.gov/ifw/laws_rules/atvlaws.htm

Me. Rev. Stat. Ann. Tit. 12. § 13157-A: Operation of ATVs

6. Operating ATV on public way. Except as provided in this subsection, a person may not operate an ATV, other than an ATV registered with the Secretary of State under Title 29-A, on any portion of a public way maintained or used for the operation of conventional motor vehicles or on the sidewalks of any public way.

A. A properly registered ATV may be operated on a public way only the distance necessary, but in no case to exceed 500 yards, on the extreme right of the traveled way for the purpose of crossing, as directly as possible, a public way, bridge, overpass, underpass, sidewalk or culvert as long as that operation can be made safely and does not interfere with traffic approaching from either direction on the public way.

B. Repealed. Laws [2005, c. 626, § 4](#).

C. An ATV may be operated on any portion of a public way when the public way has been closed in accordance with Title 23, section 2953.

D. An ATV may be operated on a public way that is not maintained or used for the operation of conventional motor vehicles, except that operation on the left side of the way is prohibited during the hours from sunset to sunrise.

E. An ATV may be operated on streets and public ways during a period of emergency when the emergency has been so declared by a police agency having jurisdiction and when travel by conventional motor vehicles is not practicable.

F. An ATV may be operated on streets and public ways in special events of limited duration conducted according to a prearranged schedule under a permit from the governmental unit having jurisdiction.

G. An ATV may be operated on a public way on the extreme right of the traveled way by a law enforcement officer for the sole purpose of traveling between the place where the ATV is usually stored and an area to be patrolled by the law enforcement officer.

Pennsylvania

Pa. Cons. Stat. Ann. Tit. 75 § 7721: Operation on streets and highways

- (a) *General Rule*--Except as otherwise provided in this chapter, it is unlawful to operate a snowmobile or an ATV on any street or highway which is not designated and posted as a snowmobile or an ATV road by the governmental agency having jurisdiction.
- (b) *Emergency and bridge crossings*--A snowmobile or an ATV may be operated on highways and streets:
 - (1) During periods of emergency when so declared by a policy agency having jurisdiction.
 - (2) When necessary to cross a bridge or culvert.

Utah

Utah Code. Ann § 41-22-10.3: Operation of vehicles on highways – Limits

A person may not operate an off-highway vehicle upon any street or highway, not designated as open to off-highway vehicle use, except:

- (1) when crossing a street or highway and the operator comes to a complete stop before crossing, proceeds only after yielding the right of way to oncoming traffic, and crosses at a right angle;
- (2) when loading or unloading an off-highway vehicle from a vehicle or trailer, which shall be done with due regard for safety, and at the nearest practical point of operation;
- (3) when an emergency exists, during any period of time and at those locations when the operation of conventional motor vehicles is impractical or when the operation is directed by a peace officer or other public authority; or
- (4) when operating a street-legal all-terrain vehicle on a highway in accordance with Section **41-6a-1509**.