

ATVs on Roadways: A Safety Crisis

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The Consumer Federation of America is an association of nearly 300 nonprofit consumer groups that was established in 1968 to advance the consumer interest through research, advocacy and education.

For more than a decade, CFA has taken a lead on ATV safety, addressing issues such as the safety of three-wheel ATVs, death and injury rates of children riding adult sized ATVs, voluntary safety standards, and drafting model state legislation that, among other things, would ban ATVs from public roads.

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Executive Summary

In spite of warnings from manufacturers, federal agencies, and consumer and safety advocates that all terrain vehicles (ATVs) are unsafe on roadways, for several years an increasing number of states have passed laws allowing ATVs on public roads. The majority of ATV deaths take place on these roads and action is needed to reverse this dangerous trend.

An ATV is an “off-road, motorized vehicle having three or four low-pressure tires, a straddle seat for the operator, and handlebars for steering control.”¹ Even though the definition of ATVs specifically includes that they are designed for off-road use and the warnings from manufacturers, the trade association, and labels required by federal law indicate that ATVs should never be operated on roads, many riders do not follow these instructions.

Unfortunately, this dangerous riding practice is increasingly being encouraged by the 35 states (69 percent of jurisdictions) that allow ATVs to be legally operated on public roads. Consumers are told by manufacturers, the federal government, consumer and public health and safety advocates, and the ATV trade association that riding ATVs on roads is dangerous, but the majority of states are sending a very different, contradictory and dangerous message by legalizing ATV use on roads.

- **A Majority of States Allow ATVs on Roads:** 35 states, or 69 percent of states, either allow ATVs on certain roads, roads as authorized by the entity having jurisdiction over the road system, limited stretches of roads, or roads if certain requirements are met, or on the shoulder of roads.
- **Ten Year Trend Toward Allowing ATVs on Roads:** Since 2004, 22 states, or 63 percent, of those states that allow ATVs on roads, have enacted laws increasing legal ATV access to roads in some way. Four states passed such laws in 2013 alone.
- **Vast Majority of States Delegate ATV Access Issues to Local Jurisdictions:** 31 of the 35 states, or 89 percent of those states that allow ATVs on paved roads, delegate some or all of the decisions about ATV access to local jurisdictions with authority over those roads.

These conflicting messages are leading to consumer confusion about what constitutes safe riding practices—and it is very unsafe to ride ATVs on roads. The fatality statistics on roads are alarming:

- **Consumer Product Safety Commission Data: 65 percent of ATV Deaths Occur on Roads:** Data from the Consumer Product Safety Commission (CPSC) from 2007 (the most recent complete data), as analyzed by the Insurance Institute for Highway Safety (IIHS),² 492 of 758 deaths where location was listed (93 percent of deaths)—or 65 percent of ATV rider deaths — occurred on roads. The CPSC’s data also indicates that between 1998 and 2007, there was a greater increase in on–road than off–road deaths.
- **Fatality Analysis Reporting System Data: 74 percent of ATV Deaths on Public Roads are on Paved Roads:** Of the fatal crashes taking place on public roadways (as opposed to a shoulder or median for instance) from 2007 to 2011, the surface was paved in 74 percent of instances according to a recent analysis of Fatality Analysis Reporting System (FARS) data by IIHS.

1. Consumer Product Safety Commission 2011 Annual Report of ATV-Related Deaths and Injuries. <http://www.cpsc.gov/en/Media/Documents/Research-Statistics/Injury-Statistics/Sports/ATV/2011-Annual-ATV-Report/>

2. The Insurance Institute for Highway Safety is an independent non-profit scientific and educational organization dedicated to reducing the losses from crashes on the nations roads. <http://www.iihs.org/iihs/about-us>

- **FARS Data: 19 Percent Decline in Fatalities on Public Roads from 2008 to 2011—May be Due to Recession:** The December 2013 IIHS report posits that, like with the overall reduction in motor vehicle fatalities since 2007, this reduction may have roots in the plummeting sales of vehicles from 2007 to 2012. In 2007, 752,000 ATVs were sold compared to 289,000 in 2012.

CFA's report calls for immediate action at the municipal, county, state, and federal level to prohibit ATVs on roadways.

- **State Laws:** States should pass laws prohibiting ATV use on all roadways. State laws should not permit local jurisdictions to have authority to pass laws about ATV access.
- **Municipal and County Ordinances:** Where state laws allow local jurisdictions to make decisions regarding ATV access to public roads, those jurisdictions should not expand the permissible range of ATVs on roads.
- **National Highway Traffic Safety Administration:** ATVs are not under NHTSA's jurisdiction; however, since states are increasingly passing laws permitting on-road use and ATV deaths are occurring primarily on roads, NHTSA should take concrete steps to address ATV safety including: sharing data with the CPSC; and expanding its current grant programs that fund enforcement efforts to ATVs.
- **The Consumer Product Safety Commission:** As the agency responsible for ATV safety, the CPSC should be a strong voice in opposing the operation of ATVs on roads and in educating consumers about the dangers of on-road ATV use. Additionally, the CPSC could improve ATV death data by including ATV death data on private versus public roads.
- **The ATV Industry:** All segments of the ATV industry need to prioritize opposition to laws and ordinances allowing ATVs on roads.
- **All ATV Stakeholders:** All those interested in and working on ATV safety need to work together to prioritize opposition to efforts to expand ATV operation on roads.

History of ATV Safety in the United States

Consumer and public health advocates have a long history of advocating for regulatory changes to make ATVs safer to use.

Imminently Dangerous Consumer Products: In 1987, in the midst of a spike in ATV-related injuries and deaths (as well as a rulemaking that the CPSC ultimately abandoned), the CPSC asked a federal court to declare ATVs to be “imminently dangerous consumer products.”³ The lawsuit was settled on the day it was filed by a consent decree which did end the manufacture of the dangerous three-wheel ATV, but did not include important elements such as the requirement that manufacturers offer financial incentives to encourage owners of three-wheel ATVs to return them to dealers. This guaranteed that the dangerous “three-wheelers” would remain in use nationwide.

ATV Action Plans: When the consent decree expired in 1998, the CPSC and the major manufacturers entered into voluntary, company-specific agreements, known generally as ATV Action Plans. These agreements recommended that children under sixteen not ride adult-size ATVs, required warning labels, described information that had to be included in owner’s manuals and reiterated that the industry would make formal training available to purchasers of new ATVs.⁴ Unfortunately, and not as a surprise to consumer advocates who objected to the action plans, these plans proved inadequate to curb the rising rates of death and injuries to children from ATV incidents. Unlike the consent decrees before them, these action plans were not enforceable by the Commission: the companies could pull out at any time provided they gave the Commission 60 days notice.

CFA and Natural Trails and Waters Coalition Petition to Consumer Product Safety Commission: In 2002, Consumer Federation of America, the Natural Trails and Waters Coalition, and other groups⁵ filed a petition with the CPSC, urging the agency to ban the sale of adult-size ATVs for use by children. After holding ATV hearings across the country, CPSC rejected the petition but initiated a rulemaking on ATVs that has still not been finalized.

SVIA/ANSI Standard: In 1990, the Specialty Vehicle Institute of America (SVIA), the trade association for ATV manufacturers, published the first voluntary standard for ATVs, Four Wheel All-Terrain Vehicles - Equipment, Configuration, and Performance Requirements, ANSI/SVIA 1-1990. Many of the provisions of the voluntary standard included provisions that were in the consent decree and the subsequent ATV Action Plans. The voluntary standard was revised and published in 2001 and again in 2007 (ANSI/SVIA 1-2007 American National Standard for Four Wheel All-Terrain Vehicles). The 2007 revision, like previous versions of the standard includes provisions on design, configuration, and performance aspects of ATVs. The 2007 version also includes provisions not previously included such as: definition and requirements for Type II (tandem) ATVs; requirements for labels, owner’s manuals, hang tags, and a compliance certification for all ATVs; and definitions and requirements for new categories of Type I (single-rider) ATVs (category “Y-10” and category “T”). The category Y-10 ATV is a youth model intended for use by children age 10 and older. The category “T” ATV is a transitional ATV intended for recreational use by an operator age 14 or older under adult supervision or by an operator age 16

3. *United States of America v. U.S. v. Polaris Industries, L.P.*, 1987 WL 33507, 1 (D.D.C., 1987).

4. U.S. Consumer Product Safety Commission, All-Terrain Vehicles: Commission Resolution, Federal Register 63 (236), December 9, 1998, page 67861.

5. The groups that filed the petition include: Consumer Federation of America (CFA), the American Academy of Pediatrics (AAP), the American College of Emergency Physicians (ACEP), Bluewater Network, the Center for Injury Research and Policy (CIRP) at Columbus Children’s Hospital, Columbus, Ohio, the Danny Foundation for Crib & Child Product Safety, Kids In Danger, National Association of Orthopaedic Nurses, and U.S. PIRG.

and older.⁶ The standard was again revised in 2010. CFA has objected to provisions in the SVIA/ANSI standard for failure to address safety concerns, especially the youth and transitional ATV models. The maximum speeds selected for these ATVs are not based on scientific or medical evidence of what speed a child of a certain age could safely reach. The CPSC has been involved in this voluntary standard process.

Efforts to ban adult-size ATVs for children have been unsuccessful as have efforts to require ATVs to be more stable. The ANSI/SVIA standard moved backwards for safety by creating a new "youth model" ATV for 14- to 16-year-olds that is capable of traveling at speeds up to 38 miles per hour.

Consumer Product Safety Improvement Act: In 2008, the Consumer Product Safety Improvement Act (CPSIA) became law. The CPSIA contained a section addressing ATVs that included making the previously voluntary SVIA/ANSI standard mandatory. The SVIA standard includes provisions about warning labels, instructional manuals, and also includes a requirement for warning labels cautioning riders to keep ATVs off of public roads. The CPSIA also banned the importation or distribution in commerce of three-wheel ATVs until a three-wheel safety standard is promulgated.⁷ The CPSIA called for the rulemaking on ATVs, which began in 2005, to be finalized.

On August 12, 2011, Congress passed H.R. 2715 which amended the CPSIA and which again directed the CPSC to complete the ATV rulemaking by August 12, 2012. The rule has not yet been completed.

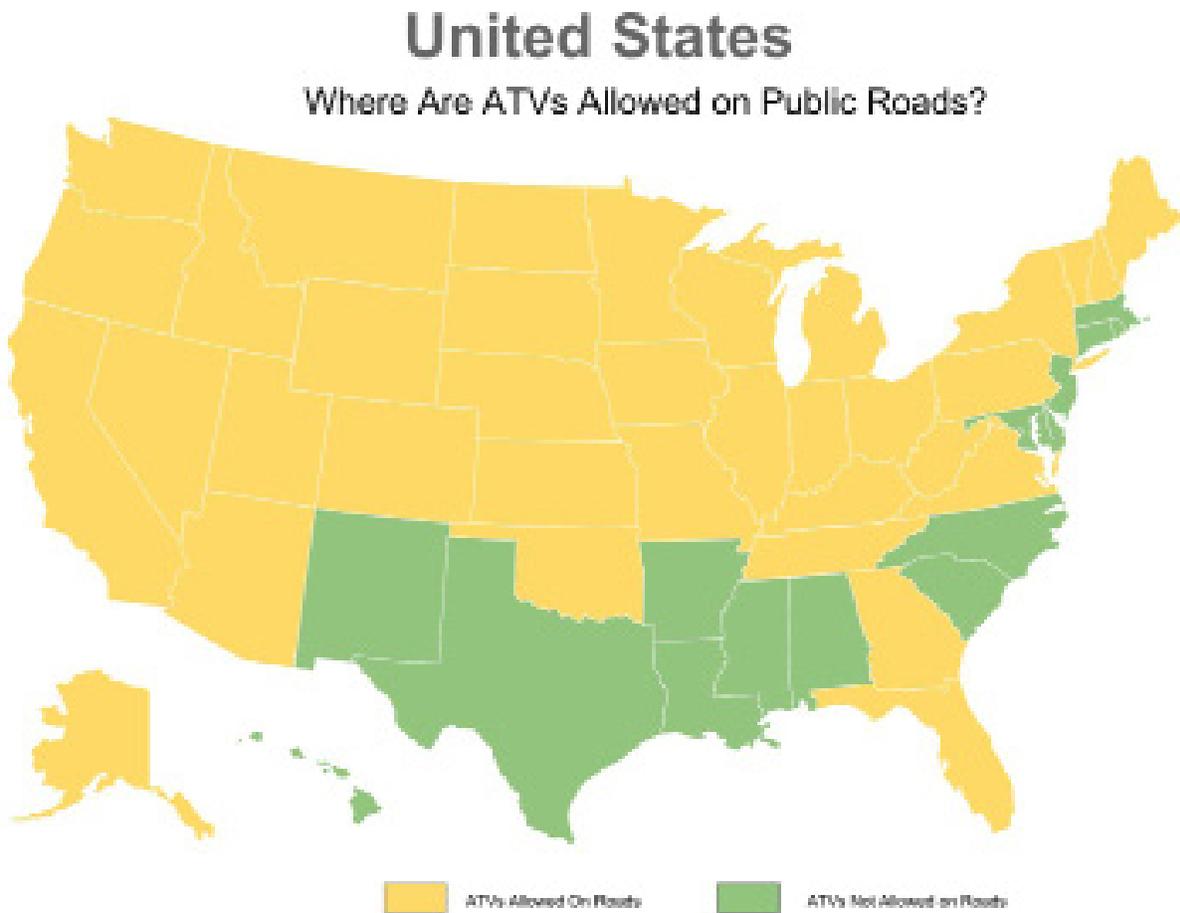
6. Consumer Product Safety Commission, Voluntary Standards, March 18 2011. <http://www.cpsc.gov/en/Regulations-Laws-Standards/Voluntary-Standards/Topics/All-Terrain-Vehicles/>

7. PUBLIC LAW 110-314-AUG. 14, 2008. Sec. 232. <http://www.cpsc.gov/PageFiles/129663/cpsia.pdf>

New Urgency in ATV Safety

For more than a decade, CFA has prioritized and taken the lead on ATV safety, addressing issues such as the safety of three-wheel ATVs, death and injury rates of children riding adult-size ATVs, voluntary safety standards, and drafting model state legislation that, among other things, would ban ATVs from public roads.⁸ CFA's work is expanding to focus on the issue of ATV operation on public roads as more jurisdictions allow this dangerous practice.

After monitoring repeated passage of laws and ordinances allowing ATVs on public roads, CFA conducted a survey of state laws. The results of the research are troubling. A majority of states—35—now allow ATV use on roads. Since 2004, 63 percent of those 35 states have enacted laws allowing ATVs onto public roadways, either directly in the law or by allowing local jurisdictions to pass ordinances—4 states passed such laws in 2013 alone.



This is a dangerous trend that needs to be reversed immediately.

8. CFA ATV Model Law 2007. http://www.consumerfed.org/elements/www.consumerfed.org/file/health/ATV_State_Model_Bill.pdf

Regulation of ATVs

ATVs are not primarily manufactured for on-road use and do not meet the National Highway Traffic Safety Administration's (NHTSA) statutory definition of motor vehicle. NHTSA, therefore, does not regulate ATV use on roads.⁹ The Consumer Product Safety Commission (CPSC) has jurisdiction over ATVs.

ATVs are not Designed to be Operated on Public Roads

The high center of gravity, narrow wheelbase, and low pressure tires that are designed to handle off-road conditions are a major safety concern on-road:

- **Tipping Danger:** A high center of gravity and narrow wheel base leads ATVs to be prone to rollovers when negotiating turns. In fact a December 2013 Insurance Institute of Highway Safety (IIHS) analysis of Fatality Analysis Reporting System (FARS) data indicated that 56 percent of fatal single-vehicle ATV incidents on public roads involved a rollover.¹⁰ NHTSA's FARS system provides data about traffic fatalities on public roads.
- **Low Pressure Tires are not Suitable for Road Use:** Knobby low pressure ATV tires are explicitly designed for off-road use and may not interact properly with a road surface.

These design factors "increase the risk of operators losing control of the vehicle on roadway surfaces, particularly at roadway speeds, and/or when making right angle traffic turns."¹¹

Industry, Regulators, Advocates all Agree that ATVs Should not be Used on Roads

ATV manufacturer instruction manuals and warning labels, and the ATV trade association, the Specialty Vehicle Institute of America's (SVIA) written materials and statements, make clear that ATVs should not be operated on public roads. Honda goes beyond other manufacturers' warnings by including a warning that advises riders to get off their ATV and walk it across the road when a crossing is necessary.

- **ATV Trade Association Recommends Against Using ATVs on Paved Roads:** The ATV Safety Institute, a non-profit division of the SVIA, the trade association for ATV manufacturers, advises riders to "[n]ever ride on paved roads except to cross when done safely and permitted by law..."¹²
- **Individual Manufacturers Warn Against Driving ATVs on all Roads and Paved Surfaces:** ATV manufacturer manuals contain various warnings against riding ATVs on roads including:
 - **Polaris Sportsman 570:** "Operating an ATV on paved surfaces (including sidewalks, paths, parking lots and driveways) may adversely affect the handling of the ATV and could result in loss of control and accident or rollover. Avoid operating the ATV on pavement. ATV tires are designed for off-road use. If it's

9. 49 USC 30102(a)(6). <http://www.law.cornell.edu/uscode/text/49/30102>

10. Williams, Oesch, McCartt, Teoh, Sims, On-Road All-Terrain Vehicle (ATV) Fatalities in the United States, Insurance Institute for Highway Safety, Dec. 2013. <http://www.iihs.org/frontend/iihs/documents/masterfiledocs.ashx?id=2056>

11. Denning, Harland, Ellis, Jennissen, More fatal all-terrain vehicle crashes occur on the roadway than off: increased risk-taking characterizes roadway fatalities, Injury Prevention, Dec. 2012. <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3717765/>

12. ASI Golden Rules. <http://www.atvsafety.org/>

unavoidable, travel slowly and avoid sudden turns or stops.” The manual also warns against ever operating on public streets due to the risk of collisions: “Never operate the ATV on any public street, road or highway, including dirt and gravel roads.”¹³

- **Kawasaki KFX90:** “Never operate an ATV on any paved surfaces, including sidewalks, drive ways, parking lots and streets,” and “[n]ever operate an ATV on any public street, road or highway, even a dirt or gravel one.”¹⁴
- **Yamaha Raptor 350:** “Always avoid operating an ATV on any paved surfaces, including sidewalks, driveways parking lots and streets,” and “[n]ever operate an ATV on any public street, road or highway, even a dirt or gravel one”¹⁵
- **Honda TRX420TM:** “Your ATV is designed and manufactured for off-road use only. The tires are not made for pavement, and the ATV does not have turn signals and other features required for use on public roads. If you need to cross a paved or public road, get off and walk your ATV across,” and “[y]ou should never ride your ATV on public streets, roads or highways, even if they are not paved. Drivers of street vehicles may have difficulty seeing and avoiding you, which could lead to a collision.”¹⁶
- **The Consumer Product Safety Improvement Act Requires ATV Warning Labels that Clearly Warn Against Riding on Public Roads:** The Consumer Product Safety Improvement Act, which passed in 2008, codified existing voluntary standards for ATVs, making the ANSI/SVIA standard mandatory. This created a federal requirement for all ATVs to have a variety of warning labels, including one which warns ATV riders to: “NEVER USE ON PUBLIC ROADS.”¹⁷
- **SVIA has Advocated Against Expanding the Legal Use of ATVs on Roads:**
 - **SVIA Has Opposed Ordinances that would Increase ATV use on Roadways:** “SVIA opposed the legislation passed in Washington State earlier this year to allow licensing of ATVs for street use and urges the Board to reject allowing such use on county roads.”¹⁸
 - **SVIA’s Model State Legislation Includes a Prohibition Against On-Road Use:** Among other things, the model legislation prohibits “[o]peration on any public street, road, or highway except for purposes of crossing, as specified.”¹⁹

13. Polaris Sportsman 570 2014 Owners Manual. http://cdn.polarisindustries.com/polaris/common/parts-manuals/9924113r01_lo_res.pdf

14. Kawasaki KFX90 Owner’s Manual. http://www.kawasaki-techinfo.net/showOM.php?view_lang=EN&spec=US&book_no=99987-1802&lang_code=EN

15. Yamaha Raptor 350 Owner’s Manual. <http://tinyurl.com/kceqngj>

16. 2012 Honda TRX420TM Owner’s manual on file at CFA Office.

17. 15 USC 2089(a)(1) establishes the American National Standard ANSI/SVIA as a mandatory standard. <http://www.law.cornell.edu/uscode/text/15/2089> See CPSC All Terrain Vehicles (ATVs) Presentation February 2010 for an example of the warning label. <http://tinyurl.com/naplldr>

18. SVIA Letter to Kittitas County Board of Commissioners, November 6, 2013.

19. SVIA Model State ATV Legislation. <http://www.svia.org/Relations/Legislation.aspx>

The Majority of ATV Deaths Occur on Roads

ATVs are not designed for on-road use. Consumer and public health advocates and industry agree that ATVs should not be used on roads, yet the majority of ATV deaths occur on roads.

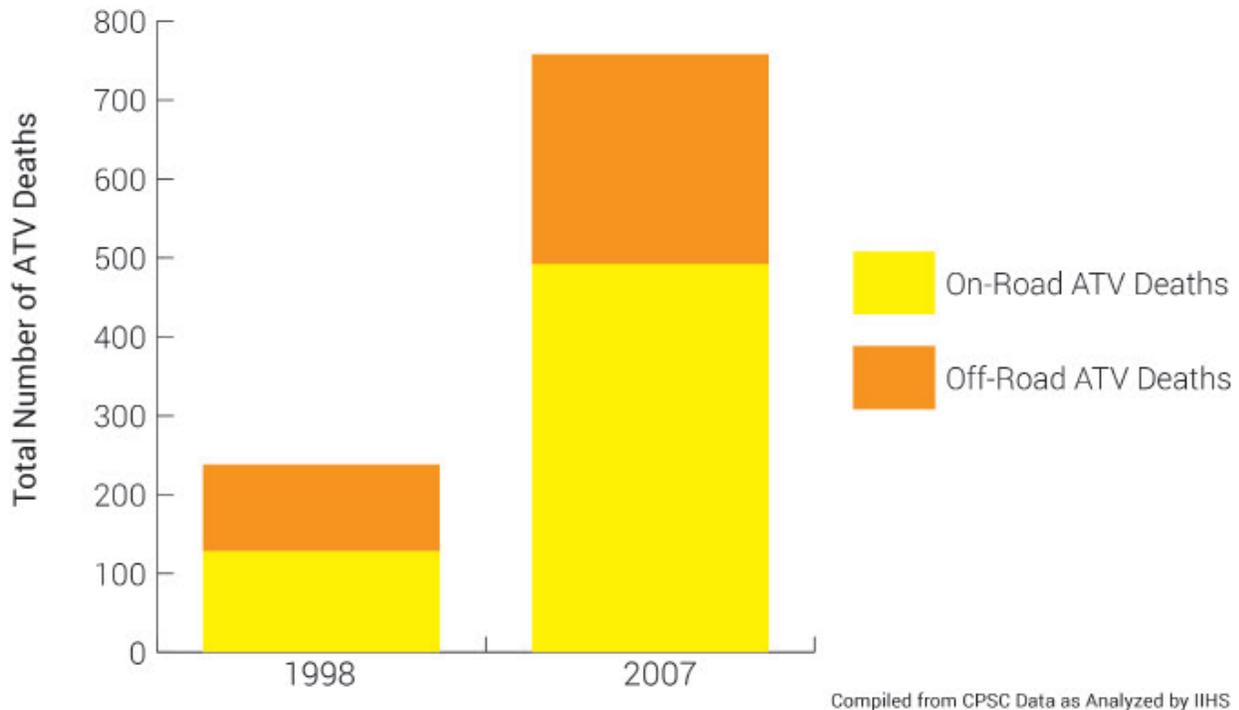
Obtaining a clear picture of ATV deaths is complex due to the existence of two data sources (the CPSC and NHTSA's Fatality Analysis Reporting System [FARS]). The data points below indicate their source—CPSC or FARS.

- **Consumer Product Safety Commission Data: 65 percent of ATV Deaths Occur on Roads:** Data from the U.S. Consumer Product Safety Commission from 2007 (the most recent complete data), as analyzed by IIHS, finds that 492 of 758 deaths where location was listed (93 percent of deaths)—or 65 percent of ATV rider deaths —occurred on roads (both public and private).²⁰

Between 1998 and 2007, CPSC data indicates that there was a far greater increase in on-road deaths than off-road deaths.

- **Consumer Product Safety Commission Data: From 1998 to 2007, On-Road Deaths Increased 284 percent while Off-Road Deaths Increased 155 percent:** CPSC data, as analyzed by IIHS, indicates that ATV deaths (where location was identified) rose from 238 in 1998 to 758 in 2007. The number of on-road deaths increased more than off-road deaths.

On-Road ATV Deaths Increase Two Times Faster Than Off-Road Deaths from 1998 - 2007



20. Williams, Oesch, McCartt, Teoh, Sims, On-Road All-Terrain Vehicle (ATV) Fatalities in the United States, Insurance Institute for Highway Safety, Dec. 2013. <http://www.iihs.org/frontend/iihs/documents/masterfiledocs.ashx?id=2056>

FARS data is available for more recent years than the CPSC data, but it includes only ATV deaths on public roads, while the CPSC's data includes deaths on public roads, private roads and off-road.²¹ The most recent FARS data shows fatalities on public roads plateauing in 2008 and then declining up until 2011, when the analysis ends.

- **FARS Data: 19 percent Decline in Fatalities on Public Roads from 2008 to 2011 – May be Due to Recession:** The December 2013 IIHS report posits that, like with the overall reduction in motor vehicle fatalities since 2007, this reduction may have roots in the plummeting sales of vehicles from 2007 to 2012. In 2007, 752,000 ATVs were sold compared to 289,000 in 2012.²²

The vast majority of ATV deaths are on paved roads. This indicates that riders are disregarding both the warnings not to use ATVs on any public road and to avoid paved surfaces. This also indicates the consequences of state laws that allow legal operation of ATVs on roads.

- **FARS Data: 74 percent of ATV Deaths on Public Roads are on Paved Roads:** Of the fatal crashes taking place on public roadways (as opposed to a shoulder or median for instance) from 2007 to 2011, the surface was paved in 74 percent of instances according to a recent analysis of FARS data by the IIHS.²³

21. FARS and the CPSC also collect data differently leading to differences in reported fatalities.

22. Williams, Oesch, McCart, Teoh, Sims, On-Road All-Terrain Vehicle (ATV) Fatalities in the United States, Insurance Institute for Highway Safety, Dec. 2013. Citing: Longthorne, A., Subramanian, R., & Chen, C.-L. (2010). An analysis of the significant decline in motor vehicle traffic fatalities in 2008. Report no. DOT HS-811-346. Washington, DC: U.S. Department of Transportation. And Sivak, M. (2008). Is the U.S. on the path to the lowest motor vehicle fatalities in decades? Report no. UMTRI-2008-39. Ann Arbor: University of Michigan Transport Research Institute. And Republican American. (2013). Side-by-sides drive like a car, act like a bike. Rep-Am.com, Jun 17. <http://www.rep-am.com/articles/2013/06/17/lifestyle/travel/731170.txt>

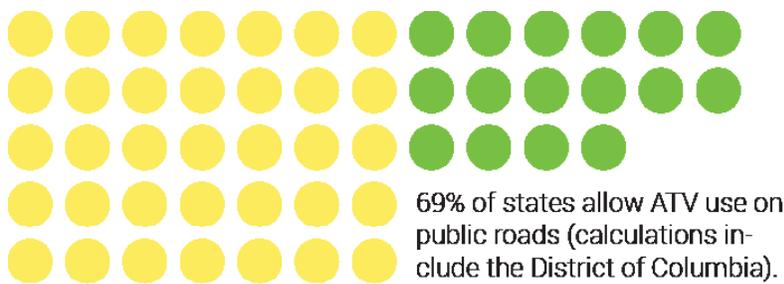
23. Williams, Oesch, McCart, Teoh, Sims, On-Road All-Terrain Vehicle (ATV) Fatalities in the United States, Insurance Institute for Highway Safety, Dec. 2013. <http://www.iihs.org/frontend/iihs/documents/masterfiledocs.ashx?id=2056>

An Increasing Number of States Allow ATVs on Roads: Ignoring Warnings and Fatalities

CFA staff conducted a survey of the fifty states and the District of Columbia to ascertain which states allowed ATVs on roads, or allowed local jurisdictions to open roads to ATVs. Staff then looked at legislative history to determine if the data supported that an increasing number of jurisdictions were allowing ATVs on roads.²⁴

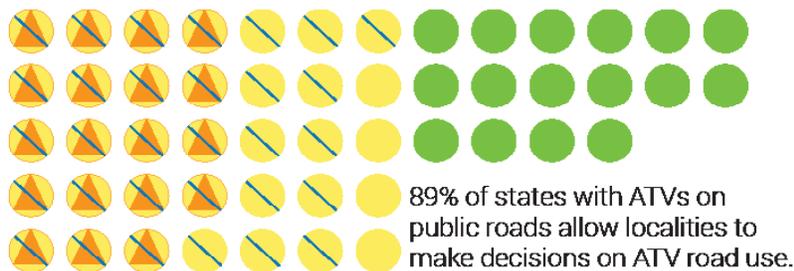
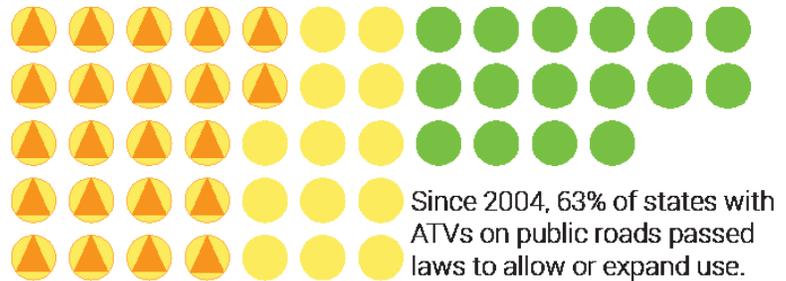
The results are startling. Despite the weight of industry and consumer advocate warnings, and the sobering data that indicates most ATV deaths occur on roads, the majority of states allow ATVs to be driven recreationally on public roads under certain circumstances or with local approval.

An Increasing Number of Jurisdictions Allow ATVs to be Driven on Public Roads



35 states either allow ATVs on certain roads, roads as authorized by the entity having jurisdiction over the road system, limited stretches of roads, or roads if certain requirements are met, or on the shoulder of roads.²⁵

Since 2004, 22 states have enacted laws increasing legal ATV access to roads in some way—four states in 2013 alone.



31 of the 35 states that allow ATVs on paved roads delegate some or all of the decisions about ATV access to local jurisdictions with authority over those roads.²⁶

24. Deciding whether or not an ATV is allowed on a road or not is not always straightforward. See Methodology section at end of report for discussion of how decisions were made.

25. See Appendix B for list of state laws.

26. CFA staff analysis of state laws.

Strong Laws Should Restrict Recreational Riding on Public Roads

A strong state law will restrict all recreational ATV riding on all portions of a right-of-way, have few exceptions to that general rule, and will provide for consequences for violating the law.

A Good State Law Will Have Several Components:

Highly Restrictive: "OHVs shall not be operated upon a public highway or street or sidewalk or right-of-way thereof located within this State."²⁷ **Analysis:** This is a strong prohibition that precludes riders from operating ATVs on the shoulder of roads.

- **Limited Exceptions**

- **Special Events:** "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."²⁸ **Analysis:** The limited duration and prearranged schedule language makes clear that this exception is for a parade type activity rather than allowing ATVs on the road at certain times of day for instance.
- **May be Pushed Along or Across a Road:** "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..."²⁹ **Analysis:** Exceptions for crossing are common and several otherwise strong state laws allow ATVs to be ridden on roads to access off-road areas. Given how dangerous it is to ride ATVs on roads, requiring riders to push ATVs is preferable.

A strong enforcement provision is necessary for any effective law. The law in Delaware, for instance, has both fines and the ability to impound ATVs operated illegally on public roads. Fines should be of an amount sufficient to deter violation of the law.

- **Enforcement:**

- **1st Offense:**
 - **Fine:** \$100
 - **Impoundment:** Up to 100 days at owner's expense
- **Subsequent Offense:**
 - **Fine:** \$400
 - **Impoundment:** Mandatory 6 months at owner's expense
- **Impoundment Upon Probable Cause:** In addition to impoundment after a conviction, police officers may impound an ATV if they have probable cause to believe the ATV was used in violation of the law.³⁰ **Analysis:** The ability for law enforcement to stop dangerous behavior immediately could have a significant and positive impact on safety.

27. Delaware Code, Title 21 § 6814(a). <http://delcode.delaware.gov/title21/c068/index.shtml>

28. Id. at (a)(2)

29. Id. at (a)(1)

30. Title 21 § 6831. <http://delcode.delaware.gov/title21/c068/index.shtml>

Not all States that Restrict ATVs on Roads are Restrictive Enough

Accessing Off-Road Areas: Some states, such as Massachusetts and New Jersey, as discussed in the methodology below, allow riders to drive on the road to access trails. Even minimal riding on roads is dangerous.

Clear Enforcement: Simply prohibiting ATVs from operating on roads is not enough—an enforcement mechanism is necessary. This is preferable to state laws which are unclear about the consequences of violating the law, or state laws such as Mississippi’s which does not contain enforcement mechanisms. As the governor of Mississippi was about to sign the ATV law in Mississippi which explicitly banned ATVs on public roads in 2012, one county sheriff stated that riders that violated the ban should get a ticket and be fined but didn’t know of a specific law that allowed officers to ticket ATV riders illegally using roads.³¹ Law enforcement must have the tools to meaningfully enforce these laws.

Non-Exhaustive List of Recent Proposed State Laws and Local Ordinances Increasing ATV Access to Public Roads

While the list below is not exhaustive, even a partial compendium of recent proposed laws and ordinances demonstrates that there is interest and momentum in permitting ATVs on public roads—a dangerous activity that goes against the recommendation of manufacturers, the federal government, consumer and safety advocates, and the ATV trade association. States and local jurisdictions should not be endorsing the notion that ATVs are safe on public roads by legalizing such dangerous behavior.³²

State	Jurisdiction	Citation	Status	Year	Description
Oklahoma	State	Senate Bill 1208 ¹	Proposed	2014	Removes language that restricted ATVs on unincorporated county roads to husbandry activities only.
Utah	State	Senate Bill 154 ²	Proposed	2014	Would increase access by removing prohibition on ATVs being used in a municipality of 7,500 or more. That municipality cannot be in a Class A county (population of 750,000 or more).
Iowa	County—Buchanan	News Article ³	Adopted February 9	2014	Permits Operation on gravel roadways. If rider lives on county paved road, may ride on shoulder to reach gravel roads.
Indiana	City—Oakland City	News Article ⁴	Adopted January 28	2014	Allows ATVs on roads in city limits.

31. JB Clark, DJournal.com, May 19, 2012. <http://djournal.com/news/legislature-tightens-atv-law-but-no-fines/>

32. All citations within charts, including the above and in Appendix B, are endnotes to preserve continuity of information.

State	Jurisdiction	Citation	Status	Year	Description
Iowa	State	HF 619 ⁵	Proposed	2014	Would allow access to all secondary roads in states. Cities would have to grant permission by ordinance.
Iowa	County—Washington	News Article ⁶	Withdrawn	2014	Would have allowed operation on gravel roadways. If rider lives on county paved road, may ride on shoulder to reach gravel roads. Withdrawn because proponents thought the proposal was too narrow.
Iowa	County—Washington	News Article ⁷	Proposed	2014	Would allow operation on gravel roadways. Anyone with license could ride on shoulder of paved road to access nearest gravel roads.
Iowa	County—Hancock	News Article ⁸	Proposed ⁹	2013	Would allow ATVs on secondary roads.
Wisconsin	State	2013 Assembly Bill 527 ¹⁰	Proposed	2013	Increase road access by allowing ATVs to use roads to access gas, trails, etc.
Maine	State	HP 439 ¹¹	Proposed— Did not Pass ¹²	2013	Allow access to public way from one property to another for landscaping or maintenance work.
Washington	State	HB 2675 ¹³	Proposed	2014	Substitute bill would allow ATVs on roads with Speed limits over 35 MPH and give local jurisdictions ability to allow ATVs on roads they have jurisdiction over.
Minnesota	County—Renville	News Article ¹⁴	Proposed	2014	Would allow ATVs on designated county roads.
New Hampshire	City—Berlin	News Article ¹⁵	Enacted	2014	Added more roads open to ATVs to already existing trail connector roads.
Washington	State	HB 1632 ¹⁶	Enacted	2013	Granted greater access to county roads, cities or towns may authorize.
Missouri	State	HB 103 ¹⁷	Enacted	2013	Allowed municipalities to authorize ATV use on roads within their jurisdiction.

State	Jurisdiction	Citation	Status	Year	Description
Indiana	State	PL 259 Sec. 16 ¹⁸	Enacted	2013	Allowed cities and towns to authorize ATV use on roads over which they hold jurisdiction—county roads could already be designated.
Michigan	State	HB 4299 ¹⁹	Enacted	2013	Expanded number of counties and municipalities that may authorize ATV use on public roads.
Indiana	County—Bartholomew	News Article ²⁰	Did not pass	2013	Would have opened county roads to ATVs.

Recommendations

Given that ATVs are not designed to be driven on roads, that industry, the CPSC and consumer and safety advocates are in agreement that ATVs should not be operated on roads, and that most ATV deaths take place on roads, states should be working to restrict ATV access to public roads. Unfortunately that is not the case. The majority of states allow some access to public roads for recreational purposes—and the trend is for more states to allow such access.

To reverse this trend, all entities with an interest in ATV safety must clearly inform state and local officials about how dangerous ATVs are on roads.

- **State Laws:** States should pass bright-line laws prohibiting ATV use on all roadways, including the shoulder or any other part of the right of way, within a state. Further, state laws should not permit local jurisdictions to have authority to pass laws about ATV access. Local control of ATV access leads to rider confusion as to what is allowed where, to problems with enforcement of laws, and to increased operation of laws on roads.
- **Municipal and County Ordinances:** Where state laws allow local jurisdictions to make decisions regarding ATV access to public roads, those jurisdictions should not expand the permissible range of ATVs on public roads.
- **National Highway Traffic Safety Administration:** ATVs are not primarily manufactured for on-road use and do not meet NHTSA's statutory definition of a motor vehicle.³³ However, since states are increasingly passing laws permitting on-road use and ATV deaths are occurring primarily on roads, NHTSA should take concrete steps to address ATV safety including:
 - **Data and Expertise Sharing:** NHTSA should share data with the Consumer Product Safety Commission (CPSC) to ensure that all on-road ATV fatalities are captured. NHTSA could also share its vehicle and highway safety expertise with CPSC as the Commission evaluates the ATV on roads issue.
 - **Highway Safety Grant Program:** The grants that fund long standing state programs to increase highway safety are relevant to reducing ATV crashes on roads. NHTSA could expand its current programs that fund enforcement efforts to increase helmet use and decrease alcohol use on roads to ATVs.
- **The Consumer Product Safety Commission Needs to Prioritize ATV Road Use as a Safety Issue:** As the agency responsible for ATV safety, the CPSC should be a strong voice in opposing the operation of ATVs on roads and in educating consumers about the dangers of on road ATV operation. Additionally, the CPSC could:
 - **Release More Data:** The CPSC could improve ATV death data by including how many deaths occur on private versus public roads to clarify the location of ATV deaths and better inform researchers. This change would also make the CPSC's and NHTSA's data more compatible.
 - **Speed the Release of Data:** The most complete data available from CPSC is from 2007 and the last ATV Annual Report of ATV-Related Deaths and Injuries has data only up to 2011. More recent data would assist those working on ATV safety.

33. 49 USC 30102(a)(6). <http://www.law.cornell.edu/uscode/text/49/30102>

- **All Segments of the ATV Industry Need to Prioritize Opposition to Laws and Ordinances Allowing ATVs on Roads:** The ATV industry needs to speak in a unified voice in opposition to proposed laws that would allow ATVs on roads, and must communicate to relevant lawmakers why ATVs should not operate on public roads; why proposed rules to expand ATV operation to roads should be opposed; and why existing laws that allow ATVs on roads must be repealed.
- **Consumer and Public Safety Advocates, the ATV industry and Federal Regulators:** All those with an interest in ATV safety need to work together to communicate the hazards of operating ATVs on roads and should work together to oppose state laws and local ordinances that compromise safety by increasing ATV access to roads.

Appendix A: Methodology

Not every jurisdiction's law clearly allowed or restricted ATV use on roads. The information below explains how CFA staff categorized state laws when generating the analysis of this paper as well as the chart in the appendix to this paper. When analyzing the state laws, CFA staff focused on which states allowed recreational-focused riding on public roads, rather than specific work exceptions or de minimis exceptions for accessing off-road riding areas.

For the purposes of this study, states were deemed to allow ATVs on public roads if:

- **ATVs are Allowed on Roads Statewide:** ATVs were allowed on a class of road by right, generally if registered as a motorcycle or motor vehicle;
- **ATVs are Allowed on Roads by Political Subdivisions Having Authority Over Those Roads:** Most states that allow ATVs on roads leave the decision to counties or municipalities that have jurisdiction over their roads. This takes both the form of allowing local governments to opt-out of a broad state law allowing ATVs on roads, as well as allowing ATVs on roads where they would not otherwise be allowed. Sometimes an executive level entity, such as a transportation cabinet, may designate roads as open to ATVs.
- **ATVs are Allowed on the Shoulder of Roads:** Sometimes ATVs are allowed on the shoulder or extreme right hand side of a road.
- **More than De Minimis Stretches of Roads to Connect Trails:** There is often, but not always, a defined distance of ATV accessible road. The limit on how long the stretch of road ATVs are allowed on can be from 500 yards (Maine) to 10 miles (West Virginia, on any road that is not an interstate), to any portion of a highway (New York). These states were deemed to allow more than de minimis access to roads in order to connect trails.
- **ATVs were Allowed on Roads in Certain Districts or Areas:** For instance in Virginia, two specific county governments may authorize ATVs to use roads.
- **ATVs are Allowed on Roads with Certain Surfaces or Certain Speed Limits:** Florida for instance allows ATVs on unpaved roads with speed limits less than 35mph. Though counties may exempt from use.
- **ATVs are Allowed on Roads, During Certain Times of Day:** For instance during daylight hours.

For the purposes of this study, states were not deemed to allow ATVs on roads if:

- **The Law Was Silent or Unclear but an Attorney General Opinion or a Police Bulletin was on Point:** Sometimes the law is silent or confusing, and the Attorney General has given guidance to clarify the law. In two instances (Alabama and South Carolina) an Attorney General Opinion established that ATVs were not allowed on public roads. In Hawaii the law is silent, but a police bulletin states that ATVs are not allowed on roads.
- **There were Work Exceptions to the Ban of ATVs on Roads, such as Agricultural Use:** There are a variety of work exceptions to state prohibitions of ATVs on roads including agricultural, utility, law enforcement.
- **ATVs are Authorized to Cross Roads:** ATVs are often allowed to cross a road when a road

bisects an off-road area. The ATV Safety Institute considers this a safe use of ATVs if done correctly.³⁴

- **ATVs are Allowed on Roads for Special Events:** In some states there is a general ban on ATVs on roads that can be lifted for a special event, such as a parade, with a limited duration and in a limited area.
- **ATVs Are Allowed to Operate Minimally to Reach Trails:** In New Jersey, for example, if there is no other way to access an off-road area, an ATV may operate adjacent and parallel to a road or right of way area.³⁵ In Massachusetts, during loading and unloading of an ATV, it may be operated adjacent to the traveled portion of the road (likely the shoulder where there is one) from the nearest possible point to the off-road area.³⁶ Both these uses were judged as de minimis and qualified that state law as restricting ATVs from roads.

34. See ATV Safety Institute Golden Rules. <http://www.atvsafety.org/> "Never ride on paved roads except to cross when done safely and permitted by law - another vehicle could hit you. ATVs are designed to be operated off-highway."

35. 39:3C-17 Operational limitations. http://lis.njleg.state.nj.us/cgi-bin/om_isapi.dll?clientID=37603634&Depth=2&T-D=WRAP&advquery=Operational%20limitations&depth=4&expandheadings=on&headingswithhits=on&hitsper-heading=on&infobase=statutes.nfo&rank=&record={ED7C}&softpage=Doc_Frame_PG42&wordsaroundhits=2&x=39&y=7&zz=

36. Ch. 90B Sec. 25 <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXIV/Chapter90B/Section25>

Appendix B: State Laws

State	State Law Allows ATVs on Paved Roads?	Year Law Enacted to Expand or Allow Road Access or Restrict Access
Alabama	No ²¹ (1985 Attorney General's opinion: "vehicles specifically designed by their manufacturers as off-the-road vehicles are not to be used on the streets and highways of this state.")	1985 AG Opinion
Alaska	Yes ²² (When authorized by authority having jurisdiction, outside roadway or shoulder of non-controlled access). Under Administrative Code rather than statute.	1979 ²³ Last Update to section of Administrative Code.
Arizona	Yes ²⁴ (ATVs that have the proper equipment may be registered as a motor vehicle.)	2008 Laws 2008, Ch. 294, § 5. Added 28 ARS 1177. ²⁵
Arkansas	No ²⁶	N/A
California	Yes ²⁷ (For connecting link between trail segments by local authority, for a distance of more than three miles. Pilot Program in Inyo County expands authority to 10 miles. ²⁸)	2011 Pilot Program extends roads open to 10 miles (Added by Stats. 2011, Ch. 532, Sec. 4. Effective January 1, 2012. Repealed as of January 1, 2017, by its own provisions.) Created pilot program in Inyo County. ²⁹ 1971 (Chapter 2 added by Stats. 1971, Ch. 1816.) Local authority referenced in secondary sources as far back as 1993. ³⁰
Colorado	Yes ³¹ (States may designate roads. Local political subdivisions may designate roads but not state highways.)	1990 or 1995 Early Session laws unavailable online. 1990 L. 89: Entire article added, p. 1366, § 1, effective April 1, 1990 1999 1995 L. 95: (1)(a) and (2) amended and (1)(h) added, p. 341, § 9, effective July 1. 1(a) is section allowing a local road to be designated open.
Connecticut	No ³²	N/A
Delaware	No ³³	N/A
District of Columbia	No ³⁴	N/A
Florida	Yes ³⁵ (Unpaved roads with speed limits under 35 mph during daylight allowed; counties may exempt roads from use ³⁶)	2006 Florida Laws Chapter 2006-290 House Bill No. 7079 ³⁷
Georgia	Yes ³⁸ (Towns, counties and municipalities to regulate zones of use)	1976 HISTORY: Ga. L. 1976, p. 330, § 5. No other history provided in code.
Hawaii	No ³⁹ (No laws found. Cite to police bulletin)	N/A

State	State Law Allows ATVs on Paved Roads?	Year Law Enacted to Expand or Allow Road Access or Restrict Access
Idaho	Yes ⁴⁰ (Allowed on local roads; But local jurisdictions may limit ATV use on local roads through ordinances ⁴¹)	2008 House Bill 602 in 2008 expanded access to roads by making local political subdivisions opt out of allowing ATVS on streets rather than opt in. ⁴²
Illinois	Yes ⁴³ (Local jurisdictions and the state may authorize on roads with speed limits of 35mph or less)	2009 Law passed (effective 2010) Public Act 096-0279 ⁴⁴ replaces "neighborhood vehicles" with "off-highway vehicles"
Indiana	Yes (counties may designate road systems outside cities or towns ⁴⁵ ; cities and towns may regulate ⁴⁶ ; may cross highways; may ride on shoulder if safe)	2013 P.L.259-2013, SEC.16 expands discretion to cities and towns ⁴⁷ 1995 1995 Ind. ALS 1; 1995 Ind. Acts 1; 1995 Ind. PL 1; 1995 Ind. HEA 1047. Added IC 14-16-1-20.
Iowa	Yes ⁴⁸ (Both counties and cities may designate roads that can be used)	2004 Section present in 2004 Acts, ch 1132, §53 allowed on county roads. ⁴⁹ Cities allowed in same year by 2004 Acts, ch 1175, § 371 ⁵⁰
Kansas	Yes ⁵¹ (Allowed on county and township roads. Cities may allow)	1994 Or earlier for County Roads; 1994 Attorney General opinion ⁵²
Kentucky	Yes ⁵³ (Transportation cabinet, counties and towns may designate roads for ATV use)	1998 ⁵⁴ HISTORY: (Enact. Acts 1990, ch. 400, § 2, effective July 13, 1990; 1998, ch. 47, § 2, effective July 15, 1998; 2000, ch. 460, § 2, effective July 14, 2000; 2006, ch. 180, § 8, effective July 12, 2006.)
Louisiana	No ⁵⁵	N/A
Maine	Yes ⁵⁶ (Municipalities and townships may designate ATV access routes; travel no more than 500 yards to cross a public way)	2007 2005, c. 626, §3 (AMD). 500 Yards 2007, c. 33, §1 (AMD). ATV Access Route
Maryland	No ⁵⁷	N/A
Massachusetts	No ⁵⁸	N/A
Michigan	Yes ⁵⁹ (County and municipal roads; Also: the legislative body of a local unit of government may request the state transportation department to authorize the local unit of government to adopt an ordinance authorizing the operation of ORVs on a highway, other than an interstate highway, located within the local unit of government.)	2013 Pub Acts 117 ⁶⁰ & 118 ⁶¹ Expanded local control to all counties and to municipalities in addition to townships. 2008 Pub Acts 2008, No. 240, imd eff July 17, 2008. ⁶² Expanded Sec. 81131 to allow local authorities to authorize ATV use on roads in eligible counties.

State	State Law Allows ATVs on Paved Roads?	Year Law Enacted to Expand or Allow Road Access or Restrict Access
Minnesota	Yes ⁶³ (ATVs over 1,000 pounds may be operated within the public road right-of-way of a county state-aid or county highway on the extreme right-hand side unless prohibited by local authorities. Smaller ATVs may be ridden on the outside bank of a road unless prohibited by local authorities.)	2007 2007 c 131 art 1 s 13 ⁶⁴ Added "extreme right hand side" section.
Mississippi	No ⁶⁵ (Law changed in 2012 to explicitly outlaw on road use. ⁶⁶)	N/A
Missouri	Yes ⁶⁷ (Cities, counties may allow special licenses. Municipalities may allow operation by ordinance.)	2013 A.L. 2013 H.B. 103, § A, eff. Aug. 28, 2013. The 2013 amendment, by H.B. 103, added 1.(6) (which allows municipalities to authorize ATVs on local roads). ⁶⁸
Montana	Yes ⁶⁹ (Can be ridden on controlled access road if registered and licensed; may be ridden on any road with proper authorization, or by ordinance in municipality).	2011 En. Sec. 1, Ch. 106, L. 2011. Section enacted. ⁷⁰
Nebraska	Yes ⁷¹ (City or village ordinance, county resolution.)	2007 2007 Neb. ALS 307; 2007 Neb. Laws 307; 2007 Neb. LB 307. Added local authorization to allow on public roads. ⁷²
Nevada	Yes ⁷³ (City or county may designate any portion of a highway within the city or county (no more than 2 miles 490.110) as permissible for the operation of off-highway vehicles for the purpose of allowing off-highway vehicles to reach a private or public area that is open for use by off-highway vehicles with approval for the designation from the Department of Transportation.)	2005 2005, ch. 441, § 10, p. 2027. This section is effective January 1, 2006. ⁷⁴
New Hampshire	Yes ⁷⁵ (City or town councils and boards of selectmen may authorize the use of sidewalks and class IV, class V or class VI highways and bridges, or portions thereof, for use by OHRVs. The operation of OHRVs may also be allowed on sidewalks adjacent to class I, II, III, or III-a highways.)	1990 or earlier. Language for highway and bridges present in 1990 bills—online resources do not go back further than 1989. ⁷⁶ HISTORY: 1981, 538:3. 1983, 449:5. 1988, 264:1, 2. 1990, 186:3, 4, eff. Oct. 1, 1990; 256:2, eff. June 27, 1990. 1996, 63:2, eff. July 1, 1996; 78:1, eff. July 12, 1996. 2004, 47:1, eff. July 2, 2004. 2005, 210:14-16, eff. July 1, 2006.
New Jersey	No ⁷⁷	N/A
New Mexico	No ⁷⁸	N/A
New York	Yes ⁷⁹ (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.)	1986 Add, L 1986, ch 402, § 11, eff Jan 1, 1987. Information from Lexis. No legislative history in online code and historical bills only available from 1995 onward.

State	State Law Allows ATVs on Paved Roads?	Year Law Enacted to Expand or Allow Road Access or Restrict Access
North Carolina	No ⁸⁰	N/A
North Dakota	Yes ⁸¹ (Controlled access highway in emergency, An individual may operate a registered off-highway vehicle on a paved highway designated and posted at a speed not exceeding fifty-five miles per hour. A licensed driver over sixteen years of age may operate a registered class III off-highway vehicle on a paved highway designated and posted at a speed not exceeding sixty-five miles per hour.)	2005 2005, ch. 344, § 11 Registered ATVs allowed on paved roads in 2005. ⁸²
Ohio	Yes ⁸³ (On highways in the county or township road systems whenever the local authority having jurisdiction over such highways so permits, On the berm or shoulder of a highway, other than a highway as designated in division (A)(1) of section 4519.40 of the Revised Code, when the terrain permits such operation to be undertaken safely and without the necessity of entering any traffic lane; On the berm or shoulder of a county or township road, while traveling from one area of operation of the snowmobile, off-highway motorcycle, or all-purpose vehicle to another such area.)	1999 or earlier Local authority present as early as 1999. ⁸⁴ HISTORY: 134 v H 214 (Eff 3-7-72); 138 v H 450 (Eff 5-29-80); 147 v H 611. Eff 7-1-99; 149 v S 123, § 1, eff. 1-1-04.
Oklahoma	Yes ⁸⁵ (Municipalities may authorize, and on unpaved roads which are located within the boundaries of any property of the Forest Service of the United States Department of Agriculture.)	2008 Expanded from City street to streets and highways within a municipality with ordinance. ⁸⁶ 2004 Allowed in City streets with ordinance. ⁸⁷
Oregon	Yes ⁸⁸ (Where the highway is posted to permit snowmobiles or all-terrain vehicles. Ordinance is vague on who has authority to post but anecdotally municipalities have passed ordinances. ⁸⁹)	1999 or Earlier ⁹⁰ HISTORY: 1983 c.338 § 727; 1985 c.72 § 3; 1985 c.459 § 29; 1989 c.991 § 13; 1999 c.372 § 2; 1999 c.565 § 5; 2007 c.887 § 3
Pennsylvania	Yes ⁹¹ (Crossing, 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.)	1985 or Earlier HISTORY: June 23, 1978, P.L.523, No.86, eff. imd.; July 11, 1985, P.L.220, No.56, eff. 60 days. Last amended in 1985
Rhode Island	No ⁹²	N/A
South Carolina	No ⁹³ (AG opinions state that ATVs are not registered and so are not allowed on public highways.)	N/A

State	State Law Allows ATVs on Paved Roads?	Year Law Enacted to Expand or Allow Road Access or Restrict Access
South Dakota	Yes ⁹⁴ (If licensed as a motorcycle having all necessary accessories but not on Interstates.)	1989 or earlier Session laws unavailable before 1997 ⁹⁵ 32-20-13. All-terrain vehicle licensed as motorcycle--Requirements--Use on interstate highway system prohibited--Violation as misdemeanor. HISTORY: Source: SL 1987, ch 233, § 2; 1989, ch 270, § 1. 32-20-12. Off-road vehicles--Operation on certain lands as misdemeanor--Registration--Title certificate. HISTORY: Source: SL 1985, ch 238, § 8; 1986, ch 259; 1987, ch 232; 1987, ch 233, § 1; 1989, ch 256, § 18; SL 2003, ch 272 (Ex. Ord. 03-1) § 82.
Tennessee	Yes ⁹⁶ (Any local governing body within an adventure tourism district may establish designated ATV streets—unpaved only; Counties may regulate operation on roads under county jurisdiction.)	2011 Acts 1982, ch. 749, § 2; 2005, ch. 60, § 1; 2007, ch. 448, § 1; 2011, ch. 383, § 3. ⁹⁷
Texas	No ⁹⁸	N/A
Utah	Yes (On roads with one traffic lane in each direction if made street legal and the local authority allows if a local road.) ⁹⁹	2008 2008, S.B. 181 Off-highway Vehicle Use on Public Highways ¹⁰⁰
Vermont	Yes ¹⁰¹ (If the highway has been opened to all-terrain vehicle travel by the selectmen or trustees or local governing body and is so posted by the municipality.)	1983 Local authorization allowed in original law. Agricultural use added in 1985 amendment. (Lexis notes older session laws unavailable online. Local authorization exists prior to 2009 amendments.) HISTORY: Added 1983, No. 240 (Adj. Sess.), § 1; amended 1985, No. 8; 1991, No. 123 (Adj. Sess.), § 3; 2009, No. 50, § 81.
Virginia	Yes ¹⁰² (In two counties only between trails.)	2003 Buchanan County added 2003. ¹⁰³ 2011 Tazewell County added 2011. ¹⁰⁴
Washington	Yes ¹⁰⁵ (With on road registration; on certain roads with a speed limit of 35 MPH or less; counties with populations of 15,000 or more must approve road use; Smaller counties may determine that roads are unsuitable for ATV use.)	2013 2013 changes in law expanded roads that ATVs can use and created cited section of law. 2013 2nd sp.s. c 23 § 6; ENGROSSED SUBSTITUTE HOUSE BILL 1632. ¹⁰⁶

State	State Law Allows ATVs on Paved Roads?	Year Law Enacted to Expand or Allow Road Access or Restrict Access
West Virginia	<p>Yes¹⁰⁷ (ATVs may operate on paved roads with no center lines—approximately 20,000 miles of road.¹⁰⁸ Additionally: The governing body of a municipality may regulate in any manner or prohibit, by lawfully enacted ordinance, the operation of all-terrain vehicles upon any street, road or avenue within the municipal corporate limits, The county commission of any county which has in effect and is operating under a countywide comprehensive plan may by lawfully enacted ordinance regulate or prohibit the operation of all-terrain vehicles on any road in the county, except interstate highways.)</p>	<p>2004 HB 4022; 2004, c. 12.¹⁰⁹</p>
Wisconsin	<p>Yes¹¹⁰ (On roadways which are designated as all-terrain vehicle routes. These can be designated at local level according to state Dep. Of Natural Resources manual¹¹¹ also in definitions Sec. 23.33.)</p>	<p>1985¹¹² AtV Access Routes present in early Acts. HISTORY: History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35, 51, 208, 258; 13.92 (1) (bm) 2.</p>
Wyoming	<p>Yes (Roads designated a Wyoming off-road recreational vehicle trail by the government body having jurisdiction—including local.¹¹³ Also those ATVs that can be registered as multipurpose vehicles can be operated on streets but not interstates.¹¹⁴)</p>	<p>2007 Multi-Purpose Vehicles¹¹⁵ 2002 or Earlier for Recreational Vehicle Trail—present in earliest bills on website.¹¹⁶ HISTORY: Laws 1986, ch. 88, § 1; 2002 Sp. Sess., ch. 12, § 2; 2004, ch. 35, § 1; 2007, ch. 34, § 1.</p>

Table Endnotes

1. OK SB 1208 <http://www.oklegislature.gov/BillInfo.aspx?Bill=SB1208&Session=1400>
2. UT SB 154 <http://le.utah.gov/~2014/bills/static/SB0154.html>
3. Tari Robertson, Independence Bulletin Journal, New ATV UTV Ordinance Goes in Effect Monday, February 8, 2014. http://www.communitynewspapergroup.com/independence_bulletin_journal/news/article_3c36ccd6-903d-11e3-9d51-001a4bcf887a.html
4. Gabrielle Shirley, 14news.com, ATV Riders Now Have More Freedom on Oakland City Roads, January 29th, 2014. <http://webcache.googleusercontent.com/search?q=cache:ejd1c-bv5ozlJ:gibsoncounty.14news.com/news/news/232313-atv-drivers-now-have-more-freedom-oakland-city-roads+&cd=1&hl=en&ct=clnk&gl=us&client=firefox-a>
5. Iowa HF 619. [http://search.legis.state.ia.us/NXT/gateway.dll/cl/85th%20ga%20-%20session%201/03___introduced/001___bills/01___house/hf%20061900.html?f=templates\\$fn=document-frameset.htm\\$g=\[and%3AAI%20terrain%20vehicle\]%20\\$х=server\\$3.0#LPHit1](http://search.legis.state.ia.us/NXT/gateway.dll/cl/85th%20ga%20-%20session%201/03___introduced/001___bills/01___house/hf%20061900.html?f=templates$fn=document-frameset.htm$g=[and%3AAI%20terrain%20vehicle]%20$х=server$3.0#LPHit1)
6. Mary Zielinski, Riverside Current, Supervisors to Re-Draft ATV Ordinance, January 29, 2014. <http://www.threechickspublications.com/riversidecurrent/news/2014/01/29/supervisors-to-re-draft-atv-ordinance/>
7. Mary Zielinski, Supervisors to Re-draft ATV Ordinance, Riverside Current. January 29,2014. <http://www.threechickspublications.com/riversidecurrent/news/2014/01/29/supervisors-to-re-draft-atv-ordinance/>
8. Peggy Senzarino, Globegazette.com, Hancock County Considers ATV ordinance, October 28, 2013. http://globegazette.com/news/local/hancock-county-considers-atv-ordinance/article_d448bb0e-07c6-5e3d-b5dc-4bd5757c394d.html
9. Not listed in county ordinance. <http://www.hancockcountyia.org/County%20Ordinances.htm> There is text of the ordinance <http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&ved=0CDAQFjAB&url=http%3A%2F%2Fwww.hancockcountyia.org%2Fdownloads%2FOrdinances%2FOrdinance%252028%2520Draft%2520with%2520revision%252012022013.pdf&ei=RT35UvCaBMqL0QHInIG4Bg&usq=AFOjCNESm1zyqs4Ac1H2ELb2q9fgPRHPHw&sig2=paPk1wnvJTeVtry6dyGdQw&bvm=bv.60983673,d.dmQ&cad=rja>
10. 2013 Assembly Bill 527 <http://docs.legis.wisconsin.gov/2013/related/proposals/ab527>
11. HP 439 http://www.mainelegislature.org/legis/bills/bills_126th/billtexts/HP043901.asp
12. HP 439 Final Disposition http://www.mainelegislature.org/legis/bills/display_ps.asp?id=620&PID=1456&snum=126
13. Washington State, HB 2675—Substitute Bill. <http://apps.leg.wa.gov/documents/billdocs/2013-14/Pdf/Bills/House%20Bills/2675-S.pdf>
14. Tom Cherveney, Renville County Board Looking to Open Roads to Off-Highway Vehicles, West Central Tribune, Feb. 18, 2013. <http://www.wctrib.com/content/renville-county-board-looking-open-roads-highway-vehicles>
15. John Kziol, Union Leader, February 20, 2014. <http://www.unionleader.com/article/20140220/NEWHAMPSHIRE03/140229978&template=mobileart>
16. HB 1632 <http://apps.leg.wa.gov/documents/billdocs/2013-14/Pdf/Bills/House%20Passed%20Legislature/1632-S.PL.pdf>
17. HB 103 <http://www.house.mo.gov/billsummary.aspx?bill=HB103&year=2013&code=R>
18. PL 259 Sec. 16 http://iga.in.gov/static-documents/8/4/0/7/8407e19c/acts_2013.pdf
19. HB 4299 <http://www.legislature.mi.gov/%28S%28xr43anvnrpxxi45kavnrt55%29%29/mileg.aspx?page=GetObject&objectName=2013-HB-4299>

20. John Clark, The Republic, May 28 2013. http://www.therepublic.com/view/local_story/Commissioners-nix-request-to-o_1369767324
21. Alabama Attorney General, Opinion 86-00033, 1985. <http://www.ago.state.al.us/opinions/pdf/8600033.pdf> Could not find law specifically on this issue. In a 1985 attorney general's opinion: "vehicles specifically designed by their manufacturers as off-the-road vehicles are not to be used on the streets and highways of this state." See also, Alabama Attorney General Opinion, 85-0048, 1985. <http://www.ago.state.al.us/opinions/pdf/8500488.pdf>
22. 13 AAC 02.455. Operation on highways and other locations <http://www.legis.state.ak.us/basis/aac.asp#13.02.450> Alaska Administrative Code implemented under authority of A.S. Sec. 28.05.011. Duty of commissioners to adopt regulations. <http://www.legis.state.ak.us/basis/statutes.asp#28.05.011>
23. Where there is not a link to a specific bill changing the law, the information was gathered from a Lexis search.
24. 8 ARS 1177. Off-highway vehicle user fee; indicia; registration; state trust land recreational permit; exception. Allows ATVs that have the proper equipment to be registered as a motor vehicle. <http://www.azleg.gov/FormatDocument.asp?inDoc=/ars/28/01177.htm&Title=28&DocType=ARS>
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