

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 478

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S.P. 142

In Senate, January 29, 2019

### **An Act To Allow All-terrain Vehicles To Be Used on a Public Way**

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Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by President JACKSON of Aroostook.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 29-A MRSA §101, sub-§1-B** is enacted to read:

3 **1-B. All-terrain vehicle or ATV.** "All-terrain vehicle" or "ATV" means a motor-  
4 driven, off-road, recreational vehicle capable of cross-country travel on land, snow, ice,  
5 marsh, swampland or other natural terrain. "All-terrain vehicle" or "ATV" includes, but  
6 is not limited to, a multitrack, multiwheel or low-pressure-tire vehicle; an amphibious  
7 machine; or other means of transportation deriving motive power from a source other  
8 than muscle or wind. "All-terrain vehicle" or "ATV" does not include an automobile, a  
9 motorcycle, an electric personal assistive mobility device, a truck, a snowmobile as  
10 defined in Title 12, section 13001, subsection 25, an airmobile as defined in Title 12,  
11 section 13001, subsection 2, a construction or logging vehicle used in performance of its  
12 common functions, a farm vehicle used for farming purposes or a vehicle used  
13 exclusively for emergency, military, law enforcement or fire control purposes.

14 **Sec. 2. 29-A MRSA §101, sub-§42, ¶B,** as amended by PL 2005, c. 577, §5, is  
15 further amended to read:

16 B. An all-terrain vehicle as ~~defined in Title 12, section 13001~~, unless the all-terrain  
17 vehicle is permitted in accordance with section 501, subsection 8 or registered in  
18 accordance with section 501, subsection 13 or is operated on a way and section 2080  
19 or 2093 applies; and

20 **Sec. 3. 29-A MRSA §102, sub-§3** is enacted to read:

21 **3. Operation of ATVs; beginning January 1, 2020.** The registration and operation  
22 of ATVs in accordance with section 501, subsection 13 and section 2093 are authorized  
23 beginning January 1, 2020.

24 **Sec. 4. 29-A MRSA §501, sub-§8, ¶E,** as enacted by PL 1993, c. 683, Pt. A, §2  
25 and affected by Pt. B, §5, is amended to read:

26 E. Operation of an ATV permitted under this subsection is limited to agricultural  
27 purposes in connection with a farm and to operation from or to the premises where  
28 kept, from or to a farm lot or between farm lots used for farm purposes by the ATV  
29 owner.

30 **Sec. 5. 29-A MRSA §501, sub-§13** is enacted to read:

31 **13. ATVs for public way use.** The Secretary of State may issue a registration for an  
32 ATV for use on public ways upon application and payment of an annual fee of \$33. The  
33 registrant must provide a certificate of title required by section 651, proof of financial  
34 responsibility required by section 1601 and, for a first-time registration, proof of  
35 inspection required by section 2093, subsection 3. An ATV registered under this section  
36 is issued a registration plate with the word "ATV" instead of "Vacationland." The  
37 Secretary of State may issue a facsimile plate for a 60-day period.

38 **Sec. 6. 29-A MRSA §652, sub-§17,** as amended by PL 2015, c. 88, §2, is further  
39 amended to read:

1           **17. Off-road vehicle.** An off-road vehicle, not including an ATV registered  
2 pursuant to section 501, subsection 13; and

3           **Sec. 7. 29-A MRSA §1927** is enacted to read:

4           **§1927. Equipment requirements for all-terrain vehicles operated on the road**

5           **1. Equipment required.** An ATV registered pursuant to section 501, subsection 13  
6 may not be less than 30 inches in width or more than 70 inches in width, measured at the  
7 widest point of the ATV, including the tires, and must be equipped with:

8           A. Brakes for each wheel;

9           B. Two headlights that comply with section 1904;

10          C. A muffler and emission control system;

11          D. One rearview mirror on the left side;

12          E. A parking brake;

13          F. Rear reflectors;

14          G. A windshield, unless the operator wears eye protection while operating the ATV;

15          H. A speedometer, illuminated for nighttime operation;

16          I. One or more stop lamps on the rear;

17          J. Rear lights that comply with section 1905, including a light that is constructed and  
18 placed to illuminate the registration plate in a white light;

19          K. For ATVs with side-by-side seating, a seat belt for each passenger that complies  
20 with section 2081;

21          L. For ATVs designed by the manufacturer to carry one or more passengers, a seat  
22 designed for passengers, including a footrest and handhold for each passenger;

23          M. Turn signal lamps;

24          N. A horn or other warning device;

25          O. An operator's seat that is not less than 25 inches off the ground or more than 40  
26 inches off the ground, measured from the ground to the top of the forward edge of the  
27 seat when measured on a flat surface; and

28          P. Tires with a tread depth that is at least 2/32 inch; the tires may not exceed 26  
29 inches in height or be larger than the tires the ATV manufacturer made available for  
30 that ATV model.

31          **2. Working condition.** Equipment required in subsection 1 must be in good  
32 working condition.

33          **3. Rules.** The Chief of the State Police shall adopt routine technical rules as  
34 described in Title 5, chapter 375, subchapter 2-A for the enforcement and administration  
35 of this section.

1           **Sec. 8. 29-A MRSA §2080**, as amended by PL 2005, c. 577, §32, is further  
2 amended to read:

3           **§2080. Operation of all-terrain and off-road vehicles**

4           Notwithstanding any other provision of law, whenever an all-terrain vehicle, except  
5 for an all-terrain vehicle registered pursuant to section 501, subsection 13, or off-road  
6 vehicle is operated on a way, the vehicle and operator are subject to all provisions of this  
7 Title, except chapters 5, 7, 13 and 15. Whenever an all-terrain vehicle or off-road vehicle  
8 is operated on a way, the operator is not subject to the provisions of chapter 11, except  
9 when an all-terrain vehicle is permitted in accordance with section 501, subsection 8 or  
10 registered pursuant to section 501, subsection 13.

11           **Sec. 9. 29-A MRSA §2093** is enacted to read:

12           **§2093. Operation of all-terrain vehicles**

13           A person operating an ATV on a public way, except for an ATV permitted under  
14 section 501, subsection 8, shall comply with the provisions of this chapter as they apply  
15 to the operator of an automobile and with this section.

16           **1. License required; maintenance of financial responsibility.** A person operating  
17 an ATV must possess a valid Class A, Class B or Class C driver's license pursuant to  
18 section 1252 and shall maintain the amounts of motor vehicle financial responsibility  
19 specified in section 1605.

20           **2. Registration required.** An ATV operated on a public way must be registered  
21 under section 501, subsection 13.

22           **3. Safety inspection required.** An ATV operated on a public way must have a  
23 safety inspection completed by an inspection station before being registered for the first  
24 time and must meet the requirements of section 1927.

25           **4. Public way restrictions.** An ATV may be operated only on a public way where  
26 the posted speed limit is 50 miles per hour or less. An ATV may cross, at an intersection,  
27 a public way with a posted speed limit of more than 50 miles per hour.

28           A. The department, by routine technical rule as described in Title 5, chapter 375,  
29 subchapter 2-A, may prohibit or restrict the operation of an ATV on any public way  
30 or segment of a public way under its jurisdiction if it determines that the prohibition  
31 or restriction is necessary in the interest of public safety.

32           B. A municipality or county may adopt an ordinance to prohibit or restrict the  
33 operation of an ATV on any public way under its jurisdiction if it determines that the  
34 prohibition or restriction is necessary in the interest of public safety, except that a  
35 municipality or county may not prohibit or restrict the use of an ATV on a public way  
36 where the use of an off-road vehicle is permitted.

37           **5. Violation.** A person who operates an ATV in violation of subsection 4 commits a  
38 traffic infraction.

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**6. Rulemaking.** The Secretary of State, in consultation with the Commissioner of Transportation and the Commissioner of Public Safety, may adopt routine technical rules in accordance with Title 5, chapter 375, subchapter 2-A to implement this section, monitor the registration and use of ATVs and provide for the safe operation of ATVs.

**Sec. 10. Effective date.** This Act takes effect January 1, 2020.

**SUMMARY**

This bill, beginning in 2020, allows the operation of an all-terrain vehicle, or ATV, on a public way as long as the ATV is registered and meets specified safety equipment requirements and the operator is licensed and has insurance. This bill establishes an annual registration fee of \$33, the same as for ATVs under current law. The bill does not affect the operation of ATVs off of public ways.

This bill prohibits the operation of an ATV on a public way with a posted speed limit of more than 50 miles per hour. The Department of Transportation may adopt rules or a municipality or county may adopt an ordinance to restrict or prohibit the operation of an ATV on a way if the department, county or municipality determines that the prohibition or restriction is necessary in the interest of public safety.