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Legislative Document

No. 557

S.P. 231

In Senate, February 11, 2025

An Act to Allow All-terrain Vehicles to Be Used on a Public Way

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 Senator MOORE of Washington.
Cosponsored by Representative MCINTYRE of Lowell and
Representatives: DAIGLE of Fort Kent, STROUT of Harrington.

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 is
6 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 than
8 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 defined
10 in Title 12, section 13001, subsection 25, an airmobile as defined in Title 12, section 13001,
11 subsection 2, a construction or logging vehicle used in performance of its common
12 functions, a farm vehicle used for farming purposes or a vehicle used exclusively for
13 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, is registered in
18 accordance with section 501, subsection 14 or is operated on a way and section 2080
19 or 2094 applies; and

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

21 **3. Operation of ATVs; beginning January 1, 2026.** The registration and operation
22 of ATVs in accordance with section 501, subsection 14 and section 2094 are authorized
23 beginning January 1, 2026.

24 **Sec. 4. 29-A MRSA §354,** as amended by PL 2021, c. 216, §10, is repealed.

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

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

31 **Sec. 6. 29-A MRSA §501, sub-§14** is enacted to read:

32 **14. ATVs for public way use.** The Secretary of State may issue a registration for an
33 ATV for use on a public way upon application and payment of the ATV registration fee
34 under Title 12, section 13155, subsection 5, paragraph A or paragraph B, subparagraph (2).
35 The registrant must provide a certificate of title required by section 651 and proof of
36 financial responsibility required by section 1601.

37 **Sec. 7. 29-A MRSA §652, sub-§17,** as amended by PL 2015, c. 88, §2, is further
38 amended to read:

39 **17. Off-road vehicle.** An off-road vehicle, not including an ATV registered pursuant
40 to section 501, subsection 14; and

41 **Sec. 8. 29-A MRSA §1927** is enacted to read:

1 **§1927. Equipment requirements for all-terrain vehicles operated on the road**

2 **1. Equipment required.** An ATV registered pursuant to section 501, subsection 14
3 may not be less than 30 inches in width or more than 70 inches in width, measured at the
4 widest point of the ATV, including the tires, and must be equipped with:

5 A. Brakes for each wheel;

6 B. Two headlights that comply with section 1904;

7 C. A muffler and emission control system;

8 D. One rearview mirror on the left side;

9 E. A parking brake;

10 F. Rear reflectors;

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

12 H. A speedometer, illuminated for nighttime operation;

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

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

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

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

20 M. Operational turn signal lamps, if part of the standard equipment;

21 N. Operational horn or other warning device, if part of the standard equipment;

22 O. Operational windshield wipers, if part of the standard equipment;

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

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

29 **2. Working condition.** Equipment required in subsection 1 must be in good working
30 condition.

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

34 **Sec. 9. 29-A MRS §2080**, as amended by PL 2005, c. 577, §32, is further amended
35 to read:

36 **§2080. Operation of all-terrain and off-road vehicles**

37 Notwithstanding any other provision of law to the contrary, whenever an all-terrain
38 vehicle, except for an all-terrain vehicle registered pursuant to section 501, subsection 14,

1 or off-road vehicle is operated on a way, the vehicle and operator are subject to all
2 provisions of this Title, except chapters 5, 7, 13 and 15. Whenever an all-terrain vehicle or
3 off-road vehicle is operated on a way, the operator is not subject to the provisions of chapter
4 11, except when an all-terrain vehicle is permitted in accordance with section 501,
5 subsection 8 or registered pursuant to section 501, subsection 14.

6 **Sec. 10. 29-A MRSA §2094** is enacted to read:

7 **§2094. Operation of all-terrain vehicles**

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

11 **1. License required; maintenance of financial responsibility.** A person operating
12 an ATV must possess a valid Class A, Class B or Class C driver's license pursuant to section
13 1252 and shall maintain the amounts of motor vehicle financial responsibility specified in
14 section 1605.

15 **2. Registration required.** An ATV operated on a public way must be registered under
16 section 501, subsection 14.

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

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

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

29 **4. Violation.** A person who operates an ATV in violation of subsection 3 commits a
30 traffic infraction.

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

35 **Sec. 11. Effective date.** This Act takes effect January 1, 2026.

36 **SUMMARY**

37 This bill, beginning January 1, 2026, allows the operation of an all-terrain vehicle, or
38 ATV, on a public way as long as the ATV is registered and meets specified safety
39 equipment requirements, and the operator is licensed and has insurance. The bill requires
40 the payment of the resident or nonresident ATV application fee to register an ATV for use
41 on a public way. The bill does not affect the operation of ATVs off of public ways.

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

6 The bill repeals the law that prohibits off-road vehicles from being registered.