

# SB1949



## 100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB1949

Introduced 2/10/2017, by Sen. Neil Anderson

### SYNOPSIS AS INTRODUCED:

625 ILCS 40/5-1

from Ch. 95 1/2, par. 605-1

Amends the Snowmobile Registration and Safety Act. Makes a technical change in a Section concerning the operation of snowmobiles.

LRB100 10031 AXK 20203 b

A BILL FOR

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Snowmobile Registration and Safety Act is  
5 amended by changing Section 5-1 as follows:

6 (625 ILCS 40/5-1) (from Ch. 95 1/2, par. 605-1)

7 Sec. 5-1. Operation Generally. It is unlawful for any  
8 person to drive or operate any snowmobile in the ~~the~~ following  
9 ways:

10 A. At a rate of speed too fast for conditions and the fact  
11 that the speed of the snowmobile does not exceed the applicable  
12 maximum speed limit allowed does not relieve the driver from  
13 the duty to decrease speed as may be necessary to avoid  
14 colliding with any person or vehicle or object within legal  
15 requirements and the duty of all persons to use due care.

16 B. In a careless, reckless, or negligent manner.

17 C. (Blank)

18 D. At any time without at least one lighted headlamp and  
19 one lighted tail lamp on the snowmobile.

20 E. Within any nature preserve.

21 F. On the tracks or right of way of an operating railroad.

22 G. In any tree nursery or planting in a manner which  
23 damages or destroys growing stock, or creates a substantial

1 risk thereto.

2 H. On private property, without the written or verbal  
3 consent of the owner or lessee thereof. Any person operating a  
4 snowmobile upon lands of another shall stop and identify  
5 himself upon the request of the landowner or his duly  
6 authorized representative, and, if requested to do so by the  
7 landowner shall promptly remove the snowmobile from the  
8 premises.

9 I. Notwithstanding any other law to the contrary, an owner,  
10 lessee, or occupant of premises owes no duty of care to keep  
11 the premises safe for entry or use by others for snowmobiling,  
12 or to give warning of any condition, use, structure or activity  
13 on such premises. This subsection does not apply where  
14 permission to snowmobile is given for a valuable consideration  
15 other than to this State, any political subdivision or  
16 municipality thereof, or any landowner who is paid with funds  
17 from the Snowmobile Trail Establishment Fund. In the case of  
18 land leased to the State or a subdivision thereof, any  
19 consideration received is not valuable consideration within  
20 the meaning of this section. Nothing in this section limits in  
21 any way liability which otherwise exists for willful or  
22 malicious failure to guard or warn against a dangerous  
23 condition, use, structure, or activity.

24 J. Notwithstanding any other law to the contrary, an owner,  
25 lessee or occupant of premises who gives permission to another  
26 to snowmobile upon such premises does not thereby extend any

1 assurance that the premises are safe for such purpose, or  
2 assume responsibility for or incur liability for any injury to  
3 person or property caused by any act or omission of persons to  
4 whom the permission to snowmobile is granted. This subsection  
5 shall not apply where permission to snowmobile is given for a  
6 valuable consideration other than to this State, any political  
7 subdivision or municipality thereof, or any landowner who is  
8 paid with funds from the Snowmobile Trail Establishment Fund.  
9 In the case of land leased to the State or a subdivision  
10 thereof, any consideration received is not valuable  
11 consideration within the meaning of this section. Nothing in  
12 this section limits in any way liability which otherwise exists  
13 for willful or malicious failure to guard or warn against a  
14 dangerous condition, use, structure, or activity.

15 K. On the frozen surface of public waters of this State  
16 within 100 feet of a person, including a skater not in or upon  
17 a snowmobile; within 100 feet of a person engaged in fishing,  
18 except at the minimum speed required to maintain forward  
19 movement of the snowmobile; on an area which has been cleared  
20 of snow for skating purposes unless the area is necessary for  
21 access to the frozen waters of this State.

22 L. Within 100 feet of a dwelling between midnight and 6  
23 a.m. at a speed greater than the minimum required to maintain  
24 forward movement of the snowmobile. This provision would not  
25 apply on private property where verbal or written consent of  
26 the owner or lessee has been granted to snowmobile upon such

1 private property or frozen waters of this State.

2 M. Notwithstanding any other law to the contrary, any  
3 owner, lessee or occupant of premises or any person or  
4 association who, with the permission of the owner of the  
5 premises, places, maintains or displays a sign, signal, marking  
6 or device to give warning of any unsafe condition on the  
7 premises for snowmobiling shall not be liable for any personal  
8 injuries allegedly caused by his or her acts or omissions in  
9 providing such warning unless the alleged misconduct was  
10 willful or malicious. This subsection shall not apply where the  
11 owner, occupant or lessee of the premises grants express  
12 permission for snowmobiling in exchange for valuable  
13 consideration. However, this subsection will apply where such  
14 consideration is given to such owner, occupant or lessee by the  
15 State or one of its political subdivisions.

16 N. Notwithstanding any other law or Section of this Act to  
17 the contrary, the State and any political subdivision or  
18 municipality thereof owes no duty of care to keep the premises  
19 safe for entry or use by others for snowmobiling or to guard  
20 against or give warnings of any condition, use, structure or  
21 activity on property in which the State and any political  
22 subdivision or municipality thereof has any interest.

23 (Source: P.A. 89-55, eff. 1-1-96.)