



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4346

Introduced 1/29/2020, by Rep. Thomas M. Bennett

SYNOPSIS AS INTRODUCED:

625 ILCS 5/1-101.8
625 ILCS 5/11-1426.1

from Ch. 95 1/2, par. 1-102.02

Amends the Illinois Vehicle Code. Changes the definition of "all-terrain vehicle" to include vehicles 74 inches (instead of 50 inches) or less in width. Provides that a person may operate an all-terrain vehicle or recreational off-highway vehicle on a roadway with a speed limit of 55 miles per hour or less (rather than 35 miles per hour or less) if the roadway is not State highway, federal highway, or within the boundaries of an incorporated area. Effective immediately.

LRB101 18120 LNS 67560 b

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 Illinois Vehicle Code is amended by changing
5 Sections 1-101.8 and 11-1426.1 as follows:

6 (625 ILCS 5/1-101.8) (from Ch. 95 1/2, par. 1-102.02)

7 Sec. 1-101.8. All-terrain vehicle. Any motorized
8 off-highway device designed to travel primarily off-highway,
9 74 ~~50~~ inches or less in width, having a manufacturer's dry
10 weight of 1,500 pounds or less, traveling on 3 or more
11 non-highway tires, designed with a seat or saddle for operator
12 use, and handlebars or steering wheel for steering control,
13 except equipment such as lawnmowers.

14 (Source: P.A. 96-428, eff. 8-13-09.)

15 (625 ILCS 5/11-1426.1)

16 Sec. 11-1426.1. Operation of non-highway vehicles on
17 streets, roads, and highways.

18 (a) As used in this Section, "non-highway vehicle" means a
19 motor vehicle not specifically designed to be used on a public
20 highway, including:

21 (1) an all-terrain vehicle, as defined by Section
22 1-101.8 of this Code;

1 (2) a golf cart, as defined by Section 1-123.9;

2 (3) an off-highway motorcycle, as defined by Section
3 1-153.1; and

4 (4) a recreational off-highway vehicle, as defined by
5 Section 1-168.8.

6 (b) Except as otherwise provided in this Section, it is
7 unlawful for any person to drive or operate a non-highway
8 vehicle upon any street, highway, or roadway in this State. If
9 the operation of a non-highway vehicle is authorized under
10 subsection (d), the non-highway vehicle may be operated only on
11 streets where the posted speed limit is 35 miles per hour or
12 less. This subsection (b) does not prohibit a non-highway
13 vehicle from crossing a road or street at an intersection where
14 the road or street has a posted speed limit of more than 35
15 miles per hour.

16 (b-5) A person may not operate a non-highway vehicle upon
17 any street, highway, or roadway in this State unless he or she
18 has a valid driver's license issued in his or her name by the
19 Secretary of State or by a foreign jurisdiction.

20 (c) No person operating a non-highway vehicle shall make a
21 direct crossing upon or across any tollroad, interstate
22 highway, or controlled access highway in this State. No person
23 operating a non-highway vehicle shall make a direct crossing
24 upon or across any other highway under the jurisdiction of the
25 State except at an intersection of the highway with another
26 public street, road, or highway.

1 (c-5) (Blank).

2 (c-10) A person may operate an all-terrain vehicle or
3 recreational off-highway vehicle on a roadway with a speed
4 limit of 55 miles per hour or less if the roadway is not a State
5 highway, federal highway, or within the boundaries of an
6 incorporated area.

7 (d) A municipality, township, county, or other unit of
8 local government may authorize, by ordinance or resolution, the
9 operation of non-highway vehicles on roadways under its
10 jurisdiction if the unit of local government determines that
11 the public safety will not be jeopardized. The Department may
12 authorize the operation of non-highway vehicles on the roadways
13 under its jurisdiction if the Department determines that the
14 public safety will not be jeopardized. The unit of local
15 government or the Department may restrict the types of
16 non-highway vehicles that are authorized to be used on its
17 streets.

18 Before permitting the operation of non-highway vehicles on
19 its roadways, a municipality, township, county, other unit of
20 local government, or the Department must consider the volume,
21 speed, and character of traffic on the roadway and determine
22 whether non-highway vehicles may safely travel on or cross the
23 roadway. Upon determining that non-highway vehicles may safely
24 operate on a roadway and the adoption of an ordinance or
25 resolution by a municipality, township, county, or other unit
26 of local government, or authorization by the Department,

1 appropriate signs shall be posted.

2 If a roadway is under the jurisdiction of more than one
3 unit of government, non-highway vehicles may not be operated on
4 the roadway unless each unit of government agrees and takes
5 action as provided in this subsection.

6 (e) No non-highway vehicle may be operated on a roadway
7 unless, at a minimum, it has the following: brakes, a steering
8 apparatus, tires, a rearview mirror, red reflectorized warning
9 devices in the front and rear, a slow moving emblem (as
10 required of other vehicles in Section 12-709 of this Code) on
11 the rear of the non-highway vehicle, a headlight that emits a
12 white light visible from a distance of 500 feet to the front, a
13 tail lamp that emits a red light visible from at least 100 feet
14 from the rear, brake lights, and turn signals. When operated on
15 a roadway, a non-highway vehicle shall have its headlight and
16 tail lamps lighted as required by Section 12-201 of this Code.

17 (f) A person who drives or is in actual physical control of
18 a non-highway vehicle on a roadway while under the influence is
19 subject to Sections 11-500 through 11-502 of this Code.

20 (g) Any person who operates a non-highway vehicle on a
21 street, highway, or roadway shall be subject to the mandatory
22 insurance requirements under Article VI of Chapter 7 of this
23 Code.

24 (h) It shall not be unlawful for any person to drive or
25 operate a non-highway vehicle, as defined in paragraphs (1) and
26 (4) of subsection (a) of this Section, on a county roadway or

1 township roadway for the purpose of conducting farming
2 operations to and from the home, farm, farm buildings, and any
3 adjacent or nearby farm land.

4 Non-highway vehicles, as used in this subsection (h), shall
5 not be subject to subsections (e) and (g) of this Section.
6 However, if the non-highway vehicle, as used in this Section,
7 is not covered under a motor vehicle insurance policy pursuant
8 to subsection (g) of this Section, the vehicle must be covered
9 under a farm, home, or non-highway vehicle insurance policy
10 issued with coverage amounts no less than the minimum amounts
11 set for bodily injury or death and for destruction of property
12 under Section 7-203 of this Code. Non-highway vehicles operated
13 on a county or township roadway at any time between one-half
14 hour before sunset and one-half hour after sunrise must be
15 equipped with head lamps and tail lamps, and the head lamps and
16 tail lamps must be lighted.

17 Non-highway vehicles, as used in this subsection (h), shall
18 not make a direct crossing upon or across any tollroad,
19 interstate highway, or controlled access highway in this State.

20 Non-highway vehicles, as used in this subsection (h), shall
21 be allowed to cross a State highway, municipal street, county
22 highway, or road district highway if the operator of the
23 non-highway vehicle makes a direct crossing provided:

24 (1) the crossing is made at an angle of approximately
25 90 degrees to the direction of the street, road or highway
26 and at a place where no obstruction prevents a quick and

1 safe crossing;

2 (2) the non-highway vehicle is brought to a complete
3 stop before attempting a crossing;

4 (3) the operator of the non-highway vehicle yields the
5 right of way to all pedestrian and vehicular traffic which
6 constitutes a hazard; and

7 (4) that when crossing a divided highway, the crossing
8 is made only at an intersection of the highway with another
9 public street, road, or highway.

10 (i) No action taken by a unit of local government under
11 this Section designates the operation of a non-highway vehicle
12 as an intended or permitted use of property with respect to
13 Section 3-102 of the Local Governmental and Governmental
14 Employees Tort Immunity Act.

15 (Source: P.A. 97-144, eff. 7-14-11; 98-567, eff. 1-1-14.)

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.