



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB2455

Introduced 2/19/2009, by Rep. Richard P. Myers - Bill Mitchell
- Chapin Rose

SYNOPSIS AS INTRODUCED:

20 ILCS 862/15
625 ILCS 5/1-123.9 new
625 ILCS 5/1-148.3m new
625 ILCS 5/11-1426.1
625 ILCS 5/11-1427.2
625 ILCS 5/11-1427.3
625 ILCS 5/11-1426 rep.
625 ILCS 5/11-1428 rep.

Amends the Illinois Vehicle Code. Defines a "non-highway vehicle" as a motor vehicle not specifically designed to be used on a public highway, including, as defined by the Illinois Vehicle Code: an all-terrain vehicle, a golf cart, a neighborhood vehicle, and an off-highway motorcycle. Provides that the same set of standards that currently apply to the operation of a neighborhood vehicle on a street, road, or highway apply to all non-highway vehicles. Provides that non-highway vehicles are subject to the mandatory insurance provisions of the Illinois Vehicle Code when operated on a street, road, or highway. Repeals 2 provisions regarding the operation of all-terrain vehicles, off-highway motorcycles, and golf carts on streets and removes cross-references to those provisions in the Illinois Vehicle Code and Recreational Trails of Illinois Act.

LRB096 09544 AJT 19703 b

FISCAL NOTE ACT
MAY APPLY

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 Recreational Trails of Illinois Act is
5 amended by changing Section 15 as follows:

6 (20 ILCS 862/15)

7 Sec. 15. Off-Highway Vehicle Trails Fund.

8 (a) The Off-Highway Vehicle Trails Fund is created as a
9 special fund in the State treasury. Money from federal, State,
10 and private sources may be deposited into the Fund. Fines
11 assessed by the Department of Natural Resources for citations
12 issued to off-highway vehicle operators shall be deposited into
13 the Fund. All interest accrued on the Fund shall be deposited
14 into the Fund.

15 (b) All money in the Fund shall be used, subject to
16 appropriation, by the Department for the following purposes:

17 (1) Grants for construction of off-highway vehicle
18 recreational trails on county, municipal, other units of
19 local government, or private lands where a recreational
20 need for the construction is shown.

21 (2) Grants for maintenance and construction of
22 off-highway vehicle recreational trails on federal lands,
23 where permitted by law.

1 (3) Grants for development of off-highway vehicle
2 trail-side facilities in accordance with criteria approved
3 by the National Recreational Trails Advisory Committee.

4 (4) Grants for acquisition of property from willing
5 sellers for off-highway vehicle recreational trails when
6 the objective of a trail cannot be accomplished by other
7 means.

8 (5) Grants for development of urban off-highway
9 vehicle trail linkages near homes and workplaces.

10 (6) Grants for maintenance of existing off-highway
11 vehicle recreational trails, including the grooming and
12 maintenance of trails across snow.

13 (7) Grants for restoration of areas damaged by usage of
14 off-highway vehicle recreational trails and back country
15 terrain.

16 (8) Grants for provision of features that facilitate
17 the access and use of off-highway vehicle trails by persons
18 with disabilities.

19 (9) Grants for acquisition of easements for
20 off-highway vehicle trails or for trail corridors.

21 (10) Grants for a rider education and safety program.

22 (11) Administration, enforcement, planning, and
23 implementation of this Act and Section ~~Sections 11-1426 and~~
24 11-1427 of the Illinois Vehicle Code.

25 Of the money used from the Fund for the purposes set forth
26 in this subsection, at least 92% shall be allocated for

1 motorized recreation and not more than 8% shall be used by the
2 Department for administration, enforcement, planning, and
3 implementation of this Act or diverted from the Fund,
4 notwithstanding any other law to the contrary adopted after the
5 effective date of this amendatory Act of the 95th General
6 Assembly. The Department shall establish, by rule, measures to
7 verify that recipients of money from the Fund comply with the
8 specified conditions for the use of the money.

9 (c) The Department may not use the money from the Fund for
10 the following purposes:

11 (1) Condemnation of any kind of interest in property.

12 (2) Construction of any recreational trail on National
13 Forest System land for motorized uses unless those lands
14 have been allocated for uses other than wilderness by an
15 approved forest land and resource management plan or have
16 been released to uses other than wilderness by an Act of
17 Congress, and the construction is otherwise consistent
18 with the management direction in the approved land and
19 resource management plan.

20 (3) Construction of motorized recreational trails on
21 Department owned or managed land.

22 (d) The Department shall establish a program to administer
23 grants from the Fund to units of local government,
24 not-for-profit organizations, and other groups to operate,
25 maintain, and acquire land for off-highway vehicle parks that
26 are open and accessible to the public.

1 (Source: P.A. 95-670, eff. 10-11-07.)

2 Section 10. The Illinois Vehicle Code is amended by
3 changing Sections 11-1426.1, 11-1427.2, and 11-1427.3 and by
4 adding Sections 1-123.9 and 1-148.3m as follows:

5 (625 ILCS 5/1-123.9 new)

6 Sec. 1-123.9. Golf cart. A vehicle specifically designed
7 and intended for the purposes of transporting one or more
8 persons and their golf clubs or maintenance equipment while
9 engaged in the playing of golf, supervising the play of golf,
10 or maintaining the condition of the grounds on a public or
11 private golf course.

12 (625 ILCS 5/1-148.3m new)

13 Sec. 1-148.3m. Neighborhood vehicle. A self-propelled,
14 electric-powered, four-wheeled motor vehicle (or a
15 self-propelled, gasoline-powered, four-wheeled motor vehicle
16 with an engine displacement under 1,200 cubic centimeters) that
17 is capable of attaining in one mile a speed of more than 20
18 miles per hour, but not more than 25 miles per hour, and which
19 conforms to federal regulations under Title 49 C.F.R. Part
20 571.500.

21 (625 ILCS 5/11-1426.1)

22 Sec. 11-1426.1. Operation of non-highway neighborhood

1 vehicles on streets, roads, and highways.

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

5 (1) an all-terrain vehicle, as defined by Section
6 1-101.8 of this Code;

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

8 (3) a neighborhood vehicle, as defined by Section
9 1-148.3m; and

10 (4) an off-highway motorcycle, as defined by Section
11 1-153.1.

12 ~~"neighborhood vehicle" means a self-propelled, electronically~~
13 ~~powered four-wheeled motor vehicle (or a self-propelled,~~
14 ~~gasoline-powered four-wheeled motor vehicle with an engine~~
15 ~~displacement under 1,200 cubic centimeters) which is capable of~~
16 ~~attaining in one mile a speed of more than 20 miles per hour,~~
17 ~~but not more than 25 miles per hour, and which conforms to~~
18 ~~federal regulations under Title 49 C.F.R. Part 571.500.~~

19 (b) Except as otherwise provided in this Section, it is
20 unlawful for any person to drive or operate a non-highway
21 ~~neighborhood~~ vehicle upon any street, highway, or roadway in
22 this State. If the operation of a non-highway ~~neighborhood~~
23 vehicle is authorized under subsection (d), the non-highway
24 ~~neighborhood~~ vehicle may be operated only on streets where the
25 posted speed limit is 35 miles per hour or less. This
26 subsection (b) does not prohibit a non-highway ~~neighborhood~~

1 vehicle from crossing a road or street at an intersection where
2 the road or street has a posted speed limit of more than 35
3 miles per hour.

4 (b-5) A person may not operate a non-highway ~~neighborhood~~
5 vehicle upon any street, highway, or roadway in this State
6 unless he or she has a valid Illinois driver's license issued
7 in his or her name by the Secretary of State.

8 (c) Except as otherwise provided in subsection (c-5), no
9 person operating a non-highway ~~neighborhood~~ vehicle shall make
10 a direct crossing upon or across any highway under the
11 jurisdiction of the State, tollroad, interstate highway, or
12 controlled access highway in this State.

13 (c-5) A person may make a direct crossing at an
14 intersection controlled by a traffic light or 4-way stop sign
15 upon or across a highway under the jurisdiction of the State if
16 the speed limit on the highway is 35 miles per hour or less at
17 the place of crossing.

18 (d) A municipality, township, county, or other unit of
19 local government may authorize, by ordinance or resolution, the
20 operation of non-highway ~~neighborhood~~ vehicles on roadways
21 under its jurisdiction if the unit of local government
22 determines that the public safety will not be jeopardized. The
23 Department may authorize the operation of non-highway
24 ~~neighborhood~~ vehicles on the roadways under its jurisdiction if
25 the Department determines that the public safety will not be
26 jeopardized.

1 Before permitting the operation of non-highway
2 ~~neighborhood~~ vehicles on its roadways, a municipality,
3 township, county, other unit of local government, or the
4 Department must consider the volume, speed, and character of
5 traffic on the roadway and determine whether non-highway
6 ~~neighborhood~~ vehicles may safely travel on or cross the
7 roadway. Upon determining that non-highway ~~neighborhood~~
8 vehicles may safely operate on a roadway and the adoption of an
9 ordinance or resolution by a municipality, township, county, or
10 other unit of local government, or authorization by the
11 Department, appropriate signs shall be posted.

12 If a roadway is under the jurisdiction of more than one
13 unit of government, non-highway ~~neighborhood~~ vehicles may not
14 be operated on the roadway unless each unit of government
15 agrees and takes action as provided in this subsection.

16 (e) No non-highway ~~neighborhood~~ vehicle may be operated on
17 a roadway unless, at a minimum, it has the following: brakes, a
18 steering apparatus, tires, a rearview mirror, red
19 reflectorized warning devices in the front and rear, a slow
20 moving emblem (as required of other vehicles in Section 12-709
21 of this Code) on the rear of the non-highway ~~neighborhood~~
22 vehicle, a headlight that emits a white light visible from a
23 distance of 500 feet to the front, a tail lamp that emits a red
24 light visible from at least 100 feet from the rear, brake
25 lights, and turn signals. When operated on a roadway, a
26 non-highway ~~neighborhood~~ vehicle shall have its headlight and

1 tail lamps lighted as required by Section 12-201 of this Code.

2 (f) A person who drives or is in actual physical control of
3 a non-highway ~~neighborhood~~ vehicle on a roadway while under the
4 influence is subject to Sections 11-500 through 11-502 of this
5 Code.

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

10 (Source: P.A. 94-298, eff. 1-1-06; 95-150, 8-14-07; 95-414,
11 eff. 8-24-07; 95-575, eff. 8-31-07; 95-876, eff. 8-21-08.)

12 (625 ILCS 5/11-1427.2)

13 Sec. 11-1427.2. Special all-terrain vehicle or off-highway
14 motorcycle event. Nothing contained in Section ~~11-1426,~~
15 ~~11-1427,~~ or 11-1427.1 shall be construed to prohibit any local
16 authority of this State from designating a special all-terrain
17 vehicle or off-highway motorcycle event. In such case the
18 provisions of Sections ~~11-1426,~~ 11-1427, and 11-1427.1 shall
19 not apply to areas or highways under the jurisdiction of that
20 local authority.

21 (Source: P.A. 90-287, eff. 1-1-98.)

22 (625 ILCS 5/11-1427.3)

23 Sec. 11-1427.3. Rules for all-terrain vehicles and
24 off-highway motorcycles. The Department of Natural Resources

1 may adopt rules to implement and administer the provisions of
2 Sections ~~11-1426~~, 11-1427, 11-1427.1, and 11-1427.2.

3 (Source: P.A. 94-47, eff. 1-1-06.)

4 (625 ILCS 5/11-1426 rep.)

5 (625 ILCS 5/11-1428 rep.)

6 Section 15. The Illinois Vehicle Code is amended by
7 repealing Sections 11-1426 and 11-1428.