



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB5029

Introduced 1/25/2010, by Rep. Mary E. Flowers

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the School Code to provide that school districts must provide instruction in relation to the laws regarding the operation of all-terrain vehicles and off-highway motorcycles in grades kindergarten through 12 and may include the instruction in social studies, American government, driver education, or other appropriate courses of study. Amends the Illinois Vehicle Code to prohibit any use of all-terrain vehicles or off-highway vehicles on roads. Provides that the Secretary of State may suspend a person's driver's license for 6 months for a violation of provisions relating to the illegal use of all-terrain vehicles and off-highway motorcycles on streets and riding an all-terrain vehicle or off-highway motorcycle as a passenger. Provides that it is illegal to operate an all-terrain vehicle or off-highway motorcycle if the operator is under the age of 16, does not have a valid driver's license, or is not wearing a properly fitted helmet secured to the person's head. Provides that a person must demonstrate knowledge of all-terrain vehicle and off-highway motorcycle laws on the written examination for a driver's license, and provides that information relating to all-terrain vehicle and off-highway motorcycle laws must be contained in publications of the "Rules of the Road" by the Secretary of State and "Laws for Youth" by the Legislative Research Unit.

LRB096 16779 AJT 32079 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning all-terrain vehicles, which may be  
2 referred to as Lacey's Law.

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

5 Section 5. The School Code is amended by changing Section  
6 27-24.2 and by adding Section 27-23.9 as follows:

7 (105 ILCS 5/27-23.9 new)

8 Sec. 27-23.9. Education on all-terrain vehicle and  
9 off-highway motorcycle laws. School districts shall provide  
10 instruction in relation to the laws regarding the operation of  
11 all-terrain vehicles, as defined by Section 1-101.8 of the  
12 Illinois Vehicle Code, and off-highway motorcycles, as defined  
13 by Section 1-153.1 of the Illinois Vehicle Code, in grades  
14 kindergarten through 12 and shall include such instruction in  
15 social studies, American government, driver education, or  
16 other appropriate courses of study. The instruction shall  
17 emphasize that the illegal operation of all-terrain vehicles  
18 and off-highway motorcycles presents a serious safety hazard to  
19 persons who operate all-terrain vehicles and off-highway  
20 motorcycles in violation of the laws of this State. The State  
21 Board of Education may assist in the development of  
22 instructional materials and teacher training in relation to  
23 all-terrain vehicle and off-highway motorcycle laws.

1 (105 ILCS 5/27-24.2) (from Ch. 122, par. 27-24.2)

2 Sec. 27-24.2. Safety education; driver education course.  
3 Instruction shall be given in safety education in each of  
4 grades one through 8, equivalent to one class period each week,  
5 and any school district which maintains grades 9 through 12  
6 shall offer a driver education course in any such school which  
7 it operates. Its curriculum shall include content dealing with  
8 Chapters 11, 12, 13, 15, and 16 of the Illinois Vehicle Code,  
9 the rules adopted pursuant to those Chapters insofar as they  
10 pertain to the operation of motor vehicles, and the portions of  
11 the Litter Control Act relating to the operation of motor  
12 vehicles. The course of instruction given in grades 10 through  
13 12 shall include an emphasis on the development of knowledge,  
14 attitudes, habits, and skills necessary for the safe operation  
15 of motor vehicles, including motorcycles insofar as they can be  
16 taught in the classroom, and instruction on distracted driving  
17 as a major traffic safety issue. In addition, the course shall  
18 include instruction on special hazards existing at and required  
19 safety and driving precautions that must be observed at  
20 emergency situations, highway construction and maintenance  
21 zones, and railroad crossings and the approaches thereto. The  
22 course of instruction required of each eligible student at the  
23 high school level shall consist of a minimum of 30 clock hours  
24 of classroom instruction and a minimum of 6 clock hours of  
25 individual behind-the-wheel instruction in a dual control car

1 on public roadways taught by a driver education instructor  
2 endorsed by the State Board of Education. Both the classroom  
3 instruction part and the practice driving part of such driver  
4 education course shall be open to a resident or non-resident  
5 student attending a non-public school in the district wherein  
6 the course is offered. Each student attending any public or  
7 non-public high school in the district must receive a passing  
8 grade in at least 8 courses during the previous 2 semesters  
9 prior to enrolling in a driver education course, or the student  
10 shall not be permitted to enroll in the course; provided that  
11 the local superintendent of schools (with respect to a student  
12 attending a public high school in the district) or chief school  
13 administrator (with respect to a student attending a non-public  
14 high school in the district) may waive the requirement if the  
15 superintendent or chief school administrator, as the case may  
16 be, deems it to be in the best interest of the student. A  
17 student may be allowed to commence the classroom instruction  
18 part of such driver education course prior to reaching age 15  
19 if such student then will be eligible to complete the entire  
20 course within 12 months after being allowed to commence such  
21 classroom instruction.

22 Such a course may be commenced immediately after the  
23 completion of a prior course. Teachers of such courses shall  
24 meet the certification requirements of this Act and regulations  
25 of the State Board as to qualifications. Such a driver  
26 education course must include classroom instruction on the

1 safety rules and operation of all-terrain vehicles and  
2 off-highway motorcycles.

3 Subject to rules of the State Board of Education, the  
4 school district may charge a reasonable fee, not to exceed \$50,  
5 to students who participate in the course, unless a student is  
6 unable to pay for such a course, in which event the fee for  
7 such a student must be waived. The total amount from driver  
8 education fees and reimbursement from the State for driver  
9 education must not exceed the total cost of the driver  
10 education program in any year and must be deposited into the  
11 school district's driver education fund as a separate line item  
12 budget entry. All moneys deposited into the school district's  
13 driver education fund must be used solely for the funding of a  
14 high school driver education program approved by the State  
15 Board of Education that uses driver education instructors  
16 endorsed by the State Board of Education.

17 (Source: P.A. 95-339, eff. 8-21-07; 96-734, eff. 8-25-09.)

18 Section 10. The Illinois Vehicle Code is amended by  
19 changing Sections 6-109, 6-206, 11-1426.1, and 11-1427 and by  
20 adding Section 11-1427.6 as follows:

21 (625 ILCS 5/6-109) (from Ch. 95 1/2, par. 6-109)

22 Sec. 6-109. Examination of Applicants.

23 (a) The Secretary of State shall examine every applicant  
24 for a driver's license or permit who has not been previously

1 licensed as a driver under the laws of this State or any other  
2 state or country, or any applicant for renewal of such driver's  
3 license or permit when such license or permit has been expired  
4 for more than one year. The Secretary of State shall, subject  
5 to the provisions of paragraph (c), examine every licensed  
6 driver at least every 8 years, and may examine or re-examine  
7 any other applicant or licensed driver, provided that during  
8 the years 1984 through 1991 those drivers issued a license for  
9 3 years may be re-examined not less than every 7 years or more  
10 than every 10 years.

11 The Secretary of State shall require the testing of the  
12 eyesight of any driver's license or permit applicant who has  
13 not been previously licensed as a driver under the laws of this  
14 State and shall promulgate rules and regulations to provide for  
15 the orderly administration of all the provisions of this  
16 Section.

17 (b) Except as provided for those applicants in paragraph  
18 (c), such examination shall include a test of the applicant's  
19 eyesight, his ability to read and understand official traffic  
20 control devices, his knowledge of safe driving practices and  
21 the traffic and all-terrain vehicle and off-highway motorcycle  
22 laws of this State, and may include an actual demonstration of  
23 the applicant's ability to exercise ordinary and reasonable  
24 control of the operation of a motor vehicle, and such further  
25 physical and mental examination as the Secretary of State finds  
26 necessary to determine the applicant's fitness to operate a

1 motor vehicle safely on the highways, except the examination of  
2 an applicant 75 years of age or older shall include an actual  
3 demonstration of the applicant's ability to exercise ordinary  
4 and reasonable control of the operation of a motor vehicle. All  
5 portions of written and verbal examinations under this Section,  
6 excepting where the English language appears on facsimiles of  
7 road signs, may be given in the Spanish language and, at the  
8 discretion of the Secretary of State, in any other language as  
9 well as in English upon request of the examinee. Deaf persons  
10 who are otherwise qualified are not prohibited from being  
11 issued a license, other than a commercial driver's license,  
12 under this Code.

13 (c) Re-examination for those applicants who at the time of  
14 renewing their driver's license possess a driving record devoid  
15 of any convictions of traffic violations or evidence of  
16 committing an offense for which mandatory revocation would be  
17 required upon conviction pursuant to Section 6-205 at the time  
18 of renewal shall be in a manner prescribed by the Secretary in  
19 order to determine an applicant's ability to safely operate a  
20 motor vehicle, except that every applicant for the renewal of a  
21 driver's license who is 75 years of age or older must prove, by  
22 an actual demonstration, the applicant's ability to exercise  
23 reasonable care in the safe operation of a motor vehicle.

24 (d) In the event the applicant is not ineligible under the  
25 provisions of Section 6-103 to receive a driver's license, the  
26 Secretary of State shall make provision for giving an

1 examination, either in the county where the applicant resides  
2 or at a place adjacent thereto reasonably convenient to the  
3 applicant, within not more than 30 days from the date said  
4 application is received.

5 (Source: P.A. 91-350, eff. 7-29-99.)

6 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

7 Sec. 6-206. Discretionary authority to suspend or revoke  
8 license or permit; Right to a hearing.

9 (a) The Secretary of State is authorized to suspend or  
10 revoke the driving privileges of any person without preliminary  
11 hearing upon a showing of the person's records or other  
12 sufficient evidence that the person:

13 1. Has committed an offense for which mandatory  
14 revocation of a driver's license or permit is required upon  
15 conviction;

16 2. Has been convicted of not less than 3 offenses  
17 against traffic regulations governing the movement of  
18 vehicles committed within any 12 month period. No  
19 revocation or suspension shall be entered more than 6  
20 months after the date of last conviction;

21 3. Has been repeatedly involved as a driver in motor  
22 vehicle collisions or has been repeatedly convicted of  
23 offenses against laws and ordinances regulating the  
24 movement of traffic, to a degree that indicates lack of  
25 ability to exercise ordinary and reasonable care in the



1 safe operation of a motor vehicle or disrespect for the  
2 traffic laws and the safety of other persons upon the  
3 highway;

4 4. Has by the unlawful operation of a motor vehicle  
5 caused or contributed to an accident resulting in death or  
6 injury requiring immediate professional treatment in a  
7 medical facility or doctor's office to any person, except  
8 that any suspension or revocation imposed by the Secretary  
9 of State under the provisions of this subsection shall  
10 start no later than 6 months after being convicted of  
11 violating a law or ordinance regulating the movement of  
12 traffic, which violation is related to the accident, or  
13 shall start not more than one year after the date of the  
14 accident, whichever date occurs later;

15 5. Has permitted an unlawful or fraudulent use of a  
16 driver's license, identification card, or permit;

17 6. Has been lawfully convicted of an offense or  
18 offenses in another state, including the authorization  
19 contained in Section 6-203.1, which if committed within  
20 this State would be grounds for suspension or revocation;

21 7. Has refused or failed to submit to an examination  
22 provided for by Section 6-207 or has failed to pass the  
23 examination;

24 8. Is ineligible for a driver's license or permit under  
25 the provisions of Section 6-103;

26 9. Has made a false statement or knowingly concealed a

1 material fact or has used false information or  
2 identification in any application for a license,  
3 identification card, or permit;

4 10. Has possessed, displayed, or attempted to  
5 fraudulently use any license, identification card, or  
6 permit not issued to the person;

7 11. Has operated a motor vehicle upon a highway of this  
8 State when the person's driving privilege or privilege to  
9 obtain a driver's license or permit was revoked or  
10 suspended unless the operation was authorized by a  
11 monitoring device driving permit, judicial driving permit  
12 issued prior to January 1, 2009, probationary license to  
13 drive, or a restricted driving permit issued under this  
14 Code;

15 12. Has submitted to any portion of the application  
16 process for another person or has obtained the services of  
17 another person to submit to any portion of the application  
18 process for the purpose of obtaining a license,  
19 identification card, or permit for some other person;

20 13. Has operated a motor vehicle upon a highway of this  
21 State when the person's driver's license or permit was  
22 invalid under the provisions of Sections 6-107.1 and 6-110;

23 14. Has committed a violation of Section 6-301,  
24 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B  
25 of the Illinois Identification Card Act;

26 15. Has been convicted of violating Section 21-2 of the

1 Criminal Code of 1961 relating to criminal trespass to  
2 vehicles in which case, the suspension shall be for one  
3 year;

4 16. Has been convicted of violating Section 11-204 of  
5 this Code relating to fleeing from a peace officer;

6 17. Has refused to submit to a test, or tests, as  
7 required under Section 11-501.1 of this Code and the person  
8 has not sought a hearing as provided for in Section  
9 11-501.1;

10 18. Has, since issuance of a driver's license or  
11 permit, been adjudged to be afflicted with or suffering  
12 from any mental disability or disease;

13 19. Has committed a violation of paragraph (a) or (b)  
14 of Section 6-101 relating to driving without a driver's  
15 license;

16 20. Has been convicted of violating Section 6-104  
17 relating to classification of driver's license;

18 21. Has been convicted of violating Section 11-402 of  
19 this Code relating to leaving the scene of an accident  
20 resulting in damage to a vehicle in excess of \$1,000, in  
21 which case the suspension shall be for one year;

22 22. Has used a motor vehicle in violating paragraph  
23 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of  
24 the Criminal Code of 1961 relating to unlawful use of  
25 weapons, in which case the suspension shall be for one  
26 year;

1           23. Has, as a driver, been convicted of committing a  
2 violation of paragraph (a) of Section 11-502 of this Code  
3 for a second or subsequent time within one year of a  
4 similar violation;

5           24. Has been convicted by a court-martial or punished  
6 by non-judicial punishment by military authorities of the  
7 United States at a military installation in Illinois of or  
8 for a traffic related offense that is the same as or  
9 similar to an offense specified under Section 6-205 or  
10 6-206 of this Code;

11           25. Has permitted any form of identification to be used  
12 by another in the application process in order to obtain or  
13 attempt to obtain a license, identification card, or  
14 permit;

15           26. Has altered or attempted to alter a license or has  
16 possessed an altered license, identification card, or  
17 permit;

18           27. Has violated Section 6-16 of the Liquor Control Act  
19 of 1934;

20           28. Has been convicted of the illegal possession, while  
21 operating or in actual physical control, as a driver, of a  
22 motor vehicle, of any controlled substance prohibited  
23 under the Illinois Controlled Substances Act, any cannabis  
24 prohibited under the Cannabis Control Act, or any  
25 methamphetamine prohibited under the Methamphetamine  
26 Control and Community Protection Act, in which case the

1 person's driving privileges shall be suspended for one  
2 year, and any driver who is convicted of a second or  
3 subsequent offense, within 5 years of a previous  
4 conviction, for the illegal possession, while operating or  
5 in actual physical control, as a driver, of a motor  
6 vehicle, of any controlled substance prohibited under the  
7 Illinois Controlled Substances Act, any cannabis  
8 prohibited under the Cannabis Control Act, or any  
9 methamphetamine prohibited under the Methamphetamine  
10 Control and Community Protection Act shall be suspended for  
11 5 years. Any defendant found guilty of this offense while  
12 operating a motor vehicle, shall have an entry made in the  
13 court record by the presiding judge that this offense did  
14 occur while the defendant was operating a motor vehicle and  
15 order the clerk of the court to report the violation to the  
16 Secretary of State;

17 29. Has been convicted of the following offenses that  
18 were committed while the person was operating or in actual  
19 physical control, as a driver, of a motor vehicle: criminal  
20 sexual assault, predatory criminal sexual assault of a  
21 child, aggravated criminal sexual assault, criminal sexual  
22 abuse, aggravated criminal sexual abuse, juvenile pimping,  
23 soliciting for a juvenile prostitute and the manufacture,  
24 sale or delivery of controlled substances or instruments  
25 used for illegal drug use or abuse in which case the  
26 driver's driving privileges shall be suspended for one

1 year;

2 30. Has been convicted a second or subsequent time for  
3 any combination of the offenses named in paragraph 29 of  
4 this subsection, in which case the person's driving  
5 privileges shall be suspended for 5 years;

6 31. Has refused to submit to a test as required by  
7 Section 11-501.6 or has submitted to a test resulting in an  
8 alcohol concentration of 0.08 or more or any amount of a  
9 drug, substance, or compound resulting from the unlawful  
10 use or consumption of cannabis as listed in the Cannabis  
11 Control Act, a controlled substance as listed in the  
12 Illinois Controlled Substances Act, an intoxicating  
13 compound as listed in the Use of Intoxicating Compounds  
14 Act, or methamphetamine as listed in the Methamphetamine  
15 Control and Community Protection Act, in which case the  
16 penalty shall be as prescribed in Section 6-208.1;

17 32. Has been convicted of Section 24-1.2 of the  
18 Criminal Code of 1961 relating to the aggravated discharge  
19 of a firearm if the offender was located in a motor vehicle  
20 at the time the firearm was discharged, in which case the  
21 suspension shall be for 3 years;

22 33. Has as a driver, who was less than 21 years of age  
23 on the date of the offense, been convicted a first time of  
24 a violation of paragraph (a) of Section 11-502 of this Code  
25 or a similar provision of a local ordinance;

26 34. Has committed a violation of Section 11-1301.5 of

1           this Code;

2           35. Has committed a violation of Section 11-1301.6 of  
3           this Code;

4           36. Is under the age of 21 years at the time of arrest  
5           and has been convicted of not less than 2 offenses against  
6           traffic regulations governing the movement of vehicles  
7           committed within any 24 month period. No revocation or  
8           suspension shall be entered more than 6 months after the  
9           date of last conviction;

10          37. Has committed a violation of subsection (c) of  
11          Section 11-907 of this Code that resulted in damage to the  
12          property of another or the death or injury of another;

13          38. Has been convicted of a violation of Section 6-20  
14          of the Liquor Control Act of 1934 or a similar provision of  
15          a local ordinance;

16          39. Has committed a second or subsequent violation of  
17          Section 11-1201 of this Code;

18          40. Has committed a violation of subsection (a-1) of  
19          Section 11-908 of this Code;

20          41. Has committed a second or subsequent violation of  
21          Section 11-605.1 of this Code within 2 years of the date of  
22          the previous violation, in which case the suspension shall  
23          be for 90 days;

24          42. Has committed a violation of subsection (a-1) of  
25          Section 11-1301.3 of this Code;

26          43. Has received a disposition of court supervision for

1 a violation of subsection (a), (d), or (e) of Section 6-20  
2 of the Liquor Control Act of 1934 or a similar provision of  
3 a local ordinance, in which case the suspension shall be  
4 for a period of 3 months;

5 44. Is under the age of 21 years at the time of arrest  
6 and has been convicted of an offense against traffic  
7 regulations governing the movement of vehicles after  
8 having previously had his or her driving privileges  
9 suspended or revoked pursuant to subparagraph 36 of this  
10 Section; or

11 45. Has, in connection with or during the course of a  
12 formal hearing conducted under Section 2-118 of this Code:  
13 (i) committed perjury; (ii) submitted fraudulent or  
14 falsified documents; (iii) submitted documents that have  
15 been materially altered; or (iv) submitted, as his or her  
16 own, documents that were in fact prepared or composed for  
17 another person; or -

18 46. Has committed a violation of Section 11-1426.1  
19 involving an all-terrain vehicle or off-highway  
20 motorcycle, paragraph (4) of subsection (i) of Section  
21 11-1427 of this Code, or similar provisions of a local  
22 ordinance, in which case the suspension shall be for a  
23 period of 6 months.

24 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,  
25 and 27 of this subsection, license means any driver's license,  
26 any traffic ticket issued when the person's driver's license is



1 deposited in lieu of bail, a suspension notice issued by the  
2 Secretary of State, a duplicate or corrected driver's license,  
3 a probationary driver's license or a temporary driver's  
4 license.

5 (b) If any conviction forming the basis of a suspension or  
6 revocation authorized under this Section is appealed, the  
7 Secretary of State may rescind or withhold the entry of the  
8 order of suspension or revocation, as the case may be, provided  
9 that a certified copy of a stay order of a court is filed with  
10 the Secretary of State. If the conviction is affirmed on  
11 appeal, the date of the conviction shall relate back to the  
12 time the original judgment of conviction was entered and the 6  
13 month limitation prescribed shall not apply.

14 (c) 1. Upon suspending or revoking the driver's license or  
15 permit of any person as authorized in this Section, the  
16 Secretary of State shall immediately notify the person in  
17 writing of the revocation or suspension. The notice to be  
18 deposited in the United States mail, postage prepaid, to the  
19 last known address of the person.

20 2. If the Secretary of State suspends the driver's  
21 license of a person under subsection 2 of paragraph (a) of  
22 this Section, a person's privilege to operate a vehicle as  
23 an occupation shall not be suspended, provided an affidavit  
24 is properly completed, the appropriate fee received, and a  
25 permit issued prior to the effective date of the  
26 suspension, unless 5 offenses were committed, at least 2 of

1           which occurred while operating a commercial vehicle in  
2           connection with the driver's regular occupation. All other  
3           driving privileges shall be suspended by the Secretary of  
4           State. Any driver prior to operating a vehicle for  
5           occupational purposes only must submit the affidavit on  
6           forms to be provided by the Secretary of State setting  
7           forth the facts of the person's occupation. The affidavit  
8           shall also state the number of offenses committed while  
9           operating a vehicle in connection with the driver's regular  
10          occupation. The affidavit shall be accompanied by the  
11          driver's license. Upon receipt of a properly completed  
12          affidavit, the Secretary of State shall issue the driver a  
13          permit to operate a vehicle in connection with the driver's  
14          regular occupation only. Unless the permit is issued by the  
15          Secretary of State prior to the date of suspension, the  
16          privilege to drive any motor vehicle shall be suspended as  
17          set forth in the notice that was mailed under this Section.  
18          If an affidavit is received subsequent to the effective  
19          date of this suspension, a permit may be issued for the  
20          remainder of the suspension period.

21                 The provisions of this subparagraph shall not apply to  
22                 any driver required to possess a CDL for the purpose of  
23                 operating a commercial motor vehicle.

24                 Any person who falsely states any fact in the affidavit  
25                 required herein shall be guilty of perjury under Section  
26                 6-302 and upon conviction thereof shall have all driving

1 privileges revoked without further rights.

2 3. At the conclusion of a hearing under Section 2-118  
3 of this Code, the Secretary of State shall either rescind  
4 or continue an order of revocation or shall substitute an  
5 order of suspension; or, good cause appearing therefor,  
6 rescind, continue, change, or extend the order of  
7 suspension. If the Secretary of State does not rescind the  
8 order, the Secretary may upon application, to relieve undue  
9 hardship (as defined by the rules of the Secretary of  
10 State), issue a restricted driving permit granting the  
11 privilege of driving a motor vehicle between the  
12 petitioner's residence and petitioner's place of  
13 employment or within the scope of the petitioner's  
14 employment related duties, or to allow the petitioner to  
15 transport himself or herself, or a family member of the  
16 petitioner's household to a medical facility, to receive  
17 necessary medical care, to allow the petitioner to  
18 transport himself or herself to and from alcohol or drug  
19 remedial or rehabilitative activity recommended by a  
20 licensed service provider, or to allow the petitioner to  
21 transport himself or herself or a family member of the  
22 petitioner's household to classes, as a student, at an  
23 accredited educational institution, or to allow the  
24 petitioner to transport children living in the  
25 petitioner's household to and from daycare. The petitioner  
26 must demonstrate that no alternative means of

1 transportation is reasonably available and that the  
2 petitioner will not endanger the public safety or welfare.  
3 Those multiple offenders identified in subdivision (b)4 of  
4 Section 6-208 of this Code, however, shall not be eligible  
5 for the issuance of a restricted driving permit.

6 (A) If a person's license or permit is revoked or  
7 suspended due to 2 or more convictions of violating  
8 Section 11-501 of this Code or a similar provision of a  
9 local ordinance or a similar out-of-state offense, or  
10 Section 9-3 of the Criminal Code of 1961, where the use  
11 of alcohol or other drugs is recited as an element of  
12 the offense, or a similar out-of-state offense, or a  
13 combination of these offenses, arising out of separate  
14 occurrences, that person, if issued a restricted  
15 driving permit, may not operate a vehicle unless it has  
16 been equipped with an ignition interlock device as  
17 defined in Section 1-129.1.

18 (B) If a person's license or permit is revoked or  
19 suspended 2 or more times within a 10 year period due  
20 to any combination of:

21 (i) a single conviction of violating Section  
22 11-501 of this Code or a similar provision of a  
23 local ordinance or a similar out-of-state offense  
24 or Section 9-3 of the Criminal Code of 1961, where  
25 the use of alcohol or other drugs is recited as an  
26 element of the offense, or a similar out-of-state

1 offense; or

2 (ii) a statutory summary suspension under  
3 Section 11-501.1; or

4 (iii) a suspension under Section 6-203.1;

5 arising out of separate occurrences; that person, if  
6 issued a restricted driving permit, may not operate a  
7 vehicle unless it has been equipped with an ignition  
8 interlock device as defined in Section 1-129.1.

9 (C) The person issued a permit conditioned upon the  
10 use of an ignition interlock device must pay to the  
11 Secretary of State DUI Administration Fund an amount  
12 not to exceed \$30 per month. The Secretary shall  
13 establish by rule the amount and the procedures, terms,  
14 and conditions relating to these fees.

15 (D) If the restricted driving permit is issued for  
16 employment purposes, then the prohibition against  
17 operating a motor vehicle that is not equipped with an  
18 ignition interlock device does not apply to the  
19 operation of an occupational vehicle owned or leased by  
20 that person's employer when used solely for employment  
21 purposes.

22 (E) In each case the Secretary may issue a  
23 restricted driving permit for a period deemed  
24 appropriate, except that all permits shall expire  
25 within one year from the date of issuance. The  
26 Secretary may not, however, issue a restricted driving

1 permit to any person whose current revocation is the  
2 result of a second or subsequent conviction for a  
3 violation of Section 11-501 of this Code or a similar  
4 provision of a local ordinance or any similar  
5 out-of-state offense, or Section 9-3 of the Criminal  
6 Code of 1961, where the use of alcohol or other drugs  
7 is recited as an element of the offense, or any similar  
8 out-of-state offense, or any combination of those  
9 offenses, until the expiration of at least one year  
10 from the date of the revocation. A restricted driving  
11 permit issued under this Section shall be subject to  
12 cancellation, revocation, and suspension by the  
13 Secretary of State in like manner and for like cause as  
14 a driver's license issued under this Code may be  
15 cancelled, revoked, or suspended; except that a  
16 conviction upon one or more offenses against laws or  
17 ordinances regulating the movement of traffic shall be  
18 deemed sufficient cause for the revocation,  
19 suspension, or cancellation of a restricted driving  
20 permit. The Secretary of State may, as a condition to  
21 the issuance of a restricted driving permit, require  
22 the applicant to participate in a designated driver  
23 remedial or rehabilitative program. The Secretary of  
24 State is authorized to cancel a restricted driving  
25 permit if the permit holder does not successfully  
26 complete the program.

1 (c-3) In the case of a suspension under paragraph 43 of  
2 subsection (a), reports received by the Secretary of State  
3 under this Section shall, except during the actual time the  
4 suspension is in effect, be privileged information and for use  
5 only by the courts, police officers, prosecuting authorities,  
6 the driver licensing administrator of any other state, the  
7 Secretary of State, or the parent or legal guardian of a driver  
8 under the age of 18. However, beginning January 1, 2008, if the  
9 person is a CDL holder, the suspension shall also be made  
10 available to the driver licensing administrator of any other  
11 state, the U.S. Department of Transportation, and the affected  
12 driver or motor carrier or prospective motor carrier upon  
13 request.

14 (c-4) In the case of a suspension under paragraph 43 of  
15 subsection (a), the Secretary of State shall notify the person  
16 by mail that his or her driving privileges and driver's license  
17 will be suspended one month after the date of the mailing of  
18 the notice.

19 (c-5) The Secretary of State may, as a condition of the  
20 reissuance of a driver's license or permit to an applicant  
21 whose driver's license or permit has been suspended before he  
22 or she reached the age of 21 years pursuant to any of the  
23 provisions of this Section, require the applicant to  
24 participate in a driver remedial education course and be  
25 retested under Section 6-109 of this Code.

26 (d) This Section is subject to the provisions of the

1 Drivers License Compact.

2 (e) The Secretary of State shall not issue a restricted  
3 driving permit to a person under the age of 16 years whose  
4 driving privileges have been suspended or revoked under any  
5 provisions of this Code.

6 (f) In accordance with 49 C.F.R. 384, the Secretary of  
7 State may not issue a restricted driving permit for the  
8 operation of a commercial motor vehicle to a person holding a  
9 CDL whose driving privileges have been suspended, revoked,  
10 cancelled, or disqualified under any provisions of this Code.

11 (Source: P.A. 95-166, eff. 1-1-08; 95-310, eff. 1-1-08; 95-382,  
12 eff. 8-23-07; 95-400, eff. 1-1-09; 95-627, eff. 6-1-08; 95-848,  
13 eff. 1-1-09; 95-876, eff. 8-21-08; 95-894, eff. 1-1-09; 96-328,  
14 eff. 8-11-09; 96-607, eff. 8-24-09.)

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;

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

24 (3) a neighborhood vehicle, as defined by Section  
25 1-148.3m; and



1           (4) an off-highway motorcycle, as defined by Section  
2           1-153.1.

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

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

18          (c) Except as otherwise provided in subsection (c-5), no  
19          person operating a non-highway vehicle shall make a direct  
20          crossing upon or across any highway under the jurisdiction of  
21          the State, tollroad, interstate highway, or controlled access  
22          highway in this State.

23          (c-5) A person may make a direct crossing at an  
24          intersection controlled by a traffic light or 4-way stop sign  
25          upon or across a highway under the jurisdiction of the State if  
26          the speed limit on the highway is 35 miles per hour or less at

1 the place of crossing.

2 (d) A municipality, township, county, or other unit of  
3 local government may authorize, by ordinance or resolution, the  
4 operation of golf carts, neighborhood vehicles, or both  
5 ~~non-highway vehicles~~ on roadways under its jurisdiction if the  
6 unit of local government determines that the public safety will  
7 not be jeopardized. The Department may authorize the operation  
8 of golf carts, neighborhood vehicles, or both ~~non-highway~~  
9 ~~vehicles~~ on the roadways under its jurisdiction if the  
10 Department determines that the public safety will not be  
11 jeopardized.

12 Before permitting the operation of golf carts,  
13 neighborhood vehicles, or both ~~non-highway vehicles~~ on its  
14 roadways, a municipality, township, county, other unit of local  
15 government, or the Department must consider the volume, speed,  
16 and character of traffic on the roadway and determine whether  
17 golf carts, neighborhood vehicles, or both ~~non-highway~~  
18 ~~vehicles~~ may safely travel on or cross the roadway. Upon  
19 determining that golf carts, neighborhood vehicles, or both  
20 ~~non-highway vehicles~~ may safely operate on a roadway and the  
21 adoption of an ordinance or resolution by a municipality,  
22 township, county, or other unit of local government, or  
23 authorization by the Department, appropriate signs shall be  
24 posted.

25 If a roadway is under the jurisdiction of more than one  
26 unit of government, golf carts, neighborhood vehicles, or both

1 ~~non-highway vehicles~~ may not be operated on the roadway unless  
2 each unit of government agrees and takes action as provided in  
3 this subsection.

4 (e) No golf cart or neighborhood vehicle ~~non-highway~~  
5 ~~vehicle~~ may be operated on a roadway unless, at a minimum, it  
6 has the following: brakes, a steering apparatus, tires, a  
7 rearview mirror, red reflectorized warning devices in the front  
8 and rear, a slow moving emblem (as required of other vehicles  
9 in Section 12-709 of this Code) on the rear of the non-highway  
10 vehicle, a headlight that emits a white light visible from a  
11 distance of 500 feet to the front, a tail lamp that emits a red  
12 light visible from at least 100 feet from the rear, brake  
13 lights, and turn signals. When operated on a roadway, a golf  
14 cart or neighborhood vehicle ~~non-highway vehicle~~ shall have its  
15 headlight and tail lamps lighted as required by Section 12-201  
16 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 (Source: P.A. 95-150, 8-14-07; 95-414, eff. 8-24-07; 95-575,  
25 eff. 8-31-07; 95-876, eff. 8-21-08; 96-279, eff. 1-1-10.)

1 (625 ILCS 5/11-1427)

2 Sec. 11-1427. Illegal operation of an all-terrain vehicle  
3 or off-highway motorcycle. It is unlawful for any person to  
4 drive or operate any all-terrain vehicle or off-highway  
5 motorcycle in the following ways:

6 (a) Careless Operation. No person shall operate any  
7 all-terrain vehicle or off-highway motorcycle in a careless or  
8 heedless manner so as to be grossly indifferent to the person  
9 or property of other persons, or at a rate of speed greater  
10 than will permit him in the exercise of reasonable care to  
11 bring the all-terrain vehicle or off-highway motorcycle to a  
12 stop within the assured clear distance ahead.

13 (b) Reckless Operation. No person shall operate any  
14 all-terrain vehicle or off-highway motorcycle in such a manner  
15 as to endanger the life, limb or property of any person.

16 (c) Within any nature preserve as defined in Section 3.11  
17 of the Illinois Natural Areas Preservation Act.

18 (d) On the tracks or right of way of an operating railroad.

19 (e) In any tree nursery or planting in a manner which  
20 damages or destroys growing stock, or creates a substantial  
21 risk thereto.

22 (f) On private property, without the written or verbal  
23 consent of the owner or lessee thereof. Any person operating an  
24 all-terrain vehicle or off-highway motorcycle upon lands of  
25 another shall stop and identify himself upon the request of the  
26 landowner or his duly authorized representative, and, if

1 requested to do so by the landowner shall promptly remove the  
2 all-terrain vehicle or off-highway motorcycle from the  
3 premises.

4 (g) Notwithstanding any other law to the contrary, an  
5 owner, lessee, or occupant of premises owes no duty of care to  
6 keep the premises safe for entry or use by others for use by an  
7 all-terrain vehicle or off-highway motorcycle, or to give  
8 warning of any condition, use, structure or activity on such  
9 premises. This subsection does not apply where permission to  
10 drive or operate an all-terrain vehicle or off-highway  
11 motorcycle is given for a valuable consideration other than to  
12 this State, any political subdivision or municipality of this  
13 State, or any landowner who is paid with funds from the  
14 Off-Highway Vehicle Trails Fund. In the case of land leased to  
15 the State or a subdivision of the State, any consideration  
16 received is not valuable consideration within the meaning of  
17 this Section.

18 Nothing in this subsection limits in any way liability  
19 which otherwise exists for willful or malicious failure to  
20 guard or warn against a dangerous condition, use, structure, or  
21 activity.

22 (h) On publicly owned lands unless such lands are  
23 designated for use by all-terrain vehicles or off-highway  
24 motorcycles. For publicly owned lands to be designated for use  
25 by all-terrain vehicles or off-highway motorcycles a public  
26 hearing shall be conducted by the governmental entity that has

1 jurisdiction over the proposed land prior to the designation.

2 Nothing in this subsection limits in any way liability  
3 which otherwise exists for willful or malicious failure to  
4 guard or warn against a dangerous condition, use, structure, or  
5 activity.

6 (h-1) At a rate of speed too fast for conditions, and the  
7 fact that the speed of the all-terrain vehicle or off-highway  
8 motorcycle does not exceed the applicable maximum speed limit  
9 allowed does not relieve the driver from the duty to decrease  
10 speed as may be necessary to avoid colliding with any person,  
11 vehicle, or object within legal requirements and the duty of  
12 all persons to use due care.

13 (h-2) On the frozen surface of public waters of this State  
14 within 100 feet of a person, including a skater, not in or upon  
15 an all-terrain vehicle or off-highway motorcycle; within 100  
16 feet of a person engaged in fishing, except at the minimum  
17 speed required to maintain forward movement of the all-terrain  
18 vehicle or off-highway motorcycle; on an area which has been  
19 cleared of snow for skating purposes unless the area is  
20 necessary for access to the frozen waters of this State.

21 (h-3) Within 100 feet of a dwelling between midnight and 6  
22 a.m. at a speed greater than the minimum required to maintain  
23 forward movement of the all-terrain vehicle or off-highway  
24 motorcycle. This subdivision (h-5) does not apply on private  
25 property where verbal or written consent of the owner or lessee  
26 has been granted to drive or operate an all-terrain vehicle or

1 off-highway motorcycle upon the private property or frozen  
2 waters of this State.

3 (i) Other Prohibitions.

4 (1) No person, except persons permitted by law, shall  
5 operate or ride any all-terrain vehicle or off-highway  
6 motorcycle with any firearm in his or her possession unless  
7 he or she is in compliance with Section 2.33 of the  
8 Wildlife Code.

9 (2) No person shall operate any all-terrain vehicle or  
10 off-highway motorcycle emitting pollutants in violation of  
11 standards established pursuant to the Environmental  
12 Protection Act.

13 (3) No person shall deposit from an all-terrain vehicle  
14 or off-highway motorcycle on the snow, ice or ground  
15 surface, trash, glass, garbage, insoluble material, or  
16 other offensive matter.

17 (4) No person shall ride an all-terrain vehicle or  
18 off-highway motorcycle as a passenger. The Secretary of  
19 State may suspend the operator's driver's license for  
20 violation of this paragraph.

21 (5) No person under the age of 16 shall operate an  
22 all-terrain vehicle or off-highway motorcycle.

23 (6) No person shall operate an all-terrain vehicle or  
24 off-highway motorcycle without a valid driver's license.

25 (7) No person shall operate an all-terrain vehicle or  
26 off-highway motorcycle without a properly fitted helmet

1 secured to the person's head.

2 (Source: P.A. 90-14, eff. 9-1-97; 90-287, eff. 1-1-98.)

3 (625 ILCS 5/11-1427.6 new)

4 Sec. 11-1427.6. Public information on all-terrain vehicle  
5 and or off-highway motorcycle laws.

6 (a) The laws and rules related to the operation of  
7 all-terrain vehicles and off-highway motorcycles in this Code  
8 shall be included in any publication of the "Rules of the Road"  
9 that the Secretary of State may publish after the effective  
10 date of this amendatory Act of the 96th General Assembly.

11 (b) The laws and rules related to the operation of  
12 all-terrain vehicles and off-highway motorcycles in this Code  
13 shall be included in any publication of the "Laws for Youth"  
14 that the Legislative Research Unit may publish after the  
15 effective date of this amendatory Act of the 96th General  
16 Assembly.



1	INDEX	
2	Statutes amended in order of appearance	
3	105 ILCS 5/27-23.9 new	
4	105 ILCS 5/27-24.2	from Ch. 122, par. 27-24.2
5	625 ILCS 5/6-109	from Ch. 95 1/2, par. 6-109
6	625 ILCS 5/6-206	from Ch. 95 1/2, par. 6-206
7	625 ILCS 5/11-1426.1	
8	625 ILCS 5/11-1427	
9	625 ILCS 5/11-1427.6 new	