



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB1986

by Rep. John E. Bradley

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-1426.1

Amends the Illinois Vehicle Code. Provides that a unit of local government or the Department of Transportation shall authorize the operation of all-terrain vehicles or recreational off-highway vehicles or both on rural roads under its jurisdiction if the unit of local government or Department determines that the public safety will not be jeopardized. Provides that before permitting the operation of all-terrain vehicles and recreational off-highway vehicles on rural roads, a unit of local government or the Department must consider the volume, speed, and character of traffic on the roadway and determine whether all-terrain vehicles or recreational off-highway vehicles may safely travel on or cross the roadway. Provides that appropriate signs shall be posted on rural roads where the operation of all-terrain vehicles or recreational off-highway vehicles is permitted. Provides that if a roadway is under the jurisdiction of more than one unit of government, all-terrain vehicles and recreational off-highway vehicles may not be operated on the roadway unless each unit of government agrees and takes action as provided in this amendatory Act. Limits home rule powers. Effective immediately.

LRB097 07617 HEP 47728 b

HOME RULE 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 Illinois Vehicle Code is amended by changing
5 Section 11-1426.1 as follows:

6 (625 ILCS 5/11-1426.1)

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

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

12 (1) an all-terrain vehicle, as defined by Section
13 1-101.8 of this Code;

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

15 (3) a neighborhood vehicle, as defined by Section
16 1-148.3m;

17 (4) an off-highway motorcycle, as defined by Section
18 1-153.1; and

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

21 (b) Except as otherwise provided in this Section, it is
22 unlawful for any person to drive or operate a non-highway
23 vehicle upon any street, highway, or roadway in this State. If

1 the operation of a non-highway vehicle is authorized under
2 subsection (d), the non-highway vehicle may be operated only on
3 streets where the posted speed limit is 35 miles per hour or
4 less. This subsection (b) does not prohibit a non-highway
5 vehicle from crossing a road or street at an intersection where
6 the road or street has a posted speed limit of more than 35
7 miles per hour.

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

12 (c) Except as otherwise provided in subsection (c-5), no
13 person operating a non-highway vehicle shall make a direct
14 crossing upon or across any highway under the jurisdiction of
15 the State, tollroad, interstate highway, or controlled access
16 highway in this State.

17 (c-5) A person may make a direct crossing at an
18 intersection controlled by a traffic light or 4-way stop sign
19 upon or across a highway under the jurisdiction of the State if
20 the speed limit on the highway is 35 miles per hour or less at
21 the place of crossing, except an all-terrain vehicle or a
22 recreational off-highway vehicle authorized under subsection
23 (d-5) may make a direct crossing at an intersection controlled
24 by a traffic light or 4-way stop sign upon or across a highway
25 under the jurisdiction of the State if the highway is a rural
26 road.

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

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

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

26 (d-5) A unit of local government, including a home rule

1 unit, shall authorize, by ordinance or resolution, the
2 operation of all-terrain vehicles or recreational off-highway
3 vehicles or both on rural roads under its jurisdiction if the
4 unit of local government determines that the public safety will
5 not be jeopardized. The Department shall authorize the
6 operation of all-terrain vehicles or recreational off-highway
7 vehicles or both on the rural roads under its jurisdiction if
8 the Department determines that the public safety will not be
9 jeopardized.

10 Before permitting the operation of all-terrain vehicles or
11 recreational off-highway vehicles or both on its rural roads, a
12 unit of local government or the Department must consider the
13 volume, speed, and character of traffic on the roadway and
14 determine whether all-terrain vehicles or recreational
15 off-highway vehicles may safely travel on or cross the roadway.
16 Upon determining that all-terrain vehicles or recreational
17 off-highway vehicles or both may safely operate on a roadway
18 and the adoption of an ordinance or resolution by a unit of
19 local government or authorization by the Department,
20 appropriate signs shall be posted.

21 If a roadway is under the jurisdiction of more than one
22 unit of government, all-terrain vehicles and recreational
23 off-highway vehicles may not be operated on the roadway unless
24 each unit of government agrees and takes action as provided in
25 this subsection.

26 A home rule unit of government may not regulate the

1 operation of all-terrain vehicles or recreational off-highway
2 vehicles on rural roads in a manner more restrictive than the
3 regulation by the State of the operation of all-terrain
4 vehicles or recreational off-highway vehicles on rural roads
5 under this Act. This subsection (d-5) is a limitation under
6 subsection (i) of Section 6 of Article VII of the Illinois
7 Constitution on the concurrent exercise by home rule units of
8 powers and functions exercised by the State.

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

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

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

1 (h) It shall not be unlawful for any person to drive or
2 operate a non-highway vehicle, as defined in paragraphs (1) and
3 (5) of subsection (a) of this Section, on a county roadway or
4 township roadway for the purpose of conducting farming
5 operations to and from the home, farm, farm buildings, and any
6 adjacent or nearby farm land.

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

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

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

1 (1) the crossing is made at an angle of approximately
2 90 degrees to the direction of the street, road or highway
3 and at a place where no obstruction prevents a quick and
4 safe crossing;

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

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

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

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

18 (Source: P.A. 95-150, 8-14-07; 95-414, eff. 8-24-07; 95-575,
19 eff. 8-31-07; 95-876, eff. 8-21-08; 96-279, eff. 1-1-10;
20 96-1434, eff. 8-11-10.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.