



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB2536

Introduced 2/19/2021, 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 and with a manufacturer's dry weight of 3,000 (instead of 1,500) pounds or less. 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.

LRB102 16655 RAM 22056 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  
5 changing 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 3,000 ~~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

11           on 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

14           where the road or street has a posted speed limit of more than

15           35 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  
5 State 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,  
9 the 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  
13 roadways under its jurisdiction if the Department determines  
14 that the public safety will not be jeopardized. The unit of  
15 local 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  
4 on 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  
15 on a roadway, a non-highway vehicle shall have its headlight  
16 and tail lamps lighted as required by Section 12-201 of this  
17 Code.

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

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

25 (h) It shall not be unlawful for any person to drive or  
26 operate a non-highway vehicle, as defined in paragraphs (1)

1 and (4) of subsection (a) of this Section, on a county roadway  
2 or township roadway for the purpose of conducting farming  
3 operations to and from the home, farm, farm buildings, and any  
4 adjacent or nearby farm land.

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

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

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

26 (1) the crossing is made at an angle of approximately

1 90 degrees to the direction of the street, road or highway  
2 and at a place where no obstruction prevents a quick and  
3 safe crossing;

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

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

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

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

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

18 Section 99. Effective date. This Act takes effect upon  
19 becoming law.