



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4904

Introduced 1/15/2010, by Rep. Richard P. Myers

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-1426.1

Amends the Illinois Vehicle Code. Provides that it shall not be unlawful for any person to drive or operate certain non-highway vehicles on a county roadway or township roadway for the purpose of conducting farming operations to and from the home, farm, farm buildings, and any adjacent or nearby farm land. Provides that the mechanical equipment and mandatory insurance requirements that generally apply to non-highway vehicles when operated on a roadway do not apply to certain non-highway vehicles used for farming operations on a roadway. Provides that certain non-highway vehicles used for farming operations may not cross a tollroad, interstate highway, or controlled access highway but may cross a State highway, municipal street, county highway, or road district highway if specified conditions are followed by the operator. Effective immediately.

LRB096 14976 AJT 30870 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 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; and

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

19 (b) Except as otherwise provided in this Section, it is
20 unlawful for any person to drive or operate a non-highway
21 vehicle upon any street, highway, or roadway in this State. If
22 the operation of a non-highway vehicle is authorized under
23 subsection (d), the non-highway vehicle may be operated only on

1 streets where the posted speed limit is 35 miles per hour or
2 less. This subsection (b) does not prohibit a non-highway
3 vehicle from crossing a road or street at an intersection where
4 the road or street has a posted speed limit of more than 35
5 miles per hour.

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

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

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

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

1 public safety will not be jeopardized.

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

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

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

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

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

8 (h) It shall not be unlawful for any person to drive or
9 operate a non-highway vehicle, as defined in subsections (a) (1)
10 of this Section, or a recreational off-highway vehicle, as
11 defined in Section 1-168.8 of this Code, on a county roadway or
12 township roadway for the purpose of conducting farming
13 operations to and from the home, farm, farm buildings, and any
14 adjacent or nearby farm land.

15 Non-highway or recreational off-highway vehicles, as used
16 in this subsection (h), shall not be subject to subsections (e)
17 and (g) of this section.

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

22 Non-highway or recreational off-highway vehicles, as used
23 in this subsection (h), shall be allowed to cross a State
24 highway, municipal street, county highway, or road district
25 highway if the operator of the non-highway vehicle makes a
26 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 or recreational off-highway
6 vehicle is brought to a complete stop before attempting a
7 crossing;

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

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

15 (Source: P.A. 95-150, 8-14-07; 95-414, eff. 8-24-07; 95-575,
16 eff. 8-31-07; 95-876, eff. 8-21-08; 96-279, eff. 1-1-10.)

17 Section 95. No acceleration or delay. Where this Act makes
18 changes in a statute that is represented in this Act by text
19 that is not yet or no longer in effect (for example, a Section
20 represented by multiple versions), the use of that text does
21 not accelerate or delay the taking effect of (i) the changes
22 made by this Act or (ii) provisions derived from any other
23 Public Act.

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.