

HB5988



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB5988

by Rep. Reginald Phillips

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-1426.1

Amends the Illinois Vehicle Code. Provides that all-terrain vehicles or recreational off-highway vehicles may operate on roadways of 55 miles per hour or less (rather than 35 miles per hour or less), if the roadways are not State highways, federal highways, or within the boundaries of an incorporated area.

LRB099 18348 AXK 42723 b

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) an off-highway motorcycle, as defined by Section
16 1-153.1; and

17 (4) a recreational off-highway vehicle, as defined by
18 Section 1-168.8.

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 driver's license issued in his or her name by the
9 Secretary of State or by a foreign jurisdiction.

10 (c) No person operating a non-highway vehicle shall make a
11 direct crossing upon or across any tollroad, interstate
12 highway, or controlled access highway in this State. No person
13 operating a non-highway vehicle shall make a direct crossing
14 upon or across any other highway under the jurisdiction of the
15 State except at an intersection of the highway with another
16 public street, road, or highway.

17 (c-5) (Blank).

18 (c-10) A person may operate an all-terrain vehicle or
19 recreational off-highway vehicle on roadways that are not State
20 highways, federal highways, or within the boundaries of an
21 incorporated area, where the speed limit is 55 miles per hour
22 or less.

23 (d) A municipality, township, county, or other unit of
24 local government may authorize, by ordinance or resolution, the
25 operation of non-highway vehicles on roadways under its
26 jurisdiction if the unit of local government determines that

1 the public safety will not be jeopardized. The Department may
2 authorize the operation of non-highway vehicles on the roadways
3 under its jurisdiction if the Department determines that the
4 public safety will not be jeopardized. The unit of local
5 government or the Department may restrict the types of
6 non-highway vehicles that are authorized to be used on its
7 streets.

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

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

22 (e) No non-highway vehicle may be operated on a roadway
23 unless, at a minimum, it has the following: brakes, a steering
24 apparatus, tires, a rearview mirror, red reflectorized warning
25 devices in the front and rear, a slow moving emblem (as
26 required of other vehicles in Section 12-709 of this Code) on

1 the rear of the non-highway vehicle, a headlight that emits a
2 white light visible from a distance of 500 feet to the front, a
3 tail lamp that emits a red light visible from at least 100 feet
4 from the rear, brake lights, and turn signals. When operated on
5 a roadway, a non-highway vehicle shall have its headlight and
6 tail lamps lighted as required by Section 12-201 of this Code.

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

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

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

20 Non-highway vehicles, as used in this subsection (h), shall
21 not be subject to subsections (e) and (g) of this Section.
22 However, if the non-highway vehicle, as used in this Section,
23 is not covered under a motor vehicle insurance policy pursuant
24 to subsection (g) of this Section, the vehicle must be covered
25 under a farm, home, or non-highway vehicle insurance policy
26 issued with coverage amounts no less than the minimum amounts

1 set for bodily injury or death and for destruction of property
2 under Section 7-203 of this Code. Non-highway vehicles operated
3 on a county or township roadway at any time between one-half
4 hour before sunset and one-half hour after sunrise must be
5 equipped with head lamps and tail lamps, and the head lamps and
6 tail lamps must be lighted.

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

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

14 (1) the crossing is made at an angle of approximately
15 90 degrees to the direction of the street, road or highway
16 and at a place where no obstruction prevents a quick and
17 safe crossing;

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

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

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

26 (i) No action taken by a unit of local government under

1 this Section designates the operation of a non-highway vehicle
2 as an intended or permitted use of property with respect to
3 Section 3-102 of the Local Governmental and Governmental
4 Employees Tort Immunity Act.

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