

SB3168



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB3168

Introduced 2/15/2018, by Sen. Steve Stadelman

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-1426.1

Amends the Illinois Vehicle Code. Defines "streets, roads, and highways". Provides that non-highway vehicles may be operated on roads and highways (in addition to streets) where the posted speed limit is 35 miles per hour or less within a municipality or 55 miles per hour or less outside of a municipality.

LRB100 18201 LNS 33402 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 (a-5) As used in this Section, "streets, roads, and
20 highways" shall be defined as in the Highway Code.

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, roads, and highways where the posted speed limit is 35
4 miles per hour or less within a municipality or 55 miles per
5 hour or less outside of a municipality. This subsection (b)
6 does not prohibit a non-highway vehicle from crossing a road or
7 street at an intersection where the road or street has a posted
8 speed limit of more than 35 miles per hour.

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

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

20 (c-5) (Blank).

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

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

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

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

20 (e) No non-highway vehicle may be operated on a roadway
21 unless, at a minimum, it has the following: brakes, a steering
22 apparatus, tires, a rearview mirror, red reflectorized warning
23 devices in the front and rear, a slow moving emblem (as
24 required of other vehicles in Section 12-709 of this Code) on
25 the rear of the non-highway vehicle, a headlight that emits a
26 white light visible from a distance of 500 feet to the front, a

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

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

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

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

18 Non-highway vehicles, as used in this subsection (h), shall
19 not be subject to subsections (e) and (g) of this Section.
20 However, if the non-highway vehicle, as used in this Section,
21 is not covered under a motor vehicle insurance policy pursuant
22 to subsection (g) of this Section, the vehicle must be covered
23 under a farm, home, or non-highway vehicle insurance policy
24 issued with coverage amounts no less than the minimum amounts
25 set for bodily injury or death and for destruction of property
26 under Section 7-203 of this Code. Non-highway vehicles operated

1 on a county or township roadway at any time between one-half
2 hour before sunset and one-half hour after sunrise must be
3 equipped with head lamps and tail lamps, and the head lamps and
4 tail lamps must be lighted.

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

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

12 (1) the crossing is made at an angle of approximately
13 90 degrees to the direction of the street, road or highway
14 and at a place where no obstruction prevents a quick and
15 safe crossing;

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

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

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

24 (i) No action taken by a unit of local government under
25 this Section designates the operation of a non-highway vehicle
26 as an intended or permitted use of property with respect to

1 Section 3-102 of the Local Governmental and Governmental
2 Employees Tort Immunity Act.

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