

AN ACT concerning transportation.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Recreational Trails of Illinois Act is amended by changing Section 15 as follows:

(20 ILCS 862/15)

Sec. 15. Off-Highway Vehicle Trails Fund.

(a) The Off-Highway Vehicle Trails Fund is created as a special fund in the State treasury. Money from federal, State, and private sources may be deposited into the Fund. Fines assessed by the Department of Natural Resources for citations issued to off-highway vehicle operators shall be deposited into the Fund. All interest accrued on the Fund shall be deposited into the Fund.

(b) All money in the Fund shall be used, subject to appropriation, by the Department for the following purposes:

(1) Grants for construction of off-highway vehicle recreational trails on county, municipal, other units of local government, or private lands where a recreational need for the construction is shown.

(2) Grants for maintenance and construction of off-highway vehicle recreational trails on federal lands, where permitted by law.

(3) Grants for development of off-highway vehicle trail-side facilities in accordance with criteria approved by the National Recreational Trails Advisory Committee.

(4) Grants for acquisition of property from willing sellers for off-highway vehicle recreational trails when the objective of a trail cannot be accomplished by other means.

(5) Grants for development of urban off-highway vehicle trail linkages near homes and workplaces.

(6) Grants for maintenance of existing off-highway vehicle recreational trails, including the grooming and maintenance of trails across snow.

(7) Grants for restoration of areas damaged by usage of off-highway vehicle recreational trails and back country terrain.

(8) Grants for provision of features that facilitate the access and use of off-highway vehicle trails by persons with disabilities.

(9) Grants for acquisition of easements for off-highway vehicle trails or for trail corridors.

(10) Grants for a rider education and safety program.

(11) Administration, enforcement, planning, and implementation of this Act and Section ~~Sections 11-1426 and 11-1427~~ of the Illinois Vehicle Code.

Of the money used from the Fund for the purposes set forth in this subsection, at least 92% shall be allocated for

motorized recreation and not more than 8% shall be used by the Department for administration, enforcement, planning, and implementation of this Act or diverted from the Fund, notwithstanding any other law to the contrary adopted after the effective date of this amendatory Act of the 95th General Assembly. The Department shall establish, by rule, measures to verify that recipients of money from the Fund comply with the specified conditions for the use of the money.

(c) The Department may not use the money from the Fund for the following purposes:

(1) Condemnation of any kind of interest in property.

(2) Construction of any recreational trail on National Forest System land for motorized uses unless those lands have been allocated for uses other than wilderness by an approved forest land and resource management plan or have been released to uses other than wilderness by an Act of Congress, and the construction is otherwise consistent with the management direction in the approved land and resource management plan.

(3) Construction of motorized recreational trails on Department owned or managed land.

(d) The Department shall establish a program to administer grants from the Fund to units of local government, not-for-profit organizations, and other groups to operate, maintain, and acquire land for off-highway vehicle parks that are open and accessible to the public.

(Source: P.A. 95-670, eff. 10-11-07.)

Section 10. The Illinois Vehicle Code is amended by changing Sections 11-1426.1, 11-1427.2, and 11-1427.3 and by adding Sections 1-123.9 and 1-148.3m as follows:

(625 ILCS 5/1-123.9 new)

Sec. 1-123.9. Golf cart. A vehicle specifically designed and intended for the purposes of transporting one or more persons and their golf clubs or maintenance equipment while engaged in the playing of golf, supervising the play of golf, or maintaining the condition of the grounds on a public or private golf course.

(625 ILCS 5/1-148.3m new)

Sec. 1-148.3m. Neighborhood vehicle. A self-propelled, electric-powered, four-wheeled motor vehicle (or a self-propelled, gasoline-powered, four-wheeled motor vehicle with an engine displacement under 1,200 cubic centimeters) that is capable of attaining in one mile a speed of more than 20 miles per hour, but not more than 25 miles per hour, and which conforms to federal regulations under Title 49 C.F.R. Part 571.500.

(625 ILCS 5/11-1426.1)

Sec. 11-1426.1. Operation of non-highway neighborhood

vehicles on streets, roads, and highways.

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

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

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

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

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

~~"neighborhood vehicle" means a self-propelled, electronically powered four-wheeled motor vehicle (or a self-propelled, gasoline-powered four-wheeled motor vehicle with an engine displacement under 1,200 cubic centimeters) which is capable of attaining in one mile a speed of more than 20 miles per hour, but not more than 25 miles per hour, and which conforms to federal regulations under Title 49 C.F.R. Part 571.500.~~

(b) Except as otherwise provided in this Section, it is unlawful for any person to drive or operate a non-highway neighborhood vehicle upon any street, highway, or roadway in this State. If the operation of a non-highway neighborhood vehicle is authorized under subsection (d), the non-highway neighborhood vehicle may be operated only on streets where the posted speed limit is 35 miles per hour or less. This subsection (b) does not prohibit a non-highway neighborhood

vehicle from crossing a road or street at an intersection where the road or street has a posted speed limit of more than 35 miles per hour.

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

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

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

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

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

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

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

tail lamps lighted as required by Section 12-201 of this Code.

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

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

(Source: P.A. 94-298, eff. 1-1-06; 95-150, 8-14-07; 95-414, eff. 8-24-07; 95-575, eff. 8-31-07; 95-876, eff. 8-21-08.)

(625 ILCS 5/11-1427.2)

Sec. 11-1427.2. Special all-terrain vehicle or off-highway motorcycle event. Nothing contained in Section ~~11-1426,~~ 11-1427~~7~~ or 11-1427.1 shall be construed to prohibit any local authority of this State from designating a special all-terrain vehicle or off-highway motorcycle event. In such case the provisions of Sections ~~11-1426,~~ 11-1427~~7~~ and 11-1427.1 shall not apply to areas or highways under the jurisdiction of that local authority.

(Source: P.A. 90-287, eff. 1-1-98.)

(625 ILCS 5/11-1427.3)

Sec. 11-1427.3. Rules for all-terrain vehicles and off-highway motorcycles. The Department of Natural Resources

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may adopt rules to implement and administer the provisions of Sections ~~11-1426~~, 11-1427, 11-1427.1, and 11-1427.2.

(Source: P.A. 94-47, eff. 1-1-06.)

(625 ILCS 5/11-1426 rep.)

(625 ILCS 5/11-1428 rep.)

Section 15. The Illinois Vehicle Code is amended by repealing Sections 11-1426 and 11-1428.