

AN ACT concerning civil law.

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

Section 5. The Premises Liability Act is amended by changing Section 4.1 as follows:

(740 ILCS 130/4.1)

Sec. 4.1. Off-road riding facilities; liability.

(a) As used in this Section, "off-road riding facility" means:

(1) an area of land, consisting of a closed course, designed for use of off-highway vehicles in events such as, but not limited to, dirt track, short track, flat track, speedway, drag racing, grand prix, hare scrambles, hill climb, ice racing, observed trails, mud and snow scrambles, tractor pulls, sled pulls, truck pulls, mud runs, or other contests of a side-by-side nature in a sporting event for practice, instruction, testing, or competition of off-highway vehicles; or

(2) a thoroughfare or track across land or snow used for off-highway motorcycles or all-terrain vehicles.

(b) An owner or operator of an off-road riding facility in existence on January 1, 2002 is immune from any criminal liability arising out of or as a consequence of noise or sound

emissions resulting from the ~~normal~~ use of the off-road riding facility. An owner or operator of a off-road riding facility is not subject to any action for public or private nuisance or trespass, and no court in this State may enjoin the use or operation of a off-road riding facility on the basis of noise or sound emissions resulting from the ~~normal~~ use of the off-road riding facility.

(c) An owner or operator of a off-road riding facility placed in operation after January 1, 2002 is immune from any criminal liability and is not subject to any action for public or private nuisance or trespass arising out of or as a consequence of noise or sound emissions resulting from the ~~normal~~ use of the off-road riding facility, if the off-road riding facility conforms to any one of the following requirements:

(1) All areas from which an off-road vehicle may be properly operated are at least 1,000 feet from any occupied permanent dwelling on adjacent property at the time the facility was placed into operation.

(2) The off-road riding facility is situated on land otherwise subject to land use zoning, and the off-road riding facility was not prohibited by the zoning authority at the time the facility was placed into operation.

(3) The off-road riding facility is operated by a governmental entity or the off-road riding facility was the recipient of grants under the Recreational Trails of

Illinois Act.

(d) The civil immunity in subsection (c) does not apply if there is willful or wanton misconduct outside the normal use of the off-road riding facility.

(Source: P.A. 92-857, eff. 1-1-03.)