



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3374

by Rep. Darren Bailey

SYNOPSIS AS INTRODUCED:

625 ILCS 5/3-412	from Ch. 95 1/2, par. 3-412
625 ILCS 5/3-413	from Ch. 95 1/2, par. 3-413
625 ILCS 5/3-806	from Ch. 95 1/2, par. 3-806
625 ILCS 5/3-806.1	from Ch. 95 1/2, par. 3-806.1
625 ILCS 5/3-806.5	
625 ILCS 5/11-1426.1	

Amends the Illinois Vehicle Code. Provides that the Secretary of State may issue registration plates for all-terrain vehicles and recreational off-highway vehicles. Prescribes placement of registration plates on the rear of all-terrain and recreational off-highway vehicles. Provides registration fees and surcharges. Provides that all-terrain vehicles and recreational off-highway vehicles may be operated on rural roads with posted speed limits of 55 miles per hour. Limits home rule powers with respect to the discretion of a municipality, township, county, or other unit of local government to regulate the usage of all-terrain vehicles and recreational off-highway vehicles on roads under their jurisdiction. Effective immediately.

LRB101 11067 TAE 56271 b

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

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 Sections 3-412, 3-413, 3-806, 3-806.1, 3-806.5, and 11-1426.1
6 as follows:

7 (625 ILCS 5/3-412) (from Ch. 95 1/2, par. 3-412)

8 Sec. 3-412. Registration plates and registration stickers
9 to be furnished by the Secretary of State.

10 (a) The Secretary of State upon registering a vehicle
11 subject to annual registration for the first time shall issue
12 or shall cause to be issued to the owner one registration plate
13 for a motorcycle, trailer, semitrailer, moped, autocycle,
14 all-terrain vehicle, recreational off-highway vehicle, or
15 truck-tractor, 2 registration plates for other motor vehicles
16 and, where applicable, current registration stickers for motor
17 vehicles of the first division. The provisions of this Section
18 may be made applicable to such vehicles of the second division,
19 as the Secretary of State may, from time to time, in his
20 discretion designate. On subsequent annual registrations
21 during the term of the registration plate as provided in
22 Section 3-414.1, the Secretary shall issue or cause to be
23 issued registration stickers as evidence of current

1 registration. However, the issuance of annual registration
2 stickers to vehicles registered under the provisions of
3 Sections 3-402.1 and 3-405.3 of this Code may not be required
4 if the Secretary deems the issuance unnecessary.

5 (b) Every registration plate shall have displayed upon it
6 the registration number assigned to the vehicle for which it is
7 issued, the name of this State, which may be abbreviated, the
8 year number for which it was issued, which may be abbreviated,
9 the phrase "Land of Lincoln" (except as otherwise provided in
10 this Code), and such other letters or numbers as the Secretary
11 may prescribe. However, for apportionment plates issued to
12 vehicles registered under Section 3-402.1 and fleet plates
13 issued to vehicles registered under Section 3-405.3, the phrase
14 "Land of Lincoln" may be omitted to allow for the word
15 "apportioned", the word "fleet", or other similar language to
16 be displayed. Registration plates issued to a vehicle
17 registered as a fleet vehicle may display a designation
18 determined by the Secretary.

19 The Secretary may in his discretion prescribe that letters
20 be used as prefixes only on registration plates issued to
21 vehicles of the first division which are registered under this
22 Code and only as suffixes on registration plates issued to
23 other vehicles. Every registration sticker issued as evidence
24 of current registration shall designate the year number for
25 which it is issued and such other letters or numbers as the
26 Secretary may prescribe and shall be of a contrasting color

1 with the registration plates and registration stickers of the
2 previous year.

3 (c) Each registration plate and the required letters and
4 numerals thereon, except the year number for which issued,
5 shall be of sufficient size to be plainly readable from a
6 distance of 100 feet during daylight, and shall be coated with
7 reflectorizing material. The dimensions of the plate issued to
8 vehicles of the first division shall be 6 by 12 inches.

9 (d) The Secretary of State shall issue for every passenger
10 motor vehicle rented without a driver the same type of
11 registration plates as the type of plates issued for a private
12 passenger vehicle.

13 (e) The Secretary of State shall issue for every passenger
14 car used as a taxicab or livery, distinctive registration
15 plates.

16 (f) The Secretary of State shall issue for every motorcycle
17 distinctive registration plates distinguishing between
18 motorcycles having 150 or more cubic centimeters piston
19 displacement, or having less than 150 cubic centimeter piston
20 displacement.

21 (g) Registration plates issued to vehicles for-hire may
22 display a designation as determined by the Secretary that such
23 vehicles are for-hire.

24 (h) (Blank).

25 (i) The Secretary of State shall issue for every public and
26 private ambulance registration plates identifying the vehicle

1 as an ambulance. The Secretary shall forward to the Department
2 of Healthcare and Family Services registration information for
3 the purpose of verification of claims filed with the Department
4 by ambulance owners for payment for services to public
5 assistance recipients.

6 (j) The Secretary of State shall issue for every public and
7 private medical carrier or rescue vehicle livery registration
8 plates displaying numbers within ranges of numbers reserved
9 respectively for medical carriers and rescue vehicles. The
10 Secretary shall forward to the Department of Healthcare and
11 Family Services registration information for the purpose of
12 verification of claims filed with the Department by owners of
13 medical carriers or rescue vehicles for payment for services to
14 public assistance recipients.

15 (k) The Secretary of State shall issue distinctive license
16 plates or distinctive license plate stickers for every vehicle
17 exempted from subsections (a) and (a-5) of Section 12-503 by
18 subsection (g) of that Section, and by subsection (g-5) of that
19 Section before its deletion by this amendatory Act of the 95th
20 General Assembly. The Secretary shall issue these plates or
21 stickers immediately upon receiving the physician's
22 certification required under subsection (g) of Section 12-503.
23 New plates or stickers shall also be issued when the
24 certification is renewed as provided in that subsection.

25 (l) The Secretary of State shall issue distinctive
26 registration plates for low-speed vehicles.

1 (m) The Secretary of State shall issue distinctive
2 registration plates for autocycles. The dimensions of the plate
3 issued to autocycles shall be 4 by 7 inches.

4 (n) The Secretary of State shall issue distinctive
5 registration plates for all-terrain vehicles and recreational
6 off-highway vehicles. The dimensions of the plate issued to
7 all-terrain vehicles and recreational off-highway vehicles
8 shall be 4 by 7 inches.

9 (Source: P.A. 98-777, eff. 1-1-15.)

10 (625 ILCS 5/3-413) (from Ch. 95 1/2, par. 3-413)

11 Sec. 3-413. Display of registration plates, registration
12 stickers, and drive-away permits; registration plate covers.

13 (a) Registration plates issued for a motor vehicle other
14 than a motorcycle, autocycle, trailer, semitrailer,
15 truck-tractor, all-terrain vehicle, recreational off-highway
16 vehicle, apportioned bus, or apportioned truck shall be
17 attached thereto, one in the front and one in the rear. The
18 registration plate issued for a motorcycle, autocycle,
19 all-terrain vehicle, recreational off-highway vehicle, trailer
20 or semitrailer required to be registered hereunder and any
21 apportionment plate issued to a bus under the provisions of
22 this Code shall be attached to the rear thereof. The
23 registration plate issued for a truck-tractor or an apportioned
24 truck required to be registered hereunder shall be attached to
25 the front thereof.

1 (b) Except for vehicles with rear loaded motorized
2 forklifts, every registration plate shall at all times be
3 securely fastened in a horizontal position to the vehicle for
4 which it is issued so as to prevent the plate from swinging and
5 at a height of not less than 5 inches from the ground,
6 measuring from the bottom of such plate, in a place and
7 position to be clearly visible and shall be maintained in a
8 condition to be clearly legible, free from any materials that
9 would obstruct the visibility of the plate. A registration
10 plate on a motorcycle may be mounted vertically as long as it
11 is otherwise clearly visible. Registration stickers issued as
12 evidence of renewed annual registration shall be attached to
13 registration plates as required by the Secretary of State, and
14 be clearly visible at all times. For those vehicles with rear
15 loaded motorized forklifts, if the rear plate is securely
16 fastened in a horizontal position as prescribed, the plate and
17 registration sticker shall not be required to be clearly
18 visible at all times as a result of the rear mounted motorized
19 forklift obstructing the view.

20 (c) Every drive-away permit issued pursuant to this Code
21 shall be firmly attached to the motor vehicle in the manner
22 prescribed by the Secretary of State. If a drive-away permit is
23 affixed to a motor vehicle in any other manner the permit shall
24 be void and of no effect.

25 (d) The Illinois prorated decal issued to a foreign
26 registered vehicle part of a fleet prorated or apportioned with

1 Illinois, shall be displayed on a registration plate and
2 displayed on the front of such vehicle in the same manner as an
3 Illinois registration plate.

4 (e) The registration plate issued for a camper body mounted
5 on a truck displaying registration plates shall be attached to
6 the rear of the camper body.

7 (f) No person shall operate a vehicle, nor permit the
8 operation of a vehicle, upon which is displayed an Illinois
9 registration plate, plates or registration stickers, except as
10 provided for in subsection (b) of Section 3-701 of this Code,
11 after the termination of the registration period for which
12 issued or after the expiration date set pursuant to Sections
13 3-414 and 3-414.1 of this Code.

14 (g) A person may not operate any motor vehicle that is
15 equipped with registration plate covers. A violation of this
16 subsection (g) or a similar provision of a local ordinance is
17 an offense against laws and ordinances regulating the movement
18 of traffic.

19 (h) A person may not sell or offer for sale a registration
20 plate cover. A violation of this subsection (h) is a business
21 offense.

22 (i) A person may not advertise for the purpose of promoting
23 the sale of registration plate covers. A violation of this
24 subsection (i) is a business offense.

25 (j) A person may not modify the original manufacturer's
26 mounting location of the rear registration plate on any vehicle

1 so as to conceal the registration or to knowingly cause it to
2 be obstructed in an effort to hinder a peace officer from
3 obtaining the registration for the enforcement of a violation
4 of this Code, Section 27.1 of the Toll Highway Act concerning
5 toll evasion, or any municipal ordinance. Modifications
6 prohibited by this subsection (j) include but are not limited
7 to the use of an electronic device. A violation of this
8 subsection (j) is a Class A misdemeanor.

9 (Source: P.A. 98-777, eff. 1-1-15; 98-1103, eff. 1-1-15; 99-68,
10 eff. 1-1-16; 99-78, eff. 7-20-15.)

11 (625 ILCS 5/3-806) (from Ch. 95 1/2, par. 3-806)

12 Sec. 3-806. Registration Fees; Motor Vehicles of the First
13 Division. Every owner of any other motor vehicle of the first
14 division, except as provided in Sections 3-804, 3-804.01,
15 3-804.3, 3-805, 3-806.3, 3-806.7, and 3-808, and every second
16 division vehicle weighing 8,000 pounds or less, shall pay the
17 Secretary of State an annual registration fee at the following
18 rates:

19 SCHEDULE OF REGISTRATION FEES

20 REQUIRED BY LAW

21 Beginning with the 2010 registration year

22 Annual Fee

23 Motor vehicles of the first division other
24 than Autocycles, Motorcycles, Motor

1	Driven Cycles, and <u>Pedalcycles, All-Terrain</u>	
2	<u>Vehicles, and Recreational Off-Highway Vehicles</u>	\$98
3	Autocycles	68
4	<u>All-Terrain Vehicles and Recreational</u>	
5	<u>Off-Highway Vehicles</u>	<u>26</u>
6	Motorcycles, Motor Driven	
7	Cycles and Pedalcycles	38

8 A \$1 surcharge shall be collected in addition to the above
9 fees for motor vehicles of the first division, autocycles,
10 all-terrain vehicles, recreational off-highway vehicles,
11 motorcycles, motor driven cycles, and pedalcycles to be
12 deposited into the State Police Vehicle Fund.

13 All of the proceeds of the additional fees imposed by
14 Public Act 96-34 shall be deposited into the Capital Projects
15 Fund.

16 A \$2 surcharge shall be collected in addition to the above
17 fees for motor vehicles of the first division, autocycles,
18 all-terrain vehicles, recreational off-highway vehicles,
19 motorcycles, motor driven cycles, and pedalcycles to be
20 deposited into the Park and Conservation Fund for the
21 Department of Natural Resources to use for conservation
22 efforts. The monies deposited into the Park and Conservation
23 Fund under this Section shall not be subject to administrative
24 charges or chargebacks unless otherwise authorized by this Act.

25 Of the fee collected for the registration of all-terrain
26 vehicles and recreational off-highway vehicles, \$10 shall be

1 paid to the county in which the registrant resides, \$10 shall
2 be paid to the municipality in which the registrant resides, \$5
3 shall be paid into the General Revenue Fund, and \$1 shall be
4 paid to the State Police Operations Assistance Fund.

5 (Source: P.A. 97-412, eff. 1-1-12; 97-811, eff. 7-13-12;
6 97-1136, eff. 1-1-13; 98-463, eff. 8-16-13; 98-777, eff.
7 1-1-15.)

8 (625 ILCS 5/3-806.1) (from Ch. 95 1/2, par. 3-806.1)

9 Sec. 3-806.1. Additional fees for vanity license plates. In
10 addition to the regular registration fee, an applicant for a
11 vanity license plate, other than a vanity plate in any military
12 series or a vanity plate issued under Section 3-664, shall be
13 charged \$94 for each set of vanity license plates issued to a
14 vehicle of the first division or a vehicle of the second
15 division registered at not more than 8,000 pounds or to a
16 recreational vehicle and \$50 for each set of vanity plates
17 issued to an autocycle, all-terrain vehicle, recreational
18 off-highway vehicle, or motorcycle. In addition to the regular
19 renewal fee, an applicant for a vanity plate, other than a
20 vanity plate in any military series or a vanity plate issued
21 under Section 3-664, shall be charged \$13 for the renewal of
22 each set of vanity license plates. There shall be no additional
23 fees for a vanity license plate in any military series of
24 plates or a vanity plate issued under Section 3-664.

25 (Source: P.A. 98-777, eff. 1-1-15.)

1 (625 ILCS 5/3-806.5)

2 Sec. 3-806.5. Additional fees for personalized license
3 plates. For registration periods commencing after December 31,
4 2003, in addition to the regular registration fee, an applicant
5 for a personalized license plate, other than a personalized
6 plate in any military series or a personalized plate issued
7 under Section 3-664, shall be charged \$47 for each set of
8 personalized license plates issued to a vehicle of the first
9 division or a vehicle of the second division registered at not
10 more than 8,000 pounds or to a recreational vehicle and \$25 for
11 each set of personalized plates issued to an autocycle,
12 all-terrain vehicle, recreational off-highway vehicle, or
13 motorcycle. In addition to the regular renewal fee, an
14 applicant for a personalized plate other than a personalized
15 plate in any military series or a personalized plate issued
16 under Section 3-664, shall be charged \$7 for the renewal of
17 each set of personalized license plates. There shall be no
18 additional fees charged for a personalized plate in any
19 military series of plates or a personalized plate issued under
20 Section 3-664. Of the money received by the Secretary of State
21 as additional fees for personalized license plates, 50% shall
22 be deposited into the Secretary of State Special License Plate
23 Fund and 50% shall be deposited into the General Revenue Fund.
24 (Source: P.A. 98-777, eff. 1-1-15.)

1 (625 ILCS 5/11-1426.1)

2 Sec. 11-1426.1. Operation of non-highway vehicles on
3 streets, roads, and highways.

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

7 (1) an all-terrain vehicle, as defined by Section
8 1-101.8 of this Code;

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

10 (3) an off-highway motorcycle, as defined by Section
11 1-153.1; and

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

14 (b) Except as otherwise provided in this Section, it is
15 unlawful for any person to drive or operate a non-highway
16 vehicle upon any street, highway, or roadway in this State. If
17 the operation of a non-highway vehicle is authorized under
18 subsection (d), the non-highway vehicle may be operated only on
19 streets where the posted speed limit is 35 miles per hour or
20 less, except that all-terrain vehicles and recreational
21 off-highway vehicles may be operated on rural roads with posted
22 speed limits of 55 miles per hour. This subsection (b) does not
23 prohibit a non-highway vehicle from crossing a road or street
24 at an intersection where the road or street has a posted speed
25 limit of more than 35 miles per hour.

26 (b-5) A person may not operate a non-highway vehicle upon

1 any street, highway, or roadway in this State unless he or she
2 has a valid driver's license issued in his or her name by the
3 Secretary of State or by a foreign jurisdiction.

4 (c) No person operating a non-highway vehicle shall make a
5 direct crossing upon or across any tollroad, interstate
6 highway, or controlled access highway in this State. No person
7 operating a non-highway vehicle shall make a direct crossing
8 upon or across any other highway under the jurisdiction of the
9 State except at an intersection of the highway with another
10 public street, road, or highway.

11 (c-5) (Blank).

12 (d) ~~A municipality, township, county, or other unit of~~
13 ~~local government may authorize, by ordinance or resolution, the~~
14 ~~operation of non-highway vehicles on roadways under its~~
15 ~~jurisdiction if the unit of local government determines that~~
16 ~~the public safety will not be jeopardized.~~ The Department may
17 authorize the operation of non-highway vehicles on the roadways
18 under its jurisdiction if the Department determines that the
19 public safety will not be jeopardized. The ~~unit of local~~
20 ~~government or the~~ Department may restrict the types of
21 non-highway vehicles that are authorized to be used on its
22 streets.

23 Before permitting the operation of non-highway vehicles on
24 its roadways, ~~a municipality, township, county, other unit of~~
25 ~~local government, or~~ the Department must consider the volume,
26 speed, and character of traffic on the roadway and determine

1 whether non-highway vehicles may safely travel on or cross the
2 roadway. Upon determining that non-highway vehicles may safely
3 operate on a roadway and ~~the adoption of an ordinance or~~
4 ~~resolution by a municipality, township, county, or other unit~~
5 ~~of local government, or~~ authorization by the Department,
6 appropriate signs may ~~shall~~ be posted.

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

11 (d-5) A unit of local government, including a home rule
12 unit, may not regulate the operation of non-highway vehicles in
13 a manner inconsistent with the regulation by the State of the
14 operation of non-highway vehicles under this Code. This
15 subsection is a limitation under subsection (i) of Section 6 of
16 Article VII of the Illinois Constitution on the concurrent
17 exercise by home rule units of powers and functions exercised
18 by the State.

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

1 from the rear, brake lights, and turn signals. When operated on
2 a roadway, a non-highway vehicle shall have its headlight and
3 tail lamps lighted as required by Section 12-201 of this Code.

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

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

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

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

1 hour before sunset and one-half hour after sunrise must be
2 equipped with head lamps and tail lamps, and the head lamps and
3 tail lamps must be lighted.

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

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

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

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

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

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

23 (i) No action taken by a unit of local government under
24 this Section designates the operation of a non-highway vehicle
25 as an intended or permitted use of property with respect to
26 Section 3-102 of the Local Governmental and Governmental

1 Employees Tort Immunity Act.

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

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.