

HB4767



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4767

Introduced 2/18/2020, by Rep. Patrick Windhorst - Tom Demmer

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-1426.1

Amends the Illinois Vehicle Code. Provides that a person may operate a non-highway vehicle on a roadway with a speed limit of 55 miles per hour or less (rather than 35 miles per hour or less) if the roadway is not a State highway, federal highway, or within the boundaries of an incorporated area. Effective immediately.

LRB101 17285 HEP 69617 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 or on a roadway with a speed limit of 55 miles per hour or
3 less if the roadway is not a State highway, federal highway, or
4 within the boundaries of an incorporated area. This subsection
5 (b) does not prohibit a non-highway vehicle from crossing a
6 road or street at an intersection where the road or street has
7 a posted speed limit of more than 35 miles per hour.

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

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

19 (c-5) (Blank).

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

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

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

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

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.