

HB0720



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB0720

Introduced 2/8/2021, by Rep. Chris Miller

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-1426.1

Amends the Illinois Vehicle Code. Provides that a person may operate an all-terrain vehicle or recreational off-highway vehicle on a roadway that is not a State highway, federal highway, or within the boundaries of an incorporated area and where the speed limit 55 miles per hour or less (rather than 35 miles per hour or less).

LRB102 13891 RAM 19242 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
5 changing 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

1 on streets where the posted speed limit is 35 miles per hour or
2 less. This subsection (b) does not prohibit a non-highway
3 vehicle from crossing a road or street at an intersection
4 where the road or street has a posted speed limit of more than
5 35 miles per hour.

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

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

17 (c-5) (Blank).

18 (c-10) A person may operate an all-terrain vehicle or
19 recreational off-highway vehicle on a roadway that is not a
20 State highway, federal highway, or within the boundaries of an
21 incorporated area and where the speed limit is 55 miles per
22 hour or less.

23 (d) A municipality, township, county, or other unit of
24 local government may authorize, by ordinance or resolution,
25 the operation of non-highway vehicles on roadways under its
26 jurisdiction if the unit of local government determines that

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

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

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

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

1 the rear of the non-highway vehicle, a headlight that emits a
2 white light visible from a distance of 500 feet to the front, a
3 tail lamp that emits a red light visible from at least 100 feet
4 from the rear, brake lights, and turn signals. When operated
5 on a roadway, a non-highway vehicle shall have its headlight
6 and tail lamps lighted as required by Section 12-201 of this
7 Code.

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

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

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

21 Non-highway vehicles, as used in this subsection (h),
22 shall not be subject to subsections (e) and (g) of this
23 Section. However, if the non-highway vehicle, as used in this
24 Section, is not covered under a motor vehicle insurance policy
25 pursuant to subsection (g) of this Section, the vehicle must
26 be covered under a farm, home, or non-highway vehicle

1 insurance policy issued with coverage amounts no less than the
2 minimum amounts set for bodily injury or death and for
3 destruction of property under Section 7-203 of this Code.
4 Non-highway vehicles operated on a county or township roadway
5 at any time between one-half hour before sunset and one-half
6 hour after sunrise must be equipped with head lamps and tail
7 lamps, and the head lamps and tail lamps must be lighted.

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

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

16 (1) the crossing is made at an angle of approximately
17 90 degrees to the direction of the street, road or highway
18 and at a place where no obstruction prevents a quick and
19 safe crossing;

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

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

25 (4) that when crossing a divided highway, the crossing
26 is made only at an intersection of the highway with

1 another public street, road, or highway.

2 (i) No action taken by a unit of local government under
3 this Section designates the operation of a non-highway vehicle
4 as an intended or permitted use of property with respect to
5 Section 3-102 of the Local Governmental and Governmental
6 Employees Tort Immunity Act.

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