



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5436

Introduced 2/9/2024, by Rep. Tony M. McCombie

SYNOPSIS AS INTRODUCED:

625 ILCS 5/3-412 from Ch. 95 1/2, par. 3-412
625 ILCS 5/3-805.6 new
625 ILCS 5/11-1426.1
625 ILCS 5/11-1426.3 new

Amends the Illinois Vehicle Code. Permits the operation of an all-terrain vehicle that meets certain criteria on any street, roadway, or highway in the State, unless the highway is an interstate system, is near a grade-separated portion of the highway, is within a municipality, or has a posted speed limit higher than 45 miles per hour. Provides that an all-terrain vehicle must be registered with the Secretary of State if the all-terrain vehicle is operated on roads within the State. Provides for the distribution of registration fees. Outlines the vehicle equipment requirements for the operation of an all-terrain vehicle on a roadway. Establishes that a township, county, or other unit of local government may authorize, by ordinance or resolution, the operation of all-terrain vehicles on roadways under its jurisdiction if the unit of local government determines that the public safety will not be jeopardized. Requires a non-highway vehicle that is manufactured not to exceed 40 miles per hour to have a slow moving emblem on the rear of the non-highway vehicle. Provides that the Department of Transportation may authorize the operation of all-terrain vehicles on the roadways under its jurisdiction if the Department determines that the public safety will not be jeopardized. Allows a unit of local government or the Department to restrict the types of all-terrain vehicles that are authorized to be used on its streets. Provides that a unit of local government that permits the use of an all-terrain vehicle on its roadways shall not be deemed liable for crashes involving the use of an all-terrain vehicle on its roadways. Makes other changes.

LRB103 37381 MXP 67502 b

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 Sections 3-412 and 11-1426.1 and by adding Sections
6 3-805.6 and 11-1426.3 as follows:

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

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

11 (a) The Secretary of State upon registering a vehicle
12 subject to annual registration for the first time shall issue
13 or shall cause to be issued to the owner one registration plate
14 or digital registration plate for a motorcycle, trailer,
15 semitrailer, moped, all-terrain vehicle, autocycle, or
16 truck-tractor, 2 registration plates, or a digital
17 registration plate and metal plate as set forth in Section
18 3-401.5, for other motor vehicles and, where applicable,
19 current registration stickers or digital registration stickers
20 for motor vehicles of the first division. The provisions of
21 this Section may be made applicable to such vehicles of the
22 second division, as the Secretary of State may, from time to
23 time, in his discretion designate. On subsequent annual

1 registrations during the term of the registration plate or
2 digital registration plate as provided in Section 3-414.1, the
3 Secretary shall issue or cause to be issued registration
4 stickers or digital registration stickers as evidence of
5 current registration. However, the issuance of annual
6 registration stickers or digital registration stickers to
7 vehicles registered under the provisions of Sections 3-402.1
8 and 3-405.3 of this Code may not be required if the Secretary
9 deems the issuance unnecessary.

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

25 The Secretary may in his discretion prescribe that letters
26 be used as prefixes only on registration plates or digital

1 registration plates issued to vehicles of the first division
2 which are registered under this Code and only as suffixes on
3 registration plates or digital registration plates issued to
4 other vehicles. Every registration sticker or digital
5 registration sticker issued as evidence of current
6 registration shall designate the year number for which it is
7 issued and such other letters or numbers as the Secretary may
8 prescribe and shall be of a contrasting color with the
9 registration plates or digital registration plates and
10 registration stickers or digital registration stickers of the
11 previous year.

12 (c) Each registration plate or digital registration plate
13 and the required letters and numerals thereon, except the year
14 number for which issued, shall be of sufficient size to be
15 plainly readable from a distance of 100 feet during daylight,
16 and shall be coated with reflectorizing material. The
17 dimensions of the plate issued to vehicles of the first
18 division shall be 6 by 12 inches.

19 (d) The Secretary of State shall issue for every passenger
20 motor vehicle rented without a driver the same type of
21 registration plates or digital registration plates as the type
22 of plates issued for a private passenger vehicle.

23 (e) The Secretary of State shall issue for every passenger
24 car used as a taxicab or livery, distinctive registration
25 plates or digital registration plates.

26 (f) The Secretary of State shall issue for every

1 motorcycle distinctive registration plates or digital
2 registration plates distinguishing between motorcycles having
3 150 or more cubic centimeters piston displacement, or having
4 less than 150 cubic centimeter piston displacement.

5 (g) Registration plates or digital registration plates
6 issued to vehicles for-hire may display a designation as
7 determined by the Secretary that such vehicles are for-hire.

8 (h) (Blank).

9 (i) The Secretary of State shall issue for every public
10 and private ambulance registration plates or digital
11 registration plates identifying the vehicle as an ambulance.
12 The Secretary shall forward to the Department of Healthcare
13 and Family Services registration information for the purpose
14 of verification of claims filed with the Department by
15 ambulance owners for payment for services to public assistance
16 recipients.

17 (j) The Secretary of State shall issue for every public
18 and private medical carrier or rescue vehicle livery
19 registration plates or digital registration plates displaying
20 numbers within ranges of numbers reserved respectively for
21 medical carriers and rescue vehicles. The Secretary shall
22 forward to the Department of Healthcare and Family Services
23 registration information for the purpose of verification of
24 claims filed with the Department by owners of medical carriers
25 or rescue vehicles for payment for services to public
26 assistance recipients.

1 (k) The Secretary of State shall issue distinctive license
2 plates or digital registration plates or distinctive license
3 plate stickers or digital registration stickers for every
4 vehicle exempted from subsections (a) and (a-5) of Section
5 12-503 by subsection (g) of that Section, and by subsection
6 (g-5) of that Section before its deletion by this amendatory
7 Act of the 95th General Assembly. The Secretary shall issue
8 these plates or stickers immediately upon receiving the
9 physician's certification required under subsection (g) of
10 Section 12-503. New plates or stickers shall also be issued
11 when the certification is renewed as provided in that
12 subsection.

13 (l) The Secretary of State shall issue distinctive
14 registration plates or digital registration plates for
15 low-speed vehicles.

16 (m) The Secretary of State shall issue distinctive
17 registration plates or digital registration plates for
18 autocycles. The dimensions of the plate issued to autocycles
19 shall be 4 by 7 inches.

20 (Source: P.A. 101-395, eff. 8-16-19.)

21 (625 ILCS 5/3-805.6 new)

22 Sec. 3-805.6. All-terrain vehicles. Every owner of an
23 all-terrain vehicle shall make application to the Secretary of
24 State for registration, or renewal of registration, at the fee
25 of \$30 if the all-terrain vehicle is operated on any roads

1 within this State. The registration shall remain valid for a
2 period of 2 years. However, an owner of an all-terrain vehicle
3 that is primarily used for agricultural purposes shall be
4 subject to a one-time registration fee of \$15, and the
5 registration shall remain valid until ownership is
6 transferred.

7 Of the fees collected for all-terrain vehicles, \$2 of the
8 fees shall be deposited into the State Police Vehicle Fund, \$1
9 of the fees shall be deposited into the Park and Conservation
10 Fund for the Department of Natural Resources to use for
11 conservation efforts, and the remainder of the fees shall be
12 deposited into the Road Fund. Counties authorizing the use of
13 all-terrain vehicles on its roadway may assess a fee.

14 (625 ILCS 5/11-1426.1)

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

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

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

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

23 (3) an off-highway motorcycle, as defined by Section
24 1-153.1; ~~and~~

25 (4) a recreational off-highway vehicle, as defined by

1 Section 1-168.8; ~~and-~~

2 (5) a large non-highway vehicle, as defined by Section
3 10 of the Recreational Trails of Illinois Act.

4 (b) Except as otherwise provided in this Section, it is
5 unlawful for any person to drive or operate a non-highway
6 vehicle upon any street, highway, or roadway in this State. If
7 the operation of a non-highway vehicle is authorized under
8 subsection (d), the non-highway vehicle may be operated only
9 on streets where the posted speed limit is 35 miles per hour or
10 less. This subsection (b) does not prohibit a non-highway
11 vehicle from crossing a road or street at an intersection
12 where the road or street has a posted speed limit of more than
13 35 miles per hour.

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

18 (c) No person operating a non-highway vehicle shall make a
19 direct crossing upon or across any tollroad, interstate
20 highway, or controlled access highway in this State. No person
21 operating a non-highway vehicle shall make a direct crossing
22 upon or across any other highway under the jurisdiction of the
23 State except at an intersection of the highway with another
24 public street, road, or highway.

25 (c-5) (Blank).

26 (d) A municipality, township, county, or other unit of

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

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

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

25 (e) No non-highway vehicle may be operated on a roadway
26 unless, at a minimum, it has the following: brakes, a steering

1 apparatus, tires, a rearview mirror, red reflectorized warning
2 devices in the front and rear, ~~a slow moving emblem (as~~
3 ~~required of other vehicles in Section 12-709 of this Code) on~~
4 ~~the rear of the non-highway vehicle,~~ a headlight that emits a
5 white light visible from a distance of 500 feet to the front, a
6 tail lamp that emits a red light visible from at least 100 feet
7 from the rear, brake lights, and turn signals. When operated
8 on a roadway, a non-highway vehicle shall have its headlight
9 and tail lamps lighted as required by Section 12-201 of this
10 Code. A non-highway vehicle that is manufactured not to exceed
11 40 miles per hour shall have a slow moving emblem (as required
12 of other vehicles in Section 12-709 of this Code) on the rear
13 of the non-highway vehicle. A slow moving emblem shall not be
14 affixed to any non-highway vehicle that is manufactured to
15 exceed 40 miles per hour.

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

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

23 (h) It shall not be unlawful for any person to drive or
24 operate a non-highway vehicle, as defined in paragraph
25 ~~paragraphs (1) and~~ (4) of subsection (a) of this Section, on a
26 county roadway or township roadway for the purpose of

1 conducting farming operations to and from the home, farm, farm
2 buildings, and any adjacent or nearby farm land.

3 Non-highway vehicles, as used in this subsection (h),
4 shall not be subject to subsections (e) and (g) of this
5 Section. However, if the non-highway vehicle, as used in this
6 Section, is not covered under a motor vehicle insurance policy
7 pursuant to subsection (g) of this Section, the vehicle must
8 be covered under a farm, home, or non-highway vehicle
9 insurance policy issued with coverage amounts no less than the
10 minimum amounts set for bodily injury or death and for
11 destruction of property under Section 7-203 of this Code.
12 Non-highway vehicles operated on a county or township roadway
13 at any time between one-half hour before sunset and one-half
14 hour after sunrise must be equipped with head lamps and tail
15 lamps, and the head lamps and tail lamps must be lighted.

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

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

24 (1) the crossing is made at an angle of approximately
25 90 degrees to the direction of the street, road or highway
26 and at a place where no obstruction prevents a quick and

1 safe crossing;

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

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

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

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

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

16 (625 ILCS 5/11-1426.3 new)

17 Sec. 11-1426.3. Operation of an all-terrain vehicle on
18 streets, roads, and highways.

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

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

4 (b) Except as provided in subsection (b), an individual
5 may operate an all-terrain vehicle, as defined by Section
6 1-101.8, on a street, roadway, or highway if the all-terrain
7 vehicle has a combustion engine with a piston or rotor
8 displacement of 400 cubic centimeters or greater and is
9 capable of maintaining speeds of 40 miles per hour or greater.

10 (c) An individual may not operate an all-terrain vehicle
11 on a highway if:

12 (1) the highway is an interstate system;

13 (2) the highway is near a grade-separated portion of
14 the highway;

15 (3) the highway is within a municipality; or

16 (4) the highway has a posted speed limit higher than
17 45 miles per hour.

18 Nothing in this Section authorizes the operation of an
19 all-terrain vehicle in an area that is not open to motor
20 vehicle use.

21 (d) A person who operates an all-terrain vehicle on a
22 street, highway, or roadway shall be subject to the mandatory
23 insurance requirements under Article VI of Chapter 7 of this
24 Code.

25 (e) An all-terrain vehicle that operates on a roadway must
26 be registered in the manner provided under Section 3-805.6

1 (f) The owner of an all-terrain vehicle shall ensure that
2 the vehicle is equipped with:

3 (1) 2 headlamps;

4 (2) 2 tail lamps;

5 (3) 2 brake lamps;

6 (4) a tail lamp or other lamp constructed and placed
7 to illuminate the registration plate with a white light;

8 (5) one or more red reflectors on the rear;

9 (6) amber or red flashing electric turn signals, one
10 on each side of the front and rear;

11 (7) a braking system, other than a parking brake;

12 (8) a horn or other warning device;

13 (9) a muffler and, if required by an applicable
14 federal statute or regulation, an emission control system;

15 (10) rearview mirrors on the right and left side of
16 the driver;

17 (11) a windshield, unless the operator wears eye
18 protection while operating the vehicle;

19 (12) a speedometer, illuminated for nighttime
20 operation;

21 (13) for vehicles designed by the manufacturer for
22 carrying one or more passengers, a bench seat or
23 side-by-side seat equipped with a seat safety belt for
24 each passenger; and

25 (14) 4 wheels in contact with the ground, with tires
26 that have at least 2/32 inches or greater tire tread.

1 (g) A unit of local government that permits the use of an
2 all-terrain vehicle on its roadways shall not be deemed liable
3 for crashes involving the use of an all-terrain vehicle on its
4 roadways.