



Sen. Neil Anderson

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10300SB1213sam001

LRB103 05567 MXP 60189 a

1 AMENDMENT TO SENATE BILL 1213

2 AMENDMENT NO. _____. Amend Senate Bill 1213 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 1-101.8 and 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~~

1 (4) a recreational off-highway vehicle, as defined by
2 Section 1-168.8; and -

3 (5) a large non-highway vehicle, as defined by Section
4 10 of the Recreational Trails of Illinois Act.

5 (b) Except as otherwise provided in this Section, it is
6 unlawful for any person to drive or operate a non-highway
7 vehicle upon any street, highway, or roadway in this State. If
8 the operation of a non-highway vehicle is authorized under
9 subsection (d), the non-highway vehicle may be operated only
10 on streets where the posted speed limit is 55 ~~35~~ miles per hour
11 or less. This subsection (b) does not prohibit a non-highway
12 vehicle from crossing a road or street at an intersection
13 where the road or street has a posted speed limit of more than
14 55 ~~35~~ miles per hour.

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

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

26 (c-5) (Blank).

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

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

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

26 (e) No non-highway vehicle may be operated on a roadway

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

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

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

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

1 or township roadway for the purpose of conducting farming
2 operations to and from the home, farm, farm buildings, and any
3 adjacent or nearby farm land.

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

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

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

25 (1) the crossing is made at an angle of approximately
26 90 degrees to the direction of the street, road or highway

1 and at a place where no obstruction prevents a quick and
2 safe crossing;

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

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

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

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

16 (j) A county board located in a county that permits the use
17 of a non-highway vehicle on its roadways shall not be deemed
18 liable for crashes involving the use of a non-highway vehicle
19 on its roadways.

20 (k) A 2-wheeled non-highway vehicle shall be subject to
21 the same safety requirements as a motorcycle.

22 (l) All non-highway vehicles must possess the same amount
23 of liability insurance coverage as all other on-road vehicles.

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