



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB6185

Introduced 2/11/2010, by Rep. Rich Brauer

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-1426.1

Amends the Illinois Vehicle Code. Provides that it shall not be unlawful for any person to drive or operate certain non-highway vehicles upon any county roadway or township roadway for the purpose of conducting farming operations to and from the home, farm, farm buildings, and any adjacent or nearby farm land. Provides that a non-highway vehicle conducting farming operations pursuant to this amendatory Act is not subject to the driver licensing, equipment, and insurance requirements for other non-highway vehicles operated on a highway. Provides that a non-highway vehicle conducting farming operations pursuant to this amendatory Act shall be allowed to directly cross a highway, except for a tollroad, interstate highway, or controlled access highway, if the operator of the non-highway vehicle follows certain precautionary procedures. Effective immediately.

LRB096 17692 AJT 33056 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 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) a neighborhood vehicle, as defined by Section
16 1-148.3m; and

17 (4) an off-highway motorcycle, as defined by Section
18 1-153.1.

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. This subsection (b) does not prohibit a non-highway
3 vehicle from crossing a road or street at an intersection where
4 the road or street has a posted speed limit of more than 35
5 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 Illinois driver's license issued in his or her name
9 by the Secretary of State.

10 (c) Except as otherwise provided in subsections ~~subsection~~
11 (c-5) and (h) of this Section, no person operating a
12 non-highway vehicle shall make a direct crossing upon or across
13 any highway under the jurisdiction of the State, tollroad,
14 interstate highway, or controlled access highway in this State.

15 (c-5) A person may make a direct crossing at an
16 intersection controlled by a traffic light or 4-way stop sign
17 upon or across a highway under the jurisdiction of the State if
18 the speed limit on the highway is 35 miles per hour or less at
19 the place of crossing.

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.

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

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

16 (e) No non-highway vehicle may be operated on a roadway
17 unless, at a minimum, it has the following: brakes, a steering
18 apparatus, tires, a rearview mirror, red reflectorized warning
19 devices in the front and rear, a slow moving emblem (as
20 required of other vehicles in Section 12-709 of this Code) on
21 the rear of the non-highway vehicle, a headlight that emits a
22 white light visible from a distance of 500 feet to the front, a
23 tail lamp that emits a red light visible from at least 100 feet
24 from the rear, brake lights, and turn signals. When operated on
25 a roadway, a non-highway vehicle shall have its headlight and
26 tail lamps lighted as required by Section 12-201 of this Code.

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

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

8 (h) As used in this subsection, "non-highway vehicle" means
9 a non-highway vehicle defined in items (1), (2), and (3) of
10 subsection (a) of this Section. It shall not be unlawful for
11 any person to drive or operate a non-highway vehicle upon any
12 county or township roadway for the purpose of conducting
13 farming operations to and from the home, farm, farm buildings,
14 and any adjacent or nearby farm land. A non-highway vehicle in
15 this subsection is not subject to subsections (b-5), (e), and
16 (g) of this Section. A non-highway vehicle in this subsection
17 shall be allowed to cross a highway, except for a tollroad,
18 interstate highway, or controlled access highway, if the
19 operator of the non-highway vehicle makes a direct crossing,
20 provided that:

21 (1) the crossing is made at an angle of approximately
22 90 degrees to the direction of the highway and at a place
23 where no obstruction prevents a quick and safe crossing;

24 (2) the off-highway vehicle is brought to a complete
25 stop before attempting a crossing;

26 (3) the operator of the off-highway vehicle yields the

1 right of way to all pedestrian and vehicular traffic which
2 constitutes a hazard; and

3 (4) when crossing a divided highway, the crossing is
4 made only at an intersection of the highway with another
5 public highway.

6 (Source: P.A. 95-150, 8-14-07; 95-414, eff. 8-24-07; 95-575,
7 eff. 8-31-07; 95-876, eff. 8-21-08; 96-279, eff. 1-1-10.)

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.