

HB2368



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB2368

by Rep. Wayne Rosenthal

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-1427

Amends the Illinois Vehicle Code. Provides that no person, except persons permitted by law, shall operate or ride any all-terrain vehicle or off-highway motorcycle with any firearm in his or her possession unless he or she is in compliance with certain provisions of the Deadly Weapons Article of the Criminal Code of 2012 (rather than the Wildlife Code). Effective immediately.

LRB098 05499 MLW 35534 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 11-1427 as follows:

6 (625 ILCS 5/11-1427)

7 Sec. 11-1427. Illegal operation of an all-terrain vehicle
8 or off-highway motorcycle. It is unlawful for any person to
9 drive or operate any all-terrain vehicle or off-highway
10 motorcycle in the following ways:

11 (a) Careless Operation. No person shall operate any
12 all-terrain vehicle or off-highway motorcycle in a careless or
13 heedless manner so as to be grossly indifferent to the person
14 or property of other persons, or at a rate of speed greater
15 than will permit him in the exercise of reasonable care to
16 bring the all-terrain vehicle or off-highway motorcycle to a
17 stop within the assured clear distance ahead.

18 (b) Reckless Operation. No person shall operate any
19 all-terrain vehicle or off-highway motorcycle in such a manner
20 as to endanger the life, limb or property of any person.

21 (c) Within any nature preserve as defined in Section 3.11
22 of the Illinois Natural Areas Preservation Act.

23 (d) On the tracks or right of way of an operating railroad.

1 (e) In any tree nursery or planting in a manner which
2 damages or destroys growing stock, or creates a substantial
3 risk thereto.

4 (f) On private property, without the written or verbal
5 consent of the owner or lessee thereof. Any person operating an
6 all-terrain vehicle or off-highway motorcycle upon lands of
7 another shall stop and identify himself upon the request of the
8 landowner or his duly authorized representative, and, if
9 requested to do so by the landowner shall promptly remove the
10 all-terrain vehicle or off-highway motorcycle from the
11 premises.

12 (g) Notwithstanding any other law to the contrary, an
13 owner, lessee, or occupant of premises owes no duty of care to
14 keep the premises safe for entry or use by others for use by an
15 all-terrain vehicle or off-highway motorcycle, or to give
16 warning of any condition, use, structure or activity on such
17 premises. This subsection does not apply where permission to
18 drive or operate an all-terrain vehicle or off-highway
19 motorcycle is given for a valuable consideration other than to
20 this State, any political subdivision or municipality of this
21 State, or any landowner who is paid with funds from the
22 Off-Highway Vehicle Trails Fund. In the case of land leased to
23 the State or a subdivision of the State, any consideration
24 received is not valuable consideration within the meaning of
25 this Section.

26 Nothing in this subsection limits in any way liability

1 which otherwise exists for willful or malicious failure to
2 guard or warn against a dangerous condition, use, structure, or
3 activity.

4 (h) On publicly owned lands unless such lands are
5 designated for use by all-terrain vehicles or off-highway
6 motorcycles. For publicly owned lands to be designated for use
7 by all-terrain vehicles or off-highway motorcycles a public
8 hearing shall be conducted by the governmental entity that has
9 jurisdiction over the proposed land prior to the designation.

10 Nothing in this subsection limits in any way liability
11 which otherwise exists for willful or malicious failure to
12 guard or warn against a dangerous condition, use, structure, or
13 activity.

14 (h-1) At a rate of speed too fast for conditions, and the
15 fact that the speed of the all-terrain vehicle or off-highway
16 motorcycle does not exceed the applicable maximum speed limit
17 allowed does not relieve the driver from the duty to decrease
18 speed as may be necessary to avoid colliding with any person,
19 vehicle, or object within legal requirements and the duty of
20 all persons to use due care.

21 (h-2) On the frozen surface of public waters of this State
22 within 100 feet of a person, including a skater, not in or upon
23 an all-terrain vehicle or off-highway motorcycle; within 100
24 feet of a person engaged in fishing, except at the minimum
25 speed required to maintain forward movement of the all-terrain
26 vehicle or off-highway motorcycle; on an area which has been

1 cleared of snow for skating purposes unless the area is
2 necessary for access to the frozen waters of this State.

3 (h-3) Within 100 feet of a dwelling between midnight and 6
4 a.m. at a speed greater than the minimum required to maintain
5 forward movement of the all-terrain vehicle or off-highway
6 motorcycle. This subdivision (h-5) does not apply on private
7 property where verbal or written consent of the owner or lessee
8 has been granted to drive or operate an all-terrain vehicle or
9 off-highway motorcycle upon the private property or frozen
10 waters of this State.

11 (i) Other Prohibitions.

12 (1) No person, except persons permitted by law, shall
13 operate or ride any all-terrain vehicle or off-highway
14 motorcycle with any firearm in his or her possession unless
15 he or she is in compliance with Sections 24-1, 24-1.6, and
16 24-2 of the Criminal Code of 2012 ~~Section 2.33 of the~~
17 ~~Wildlife Code.~~

18 (2) No person shall operate any all-terrain vehicle or
19 off-highway motorcycle emitting pollutants in violation of
20 standards established pursuant to the Environmental
21 Protection Act.

22 (3) No person shall deposit from an all-terrain vehicle
23 or off-highway motorcycle on the snow, ice or ground
24 surface, trash, glass, garbage, insoluble material, or
25 other offensive matter.

26 (Source: P.A. 90-14, eff. 9-1-97; 90-287, eff. 1-1-98.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.