



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB5901

by Rep. Charles E. Meier

#### SYNOPSIS AS INTRODUCED:

20 ILCS 862/34  
625 ILCS 5/11-1426.1

Amends the Recreational Trails of Illinois Act. Provides that off-highway vehicles may be operated on any land owned by the off-highway vehicle's owner, regardless of whether the owner resides permanently on that land. Amends the Illinois Vehicle Code. Provides that all-terrain vehicles, off-highway motorcycles, and recreational off-highway vehicles may be operated on county or township roadways for any purpose provided that they meet certain insurance requirements, do not make a direct crossing upon or across any tollroad, interstate highway, or controlled access highway, and obey certain safety restrictions before attempting to cross a State highway, municipal street, county highway, or road district highway. Effective immediately.

LRB098 15142 MLW 50118 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 Recreational Trails of Illinois Act is  
5 amended by changing Section 34 as follows:

6 (20 ILCS 862/34)

7 Sec. 34. Exception from display of Off-Highway Vehicle  
8 Usage Stamps. The operator of an off-highway vehicle shall not  
9 be required to display an Off-Highway Vehicle Usage Stamp if  
10 the off-highway vehicle is:

11 (1) owned and used by the United States, the State of  
12 Illinois, another state, or a political subdivision  
13 thereof, but these off-highway vehicles shall prominently  
14 display the name of the owner on the off-highway vehicle;

15 (2) operated on lands owned by the off-highway vehicle  
16 owner or on lands where the owner permanently resides; this  
17 exception shall not apply to clubs, associations, lands  
18 leased for hunting or recreational purposes, or to  
19 off-highway vehicles being used by outfitters as defined in  
20 the Wildlife Code as part of their outfitting business;

21 (3) used only on international or national competition  
22 circuits in events for which written permission has been  
23 obtained by the sponsoring or sanctioning body from the

1 governmental unit having jurisdiction over the location of  
2 any event held in this State;

3 (4) while being used for activities associated with  
4 farming or livestock production operations; or

5 (5) while being used on an off-highway vehicle grant  
6 assisted site and the off-highway vehicle displays a  
7 Off-Highway Vehicle Access decal.

8 (Source: P.A. 97-1136, eff. 1-1-13.)

9 Section 10. The Illinois Vehicle Code is amended by  
10 changing Section 11-1426.1 as follows:

11 (625 ILCS 5/11-1426.1)

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

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

17 (1) an all-terrain vehicle, as defined by Section  
18 1-101.8 of this Code;

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

20 (3) an off-highway motorcycle, as defined by Section  
21 1-153.1; and

22 (4) a recreational off-highway vehicle, as defined by  
23 Section 1-168.8.

24 (b) Except as otherwise provided in this Section, it is

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

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

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

21 (c-5) (Blank).

22 (d) A municipality, township, county, or other unit of  
23 local government may authorize, by ordinance or resolution, the  
24 operation of non-highway vehicles on roadways under its  
25 jurisdiction if the unit of local government determines that  
26 the public safety will not be jeopardized. The Department may

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

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

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

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

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

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

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

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

19 Non-highway vehicles, as used in this subsection (h), shall  
20 not be subject to subsections (e) and (g) of this Section.  
21 However, if the non-highway vehicle, as used in this Section,  
22 is not covered under a motor vehicle insurance policy pursuant  
23 to subsection (g) of this Section, the vehicle must be covered  
24 under a farm, home, or non-highway vehicle insurance policy  
25 issued with coverage amounts no less than the minimum amounts  
26 set for bodily injury or death and for destruction of property

1 under Section 7-203 of this Code. Non-highway vehicles operated  
2 on a county or township roadway at any time between one-half  
3 hour before sunset and one-half hour after sunrise must be  
4 equipped with head lamps and tail lamps, and the head lamps and  
5 tail lamps must be lighted.

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

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

13 (1) the crossing is made at an angle of approximately  
14 90 degrees to the direction of the street, road or highway  
15 and at a place where no obstruction prevents a quick and  
16 safe crossing;

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

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

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

25 (i) No action taken by a unit of local government under  
26 this Section designates the operation of a non-highway vehicle

1 as an intended or permitted use of property with respect to  
2 Section 3-102 of the Local Governmental and Governmental  
3 Employees Tort Immunity Act.

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

5 Section 99. Effective date. This Act takes effect upon  
6 becoming law.