



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB1530

Introduced 2/13/2013, by Sen. Chapin Rose

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-1426.1
625 ILCS 5/11-1426.2

Amends the Illinois Vehicle Code. Prevents low speed vehicles and non-highway vehicles from making a direct crossing of a tollroad, interstate highway, or controlled access highway. Requires drivers of low speed vehicles attempting to cross any other highway under the jurisdiction of the State at an intersection of the highway with another public street, road, or highway. Removes the requirement that upon determination by a municipality, township, county, other unit of local government, or the Department of Transportation that non-highway vehicles may be operated on a roadway under their jurisdiction that signs to that effect be posted.

LRB098 04216 MLW 34241 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 Sections 11-1426.1 and 11-1426.2 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

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

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 driver's license issued in his or her name by the
9 Secretary of State or by a foreign jurisdiction.

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

15 (c-5) (Blank). ~~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. The unit of local
2 government or the Department may restrict the types of
3 non-highway vehicles that are authorized to be used on its
4 streets.

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

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

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

1 from the rear, brake lights, and turn signals. When operated on
2 a roadway, a non-highway vehicle shall have its headlight and
3 tail lamps lighted as required by Section 12-201 of this Code.

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

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

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

17 Non-highway vehicles, as used in this subsection (h), shall
18 not be subject to subsections (e) and (g) of this Section.
19 However, if the non-highway vehicle, as used in this Section,
20 is not covered under a motor vehicle insurance policy pursuant
21 to subsection (g) of this Section, the vehicle must be covered
22 under a farm, home, or non-highway vehicle insurance policy
23 issued with coverage amounts no less than the minimum amounts
24 set for bodily injury or death and for destruction of property
25 under Section 7-203 of this Code. Non-highway vehicles operated
26 on a county or township roadway at any time between one-half

1 hour before sunset and one-half hour after sunrise must be
2 equipped with head lamps and tail lamps, and the head lamps and
3 tail lamps must be lighted.

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

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

11 (1) the crossing is made at an angle of approximately
12 90 degrees to the direction of the street, road or highway
13 and at a place where no obstruction prevents a quick and
14 safe crossing;

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

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

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

23 (i) No action taken by a unit of local government under
24 this Section designates the operation of a non-highway vehicle
25 as an intended or permitted use of property with respect to
26 Section 3-102 of the Local Governmental and Governmental

1 Employees Tort Immunity Act.

2 (Source: P.A. 96-279, eff. 1-1-10; 96-1434, eff. 8-11-10;
3 97-144, eff. 7-14-11.)

4 (625 ILCS 5/11-1426.2)

5 Sec. 11-1426.2. Operation of low-speed vehicles on
6 streets.

7 (a) Except as otherwise provided in this Section, it is
8 lawful for any person to drive or operate a low-speed vehicle
9 upon any street in this State where the posted speed limit is
10 30 miles per hour or less.

11 (a-5) A person operating a low-speed vehicle may not make a
12 direct crossing upon or across any tollroad, interstate
13 highway, or controlled access highway in this State. A person
14 operating a low-speed vehicle may not make a direct crossing
15 upon or across any other highway under the jurisdiction of the
16 State except at an intersection of the highway with another
17 public street, road, or highway.

18 (b) (Blank). ~~Low speed vehicles may cross a street at an~~
19 ~~intersection where the street being crossed has a posted speed~~
20 ~~limit of not more than 45 miles per hour. Low speed vehicles~~
21 ~~may not cross a street with a speed limit in excess of 45 miles~~
22 ~~per hour unless the crossing is at an intersection controlled~~
23 ~~by a traffic light or 4-way stop sign.~~

24 (c) The Department of Transportation or a municipality,
25 township, county, or other unit of local government may

1 prohibit, by regulation, ordinance, or resolution, the
2 operation of low-speed vehicles on streets under its
3 jurisdiction where the posted speed limit is 30 miles per hour
4 or less if the Department of Transportation or unit of local
5 government determines that the public safety would be
6 jeopardized.

7 (d) Upon determining that low-speed vehicles may not safely
8 operate on a street, and upon the adoption of an ordinance or
9 resolution by a unit of local government, or regulation by the
10 Department of Transportation, the operation of low-speed
11 vehicles may be prohibited. The unit of local government or the
12 Department of Transportation may prohibit the operation of
13 low-speed vehicles on any and all streets under its
14 jurisdiction. Appropriate signs shall be posted in conformance
15 with the State Manual on Uniform Traffic Control Devices
16 adopted pursuant to Section 11-301 of this Code.

17 (e) If a street is under the jurisdiction of more than one
18 unit of local government, or under the jurisdiction of the
19 Department of Transportation and one or more units of local
20 government, low-speed vehicles may be operated on the street
21 unless each unit of local government and the Department of
22 Transportation agree and take action to prohibit such operation
23 as provided in this Section.

24 (e-5) A unit of local government may, by ordinance or
25 resolution, authorize the operation of low-speed vehicles on
26 one or more streets under its jurisdiction that have a speed

1 limit of more than 30 miles per hour but not greater than 35
2 miles per hour.

3 Before authorizing the operation of low-speed vehicles on
4 any street under this subsection (e-5), the unit of local
5 government must consider the volume, speed, and character of
6 traffic on the street and determine whether low-speed vehicles
7 may travel safely on that street.

8 If a street is under the jurisdiction of more than one unit
9 of government, low-speed vehicles may not be operated on the
10 street under this subsection (e-5) unless each unit of
11 government agrees and takes action as provided in this
12 subsection.

13 Upon the adoption of an ordinance authorizing low-speed
14 vehicles under this subsection (e-5), appropriate signs shall
15 be posted.

16 (f) No low-speed vehicle may be operated on any street
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 headlight that emits a white
20 light visible from a distance of 500 feet to the front, a tail
21 lamp that emits a red light visible from at least 100 feet from
22 the rear, brake lights, and turn signals. When operated on a
23 street, a low-speed vehicle shall have its headlight and tail
24 lamps lighted as required by Section 12-201 of this Code.

25 (g) A person may not operate a low-speed vehicle upon any
26 street in this State unless he or she has a valid driver's

1 license issued in his or her name by the Secretary of State or
2 a foreign jurisdiction.

3 (h) The operation of a low-speed vehicle upon any street is
4 subject to the provisions of Chapter 11 of this Code concerning
5 the Rules of the Road, and applicable local ordinances.

6 (i) Every owner of a low-speed vehicle is subject to the
7 mandatory insurance requirements specified in Article VI of
8 Chapter 7 of this Code.

9 (j) Any person engaged in the retail sale of low-speed
10 vehicles are required to comply with the motor vehicle dealer
11 licensing, registration, and bonding laws of this State, as
12 specified in Sections 5-101 and 5-102 of this Code.

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

18 (Source: P.A. 96-653, eff. 1-1-10; 96-1434, eff. 8-11-10;
19 97-144, eff. 7-14-11.)