

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) 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. No person operating a non-highway
15 vehicle shall make a direct crossing upon or across any other
16 highway under the jurisdiction of the State except at an
17 intersection of the highway with another public street, road,
18 or highway.

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

24 (d) A municipality, township, county, or other unit of
25 local government may authorize, by ordinance or resolution, the
26 operation of non-highway vehicles on roadways under its

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

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

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

23 (e) No non-highway vehicle may be operated on a roadway
24 unless, at a minimum, it has the following: brakes, a steering
25 apparatus, tires, a rearview mirror, red reflectorized warning
26 devices in the front and rear, a slow moving emblem (as

1 required of other vehicles in Section 12-709 of this Code) on
2 the rear of the non-highway vehicle, a headlight that emits a
3 white light visible from a distance of 500 feet to the front, a
4 tail lamp that emits a red light visible from at least 100 feet
5 from the rear, brake lights, and turn signals. When operated on
6 a roadway, a non-highway vehicle shall have its headlight and
7 tail lamps lighted as required by Section 12-201 of this Code.

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

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

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

21 Non-highway vehicles, as used in this subsection (h), shall
22 not be subject to subsections (e) and (g) of this Section.
23 However, if the non-highway vehicle, as used in this Section,
24 is not covered under a motor vehicle insurance policy pursuant
25 to subsection (g) of this Section, the vehicle must be covered
26 under a farm, home, or non-highway vehicle insurance policy

1 issued with coverage amounts no less than the minimum amounts
2 set for bodily injury or death and for destruction of property
3 under Section 7-203 of this Code. Non-highway vehicles operated
4 on a county or township roadway at any time between one-half
5 hour before sunset and one-half hour after sunrise must be
6 equipped with head lamps and tail lamps, and the head lamps and
7 tail lamps must be lighted.

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

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

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

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

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

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

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

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

8 Section 10. The Boat Registration and Safety Act is amended
9 by changing Section 4-1 as follows:

10 (625 ILCS 45/4-1) (from Ch. 95 1/2, par. 314-1)

11 Sec. 4-1. Personal flotation devices.

12 A. No person may operate a watercraft unless at least one
13 U.S. Coast Guard approved PFD of the following types or their
14 equivalent is on board for each person: Type I, Type II or Type
15 III.

16 B. No person may operate a personal watercraft or specialty
17 prop-craft unless each person aboard is wearing a Type I, Type
18 II, Type III or Type V PFD approved by the United States Coast
19 Guard.

20 C. No person may operate a watercraft 16 feet or more in
21 length, except a canoe or kayak, unless at least one Type IV
22 U.S. Coast Guard approved PFD or its equivalent is on board in
23 addition to the PFD's required in paragraph A of this Section.

24 D. A U.S. Coast Guard approved Type V personal flotation

1 device may be carried in lieu of the Type I, II, III or IV
2 personal flotation device required in this Section, if the Type
3 V personal flotation device is approved for the activity in
4 which it is being used.

5 E. When assisting a person on waterskis, aquaplane or
6 similar device, there must be one U.S. Coast Guard approved PFD
7 on board the watercraft for each person being assisted or towed
8 or worn by the person being assisted or towed.

9 F. No person may operate a watercraft unless each device
10 required by this Section is:

- 11 1. Readily accessible;
- 12 2. In serviceable condition;
- 13 3. Of the appropriate size for the person for whom it
14 is intended; and
- 15 4. Legibly marked with the U.S. Coast Guard approval
16 number.

17 G. Approved personal flotation devices are defined as
18 follows:

19 Type I - A Type I personal flotation device is an
20 approved device designed to turn an unconscious person in
21 the water from a face downward position to a vertical or
22 slightly backward position and to have more than 20 pounds
23 of buoyancy.

24 Type II - A Type II personal flotation device is an
25 approved device designed to turn an unconscious person in
26 the water from a face downward position to a vertical or

1 slightly backward position and to have at least 15 1/2
2 pounds of buoyancy.

3 Type III - A Type III personal flotation device is an
4 approved device designed to keep a conscious person in a
5 vertical or slightly backward position and to have at least
6 15 1/2 pounds of buoyancy.

7 Type IV - A Type IV personal flotation device is an
8 approved device designed to be thrown to a person in the
9 water and not worn. It is designed to have at least 16 1/2
10 pounds of buoyancy.

11 Type V - A Type V personal flotation device is an
12 approved device for restricted use and is acceptable only
13 when used in the activity for which it is approved.

14 H. The provisions of subsections A through G of this
15 Section shall not apply to sailboards.

16 I. No person may operate a watercraft under 26 feet in
17 length unless a Type I, Type II, Type III, or Type V personal
18 flotation device is being properly worn by each person under
19 the age of 13 on board the watercraft at all times in which the
20 watercraft is underway; however, this requirement shall not
21 apply to persons who are below decks or in totally enclosed
22 cabin spaces. The provisions of this subsection I shall not
23 apply to a person operating a watercraft on private property.

24 J. Racing shells, rowing sculls, racing canoes, and racing
25 kayaks are exempt from the PFD, of any type, carriage
26 requirements under this Section provided that the racing shell,

1 racing scull, racing canoe, or racing kayak is participating in
2 an event sanctioned by the Department as a PFD optional event.
3 The Department may adopt rules to implement this subsection.
4 (Source: P.A. 97-801, eff. 1-1-13.)