

# SB3290



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

SB3290

Introduced 2/14/2014, by Sen. Pat McGuire

#### SYNOPSIS AS INTRODUCED:

740 ILCS 130/4.1

Amends the Premises Liability Act. In a Section concerning off-road riding facilities, exempts owners or operators from civil and criminal liability arising out of or as a consequence of noise or sound emissions resulting from the use (instead of "normal use") of the off-road riding facility.

LRB098 17806 HEP 52929 b

A BILL FOR

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Premises Liability Act is amended by  
5 changing Section 4.1 as follows:

6 (740 ILCS 130/4.1)

7 Sec. 4.1. Off-road riding facilities; liability.

8 (a) As used in this Section, "off-road riding facility"  
9 means:

10 (1) an area of land, consisting of a closed course,  
11 designed for use of off-highway vehicles in events such as,  
12 but not limited to, dirt track, short track, flat track,  
13 speedway, drag racing, grand prix, hare scrambles, hill  
14 climb, ice racing, observed trails, mud and snow scrambles,  
15 tractor pulls, sled pulls, truck pulls, mud runs, or other  
16 contests of a side-by-side nature in a sporting event for  
17 practice, instruction, testing, or competition of  
18 off-highway vehicles; or

19 (2) a thoroughfare or track across land or snow used  
20 for off-highway motorcycles or all-terrain vehicles.

21 (b) An owner or operator of an off-road riding facility in  
22 existence on January 1, 2002 is immune from any criminal  
23 liability arising out of or as a consequence of noise or sound

1 emissions resulting from the ~~normal~~ use of the off-road riding  
2 facility. An owner or operator of a off-road riding facility is  
3 not subject to any action for public or private nuisance or  
4 trespass, and no court in this State may enjoin the use or  
5 operation of a off-road riding facility on the basis of noise  
6 or sound emissions resulting from the ~~normal~~ use of the  
7 off-road riding facility.

8 (c) An owner or operator of a off-road riding facility  
9 placed in operation after January 1, 2002 is immune from any  
10 criminal liability and is not subject to any action for public  
11 or private nuisance or trespass arising out of or as a  
12 consequence of noise or sound emissions resulting from the  
13 ~~normal~~ use of the off-road riding facility, if the off-road  
14 riding facility conforms to any one of the following  
15 requirements:

16 (1) All areas from which an off-road vehicle may be  
17 properly operated are at least 1,000 feet from any occupied  
18 permanent dwelling on adjacent property at the time the  
19 facility was placed into operation.

20 (2) The off-road riding facility is situated on land  
21 otherwise subject to land use zoning, and the off-road  
22 riding facility was not prohibited by the zoning authority  
23 at the time the facility was placed into operation.

24 (3) The off-road riding facility is operated by a  
25 governmental entity or the off-road riding facility was the  
26 recipient of grants under the Recreational Trails of

1 Illinois Act.

2 (d) The civil immunity in subsection (c) does not apply if  
3 there is willful or wanton misconduct outside the normal use of  
4 the off-road riding facility.

5 (Source: P.A. 92-857, eff. 1-1-03.)