



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB5275

by Rep. Christine Winger

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-1426.1

Amends the Illinois Vehicle Code. Provides that non-highway vehicles may make a direct crossing upon any street, highway, or road if: (1) the crossing is made at an angle of approximately 90 degrees to the direction of the street, road, or highway and at a place where no obstruction prevents a quick and safe crossing; (2) the non-highway vehicle is brought to a complete stop before attempting a crossing; (3) the operator of the non-highway vehicle yields the right of way to all pedestrian and vehicular traffic which constitutes a hazard; and (4) that when crossing a divided highway, the crossing is made only at an intersection of the highway with another public street, road, or highway.

LRB100 18046 LNS 33235 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 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-3) Except as provided under subsection (c), non-highway  
7 vehicles may make a direct crossing if:

8 (1) the crossing is made at an angle of approximately  
9 90 degrees to the direction of the street, road, or highway  
10 and at a place where no obstruction prevents a quick and  
11 safe crossing;

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

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

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

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

24 (c) No person operating a non-highway vehicle shall make a  
25 direct crossing upon or across any tollroad, interstate  
26 highway, or controlled access highway in this State. No person

1 operating a non-highway vehicle shall make a direct crossing  
2 upon or across any other highway under the jurisdiction of the  
3 State except at an intersection of the highway with another  
4 public street, road, or highway.

5 (c-5) (Blank).

6 (d) A municipality, township, county, or other unit of  
7 local government may authorize, by ordinance or resolution, the  
8 operation of non-highway vehicles on roadways under its  
9 jurisdiction if the unit of local government determines that  
10 the public safety will not be jeopardized. The Department may  
11 authorize the operation of non-highway vehicles on the roadways  
12 under its jurisdiction if the Department determines that the  
13 public safety will not be jeopardized. The unit of local  
14 government or the Department may restrict the types of  
15 non-highway vehicles that are authorized to be used on its  
16 streets.

17 Before permitting the operation of non-highway vehicles on  
18 its roadways, a municipality, township, county, other unit of  
19 local government, or the Department must consider the volume,  
20 speed, and character of traffic on the roadway and determine  
21 whether non-highway vehicles may safely travel on or cross the  
22 roadway. Upon determining that non-highway vehicles may safely  
23 operate on a roadway and the adoption of an ordinance or  
24 resolution by a municipality, township, county, or other unit  
25 of local government, or authorization by the Department,  
26 appropriate signs shall be posted.

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

5           (e) No non-highway vehicle may be operated on a roadway  
6 unless, at a minimum, it has the following: brakes, a steering  
7 apparatus, tires, a rearview mirror, red reflectorized warning  
8 devices in the front and rear, a slow moving emblem (as  
9 required of other vehicles in Section 12-709 of this Code) on  
10 the rear of the non-highway vehicle, a headlight that emits a  
11 white light visible from a distance of 500 feet to the front, a  
12 tail lamp that emits a red light visible from at least 100 feet  
13 from the rear, brake lights, and turn signals. When operated on  
14 a roadway, a non-highway vehicle shall have its headlight and  
15 tail lamps lighted as required by Section 12-201 of this Code.

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

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

23           (h) It shall not be unlawful for any person to drive or  
24 operate a non-highway vehicle, as defined in paragraphs (1) and  
25 (4) of subsection (a) of this Section, on a county roadway or  
26 township roadway for the purpose of conducting farming

1 operations to and from the home, farm, farm buildings, and any  
2 adjacent or nearby farm land.

3 Non-highway vehicles, as used in this subsection (h), shall  
4 not be subject to subsections (e) and (g) of this Section.  
5 However, if the non-highway vehicle, as used in this Section,  
6 is not covered under a motor vehicle insurance policy pursuant  
7 to subsection (g) of this Section, the vehicle must be covered  
8 under a farm, home, or non-highway vehicle insurance policy  
9 issued with coverage amounts no less than the minimum amounts  
10 set for bodily injury or death and for destruction of property  
11 under Section 7-203 of this Code. Non-highway vehicles operated  
12 on a county or township roadway at any time between one-half  
13 hour before sunset and one-half hour after sunrise must be  
14 equipped with head lamps and tail lamps, and the head lamps and  
15 tail lamps must be lighted.

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

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

23 (1) the crossing is made at an angle of approximately  
24 90 degrees to the direction of the street, road or highway  
25 and at a place where no obstruction prevents a quick and  
26 safe crossing;

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

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

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

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

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