



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB3459

Introduced 2/17/2023, by Rep. David Friess

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-1426.1

Amends the Illinois Vehicle Code. Provides that it shall be permissible to operate a non-highway vehicle on all roadways within the boundaries of a municipality with a total population less than 10,000 persons and population density of less than 750 persons per square mile, and the municipality has authorized the use of non-highway vehicles. Provides that a non-highway vehicle being operated within a municipality under the provisions shall be operated only by: (i) a disabled veteran who would be otherwise eligible for a disabled veteran registration plate and who has been issued a person with disabilities parking placard; (ii) on the farthest outside lane or shoulder of a roadway with a speed limit not in excess of 35 miles per hour; (iii) for a distance of less than 5 miles per one-way trip from the point of origin to the point of destination; (iv) with the person with disabilities parking placard displayed; and (v) without crossing any toll roads or limited-access highways. Effective immediately.

LRB103 27517 MXP 53892 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  
5 changing 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

1 on 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  
4 where the road or street has a posted speed limit of more than  
5 35 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 person operating a non-highway vehicle shall make a  
11 direct crossing upon or across any tollroad, interstate  
12 highway, or controlled access highway in this State. No person  
13 operating a non-highway vehicle shall make a direct crossing  
14 upon or across any other highway under the jurisdiction of the  
15 State except at an intersection of the highway with another  
16 public street, road, or highway.

17 (c-5) (Blank).

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

1 non-highway vehicles that are authorized to be used on its  
2 streets.

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

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

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

1 and tail lamps lighted as required by Section 12-201 of this  
2 Code.

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

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

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

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

1 hour after sunrise must be equipped with head lamps and tail  
2 lamps, and the head lamps and tail lamps must be lighted.

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

7 Non-highway vehicles, as used in this subsection (h),  
8 shall be allowed to cross a State highway, municipal street,  
9 county highway, or road district highway if the operator of  
10 the 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  
22 another 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 (j) Notwithstanding any other provision of this Section,  
3 it shall be permissible to operate a non-highway vehicle on  
4 all roadways within the boundaries of a municipality that (i)  
5 has a total population that does not exceed 10,000 persons,  
6 (ii) has a population density of less than 750 persons per  
7 square mile, and (iii) has authorized the use of non-highway  
8 vehicles under subsection (d). A non-highway vehicle being  
9 operated within a municipality under this Section shall be  
10 operated only:

11 (1) by a disabled veteran who would be otherwise  
12 eligible for a disabled veteran registration plate and who  
13 has been issued a person with disabilities parking  
14 placard;

15 (2) on the farthest outside lane or shoulder of a  
16 roadway with a speed limit not in excess of 35 miles per  
17 hour;

18 (3) for a distance of less than 5 miles per one-way  
19 trip from the point of origin to the point of destination;

20 (4) with the person with disabilities parking placard  
21 displayed, and the vehicle meeting the requirements set  
22 forth in subsections (e) and (g); and

23 (5) without crossing any toll roads or limited-access  
24 highways.

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

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.