



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB3862

Introduced 2/18/2025, by Rep. Bradley Fritts

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-1426.1

Amends the Illinois Vehicle Code. Allows the Department of Natural Resources to authorize the operation of non-highway vehicles on the roadways under its jurisdiction if the Department determines that the public safety will not be jeopardized. Provides that a county board or township located in a county that permits the use of a non-highway vehicle on its roadways shall not be deemed liable for crashes involving the use of a non-highway vehicle on its roadways. Subjects 2-wheeled non-highway vehicles to the same safety requirements as motorcycles.

LRB104 12298 LNS 22425 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 55 ~~35~~ miles per hour  
2 or 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 55 ~~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 Department  
26 of Natural Resources may authorize the operation of

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

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

19 If a roadway is under the jurisdiction of more than one  
20 unit of government, non-highway vehicles may not be operated  
21 on 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  
6 on a roadway, a non-highway vehicle shall have its headlight  
7 and tail lamps lighted as required by Section 12-201 of this  
8 Code.

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

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

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

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

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

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

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

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

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

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

26 (4) that when crossing a divided highway, the crossing

1 is made only at an intersection of the highway with  
2 another public street, road, or highway.

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

8 (j) A county board or township located in a county that  
9 permits the use of a non-highway vehicle on its roadways shall  
10 not be deemed liable for crashes involving the use of a  
11 non-highway vehicle on its roadways.

12 (k) 2-wheeled non-highway vehicles shall be subject to the  
13 same safety requirements as motorcycles.

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