

HB5324



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5324

by Rep. Jerry Costello, II

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-1426.1

Amends the Illinois Vehicle Code. Provides that if the operation of a non-highway vehicle is authorized under a certain provision in the Code, the vehicle may be operated only on streets where the posted speed limit is 55 miles per hour or less (rather than 35 miles per hour or less).

LRB100 15163 AXK 30029 b

A BILL FOR

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 55 ~~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 55 ~~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 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, the
20 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 roadways
24 under its jurisdiction if the Department determines that the
25 public safety will not be jeopardized. The unit of local
26 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 on
15 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 on
26 a roadway, a non-highway vehicle shall have its headlight and

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

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

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

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

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

1 tail lamps must be lighted.

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

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

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

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

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

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

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

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