



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB1802

Introduced 2/26/2021, by Sen. Darren Bailey

SYNOPSIS AS INTRODUCED:

625 ILCS 5/3-412	from Ch. 95 1/2, par. 3-412
625 ILCS 5/3-413	from Ch. 95 1/2, par. 3-413
625 ILCS 5/3-806	from Ch. 95 1/2, par. 3-806
625 ILCS 5/3-806.1	from Ch. 95 1/2, par. 3-806.1
625 ILCS 5/3-806.5	
625 ILCS 5/11-1426.1	

Amends the Illinois Vehicle Code. Provides that the Secretary of State may issue registration plates for all-terrain vehicles and recreational off-highway vehicles. Prescribes placement of registration plates on the rear of all-terrain and recreational off-highway vehicles. Provides registration fees and surcharges. Provides that all-terrain vehicles and recreational off-highway vehicles may be operated on rural roads. Limits home rule powers with respect to the discretion of a municipality, township, county, or other unit of local government to regulate the usage of all-terrain vehicles and recreational off-highway vehicles on roads under their jurisdiction. Effective immediately.

LRB102 13376 RAM 18720 b

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

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 Sections 3-412, 3-413, 3-806, 3-806.1, 3-806.5, and
6 11-1426.1 as follows:

7 (625 ILCS 5/3-412) (from Ch. 95 1/2, par. 3-412)

8 Sec. 3-412. Registration plates or digital registration
9 plates and registration stickers or digital registration
10 stickers to be furnished by the Secretary of State.

11 (a) The Secretary of State upon registering a vehicle
12 subject to annual registration for the first time shall issue
13 or shall cause to be issued to the owner one registration plate
14 or digital registration plate for a motorcycle, trailer,
15 semitrailer, moped, autocytle, all-terrain vehicle,
16 recreational off-highway vehicle, or truck-tractor, 2
17 registration plates, or a digital registration plate and metal
18 plate as set forth in Section 3-401.5, for other motor
19 vehicles and, where applicable, current registration stickers
20 or digital registration stickers for motor vehicles of the
21 first division. The provisions of this Section may be made
22 applicable to such vehicles of the second division, as the
23 Secretary of State may, from time to time, in his discretion

1 designate. On subsequent annual registrations during the term
2 of the registration plate or digital registration plate as
3 provided in Section 3-414.1, the Secretary shall issue or
4 cause to be issued registration stickers or digital
5 registration stickers as evidence of current registration.
6 However, the issuance of annual registration stickers or
7 digital registration stickers to vehicles registered under the
8 provisions of Sections 3-402.1 and 3-405.3 of this Code may
9 not be required if the Secretary deems the issuance
10 unnecessary.

11 (b) Every registration plate or digital registration plate
12 shall have displayed upon it the registration number assigned
13 to the vehicle for which it is issued, the name of this State,
14 which may be abbreviated, the year number for which it was
15 issued, which may be abbreviated, the phrase "Land of Lincoln"
16 (except as otherwise provided in this Code), and such other
17 letters or numbers as the Secretary may prescribe. However,
18 for apportionment plates issued to vehicles registered under
19 Section 3-402.1 and fleet plates issued to vehicles registered
20 under Section 3-405.3, the phrase "Land of Lincoln" may be
21 omitted to allow for the word "apportioned", the word "fleet",
22 or other similar language to be displayed. Registration plates
23 or digital registration plates issued to a vehicle registered
24 as a fleet vehicle may display a designation determined by the
25 Secretary.

26 The Secretary may in his discretion prescribe that letters

1 be used as prefixes only on registration plates or digital
2 registration plates issued to vehicles of the first division
3 which are registered under this Code and only as suffixes on
4 registration plates or digital registration plates issued to
5 other vehicles. Every registration sticker or digital
6 registration sticker issued as evidence of current
7 registration shall designate the year number for which it is
8 issued and such other letters or numbers as the Secretary may
9 prescribe and shall be of a contrasting color with the
10 registration plates or digital registration plates and
11 registration stickers or digital registration stickers of the
12 previous year.

13 (c) Each registration plate or digital registration plate
14 and the required letters and numerals thereon, except the year
15 number for which issued, shall be of sufficient size to be
16 plainly readable from a distance of 100 feet during daylight,
17 and shall be coated with reflectorizing material. The
18 dimensions of the plate issued to vehicles of the first
19 division shall be 6 by 12 inches.

20 (d) The Secretary of State shall issue for every passenger
21 motor vehicle rented without a driver the same type of
22 registration plates or digital registration plates as the type
23 of plates issued for a private passenger vehicle.

24 (e) The Secretary of State shall issue for every passenger
25 car used as a taxicab or livery, distinctive registration
26 plates or digital registration plates.

1 (f) The Secretary of State shall issue for every
2 motorcycle distinctive registration plates or digital
3 registration plates distinguishing between motorcycles having
4 150 or more cubic centimeters piston displacement, or having
5 less than 150 cubic centimeter piston displacement.

6 (g) Registration plates or digital registration plates
7 issued to vehicles for-hire may display a designation as
8 determined by the Secretary that such vehicles are for-hire.

9 (h) (Blank).

10 (i) The Secretary of State shall issue for every public
11 and private ambulance registration plates or digital
12 registration plates identifying the vehicle as an ambulance.
13 The Secretary shall forward to the Department of Healthcare
14 and Family Services registration information for the purpose
15 of verification of claims filed with the Department by
16 ambulance owners for payment for services to public assistance
17 recipients.

18 (j) The Secretary of State shall issue for every public
19 and private medical carrier or rescue vehicle livery
20 registration plates or digital registration plates displaying
21 numbers within ranges of numbers reserved respectively for
22 medical carriers and rescue vehicles. The Secretary shall
23 forward to the Department of Healthcare and Family Services
24 registration information for the purpose of verification of
25 claims filed with the Department by owners of medical carriers
26 or rescue vehicles for payment for services to public

1 assistance recipients.

2 (k) The Secretary of State shall issue distinctive license
3 plates or digital registration plates or distinctive license
4 plate stickers or digital registration stickers for every
5 vehicle exempted from subsections (a) and (a-5) of Section
6 12-503 by subsection (g) of that Section, and by subsection
7 (g-5) of that Section before its deletion by this amendatory
8 Act of the 95th General Assembly. The Secretary shall issue
9 these plates or stickers immediately upon receiving the
10 physician's certification required under subsection (g) of
11 Section 12-503. New plates or stickers shall also be issued
12 when the certification is renewed as provided in that
13 subsection.

14 (l) The Secretary of State shall issue distinctive
15 registration plates or digital registration plates for
16 low-speed vehicles.

17 (m) The Secretary of State shall issue distinctive
18 registration plates or digital registration plates for
19 autocycles. The dimensions of the plate issued to autocycles
20 shall be 4 by 7 inches.

21 (n) The Secretary of State shall issue distinctive
22 registration plates for all-terrain vehicles and recreational
23 off-highway vehicles. The dimensions of the plate issued to
24 all-terrain vehicles and recreational off-highway vehicles
25 shall be 4 by 7 inches.

26 (Source: P.A. 101-395, eff. 8-16-19.)

1 (625 ILCS 5/3-413) (from Ch. 95 1/2, par. 3-413)

2 Sec. 3-413. Display of registration plates or digital
3 registration plates, registration stickers or digital
4 registration stickers, and drive-away permits; registration
5 plate or digital registration plate covers.

6 (a) Registration plates or digital registration plates
7 issued for a motor vehicle other than a motorcycle, autocycle,
8 trailer, semitrailer, truck-tractor, all-terrain vehicle,
9 recreational off-highway vehicle, apportioned bus, or
10 apportioned truck shall be attached thereto, one in the front
11 and one in the rear. The registration plate or digital
12 registration plate issued for a motorcycle, autocycle,
13 all-terrain vehicle, recreational off-highway vehicle, trailer
14 or semitrailer required to be registered hereunder and any
15 apportionment plate issued to a bus under the provisions of
16 this Code shall be attached to the rear thereof. The
17 registration plate or digital registration plate issued for a
18 truck-tractor or an apportioned truck required to be
19 registered hereunder shall be attached to the front thereof.

20 (b) Except for vehicles with rear loaded motorized
21 forklifts, every registration plate or digital registration
22 plate shall at all times be securely fastened in a horizontal
23 position to the vehicle for which it is issued so as to prevent
24 the plate from swinging and at a height of not less than 5
25 inches from the ground, measuring from the bottom of such

1 plate, in a place and position to be clearly visible and shall
2 be maintained in a condition to be clearly legible, free from
3 any materials that would obstruct the visibility of the plate.
4 A registration plate or digital registration plate on a
5 motorcycle may be mounted vertically as long as it is
6 otherwise clearly visible. Registration stickers or digital
7 registration stickers issued as evidence of renewed annual
8 registration shall be attached to registration plates or
9 displayed on digital registration plates as required by the
10 Secretary of State, and be clearly visible at all times. For
11 those vehicles with rear loaded motorized forklifts, if the
12 rear plate is securely fastened in a horizontal position as
13 prescribed, the plate and registration sticker shall not be
14 required to be clearly visible at all times as a result of the
15 rear mounted motorized forklift obstructing the view.

16 (c) Every drive-away permit issued pursuant to this Code
17 shall be firmly attached to the motor vehicle in the manner
18 prescribed by the Secretary of State. If a drive-away permit
19 is affixed to a motor vehicle in any other manner the permit
20 shall be void and of no effect.

21 (d) The Illinois prorated decal issued to a foreign
22 registered vehicle part of a fleet prorated or apportioned
23 with Illinois, shall be displayed on a registration plate or
24 digital registration plate and displayed on the front of such
25 vehicle in the same manner as an Illinois registration plate
26 or digital registration plate.

1 (e) The registration plate or digital registration plate
2 issued for a camper body mounted on a truck displaying
3 registration plates or digital registration plates shall be
4 attached to the rear of the camper body.

5 (f) No person shall operate a vehicle, nor permit the
6 operation of a vehicle, upon which is displayed an Illinois
7 registration plate or plates or digital registration plate or
8 plates or registration stickers or digital registration
9 stickers, except as provided for in subsection (b) of Section
10 3-701 of this Code, after the termination of the registration
11 period for which issued or after the expiration date set
12 pursuant to Sections 3-414 and 3-414.1 of this Code.

13 (g) A person may not operate any motor vehicle that is
14 equipped with registration plate or digital registration plate
15 covers. A violation of this subsection (g) or a similar
16 provision of a local ordinance is an offense against laws and
17 ordinances regulating the movement of traffic.

18 (h) A person may not sell or offer for sale a registration
19 plate or digital registration plate cover. A violation of this
20 subsection (h) is a business offense.

21 (i) A person may not advertise for the purpose of
22 promoting the sale of registration plate or digital
23 registration plate covers. A violation of this subsection (i)
24 is a business offense.

25 (j) A person may not modify the original manufacturer's
26 mounting location of the rear registration plate or digital

1 registration plate on any vehicle so as to conceal the
2 registration or to knowingly cause it to be obstructed in an
3 effort to hinder a peace officer from obtaining the
4 registration for the enforcement of a violation of this Code,
5 Section 27.1 of the Toll Highway Act concerning toll evasion,
6 or any municipal ordinance. Modifications prohibited by this
7 subsection (j) include but are not limited to the use of an
8 electronic device. A violation of this subsection (j) is a
9 Class A misdemeanor.

10 (Source: P.A. 101-395, eff. 8-16-19.)

11 (625 ILCS 5/3-806) (from Ch. 95 1/2, par. 3-806)

12 Sec. 3-806. Registration Fees; Motor Vehicles of the First
13 Division. Every owner of any other motor vehicle of the first
14 division, except as provided in Sections 3-804, 3-804.01,
15 3-804.3, 3-805, 3-806.3, 3-806.7, and 3-808, and every second
16 division vehicle weighing 8,000 pounds or less, shall pay the
17 Secretary of State an annual registration fee at the following
18 rates:

19 SCHEDULE OF REGISTRATION FEES

20 REQUIRED BY LAW

21 Beginning with the 2021 registration year

22 Annual Fee

23 Motor vehicles of the first division other
24 than Autocycles, Motorcycles, Motor

1	Driven Cycles, and Pedalcycles , <u>All-Terrain</u>	
2	<u>Vehicles, and Recreational Off-Highway</u>	
3	<u>Vehicles</u>	\$148
4		
5	Autocycles	68
6	<u>All-Terrain Vehicles and Recreational</u>	
7	<u>Off-Highway Vehicles</u>	<u>26</u>
8	Motorcycles, Motor Driven	
9	Cycles and Pedalcycles	38

10 A \$1 surcharge shall be collected in addition to the above
11 fees for motor vehicles of the first division, autocycles,
12 all-terrain vehicles, recreational off-highway vehicles,
13 motorcycles, motor driven cycles, and pedalcycles to be
14 deposited into the State Police Vehicle Fund.

15 All of the proceeds of the additional fees imposed by
16 Public Act 96-34 shall be deposited into the Capital Projects
17 Fund.

18 A \$2 surcharge shall be collected in addition to the above
19 fees for motor vehicles of the first division, autocycles,
20 all-terrain vehicles, recreational off-highway vehicles,
21 motorcycles, motor driven cycles, and pedalcycles to be
22 deposited into the Park and Conservation Fund for the
23 Department of Natural Resources to use for conservation
24 efforts. The monies deposited into the Park and Conservation
25 Fund under this Section shall not be subject to administrative
26 charges or chargebacks unless otherwise authorized by this

1 Act.

2 Of the fees collected for motor vehicles of the first
3 division other than Autocycles, Motorcycles, Motor Driven
4 Cycles, and Pedalcycles, \$1 of the fees shall be deposited
5 into the Secretary of State Special Services Fund and \$49 of
6 the fees shall be deposited into the Road Fund.

7 Of the fee collected for the registration of all-terrain
8 vehicles and recreational off-highway vehicles, \$10 shall be
9 paid to the county in which the registrant resides, \$10 shall
10 be paid to the municipality in which the registrant resides,
11 \$5 shall be paid into the General Revenue Fund, and \$1 shall be
12 paid to the State Police Operations Assistance Fund, except
13 that if the registrant resides in an unincorporated area, \$20
14 of the fee shall be paid to the county in which the registrant
15 resides.

16 (Source: P.A. 101-32, eff. 6-28-19.)

17 (625 ILCS 5/3-806.1) (from Ch. 95 1/2, par. 3-806.1)

18 Sec. 3-806.1. Additional fees for vanity license plates.
19 In addition to the regular registration fee, an applicant for
20 a vanity license plate, other than a vanity plate in any
21 military series or a vanity plate issued under Section 3-664,
22 shall be charged \$94 for each set of vanity license plates
23 issued to a vehicle of the first division or a vehicle of the
24 second division registered at not more than 8,000 pounds or to
25 a recreational vehicle and \$50 for each set of vanity plates

1 issued to an autocycle, all-terrain vehicle, recreational
2 off-highway vehicle, or motorcycle. In addition to the regular
3 renewal fee, an applicant for a vanity plate, other than a
4 vanity plate in any military series or a vanity plate issued
5 under Section 3-664, shall be charged \$13 for the renewal of
6 each set of vanity license plates. There shall be no
7 additional fees for a vanity license plate in any military
8 series of plates or a vanity plate issued under Section 3-664.
9 (Source: P.A. 98-777, eff. 1-1-15.)

10 (625 ILCS 5/3-806.5)

11 Sec. 3-806.5. Additional fees for personalized license
12 plates. For registration periods commencing after December 31,
13 2003, in addition to the regular registration fee, an
14 applicant for a personalized license plate, other than a
15 personalized plate in any military series or a personalized
16 plate issued under Section 3-664, shall be charged \$47 for
17 each set of personalized license plates issued to a vehicle of
18 the first division or a vehicle of the second division
19 registered at not more than 8,000 pounds or to a recreational
20 vehicle and \$25 for each set of personalized plates issued to
21 an autocycle, all-terrain vehicle, recreational off-highway
22 vehicle, or motorcycle. In addition to the regular renewal
23 fee, an applicant for a personalized plate other than a
24 personalized plate in any military series or a personalized
25 plate issued under Section 3-664, shall be charged \$7 for the

1 renewal of each set of personalized license plates. There
2 shall be no additional fees charged for a personalized plate
3 in any military series of plates or a personalized plate
4 issued under Section 3-664. Of the money received by the
5 Secretary of State as additional fees for personalized license
6 plates, 50% shall be deposited into the Secretary of State
7 Special License Plate Fund and 50% shall be deposited into the
8 General Revenue Fund.

9 (Source: P.A. 98-777, eff. 1-1-15.)

10 (625 ILCS 5/11-1426.1)

11 Sec. 11-1426.1. Operation of non-highway vehicles on
12 streets, roads, and highways.

13 (a) As used in this Section, "non-highway vehicle" means a
14 motor vehicle not specifically designed to be used on a public
15 highway, including:

16 (1) an all-terrain vehicle, as defined by Section
17 1-101.8 of this Code;

18 (2) a golf cart, as defined by Section 1-123.9;

19 (3) an off-highway motorcycle, as defined by Section
20 1-153.1; and

21 (4) a recreational off-highway vehicle, as defined by
22 Section 1-168.8.

23 (b) Except as otherwise provided in this Section, it is
24 unlawful for any person to drive or operate a non-highway
25 vehicle upon any street, highway, or roadway in this State. If

1 the operation of a non-highway vehicle is authorized under
2 subsection (d), the non-highway vehicle may be operated only
3 on streets where the posted speed limit is 35 miles per hour or
4 less, except that all-terrain vehicles and recreational
5 off-highway vehicles may be operated on rural roads. This
6 subsection (b) does not prohibit a non-highway vehicle from
7 crossing a road or street at an intersection where the road or
8 street has a posted speed limit of more than 35 miles per hour.

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

13 (c) No person operating a non-highway vehicle shall make a
14 direct crossing upon or across any tollroad, interstate
15 highway, or controlled access highway in this State. No person
16 operating a non-highway vehicle shall make a direct crossing
17 upon or across any other highway under the jurisdiction of the
18 State except at an intersection of the highway with another
19 public street, road, or highway.

20 (c-5) (Blank).

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

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

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

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

20 (d-5) A unit of local government, including a home rule
21 unit, may not regulate the operation of non-highway vehicles
22 in a manner inconsistent with the regulation by the State of
23 the operation of non-highway vehicles under this Code. This
24 subsection is a limitation under subsection (i) of Section 6
25 of Article VII of the Illinois Constitution on the concurrent
26 exercise by home rule units of powers and functions exercised

1 by the State.

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

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

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

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

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

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

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

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

26 (2) the non-highway vehicle is brought to a complete

1 stop before attempting a crossing;

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

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

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

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

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.