



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2942

Introduced 2/16/2023, by Rep. Dan Swanson

SYNOPSIS AS INTRODUCED:

625 ILCS 5/1-101.8 from Ch. 95 1/2, par. 1-102.02
625 ILCS 5/11-1426.1
625 ILCS 5/11-1426.3 new

Amends the Illinois Vehicle Code. Changes the definition of "all-terrain vehicle" to mean certain vehicles that are 74 (instead of 50) inches or less in width. Permits the operation of all-terrain vehicles meeting certain criteria on any street, roadway, or highway in this State, unless the highway is an interstate system or is near a grade-separated portion of the highway. Provides that an all-terrain vehicle may be registered in the same manner as provided for snowmobiles and shall comply with the registration, fees, insurance, and other requirements for snowmobiles under the Snowmobile Registration and Safety Act. Outlines the vehicle equipment requirements for the operation of an all-terrain vehicle on a roadway. Makes other changes.

LRB103 29824 MXP 56232 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 Sections 1-101.8 and 11-1426.1 and by adding Section
6 11-1426.3 as follows:

7 (625 ILCS 5/1-101.8) (from Ch. 95 1/2, par. 1-102.02)

8 Sec. 1-101.8. All-terrain vehicle. Any motorized
9 off-highway device designed to travel primarily off-highway,
10 74 ~~50~~ inches or less in width, having a manufacturer's dry
11 weight of 1,500 pounds or less, traveling on 3 or more
12 non-highway tires, designed with a seat or saddle for operator
13 use, and handlebars or steering wheel for steering control,
14 except equipment such as lawnmowers.

15 (Source: P.A. 96-428, eff. 8-13-09.)

16 (625 ILCS 5/11-1426.1)

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

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

22 (1) (blank); ~~an all-terrain vehicle, as defined by~~

1 ~~Section 1-101.8 of this Code;~~

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

3 (3) an off-highway motorcycle, as defined by Section
4 1-153.1; and

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

7 (b) Except as otherwise provided in this Section, it is
8 unlawful for any person to drive or operate a non-highway
9 vehicle upon any street, highway, or roadway in this State. If
10 the operation of a non-highway vehicle is authorized under
11 subsection (d), the non-highway vehicle may be operated only
12 on streets where the posted speed limit is 35 miles per hour or
13 less. This subsection (b) does not prohibit a non-highway
14 vehicle from crossing a road or street at an intersection
15 where the road or street has a posted speed limit of more than
16 35 miles per hour.

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

21 (c) No person operating a non-highway vehicle shall make a
22 direct crossing upon or across any tollroad, interstate
23 highway, or controlled access highway in this State. No person
24 operating a non-highway vehicle shall make a direct crossing
25 upon or across any other highway under the jurisdiction of the
26 State except at an intersection of the highway with another

1 public street, road, or highway.

2 (c-5) (Blank).

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

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

24 If a roadway is under the jurisdiction of more than one
25 unit of government, non-highway vehicles may not be operated
26 on the roadway unless each unit of government agrees and takes

1 action as provided in this subsection.

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 (625 ILCS 5/11-1426.3 new)

15 Sec. 11-1426.3. Operation of an all-terrain vehicle on
16 streets, roads, and highways.

17 (a) Except as provided in subsection (b), an individual
18 may operate an all-terrain vehicle, as defined by Section
19 1-101.8 of this Code, on a street, roadway, or highway if the
20 all-terrain vehicle has a combustion engine with a piston or
21 rotor displacement of 400 cubic centimeters or greater and is
22 capable of maintaining speeds of 40 miles per hour or greater.

23 (b) An individual may not operate an all-terrain vehicle
24 on a highway if:

25 (1) the highway is an interstate system; or

1 (2) the highway is near a grade-separated portion of
2 the highway.

3 Nothing in this Section authorizes the operation of an
4 all-terrain vehicle in an area that is not open to motor
5 vehicle use.

6 (c) An all-terrain vehicle may be registered in the same
7 manner as provided for snowmobiles and shall comply with the
8 registration, fees, insurance, and other requirements for
9 snowmobiles pursuant to the Snowmobile Registration and Safety
10 Act.

11 Of the \$20 registration fee, \$15 shall be distributed to
12 the Department of Natural Resources for the improvement of
13 state parks, and \$5 shall be distributed to the Tick,
14 Research, Education, and Evaluation (TREE) Fund. The TREE Fund
15 shall be paid as grants to the Illinois Lyme Association for
16 the ordinary and contingent expenses associated with the TREE
17 program.

18 (d) The owner of an all-terrain vehicle shall ensure that
19 the vehicle is equipped with:

20 (1) 2 headlamps;

21 (2) 2 tail lamps;

22 (3) 2 brake lamps;

23 (4) a tail lamp or other lamp constructed and placed
24 to illuminate the registration plate with a white light;

25 (5) one or more red reflectors on the rear;

26 (6) amber or red flashing electric turn signals, one

- 1 on each side of the front and rear;
- 2 (7) a braking system, other than a parking brake;
- 3 (8) a horn or other warning device;
- 4 (9) a muffler and, if required by an applicable
5 federal statute or rule, an emission control system;
- 6 (10) rearview mirrors on the right and left side of
7 the driver;
- 8 (11) a windshield, unless the operator wears eye
9 protection while operating the vehicle;
- 10 (12) a speedometer, illuminated for nighttime
11 operation;
- 12 (13) for vehicles designed by the manufacturer for
13 carrying one or more passengers, a bench seat or
14 side-by-side seat equipped with a seat safety belt for
15 each passenger;
- 16 (14) four wheels in contact with the ground, with
17 tires that have at least 2/32 inches or greater tire
18 tread; and
- 19 (15) a roll cage.