



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1918

Introduced 2/9/2023, by Sen. Neil Anderson

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-1426.1
625 ILCS 5/11-1426.3 new

Amends the Illinois Vehicle Code. Permits the operation of recreational off-highway vehicles meeting certain criteria on any street, roadway, or highway in the State, unless the highway is an interstate system, is near a grade-separated portion of the highway, is within a municipality, or has a posted speed limit higher than 55 miles per hour. Provides that a recreational off-highway 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. Provides for the distribution of registration fees. Outlines the vehicle equipment requirements for the operation of a recreational off-highway vehicle on a roadway.

LRB103 29846 MXP 56254 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 and by adding Section 11-1426.3 as
6 follows:

7 (625 ILCS 5/11-1426.1)

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

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

13 (1) an all-terrain vehicle, as defined by Section
14 1-101.8 of this Code;

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

16 (3) an off-highway motorcycle, as defined by Section
17 1-153.1; and

18 (4) (blank). ~~a recreational off-highway vehicle, as~~
19 ~~defined by Section 1-168.8.~~

20 (b) Except as otherwise provided in this Section, it is
21 unlawful for any person to drive or operate a non-highway
22 vehicle upon any street, highway, or roadway in this State. If
23 the operation of a non-highway vehicle is authorized under

1 subsection (d), the non-highway vehicle may be operated only
2 on streets where the posted speed limit is 35 miles per hour or
3 less. This subsection (b) does not prohibit a non-highway
4 vehicle from crossing a road or street at an intersection
5 where the road or street has a posted speed limit of more than
6 35 miles per hour.

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

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

18 (c-5) (Blank).

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

1 local government or the Department may restrict the types of
2 non-highway vehicles that are authorized to be used on its
3 streets.

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

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

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

1 on a roadway, a non-highway vehicle shall have its headlight
2 and tail lamps lighted as required by Section 12-201 of this
3 Code.

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

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

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

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

1 at any time between one-half hour before sunset and one-half
2 hour after sunrise must be equipped with head lamps and tail
3 lamps, and the head lamps and tail lamps must be lighted.

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

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

12 (1) the crossing is made at an angle of approximately
13 90 degrees to the direction of the street, road or highway
14 and at a place where no obstruction prevents a quick and
15 safe crossing;

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

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

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

24 (i) No action taken by a unit of local government under
25 this Section designates the operation of a non-highway vehicle
26 as an intended or permitted use of property with respect to

1 Section 3-102 of the Local Governmental and Governmental
2 Employees Tort Immunity Act.

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

4 (625 ILCS 5/11-1426.3 new)

5 Sec. 11-1426.3. Operation of a recreational off-highway
6 vehicle on streets, roads, and highways.

7 (a) Except as provided in subsection (b), an individual
8 may operate a recreational off-highway vehicle, as defined by
9 Section 1-101.8, on a street, roadway, or highway if the
10 recreational off-highway vehicle has a combustion engine with
11 a piston or rotor displacement of 400 cubic centimeters or
12 greater and is capable of maintaining speeds of 40 miles per
13 hour or greater.

14 (b) An individual may not operate a recreational
15 off-highway vehicle on a highway if:

16 (1) the highway is an interstate system;

17 (2) the highway is near a grade-separated portion of
18 the highway;

19 (3) the highway is within a municipality; or

20 (4) the highway has a posted speed limit higher than
21 55 miles per hour.

22 Nothing in this Section authorizes the operation of a
23 recreational off-highway vehicle in an area that is not open
24 to motor vehicle use.

25 (c) A recreational off-highway vehicle may be registered

1 in the same manner as provided for snowmobiles and shall
2 comply with the registration, fees, insurance, and other
3 requirements for snowmobiles under the Snowmobile Registration
4 and Safety Act.

5 Of the \$45 registration fee, \$35 shall be distributed to
6 the Department of Natural Resource programs as follows: (i)
7 \$10 to Kids for Conservation; (ii) \$10 to the Mud to Parks
8 Program; (iii) \$5 to Deer Management; and (iv) \$5 to the
9 Partners for Conservation Program. The remaining \$15 shall be
10 used to implement and administer this Section.

11 (d) The owner of a recreational off-highway vehicle shall
12 ensure that the vehicle is equipped with:

13 (1) 2 headlamps;

14 (2) 2 tail lamps;

15 (3) 2 brake lamps;

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

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

19 (6) amber or red flashing electric turn signals, one
20 on each side of the front and rear;

21 (7) a braking system, other than a parking brake;

22 (8) a horn or other warning device;

23 (9) a muffler and, if required by an applicable
24 federal statute or regulation, an emission control system;

25 (10) rearview mirrors on the right and left side of
26 the driver;

1 (11) a windshield, unless the operator wears eye
2 protection while operating the vehicle;

3 (12) a speedometer, illuminated for nighttime
4 operation;

5 (13) for vehicles designed by the manufacturer for
6 carrying one or more passengers, a bench seat or
7 side-by-side seat equipped with a seat safety belt for
8 each passenger;

9 (14) 4 wheels in contact with the ground, with tires
10 that have at least 2/32 inches or greater tire tread; and

11 (15) a roll cage.

12 (e) It shall not be unlawful for any person to drive or
13 operate a recreational off-highway vehicle on a county roadway
14 or township roadway for the purpose of conducting farming
15 operations to and from the home, farm, farm buildings, and any
16 adjacent or nearby farm land.