



Sen. A. J. Wilhelmi

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09600HB6094sam001

LRB096 20767 AJT 40451 a

1 AMENDMENT TO HOUSE BILL 6094

2 AMENDMENT NO. _____. Amend House Bill 6094 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 1-148.3m, 11-1426.1, and 11-1426.2 as
6 follows:

7 (625 ILCS 5/1-148.3m)

8 Sec. 1-148.3m. Neighborhood vehicle. A self-propelled,
9 electric-powered, four-wheeled motor vehicle (or a
10 self-propelled, gasoline-powered, four-wheeled motor vehicle
11 with an engine displacement under 1,200 cubic centimeters) that
12 is capable of attaining in one mile a speed of more than 20
13 miles per hour, but not more than 25 miles per hour, and which
14 does not conform ~~conforms~~ to federal regulations under Title 49
15 C.F.R. Part 571.500.

16 (Source: P.A. 96-279, eff. 1-1-10.)

1 (625 ILCS 5/11-1426.1)

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

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

7 (1) an all-terrain vehicle, as defined by Section
8 1-101.8 of this Code;

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

10 (3) a neighborhood vehicle, as defined by Section
11 1-148.3m; ~~and~~

12 (4) an off-highway motorcycle, as defined by Section
13 1-153.1; and ~~and~~

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

16 (b) Except as otherwise provided in this Section, it is
17 unlawful for any person to drive or operate a non-highway
18 vehicle upon any street, highway, or roadway in this State. If
19 the operation of a non-highway vehicle is authorized under
20 subsection (d), the non-highway vehicle may be operated only on
21 streets where the posted speed limit is 35 miles per hour or
22 less. This subsection (b) does not prohibit a non-highway
23 vehicle from crossing a road or street at an intersection where
24 the road or street has a posted speed limit of more than 35
25 miles per hour.

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

5 (c) Except as otherwise provided in subsection (c-5), no
6 person operating a non-highway vehicle shall make a direct
7 crossing upon or across any highway under the jurisdiction of
8 the State, tollroad, interstate highway, or controlled access
9 highway in this State.

10 (c-5) A person may make a direct crossing at an
11 intersection controlled by a traffic light or 4-way stop sign
12 upon or across a highway under the jurisdiction of the State if
13 the speed limit on the highway is 35 miles per hour or less at
14 the place of crossing.

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

26 Before permitting the operation of non-highway vehicles on

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

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

14 (e) No non-highway vehicle may be operated on a roadway
15 unless, at a minimum, it has the following: brakes, a steering
16 apparatus, tires, a rearview mirror, red reflectorized warning
17 devices in the front and rear, a slow moving emblem (as
18 required of other vehicles in Section 12-709 of this Code) on
19 the rear of the non-highway vehicle, a headlight that emits a
20 white light visible from a distance of 500 feet to the front, a
21 tail lamp that emits a red light visible from at least 100 feet
22 from the rear, brake lights, and turn signals. When operated on
23 a roadway, a non-highway vehicle shall have its headlight and
24 tail lamps lighted as required by Section 12-201 of this Code.

25 (f) A person who drives or is in actual physical control of
26 a non-highway vehicle on a roadway while under the influence is

1 subject to Sections 11-500 through 11-502 of this Code.

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

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

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

25 Non-highway vehicles, as used in this subsection (h), shall
26 not make a direct crossing upon or across any tollroad,

1 interstate highway, or controlled access highway in this State.

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

6 (1) the crossing is made at an angle of approximately
7 90 degrees to the direction of the street, road or highway
8 and at a place where no obstruction prevents a quick and
9 safe crossing;

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

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

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

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

23 (Source: P.A. 95-150, 8-14-07; 95-414, eff. 8-24-07; 95-575,
24 eff. 8-31-07; 95-876, eff. 8-21-08; 96-279, eff. 1-1-10.)

1 Sec. 11-1426.2. Operation of low-speed vehicles on
2 streets.

3 (a) Except as otherwise provided in this Section, it is
4 lawful for any person to drive or operate a low-speed vehicle
5 upon any street in this State where the posted speed limit is
6 30 miles per hour or less.

7 (b) Low-speed vehicles may cross a street at an
8 intersection where the street being crossed has a posted speed
9 limit of not more than 45 miles per hour. Low-speed vehicles
10 may not cross a street with a speed limit in excess of 45 miles
11 per hour unless the crossing is at an intersection controlled
12 by a traffic light or 4-way stop sign.

13 (c) The Department of Transportation or a municipality,
14 township, county, or other unit of local government may
15 prohibit, by regulation, ordinance, or resolution, the
16 operation of low-speed vehicles on streets under its
17 jurisdiction where the posted speed limit is 30 miles per hour
18 or less if the Department of Transportation or unit of local
19 government determines that the public safety would be
20 jeopardized.

21 (d) ~~Before prohibiting the operation of low-speed vehicles~~
22 ~~on a street, the Department of Transportation or unit of local~~
23 ~~government must consider the volume, speed, and character of~~
24 ~~traffic on the street and determine whether allowing low-speed~~
25 ~~vehicles to operate on that street would jeopardize public~~
26 ~~safety.~~ Upon determining that low-speed vehicles may not safely

1 operate on a street, and upon the adoption of an ordinance or
2 resolution by a unit of local government, or regulation by the
3 Department of Transportation, the operation of low-speed
4 vehicles may be prohibited. The unit of local government or the
5 Department of Transportation may prohibit the operation of
6 low-speed vehicles on any and all streets under its
7 jurisdiction. Appropriate ~~appropriate~~ signs shall be posted in
8 conformance with the State Manual on Uniform Traffic Control
9 Devices adopted pursuant to Section 11-301 of this Code.

10 (e) If a street is under the jurisdiction of more than one
11 unit of local government, or under the jurisdiction of the
12 Department of Transportation and one or more units of local
13 government, low-speed vehicles may be operated on the street
14 unless each unit of local government and the Department of
15 Transportation agree and take action to prohibit such operation
16 as provided in this Section.

17 (f) No low-speed vehicle may be operated on any street
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 headlight that emits a white
21 light visible from a distance of 500 feet to the front, a tail
22 lamp that emits a red light visible from at least 100 feet from
23 the rear, brake lights, and turn signals. When operated on a
24 street, a low-speed vehicle shall have its headlight and tail
25 lamps lighted as required by Section 12-201 of this Code. The
26 low-speed vehicle shall also have signs or decals permanently

1 and conspicuously affixed to the rear of the vehicle and the
2 dashboard of the vehicle stating "This Vehicle May Not Be
3 Operated on Streets With Speed Limits in Excess of 30 m.p.h."
4 The lettering of the sign or decal on the rear of the vehicle
5 shall be not less than 2 inches in height. The lettering on the
6 sign or decal on the dashboard shall be not less than one-half
7 inch in height.

8 (g) A person may not operate a low-speed vehicle upon any
9 street in this State unless he or she has a valid driver's
10 license issued in his or her name by the Secretary of State or
11 a foreign jurisdiction.

12 (h) The operation of a low-speed vehicle upon any street is
13 subject to the provisions of Chapter 11 of this Code concerning
14 the Rules of the Road, and applicable local ordinances.

15 (i) Every owner of a low-speed vehicle is subject to the
16 mandatory insurance requirements specified in Article VI of
17 Chapter 7 of this Code.

18 (j) Any person engaged in the retail sale of low-speed
19 vehicles are required to comply with the motor vehicle dealer
20 licensing, registration, and bonding laws of this State, as
21 specified in Sections 5-101 and 5-102 of this Code.

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

1 (Source: P.A. 96-653, eff. 1-1-10.)

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.".