



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB3629

Introduced 2/11/2010, by Sen. John M. Sullivan

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Municipal Code and the Illinois Vehicle Code. Removes references to a neighborhood vehicle in the Illinois Vehicle Code. Creates a new Article in the Illinois Vehicle Code regulating low-speed vehicles and non-highway vehicles and consolidates a provision concerning the operation of low-speed vehicles on streets into a similar provision concerning the operation of non-highway vehicles on streets into one provision in the new Article. Provides that it is unlawful for any person to drive or operate a low-speed vehicle or non-highway vehicle upon any street in this State unless expressly authorized by a unit of local government. Provides that it is lawful for any person to drive or operate a low-speed vehicle upon any street that is located in the City of Chicago where the posted speed limit is 30 miles per hour or less unless the City of Chicago or the Illinois Department of Transportation prohibit the activity. Provides that any person engaged in the retail sale of low-speed vehicles are required to comply with the motor vehicle dealer licensing, registration, and bonding laws of this State. Provides that it is lawful for any person to drive or operate a non-highway vehicle or a recreational off-highway vehicle on a county or township roadway for the purpose of conducting farming operations to and from the home, farm, farm buildings, or any adjacent or nearby farm land. Effective immediately.

LRB096 19721 AJT 35135 b

FISCAL NOTE ACT
MAY APPLY

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 Municipal Code is amended by
5 changing Section 8-11-4 as follows:

6 (65 ILCS 5/8-11-4) (from Ch. 24, par. 8-11-4)

7 Sec. 8-11-4. Each owner of a motor vehicle, non-highway
8 vehicle, low-speed vehicle, or motor bicycle may be required by
9 any such city, village, or town within which he resides to pay
10 a regular tax or license fee for the use of such motor vehicle,
11 non-highway vehicle, low-speed vehicle, or motor bicycle.

12 In place of the regular license fee, any city, village or
13 incorporated town may provide for a motor vehicle tax or
14 license fee at a reduced rate for residents age 65 or over.

15 Any city, village or incorporated town of 40,000 or more
16 inhabitants may appropriate monies annually from such funds,
17 for the construction, maintenance and operation of testing
18 stations for the inspection of equipment of motor vehicles as
19 authorized by Section 11-40-2. The balance of such funds in
20 cities, villages and incorporated towns of 40,000 or more
21 inhabitants, and the total of such funds in other cities,
22 incorporated towns and villages shall be used for the purpose
23 of improving, paving, repairing or maintaining the streets and

1 other public roadways within such city, incorporated town or
2 village, provided, that the actual cost of the collection of
3 such fees and the disbursement thereof may be deducted from the
4 total amount collected and in cities and villages of more than
5 3,000 inhabitants, not to exceed 35% of such fees may be used
6 also for payment of salaries and wages of policemen engaged in
7 the duty of regulating traffic.

8 This amendatory Act of 1973 is not a limit upon any
9 municipality which is a home rule unit.

10 (Source: P.A. 83-65.)

11 Section 10. The Illinois Vehicle Code is amended by adding
12 Section 1-148.5m and adding Article XVI to Chapter 11 as
13 follows:

14 (625 ILCS 5/1-148.5m new)

15 Sec. 1-148.5m. Non-highway vehicle. A vehicle that is not
16 specifically designed to be used on a public highway,
17 including:

18 (1) an all terrain vehicle, as defined by Section
19 1-101.8 of this Code;

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

21 (3) an off highway motorcycle, as defined by Section
22 1-153.1.

23 (625 ILCS 5/Ch. 11, Art. XVI heading new)

1 ARTICLE XVI. NON-HIGHWAY AND LOW-SPEED VEHICLES

2 (625 ILCS 5/11-1605 new)

3 Sec. 11-1605. Operation of low-speed vehicles and
4 non-highway vehicles on streets.

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

15 (b) A person may not operate a low-speed or non-highway
16 vehicle upon any street in this State unless he or she has a
17 valid Illinois driver's license issued in his or her name by
18 the Secretary of State.

19 (c) Except as otherwise provided in subsection (d) of this
20 Section, no person operating a low-speed or non-highway vehicle
21 may make a direct crossing upon or across any controlled access
22 highway in this State.

23 (d) A person operating a low-speed or non-highway vehicle
24 may make a direct crossing at an intersection controlled by a
25 traffic light or 4 way stop sign upon or across a street under

1 the jurisdiction of the State if the speed limit on the highway
2 is 35 miles per hour or less at the place of crossing.

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

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

1 If a street is under the jurisdiction of more than one unit
2 of government, low-speed or non-highway vehicles may not be
3 operated on the street unless each unit of government agrees
4 and takes action as provided in this subsection.

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

17 (g) A person who drives or is in actual physical control of
18 a low-speed or non-highway vehicle on a street is subject to
19 the Rules of the Road in Chapter 11 of this Code.

20 (h) Any person who operates a low-speed or non-highway
21 vehicle on a street is subject to the mandatory insurance
22 requirements under Article VI of Chapter 7 of this Code.

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

1 Governmental Employees Tort Immunity Act.

2 (625 ILCS 5/11-1610 new)

3 Sec. 11-1610. Operation of low-speed vehicles in the City
4 of Chicago.

5 (a) This Section applies only to streets located in the
6 City of Chicago.

7 (b) Except as otherwise provided in this Section, it is
8 lawful for any person to drive or operate a low-speed vehicle
9 upon any street that is located in the City of Chicago where
10 the posted speed limit is 30 miles per hour or less.

11 (c) All provisions of Section 11-1605 of this Code
12 concerning the operation and equipment requirements for
13 low-speed vehicles apply to the operation of low-speed vehicles
14 under this Section.

15 (d) The Department of Transportation or the City of Chicago
16 may prohibit the operation of low-speed vehicles on any street
17 or on all streets under its jurisdiction. Upon the adoption of
18 an ordinance or resolution by the City of Chicago or a
19 regulation by the Department of Transportation prohibiting the
20 operation of low-speed vehicles on any street or on all streets
21 under its jurisdiction, appropriate signs shall be posted. If a
22 street is under the jurisdiction of the Department of
23 Transportation and the City of Chicago, low-speed vehicles may
24 be operated on the street unless both the City of Chicago and
25 the Department of Transportation agree and take action to

1 prohibit such operation as provided in this Section.

2 (e) No action taken by the City of Chicago under this
3 Section designates the operation of a low-speed vehicle as an
4 intended or permitted use of property with respect to Section
5 3-102 of the Local Governmental and Governmental Employees Tort
6 Immunity Act.

7 (f) Nothing in this Section prohibits the operation of
8 non-highway vehicles on streets located in the City of Chicago
9 if that operation is authorized under Section 11-1605 of this
10 Code. Nothing in this Section prohibits the operation of
11 low-speed vehicles on streets where the posted speed limit is
12 35 miles an hour or less if that operation is authorized under
13 Section 11-1605 of this Code.

14 (625 ILCS 5/11-1615 new)

15 Sec. 11-1615. Requirements for retail sellers. Any person
16 engaged in the retail sale of low-speed vehicles are required
17 to comply with the motor vehicle dealer licensing,
18 registration, and bonding laws of this State, as specified in
19 Sections 5-101 and 5-102 of this Code.

20 (625 ILCS 5/11-1620 new)

21 Sec. 11-1620. Farming operations.

22 (a) It is lawful for any person to drive or operate a
23 non-highway vehicle or a recreational off-highway vehicle on a
24 county or township roadway for the purpose of conducting

1 farming operations to and from the home, farm, farm buildings,
2 or any adjacent or nearby farm land.

3 (b) The requirements of subsection (f) and (h) of Section
4 11-1605 do not apply to the operation of non-highway vehicles
5 under this Section.

6 (c) A non-highway vehicle or recreational off-highway
7 vehicle may not make a direct crossing upon or across any
8 tollroad, interstate highway, or controlled access highway in
9 this State.

10 A non-highway vehicle or recreational off-highway vehicle
11 may cross a State highway, municipal street, county highway, or
12 road district highway if the operator of the vehicle makes a
13 direct crossing and if:

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

18 (2) the operator brings the vehicle to a complete stop
19 before attempting a crossing;

20 (3) the operator yields the right-of-way to all
21 pedestrian and vehicular traffic that constitutes a
22 hazard; and

23 (4) when crossing a divided highway, the operator makes
24 the crossing only at an intersection of the highway with
25 another public street, road, or highway.

1 (625 ILCS 5/1-148.3m rep.)

2 (625 ILCS 5/11-1426.1 rep.)

3 (625 ILCS 5/11-1426.2 rep.)

4 Section 15. The Illinois Vehicle Code is amended by
5 repealing Sections 1-148.3m, 11-1426.1, and 11-1426.2.

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 65 ILCS 5/8-11-4 from Ch. 24, par. 8-11-4

4 625 ILCS 5/1-148.5m new

5 625 ILCS 5/Ch. 11, Art.

6 XVI heading new

7 625 ILCS 5/11-1605 new

8 625 ILCS 5/11-1610 new

9 625 ILCS 5/11-1615 new

10 625 ILCS 5/11-1620 new

11 625 ILCS 5/1-148.3m rep.

12 625 ILCS 5/11-1426.1 rep.

13 625 ILCS 5/11-1426.2 rep.