



Rep. John E. Bradley

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LRB097 07617 HEP 66106 a

1 AMENDMENT TO HOUSE BILL 1986

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1986 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by  
5 changing Section 11-1426.1 as follows:

6 (625 ILCS 5/11-1426.1)

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

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

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

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

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

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

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

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

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

22          (c-5) A person may make a direct crossing at an  
23          intersection controlled by a traffic light or 4-way stop sign  
24          upon or across a highway under the jurisdiction of the State if  
25          the speed limit on the highway is 35 miles per hour or less at  
26          the place of crossing, except an all-terrain vehicle or a

1 recreational off-highway vehicle authorized under subsection  
2 (d-5) may make a direct crossing at an intersection controlled  
3 by a traffic light or 4-way stop sign upon or across a highway  
4 under the jurisdiction of the State if the highway is a rural  
5 road.

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

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

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

5           (d-5) A unit of local government, including a home rule  
6 unit, shall authorize, by ordinance or resolution, the  
7 operation of all-terrain vehicles or recreational off-highway  
8 vehicles or both on rural roads under its jurisdiction if the  
9 unit of local government determines that the public safety will  
10 not be jeopardized. The Department shall authorize the  
11 operation of all-terrain vehicles or recreational off-highway  
12 vehicles or both on the rural roads under its jurisdiction if  
13 the Department determines that the public safety will not be  
14 jeopardized.

15           Before permitting the operation of all-terrain vehicles or  
16 recreational off-highway vehicles or both on its rural roads, a  
17 unit of local government or the Department must consider the  
18 volume, speed, and character of traffic on the roadway and  
19 determine whether all-terrain vehicles or recreational  
20 off-highway vehicles may safely travel on or cross the roadway.  
21 Upon determining that all-terrain vehicles or recreational  
22 off-highway vehicles or both may safely operate on a roadway  
23 and the adoption of an ordinance or resolution by a unit of  
24 local government or authorization by the Department,  
25 appropriate signs shall be posted.

26           If a roadway is under the jurisdiction of more than one

1 unit of government, all-terrain vehicles and recreational  
2 off-highway vehicles may not be operated on the roadway unless  
3 each unit of government agrees and takes action as provided in  
4 this subsection.

5 A home rule unit of government may not regulate the  
6 operation of all-terrain vehicles or recreational off-highway  
7 vehicles on rural roads in a manner more restrictive than the  
8 regulation by the State of the operation of all-terrain  
9 vehicles or recreational off-highway vehicles on rural roads  
10 under this Act. This subsection (d-5) is a limitation under  
11 subsection (i) of Section 6 of Article VII of the Illinois  
12 Constitution on the concurrent exercise by home rule units of  
13 powers and functions exercised by the State.

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 (4) 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, as used in this Section,  
15 is not covered under a motor vehicle insurance policy pursuant  
16 to subsection (g) of this Section, the vehicle must be covered  
17 under a farm, home, or non-highway vehicle insurance policy  
18 issued with coverage amounts no less than the minimum amounts  
19 set for bodily injury or death and for destruction of property  
20 under Section 7-203 of this Code. Non-highway vehicles operated  
21 on a county or township roadway at any time between one-half  
22 hour before sunset and one-half hour after sunrise must be  
23 equipped with head lamps and tail lamps, and the head lamps and  
24 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. 96-279, eff. 1-1-10; 96-1434, eff. 8-11-10;  
24 97-144, eff. 7-14-11.)

25 Section 99. Effective date. This Act takes effect upon

1 becoming law.".