



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

**HB4997**

Introduced 2/7/2012, by Rep. John E. Bradley

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-1426.1

Amends the Illinois Vehicle Code. Provides that a unit of local government or the Department of Transportation shall authorize the operation of all-terrain vehicles or recreational off-highway vehicles or both on rural roads under its jurisdiction if the unit of local government or Department determines that the public safety will not be jeopardized. Provides that before permitting the operation of all-terrain vehicles and recreational off-highway vehicles on rural roads, a unit of local government or the Department must consider the volume, speed, and character of traffic on the roadway and determine whether all-terrain vehicles or recreational off-highway vehicles may safely travel on or cross the roadway. Provides that appropriate signs shall be posted on rural roads where the operation of all-terrain vehicles or recreational off-highway vehicles is permitted. Provides that if a roadway is under the jurisdiction of more than one unit of government, all-terrain vehicles and recreational off-highway vehicles may not be operated on the roadway unless each unit of government agrees and takes action as provided in this amendatory Act. Limits home rule powers. Effective immediately.

LRB097 19767 HEP 65031 b

HOME RULE 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 Vehicle Code is amended by changing  
5 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

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

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

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

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

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

15 (c-5) A person may make a direct crossing at an  
16 intersection controlled by a traffic light or 4-way stop sign  
17 upon or across a highway under the jurisdiction of the State if  
18 the speed limit on the highway is 35 miles per hour or less at  
19 the place of crossing, except an all-terrain vehicle or a  
20 recreational off-highway vehicle authorized under subsection  
21 (d-5) may make a direct crossing at an intersection controlled  
22 by a traffic light or 4-way stop sign upon or across a highway  
23 under the jurisdiction of the State if the highway is a rural  
24 road.

25 (d) A municipality, township, county, or other unit of  
26 local government may authorize, by ordinance or resolution, the

1 operation of non-highway vehicles on roadways under its  
2 jurisdiction if the unit of local government determines that  
3 the public safety will not be jeopardized. The Department may  
4 authorize the operation of non-highway vehicles on the roadways  
5 under its jurisdiction if the Department determines that the  
6 public safety will not be jeopardized. The unit of local  
7 government or the Department may restrict the types of  
8 non-highway vehicles that are authorized to be used on its  
9 streets.

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

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

24 (d-5) A unit of local government, including a home rule  
25 unit, shall authorize, by ordinance or resolution, the  
26 operation of all-terrain vehicles or recreational off-highway

1 vehicles or both on rural roads under its jurisdiction if the  
2 unit of local government determines that the public safety will  
3 not be jeopardized. The Department shall authorize the  
4 operation of all-terrain vehicles or recreational off-highway  
5 vehicles or both on the rural roads under its jurisdiction if  
6 the Department determines that the public safety will not be  
7 jeopardized.

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

19 If a roadway is under the jurisdiction of more than one  
20 unit of government, all-terrain vehicles and recreational  
21 off-highway vehicles may not be operated on the roadway unless  
22 each unit of government agrees and takes action as provided in  
23 this subsection.

24 A home rule unit of government may not regulate the  
25 operation of all-terrain vehicles or recreational off-highway  
26 vehicles on rural roads in a manner more restrictive than the

1 regulation by the State of the operation of all-terrain  
2 vehicles or recreational off-highway vehicles on rural roads  
3 under this Act. This subsection (d-5) is a limitation under  
4 subsection (i) of Section 6 of Article VII of the Illinois  
5 Constitution on the concurrent exercise by home rule units of  
6 powers and functions exercised by the State.

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

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

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

25 (h) It shall not be unlawful for any person to drive or  
26 operate a non-highway vehicle, as defined in paragraphs (1) and

1 (4) of subsection (a) of this Section, on a county roadway or  
2 township roadway for the purpose of conducting farming  
3 operations to and from the home, farm, farm buildings, and any  
4 adjacent or nearby farm land.

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

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

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

25 (1) the crossing is made at an angle of approximately  
26 90 degrees to the direction of the street, road or highway

1 and at a place where no obstruction prevents a quick and  
2 safe crossing;

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

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

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

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

16 (Source: P.A. 96-279, eff. 1-1-10; 96-1434, eff. 8-11-10;  
17 97-144, eff. 7-14-11.)

18 Section 99. Effective date. This Act takes effect upon  
19 becoming law.