



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB1641

Introduced 2/9/2011, by Sen. John M. Sullivan

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-1426.1
625 ILCS 5/11-1426.2
625 ILCS 5/1-148.3m rep.

Amends the Illinois Vehicle Code. Removes reference to neighborhood vehicles from the definition of "non-highway vehicle". Provides that a unit of local government may authorize the operation of low-speed vehicles on streets that have a speed limit of more than 30 miles per hour but not greater than 35 miles per hour, provided that it first considers the volume, speed, and character of traffic on the street and whether low-speed vehicles may travel safely on that street. Provides that if a street is under the jurisdiction of more than one unit of government, each unit of government must agree to allow low-speed vehicles on that street. Provides that upon authorization of low-speed vehicles on a street, appropriate signs shall be posted. Removes signs or decal requirements for low-speed vehicles. Effective immediately.

LRB097 05422 HEP 45480 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 changing
5 Sections 11-1426.1 and 11-1426.2 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) a neighborhood vehicle, as defined by Section~~
16 ~~1-148.3m;~~

17 (3) ~~(4)~~ an off-highway motorcycle, as defined by
18 Section 1-153.1; and

19 (4) ~~(5)~~ a recreational off-highway vehicle, as defined
20 by Section 1-168.8.

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

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

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

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

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

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

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

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

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

21 (e) No non-highway vehicle may be operated on a roadway
22 unless, at a minimum, it has the following: brakes, a steering
23 apparatus, tires, a rearview mirror, red reflectorized warning
24 devices in the front and rear, a slow moving emblem (as
25 required of other vehicles in Section 12-709 of this Code) on
26 the rear of the non-highway vehicle, a headlight that emits a

1 white light visible from a distance of 500 feet to the front, a
2 tail lamp that emits a red light visible from at least 100 feet
3 from the rear, brake lights, and turn signals. When operated on
4 a roadway, a non-highway vehicle shall have its headlight and
5 tail lamps lighted as required by Section 12-201 of this Code.

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

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

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

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

1 under Section 7-203 of this Code. Non-highway vehicles operated
2 on a county or township roadway at any time between one-half
3 hour before sunset and one-half hour after sunrise must be
4 equipped with head lamps and tail lamps, and the head lamps and
5 tail lamps must be lighted.

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

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

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

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

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

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

25 (i) No action taken by a unit of local government under
26 this Section designates the operation of a non-highway vehicle

1 as an intended or permitted use of property with respect to
2 Section 3-102 of the Local Governmental and Governmental
3 Employees Tort Immunity Act.

4 (Source: P.A. 95-150, 8-14-07; 95-414, eff. 8-24-07; 95-575,
5 eff. 8-31-07; 95-876, eff. 8-21-08; 96-279, eff. 1-1-10;
6 96-1434, eff. 8-11-10.)

7 (625 ILCS 5/11-1426.2)

8 Sec. 11-1426.2. Operation of low-speed vehicles on
9 streets.

10 (a) Except as otherwise provided in this Section, it is
11 lawful for any person to drive or operate a low-speed vehicle
12 upon any street in this State where the posted speed limit is
13 30 miles per hour or less.

14 (b) Low-speed vehicles may cross a street at an
15 intersection where the street being crossed has a posted speed
16 limit of not more than 45 miles per hour. Low-speed vehicles
17 may not cross a street with a speed limit in excess of 45 miles
18 per hour unless the crossing is at an intersection controlled
19 by a traffic light or 4-way stop sign.

20 (c) The Department of Transportation or a municipality,
21 township, county, or other unit of local government may
22 prohibit, by regulation, ordinance, or resolution, the
23 operation of low-speed vehicles on streets under its
24 jurisdiction where the posted speed limit is 30 miles per hour
25 or less if the Department of Transportation or unit of local

1 government determines that the public safety would be
2 jeopardized.

3 (d) Upon determining that low-speed vehicles may not safely
4 operate on a street, and upon the adoption of an ordinance or
5 resolution by a unit of local government, or regulation by the
6 Department of Transportation, the operation of low-speed
7 vehicles may be prohibited. The unit of local government or the
8 Department of Transportation may prohibit the operation of
9 low-speed vehicles on any and all streets under its
10 jurisdiction. Appropriate signs shall be posted in conformance
11 with the State Manual on Uniform Traffic Control Devices
12 adopted pursuant to Section 11-301 of this Code.

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

20 (e-5) A unit of local government may, by ordinance or
21 resolution, authorize the operation of low-speed vehicles on
22 one or more streets under its jurisdiction that have a speed
23 limit of more than 30 miles per hour but not greater than 35
24 miles per hour.

25 Before authorizing the operation of low-speed vehicles on
26 any street under this subsection (e-5), the unit of local

1 government must consider the volume, speed, and character of
2 traffic on the street and determine whether low-speed vehicles
3 may travel safely on that street.

4 If a street is under the jurisdiction of more than one unit
5 of government, low-speed vehicles may not be operated on the
6 street under this subsection (e-5) unless each unit of
7 government agrees and takes action as provided in this
8 subsection.

9 Upon the adoption of an ordinance authorizing low-speed
10 vehicles under this subsection (e-5), appropriate signs shall
11 be posted.

12 (f) No low-speed vehicle may be operated on any street
13 unless, at a minimum, it has the following: brakes, a steering
14 apparatus, tires, a rearview mirror, red reflectorized warning
15 devices in the front and rear, a headlight that emits a white
16 light visible from a distance of 500 feet to the front, a tail
17 lamp that emits a red light visible from at least 100 feet from
18 the rear, brake lights, and turn signals. When operated on a
19 street, a low-speed vehicle shall have its headlight and tail
20 lamps lighted as required by Section 12-201 of this Code. ~~The~~
21 ~~low speed vehicle shall also have signs or decals permanently~~
22 ~~and conspicuously affixed to the rear of the vehicle and the~~
23 ~~dashboard of the vehicle stating "This Vehicle May Not Be~~
24 ~~Operated on Streets With Speed Limits in Excess of 30 m.p.h."~~
25 ~~The lettering of the sign or decal on the rear of the vehicle~~
26 ~~shall be not less than 2 inches in height. The lettering on the~~

1 ~~sign or decal on the dashboard shall be not less than one-half~~
2 ~~inch in height.~~

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

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

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

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

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

22 (Source: P.A. 96-653, eff. 1-1-10; 96-1434, eff. 8-11-10.)

23 (625 ILCS 5/1-148.3m rep.)

24 Section 10.The Illinois Vehicle Code is amended by
25 repealing Section 1-148.3m.

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