

1 AN ACT in relation to civil liabilities.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Premises Liability Act is amended by
5 adding Section 4.1 as follows:

6 (740 ILCS 130/4.1 new)

7 Sec. 4.1. Off-road riding facilities; liability.

8 (a) As used in this Section, "off-road riding facility"
9 means:

10 (1) an area of land, consisting of a closed course,
11 designed for use of off-highway vehicles in events such
12 as, but not limited to, dirt track, short track, flat
13 track, speedway, drag racing, grand prix, hare scrambles,
14 hill climb, ice racing, observed trails, mud and snow
15 scrambles, tractor pulls, sled pulls, truck pulls, mud
16 runs, or other contests of a side-by-side nature in a
17 sporting event for practice, instruction, testing, or
18 competition of off-highway vehicles; or

19 (2) a thoroughfare or track across land or snow
20 used for off-highway motorcycles or all-terrain vehicles.

21 (b) An owner or operator of an off-road riding facility
22 in existence on January 1, 2002 is immune from any criminal
23 liability arising out of or as a consequence of noise or
24 sound emissions resulting from the normal use of the off-road
25 riding facility. An owner or operator of a off-road riding
26 facility is not subject to any action for public or private
27 nuisance or trespass, and no court in this State may enjoin
28 the use or operation of a off-road riding facility on the
29 basis of noise or sound emissions resulting from the normal
30 use of the off-road riding facility.

31 (c) An owner or operator of a off-road riding facility

1 placed in operation after January 1, 2002 is immune from any
2 criminal liability and is not subject to any action for
3 public or private nuisance or trespass arising out of or as a
4 consequence of noise or sound emissions resulting from the
5 normal use of the off-road riding facility, if the off-road
6 riding facility conforms to any one of the following
7 requirements:

8 (1) All areas from which an off-road vehicle may be
9 properly operated are at least 1,000 feet from any
10 occupied permanent dwelling on adjacent property at the
11 time the facility was placed into operation.

12 (2) The off-road riding facility is situated on
13 land otherwise subject to land use zoning, and the
14 off-road riding facility was not prohibited by the zoning
15 authority at the time the facility was placed into
16 operation.

17 (3) The off-road riding facility is operated by a
18 governmental entity or the off-road riding facility was
19 the recipient of grants under the Recreational Trails of
20 Illinois Act.

21 (d) The civil immunity in subsection (c) does not apply
22 if there is willful or wanton misconduct outside the normal
23 use of the off-road riding facility.