

AN ACT concerning State government.

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

Section 5. The Recreational Trails of Illinois Act is amended by changing Sections 10, 15, 20, 25, and 26 and by adding Sections 12, 13, 25.5, 36.5, and 55 as follows:

(20 ILCS 862/10)

Sec. 10. Definitions. As used in this Act:

~~"Board" means the State Off-Highway Vehicle Trails Advisory Board.~~

"Department" means the Department of Natural Resources.

"Director" means the Director of Natural Resources.

"Facilities" means equipment or other man-made improvement that is directly associated with, and provided for, a recreational trail. Typical recreational trail facilities include signage, gates, culverts, trail bridges, railings, benches, security cameras, security lighting, aggregate and other erosion control measures, picnic shelters, informational kiosks, and vault toilets.

~~"Fund" means the Off-Highway Vehicle Trails Fund.~~

"Off-highway vehicle" means a motor-driven recreational vehicle capable of cross-country travel on natural terrain without benefit of a road or trail, including an all-terrain

vehicle and off-highway motorcycle as defined in the Illinois Vehicle Code. "Off-highway vehicle" does not include a snowmobile; a motorcycle; a watercraft; snow-grooming equipment when used for its intended purpose; or an aircraft.

"Recreational trail" means a thoroughfare or track across land or snow or along water, used for recreational purposes such as bicycling, cross-country skiing, day hiking, equestrian activities, jogging or similar fitness activities, trail biking, overnight and long-distance backpacking, snowmobiling, aquatic or water activity, and vehicular travel by motorcycle or off-highway vehicles.

(Source: P.A. 97-1136, eff. 1-1-13.)

(20 ILCS 862/12 new)

Sec. 12. Recreational Trail Programs; powers and authorities.

(a) The Department may expend funds for recreational trail program purposes. The Department may: plan, survey, design, develop, operate, and maintain recreational trails and related facilities of the State; prepare, or cause to be prepared, those plans, specifications, and other documents as are necessary to advertising for and the taking and acceptance of bids and letting of construction contracts for those recreational trail projects, as required in the Illinois Procurement Code; enter into contracts for construction management or supervision on all recreational trail projects

constructed; enter into contracts for professional services for planning, testing, design, or consulting on all recreational trail projects constructed; and acquire land, waters, structures, and interests in land, waters, and structures for those areas and related facilities. The Department may enter into contracts and agreements with the United States or any appropriate or allowable federal entity, keep financial and other records, and furnish to appropriate officials and agencies of the United States reports and information as may be reasonably necessary to enable those officials and agencies to perform their duties under those programs. In connection with obtaining for the State the benefits of any program, the Department shall coordinate its activities with and represent the interest of all agencies of the State and units of local government and with appropriate and allowable not-for-profit and private organizations having interests in the acquisition, planning, development, and maintenance of recreational trail resources and related facilities within the State.

(b) The Department may execute projects for recreational trail purposes using funds made available to the Department from State appropriations, the federal government, and other public and private sources in the exercise of its statutory powers and duties. Projects involving participating federal-aid funds may be undertaken by the Department after it has been determined that sufficient funds are available to the

Department for meeting the non-federal share of project costs. It is the legislative intent that, to the extent as may be necessary to assure the proper operation, maintenance, and preservation of areas and facilities surveyed, acquired, or developed under any program participated in by this State under authority of this Act, the areas and facilities shall be maintained for public recreational trail purposes. The Department may enter into and administer agreements with the United States or any appropriate federal agency for survey, planning, acquisition, development, and preservation projects involving participating federal-aid funds on behalf of any federal, State, or local unit of government or appropriate and allowable not-for-profit or private organizations, provided the federal, State, or local unit of government or appropriate and allowable not-for-profit or private organization, gives necessary assurances to the Department that it has available sufficient funds to meet its share of the cost of the project and that the surveyed, acquired, or developed areas and facilities will be operated and maintained at its expense for public recreational trail use.

(c) The Department may enter into agreements as necessary with the Federal Highway Administration, or any successor agency, for the purpose of authorizing federal obligation limitations for projects under the federal Recreational Trails Program. The Department and the Department of Transportation shall enter into an inter-agency agreement to closely

coordinate the obligation of projects authorized by the Illinois Division Office of the Federal Highway Administration to maximize federal funding opportunities.

(20 ILCS 862/13 new)

Sec. 13. Recreational Trail Programs; Greenways and Trails Advisory Council.

(a) To provide for public discourse and participation on recreational trails within the State, assist in statewide recreational trail outreach and public involvement, provide a forum to discuss statewide recreational trail user issues and recreational trail management, the Department shall establish a State recreational trail advisory council that represents both motorized and non-motorized recreational trail users, which shall, at a minimum, meet 2 times per fiscal year.

(b) The State Greenways and Trails Advisory Council is created and shall consist of members comprised of recreational trail users, and local, State, and federal agency officials. The members shall be appointed by the Director from nominations submitted by the public, recreational trail user organizations, and government agencies. The Council shall contain 11 recreational trail user members, one representing each of the following recreational trail activities:

- (1) non-motorized water sports paddling;
- (2) motorized off-road motorcycle;
- (3) non-motorized hiking pedestrian;

- (4) motorized all-terrain vehicle;
- (5) non-motorized road and trail cycling;
- (6) motorized snowmobile;
- (7) non-motorized equestrian;
- (8) motorized snowmobile;
- (9) non-motorized mountain bike;
- (10) recreational trail users with disabilities; and
- (11) a diverse, multi-use, multi-purpose outdoor recreational trail and facility user group.

The Council shall contain local, State, and federal agency members representing the following organizations:

- (1) one member from a local government or planning commission;
- (2) one member from the Department of Transportation;
- (3) one member from the Federal Highway Administration;
- (4) one member from the Department of Natural Resources Grant Administration; and
- (5) one member from the Department of Natural Resources Recreational Trails Program.

(c) Council member terms shall be 4 years, beginning on January 1 and ending on December 31. Two members of the Council shall also be members of the Department's State Off-Highway Vehicle Trails Advisory Board.

(d) The Council shall serve 2 functions:

- (1) As the advisory Council to the federal Recreational

Trails Program, members of the Council shall help develop the State's recreational trail priorities and assist the Department to ensure program eligibility and criteria are met as prescribed by the federal program guidelines.

(2) As the forum for government agencies, the Council shall:

(A) encourage public awareness of the natural, recreational, environmental, water quality, cultural, transportation, and economic benefits of greenways and recreational trails;

(B) encourage cooperation among user groups;

(C) coordinate agency and organizations actions in an effort to create and maintain a statewide network of greenways and recreational trails;

(D) encourage the development of partnerships among the public and private sectors;

(E) support volunteerism to provide, protect, develop, and maintain greenways and recreational trails; and

(F) advise the Department on greenways and recreational trails planning, policies, and programs.

(20 ILCS 862/15)

Sec. 15. Off-Highway vehicle trails grants; Off-Highway Vehicle Trails Fund.

(a) The Off-Highway Vehicle Trails Fund is created as a

special fund in the State treasury. Money from federal, State, and private sources may be deposited into the Fund. Fines assessed by the Department of Natural Resources for citations issued to off-highway vehicle operators shall be deposited into the Fund. All interest accrued on the Fund shall be deposited into the Fund.

(b) All money in the Fund shall be used, subject to appropriation, by the Department for the following purposes:

(1) Grants for construction of off-highway vehicle recreational trails on county, municipal, other units of local government, or private lands where a recreational need for the construction is shown.

(2) Grants for maintenance and construction of off-highway vehicle recreational trails on federal lands, where permitted by law.

(3) Grants for development of off-highway vehicle trail-side facilities in accordance with criteria approved by the National Recreational Trails Advisory Committee.

(4) Grants for acquisition of property from willing sellers for off-highway vehicle recreational trails when the objective of a trail cannot be accomplished by other means.

(5) Grants for development of urban off-highway vehicle trail linkages near homes and workplaces.

(6) Grants for maintenance of existing off-highway vehicle recreational trails, including the grooming and

maintenance of trails across snow.

(7) Grants for restoration of areas damaged by usage of off-highway vehicle recreational trails and back country terrain.

(8) Grants for provision of features that facilitate the access and use of off-highway vehicle trails by persons with disabilities.

(9) Grants for acquisition of easements for off-highway vehicle trails or for trail corridors.

(10) Grants for a rider education and safety program.

(11) Administration, enforcement, planning, and implementation of this Act and all Sections of the Illinois Vehicle Code which regulate the operation of off-highway vehicles as defined in this Act.

(c) The Department may not use the money from the Fund for the following purposes:

(1) Condemnation of any kind of interest in property.

(2) Construction of any recreational trail on National Forest System land for motorized uses unless those lands have been allocated for uses other than wilderness by an approved forest land and resource management plan or have been released to uses other than wilderness by an Act of Congress, and the construction is otherwise consistent with the management direction in the approved land and resource management plan.

(3) Construction of motorized recreational trails on

Department owned or managed land.

(d) The Department shall establish a program to administer grants from the Fund to units of local government, not-for-profit organizations, and other groups to operate, maintain, and acquire land for off-highway vehicle parks that are open and accessible to the public.

(e) The monies deposited into the Off-Highway Vehicle Trails Fund under this Section shall not be subject to administrative charges or chargebacks unless otherwise authorized by this Act.

(Source: P.A. 96-279, eff. 1-1-10; 97-1136, eff. 1-1-13.)

(20 ILCS 862/20)

Sec. 20. Off-Highway vehicle trails grant projects; State Off-Highway Vehicle Trails Advisory Board.

(a) There is created the State Off-Highway Vehicle Trails Advisory Board. The Board shall consist of 5 members, one from each of the following organizations, except for the Illinois off-road riders and all-terrain vehicle clubs, which shall have 2 members, appointed by the Director from nominations submitted by the following organizations:

(1) The Department of Natural Resources, to vote only in the case of a tie.

(2) (Blank).

(3) The American Motorcycle Association.

(4) ABATE of Illinois.

(5) Illinois off-road riders and all-terrain vehicle clubs.

The length of terms of members shall be 2 years, beginning on January 1 and ending on December 31. The Board shall meet beginning in January of 1998. Procedures for conduct of the Board's business shall be established by the Department by rule. Two members of the Board shall also be members of the Department's State Greenways and Trails Advisory Council ~~Illinois Trails Advisory Board~~.

(b) The Board shall evaluate and recommend to the Director recreational trail projects for funding consistent with the purposes set forth in subsection (b) of Section 15. To the extent practicable and consistent with other requirements of this Act, the Board and the Director shall give preference to project proposals that:

(1) provide for the greatest number of compatible recreational purposes including, but not limited to, those described under the definition of "recreational trail" in Section 10;

(2) provide for innovative recreational trail corridor sharing to accommodate motorized recreational trail use;
or

(3) provide for seasonal designation of trails.

(Source: P.A. 90-287, eff. 1-1-98; 91-441, eff. 1-1-00.)

Sec. 25. Off-Highway vehicle trails grants; use ~~Use~~ of funds on private lands; conditions. As a condition to making available Off-Highway Vehicle Trails Fund grant moneys for work on recreational trails that would affect privately owned land, the Department shall obtain written assurances that the owner of the property will cooperate and participate as necessary in the activities to be conducted. Any use of Off-Highway Vehicle Trails Fund grant moneys on private lands must be accompanied by an easement or other legally binding agreement that ensures public access to the recreational trail improvements funded by those moneys.

(Source: P.A. 90-287, eff. 1-1-98.)

(20 ILCS 862/25.5 new)

Sec. 25.5. Off-Highway vehicle trails public access sticker.

(a) An Off-Highway vehicle trails public access sticker is a separate and additional requirement from the Off-Highway Vehicle Usage Stamp under Section 26 of this Act.

(b) Except as provided in subsection (c) of this Section, a person may not operate and an owner may not give permission to another to operate an off-highway vehicle on lands or waters in public off-highway vehicle parks paid for, operated, or supported by the grant program established under subsection (d) of Section 15 of this Act unless the off-highway vehicle displays an Off-Highway vehicle trails public access sticker in

a manner prescribed by the Department by rule.

(c) An off-highway vehicle does not need a public access sticker if the off-highway vehicle is used on private land or if the off-highway vehicle is owned by the State, the federal government, or a unit of local government.

(d) The Department shall issue the public access stickers and shall charge the following fees:

(1) \$30 for 3 years for individuals;

(2) \$50 for 3 years for rental units;

(3) \$75 for 3 years for dealer and manufacturer demonstrations and research;

(4) \$50 for 3 years for an all-terrain vehicle or off-highway motorcycle used for production agriculture, as defined in Section 3-821 of the Illinois Vehicle Code;

(5) \$50 for 3 years for residents of a State other than Illinois that does not have a reciprocal agreement with the Department, under subsection (e) of this Section; and

(6) \$50 for 3 years for an all-terrain vehicle or off-highway motorcycle that does not have a title.

The Department, by administrative rule, may make replacement stickers available at a reduced cost. The fees for public access stickers shall be deposited into the Off-Highway Vehicle Trails Fund.

(e) The Department may enter into reciprocal agreements with other states that have a similar Off-Highway vehicle trails public access sticker program to allow residents of

those states to operate off-highway vehicles on land or lands or waters in public off-highway vehicle parks paid for, operated, or supported by the off-highway vehicle trails grant program established under subsection (d) of Section 15 of this Act without acquiring an Off-Highway vehicle trails public access sticker in this State under subsection (b) of this Section.

(f) The Department may license vendors to sell off-highway vehicle public access stickers. Issuing fees may be set by administrative rule.

(g) Any person participating in an organized competitive event on land or lands in off-highway vehicle parks paid for, operated by, or supported by the grant program established in subsection (d) of Section 15 shall display the public access sticker required under subsection (b) of this Section or pay \$5 per event. Fees collected under this subsection shall be deposited into the Off-Highway Vehicle Trails Fund.

(20 ILCS 862/26)

Sec. 26. ~~Operation of off-highway vehicles without an Off-Highway Vehicle Usage Stamp.~~

(a) An Off-Highway Vehicle Usage Stamp is a separate and additional requirement from the Off-Highway vehicle trails public access sticker under Section 25.5 of this Act.

(b) Except as hereinafter provided, no person shall, on or after July 1, 2013, operate any off-highway vehicle within the

State unless the off-highway vehicle has attached an Off-Highway Vehicle Usage Stamp purchased and displayed in accordance with the provisions of this Act. The Department shall adopt rules for the purchase of Off-Highway Vehicle Usage Stamps. The fee for an Off-Highway Vehicle Usage Stamp for a vehicle with an engine capacity of over 75 cubic centimeters shall be \$15 annually and shall expire the March 31st following the year displayed on the Off-Highway Vehicle Usage Stamp. The Department shall deposit \$5 from the sale of each Off-Highway Vehicle Usage Stamp for vehicles with an engine capacity of over 75 cubic centimeters into the Conservation Police Operations Assistance Fund. The Department shall deposit \$10 from the sale of each Off-Highway Vehicle Usage Stamp for vehicles with an engine capacity of over 75 cubic centimeters into the Park and Conservation Fund. The fee for an Off-Highway Vehicle Usage Stamp for a vehicle with an engine capacity of 75 cubic centimeters or below shall be \$10 annually. The Department shall deposit \$5 from the sale of each Off-Highway Vehicle Usage Stamp for vehicles with an engine capacity of 75 cubic centimeters or below into the Conservation Police Operations Assistance Fund. The Department shall deposit \$5 from the sale of each Off-Highway Vehicle Usage Stamp for vehicles with an engine capacity of 75 cubic centimeters or below into the Park and Conservation Fund. The monies deposited into the Conservation Police Operations Assistance Fund or the Park and Conservation Fund under this Section shall not be

subject to administrative charges or chargebacks unless otherwise authorized by this Act.

(Source: P.A. 97-1136, eff. 1-1-13; 98-820, eff. 8-1-14.)

(20 ILCS 862/36.5 new)

Sec. 36.5. Off-highway vehicle owner responsibilities. It shall be unlawful for the owner of any off-highway vehicle to knowingly allow any minor child to operate his or her off-highway vehicle in violation of this Act.

(20 ILCS 862/55 new)

Sec. 55. Rulemaking. The Department may adopt, under the Illinois Administrative Procedure Act, all rules necessary to carry out its duties under this Act.

(20 ILCS 862/30 rep.)

(20 ILCS 862/45 rep.)

Section 10. The Recreational Trails of Illinois Act is amended by repealing Sections 30 and 45.