



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
SB2494

Introduced 2/3/2004, by John J. Cullerton

SYNOPSIS AS INTRODUCED:

20 ILCS 862/15
20 ILCS 862/30 new

Amends the Recreational Trails of Illinois Act. Provides that recipients of off-highway vehicle trail grants must post a performance bond. Provides that the Department of Natural Resources shall establish the terms and conditions of the bond. Provides that recipients of the grant shall be held liable for any damage done by clients to private or public lands adjoining an off-highway vehicle trail established, operated, or maintained by that grant recipient. Provides that a grant recipient found in violation of the grant agreement shall be subject to administrative penalties imposed by the Department.

LRB093 20560 RAS 46369 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning recreation.

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

4 Section 5. The Recreational Trails of Illinois Act is
5 amended by changing Section 15 and by adding Section 30 as
6 follows:

7 (20 ILCS 862/15)

8 Sec. 15. Off-Highway Vehicle Trails Fund.

9 (a) The Off-Highway Vehicle Trails Fund is created as a
10 special fund in the State treasury. Money from federal, State,
11 and private sources may be deposited into the Fund. Fines
12 assessed by the Department of Natural Resources for citations
13 issued to off-highway vehicle operators shall be deposited into
14 the Fund. All interest accrued on the Fund shall be deposited
15 into the Fund.

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

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

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

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

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

32 (5) Grants for development of urban off-highway

1 vehicle trail linkages near homes and workplaces.

2 (6) Grants for maintenance of existing off-highway
3 vehicle recreational trails, including the grooming and
4 maintenance of trails across snow.

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

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

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

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

14 (11) Administration, enforcement, planning, and
15 implementation of this Act and Sections 11-1426 and 11-1427
16 of the Illinois Vehicle Code.

17 All grant recipients must post a performance bond that
18 shall be held in the Fund. The Department shall establish, by
19 administrative rule, the terms and conditions of this bond.

20 Of the money used from the Fund for the purposes set forth
21 in this subsection, at least 60% shall be allocated for
22 motorized recreation. The Department shall establish, by rule,
23 measures to verify that recipients of money from the Fund
24 comply with the specified conditions for the use of the money.

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

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

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

36 (3) Construction of motorized recreational trails on

1 Department owned or managed land.

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

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

8 (20 ILCS 862/30 new)

9 Sec. 30. Liability; penalty. Grant recipients shall be
10 liable for trespass and for any damage caused by a client to
11 public or private lands adjoining an off highway vehicle trail
12 established or maintained by that recipient. Grant recipients
13 found by the Department to be in violation of the grant
14 agreement shall be subject to administrative penalties imposed
15 by the Department.