

1 AN ACT concerning State government.

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 Sections 10, 15, 20, 25, and 26 and by
6 adding Sections 12, 13, 25.5, 36.5, and 55 as follows:

7 (20 ILCS 862/10)

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

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

11 "Department" means the Department of Natural Resources.

12 "Director" means the Director of Natural Resources.

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

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

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

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

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

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

13 (20 ILCS 862/12 new)

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

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

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

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

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

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

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

4 (20 ILCS 862/13 new)

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

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

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

23 (1) non-motorized water sports paddling;

24 (2) motorized off-road motorcycle;

25 (3) non-motorized hiking pedestrian;

1 (4) motorized all-terrain vehicle;

2 (5) non-motorized road and trail cycling;

3 (6) motorized snowmobile;

4 (7) non-motorized equestrian;

5 (8) motorized snowmobile;

6 (9) non-motorized mountain bike;

7 (10) recreational trail users with disabilities; and

8 (11) a diverse, multi-use, multi-purpose outdoor
9 recreational trail and facility user group.

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

12 (1) one member from a local government or planning
13 commission;

14 (2) one member from the Department of Transportation;

15 (3) one member from the Federal Highway
16 Administration;

17 (4) one member from the Department of Natural Resources
18 Grant Administration; and

19 (5) one member from the Department of Natural Resources
20 Recreational Trails Program.

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

25 (d) The Council shall serve 2 functions:

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

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

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

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

11 (B) encourage cooperation among user groups;

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

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

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

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

22 (20 ILCS 862/15)

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

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

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

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

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

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

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

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

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

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

1 maintenance of trails across snow.

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

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

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

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

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

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

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

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

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

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

12 (20 ILCS 862/20)

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

15 (a) There is created the State Off-Highway Vehicle Trails
16 Advisory Board. The Board shall consist of 5 members, one from
17 each of the following organizations, except for the Illinois
18 off-road riders and all-terrain vehicle clubs, which shall have
19 2 members, appointed by the Director from nominations submitted
20 by the following organizations:

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

23 (2) (Blank).

24 (3) The American Motorcycle Association.

25 (4) ABATE of Illinois.

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

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

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

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

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

23 (3) provide for seasonal designation of trails.

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

25 (20 ILCS 862/25)

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

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

13 (20 ILCS 862/25.5 new)

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

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

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

1 a manner prescribed by the Department by rule.

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

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

8 (1) \$30 for 3 years for individuals;

9 (2) \$50 for 3 years for rental units;

10 (3) \$75 for 3 years for dealer and manufacturer
11 demonstrations and research;

12 (4) \$50 for 3 years for an all-terrain vehicle or
13 off-highway motorcycle used for production agriculture, as
14 defined in Section 3-821 of the Illinois Vehicle Code;

15 (5) \$50 for 3 years for residents of a State other than
16 Illinois that does not have a reciprocal agreement with the
17 Department, under subsection (e) of this Section; and

18 (6) \$50 for 3 years for an all-terrain vehicle or
19 off-highway motorcycle that does not have a title.

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

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

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

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

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

18 (20 ILCS 862/26)

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

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

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

1 State unless the off-highway vehicle has attached an
2 Off-Highway Vehicle Usage Stamp purchased and displayed in
3 accordance with the provisions of this Act. The Department
4 shall adopt rules for the purchase of Off-Highway Vehicle Usage
5 Stamps. The fee for an Off-Highway Vehicle Usage Stamp for a
6 vehicle with an engine capacity of over 75 cubic centimeters
7 shall be \$15 annually and shall expire the March 31st following
8 the year displayed on the Off-Highway Vehicle Usage Stamp. The
9 Department shall deposit \$5 from the sale of each Off-Highway
10 Vehicle Usage Stamp for vehicles with an engine capacity of
11 over 75 cubic centimeters into the Conservation Police
12 Operations Assistance Fund. The Department shall deposit \$10
13 from the sale of each Off-Highway Vehicle Usage Stamp for
14 vehicles with an engine capacity of over 75 cubic centimeters
15 into the Park and Conservation Fund. The fee for an Off-Highway
16 Vehicle Usage Stamp for a vehicle with an engine capacity of 75
17 cubic centimeters or below shall be \$10 annually. The
18 Department shall deposit \$5 from the sale of each Off-Highway
19 Vehicle Usage Stamp for vehicles with an engine capacity of 75
20 cubic centimeters or below into the Conservation Police
21 Operations Assistance Fund. The Department shall deposit \$5
22 from the sale of each Off-Highway Vehicle Usage Stamp for
23 vehicles with an engine capacity of 75 cubic centimeters or
24 below into the Park and Conservation Fund. The monies deposited
25 into the Conservation Police Operations Assistance Fund or the
26 Park and Conservation Fund under this Section shall not be

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

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

4 (20 ILCS 862/36.5 new)

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

9 (20 ILCS 862/55 new)

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

13 (20 ILCS 862/30 rep.)

14 (20 ILCS 862/45 rep.)

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