



Sen. Chuck Weaver

Filed: 4/20/2018

10000SB2713sam001

LRB100 17603 SLF 39005 a

1 AMENDMENT TO SENATE BILL 2713

2 AMENDMENT NO. _____. Amend Senate Bill 2713 by replacing
3 everything after the enacting clause with the following:

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,

1 benches, security cameras, security lighting, aggregate and
2 other erosion control measures, picnic shelters, informational
3 kiosks, and vault toilets.

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

5 "Off-highway vehicle" means a motor-driven recreational
6 vehicle capable of cross-country travel on natural terrain
7 without benefit of a road or trail, including an all-terrain
8 vehicle and off-highway motorcycle as defined in the Illinois
9 Vehicle Code. "Off-highway vehicle" does not include a
10 snowmobile; a motorcycle; a watercraft; snow-grooming
11 equipment when used for its intended purpose; or an aircraft.

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

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

20 (20 ILCS 862/12 new)

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

23 (a) The Department may expend funds for recreational trail
24 program purposes. The Department may: plan, survey, design,
25 develop, operate, and maintain recreational trails and related

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

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

1 public recreational trail use.

2 (c) The Department may enter into agreements as necessary
3 with the Federal Highway Administration, or any successor
4 agency, for the purpose of authorizing federal obligation
5 limitations for projects under the federal Recreational Trails
6 Program. The Department and the Department of Transportation
7 shall enter into an inter-agency agreement to closely
8 coordinate the obligation of projects authorized by the
9 Illinois Division Office of the Federal Highway Administration
10 to maximize federal funding opportunities.

11 (20 ILCS 862/13 new)

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

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

22 (b) The State Greenways and Trails Advisory Council is
23 created and shall consist of members comprised of recreational
24 trail users, and local, State, and federal agency officials.
25 The members shall be appointed by the Director from nominations

1 submitted by the public, recreational trail user
2 organizations, and government agencies. The Council shall
3 contain 11 recreational trail user members, one representing
4 each of the following recreational trail activities:

5 (1) non-motorized water sports paddling;

6 (2) motorized off-road motorcycle;

7 (3) non-motorized hiking pedestrian;

8 (4) motorized all-terrain vehicle;

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

10 (6) motorized snowmobile;

11 (7) non-motorized equestrian;

12 (8) motorized snowmobile;

13 (9) non-motorized mountain bike;

14 (10) recreational trail users with disabilities; and

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

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

19 (1) one member from a local government or planning
20 commission;

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

22 (3) one member from the Federal Highway
23 Administration;

24 (4) one member from the Department of Natural Resources
25 Grant Administration; and

26 (5) one member from the Department of Natural Resources

1 Recreational Trails Program.

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

6 (d) The Council shall serve 2 functions:

7 (1) As the advisory Council to the federal Recreational
8 Trails Program, members of the Council shall help develop
9 the State's recreational trail priorities and assist the
10 Department to ensure program eligibility and criteria are
11 met as prescribed by the federal program guidelines.

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

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

18 (B) encourage cooperation among user groups;

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

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

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

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

3 (20 ILCS 862/15)

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

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

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

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

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

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

25 (4) Grants for acquisition of property from willing

1 sellers for off-highway vehicle recreational trails when
2 the objective of a trail cannot be accomplished by other
3 means.

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

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

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

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

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

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

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

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

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

25 (2) Construction of any recreational trail on National
26 Forest System land for motorized uses unless those lands

1 have been allocated for uses other than wilderness by an
2 approved forest land and resource management plan or have
3 been released to uses other than wilderness by an Act of
4 Congress, and the construction is otherwise consistent
5 with the management direction in the approved land and
6 resource management plan.

7 (3) Construction of motorized recreational trails on
8 Department owned or managed land.

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

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

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

19 (20 ILCS 862/20)

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

22 (a) There is created the State Off-Highway Vehicle Trails
23 Advisory Board. The Board shall consist of 5 members, one from
24 each of the following organizations, except for the Illinois
25 off-road riders and all-terrain vehicle clubs, which shall have

1 2 members, appointed by the Director from nominations submitted
2 by the following organizations:

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

5 (2) (Blank).

6 (3) The American Motorcycle Association.

7 (4) ABATE of Illinois.

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

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

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

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

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

4 (3) provide for seasonal designation of trails.

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

6 (20 ILCS 862/25)

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

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

19 (20 ILCS 862/25.5 new)

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

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

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

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

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

15 (1) \$30 for 3 years for individuals;

16 (2) \$50 for 3 years for rental units;

17 (3) \$75 for 3 years for dealer and manufacturer
18 demonstrations and research;

19 (4) \$50 for 3 years for an all-terrain vehicle or
20 off-highway motorcycle used for production agriculture, as
21 defined in Section 3-821 of the Illinois Vehicle Code;

22 (5) \$50 for 3 years for residents of a State other than
23 Illinois that does not have a reciprocal agreement with the
24 Department, under subsection (e) of this Section; and

25 (6) \$50 for 3 years for an all-terrain vehicle or
26 off-highway motorcycle that does not have a title.

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

5 (e) The Department may enter into reciprocal agreements
6 with other states that have a similar Off-Highway vehicle
7 trails public access sticker program to allow residents of
8 those states to operate off-highway vehicles on land or lands
9 or waters in public off-highway vehicle parks paid for,
10 operated, or supported by the off-highway vehicle trails grant
11 program established under subsection (d) of Section 15 of this
12 Act without acquiring an Off-Highway vehicle trails public
13 access sticker in this State under subsection (b) of this
14 Section.

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

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

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

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

6 (b) Except as hereinafter provided, no person shall, on or
7 after July 1, 2013, operate any off-highway vehicle within the
8 State unless the off-highway vehicle has attached an
9 Off-Highway Vehicle Usage Stamp purchased and displayed in
10 accordance with the provisions of this Act. The Department
11 shall adopt rules for the purchase of Off-Highway Vehicle Usage
12 Stamps. The fee for an Off-Highway Vehicle Usage Stamp for a
13 vehicle with an engine capacity of over 75 cubic centimeters
14 shall be \$15 annually and shall expire the March 31st following
15 the year displayed on the Off-Highway Vehicle Usage Stamp. The
16 Department shall deposit \$5 from the sale of each Off-Highway
17 Vehicle Usage Stamp for vehicles with an engine capacity of
18 over 75 cubic centimeters into the Conservation Police
19 Operations Assistance Fund. The Department shall deposit \$10
20 from the sale of each Off-Highway Vehicle Usage Stamp for
21 vehicles with an engine capacity of over 75 cubic centimeters
22 into the Park and Conservation Fund. The fee for an Off-Highway
23 Vehicle Usage Stamp for a vehicle with an engine capacity of 75
24 cubic centimeters or below shall be \$10 annually. The
25 Department shall deposit \$5 from the sale of each Off-Highway
26 Vehicle Usage Stamp for vehicles with an engine capacity of 75

1 cubic centimeters or below into the Conservation Police
2 Operations Assistance Fund. The Department shall deposit \$5
3 from the sale of each Off-Highway Vehicle Usage Stamp for
4 vehicles with an engine capacity of 75 cubic centimeters or
5 below into the Park and Conservation Fund. The monies deposited
6 into the Conservation Police Operations Assistance Fund or the
7 Park and Conservation Fund under this Section shall not be
8 subject to administrative charges or chargebacks unless
9 otherwise authorized by this Act.

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

11 (20 ILCS 862/36.5 new)

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

16 (20 ILCS 862/55 new)

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

20 (20 ILCS 862/30 rep.)

21 (20 ILCS 862/45 rep.)

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