

108TH CONGRESS
1ST SESSION

H. R. 751

To authorize increased fines for improper use of vehicles that results in damage to public lands or national forests, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 12, 2003

Mr. UDALL of Colorado introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committees on Agriculture and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To authorize increased fines for improper use of vehicles that results in damage to public lands or national forests, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; FINDINGS; PURPOSES.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Responsible Off-Road Vehicle Enforcement and Re-
6 sponse Act”.

7 (b) FINDINGS.—The Congress finds the following:

1 (1) The public lands managed by the Bureau of
2 Land Management and the Federal lands within the
3 National Forest System provide important opportu-
4 nities for recreational activities as well as for other
5 uses.

6 (2) The use of vehicles on such lands for rec-
7 reational and other purposes is appropriate and
8 should be permitted to continue.

9 (3) Use of vehicles, whether motorized or non-
10 motorized, on such lands can result in damage and
11 should occur only where consistent with the other
12 purposes for which those lands are managed and in
13 compliance with all applicable requirements or regu-
14 lations.

15 (4) Violations of such requirements or regula-
16 tions should be subject to fines commensurate with
17 the severity of any damages resulting from such vio-
18 lations.

19 (5) Current law should be revised so that the
20 Secretary of the Interior and the Secretary of Agri-
21 culture can impose more appropriate fines for viola-
22 tions of such requirements or regulations and can
23 require violators to reimburse the United States for
24 restoration or other costs resulting from such viola-
25 tions.

1 (c) PURPOSES.—The purposes of this Act are as fol-
2 lows:

3 (1) To authorize imposition of appropriate fines
4 for violations of requirements or regulations regard-
5 ing use of vehicles on public lands or on Federal
6 lands within the National Forest System that result
7 in damage to such lands.

8 (2) To authorize immediate use of funds re-
9 ceived as a result of the imposition of such fines for
10 restoration or other treatment of lands damaged by
11 such violations, for increasing public awareness of
12 the regulations applicable to use of vehicles on such
13 lands, and for defraying the costs of enforcing such
14 regulations.

15 **SEC. 2. PUBLIC LANDS.**

16 (a) FINES.—Section 303(a) of the Federal Land Pol-
17 icy and Management Act of 1976 (43 U.S.C. 1733(a)) is
18 amended—

19 (1) by striking “(a) The” and inserting “(a)(1)
20 The”; and

21 (2) by adding after paragraph (1) (as so des-
22 ignated above) the following new paragraph:

23 “(2) Notwithstanding any other provision of law (in-
24 cluding section 3571 of title 18, United States Code), the
25 Secretary may impose a fine of no more than \$10,000 or

1 an amount equal to the cost to the United States of any
2 improvement, protection, or rehabilitation work on the
3 public lands rendered necessary by damages to such lands
4 resulting from violation of any regulation or other require-
5 ment regarding use of any vehicle over such lands, which-
6 ever amount is greater. Notwithstanding any other provi-
7 sion of law, such a violation not resulting in death shall
8 be considered a Class B misdemeanor.”.

9 (b) USE OF FINES.—Section 305 of the Federal
10 Land Policy and Management Act of 1976 (43 U.S.C.
11 1735), is amended by adding at the end the following new
12 subsection:

13 “(d) Any moneys received by the United States as
14 a result of a fine imposed pursuant to section 303(a)(2)
15 shall be available to the Secretary, without further appro-
16 priation, and shall be used—

17 “(1) to cover the administrative, legal, and re-
18 lated expenses, including damage assessments, pay-
19 ments of rewards for information, and investigative
20 costs of enforcing regulations or other requirements
21 regarding use of vehicles on public lands;

22 “(2) to cover the costs of any improvement,
23 protection, or rehabilitation work on public lands;
24 and

1 “(3) to increase public awareness of regulations
2 and other requirements regarding recreational use of
3 vehicles on public lands.”.

4 **SEC. 3. NATIONAL FOREST LANDS.**

5 (a) VEHICLE VIOLATIONS.—Section 1 of the Act of
6 June 4, 1897 (16 U.S.C. 551), is amended—

7 (1) by striking “The Secretary of Agriculture”
8 and inserting “(a) IN GENERAL.—The Secretary of
9 Agriculture”; and

10 (2) by adding at the end the following new sub-
11 section:

12 “(b) FINES FOR VEHICLE VIOLATIONS.—Notwith-
13 standing any other provision of law (including section
14 3571 of title 18, United States Code), the Secretary may
15 impose a fine of no more than \$10,000 or any amount
16 equal to the cost to the United States of any improvement,
17 protection, or rehabilitation work on lands managed by the
18 Forest Service rendered necessary by damages to such
19 lands resulting from violation of any regulation or require-
20 ment regarding use of any vehicle on such lands, which-
21 ever amount is greater. Notwithstanding any other provi-
22 sion of law, such a violation not resulting in death shall
23 be considered a Class B misdemeanor.”.

24 (b) USE OF FINES.—Section 7 of the Act of June
25 20, 1958 (16 U.S.C. 579c), is amended—

1 (1) by inserting “administrative, legal, and re-
2 lated expenses, including damage assessments, pay-
3 ments of rewards for information, and investigative
4 costs, incurred in connection with such claim, and
5 all” after “cost to the United States of any”; and

6 (2) by striking “*Provided*” and all that follows
7 at the end of such section and inserting the fol-
8 lowing: “*Provided*, That any portion of the moneys
9 so received in excess of the amounts expended for
10 such purposes shall be similarly made available to be
11 used for enforcement and increased public awareness
12 of the regulations and other requirements regarding
13 activities on such lands, including the regulations
14 and requirements regarding the use of vehicles on
15 such lands.”.

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