

1 AN ACT in relation to civil immunities.

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

4 Section 5. The Local Governmental and Governmental
5 Employees Tort Immunity Act is amended by changing Section
6 3-105 as follows:

7 (745 ILCS 10/3-105) (from Ch. 85, par. 3-105)

8 Sec. 3-105. (a) Neither a local public entity nor a
9 public employee is liable for an injury caused by the effect
10 of weather conditions as such on the use of streets,
11 highways, alleys, sidewalks or other public ways, or places,
12 or the ways adjoining any of the foregoing, or the signals,
13 signs, markings, traffic or pedestrian control devices,
14 equipment or structures on or near any of the foregoing or
15 the ways adjoining any of the foregoing. For the purpose of
16 this section, the effect of weather conditions as such
17 includes but is not limited to the effect of wind, rain,
18 flood, hail, ice or snow but does not include physical damage
19 to or deterioration of streets, highways, alleys, sidewalks,
20 or other public ways or place or the ways adjoining any of
21 the foregoing, or the signals, signs, markings, traffic or
22 pedestrian control devices, equipment or structures on or
23 near any of the foregoing or the ways adjoining any of the
24 foregoing resulting from weather conditions.

25 (b) Without implied limitation, neither a local public
26 entity nor a public employee is liable for any injury caused
27 by the failure of a local public entity or a public employee
28 to upgrade any existing street, highway, alley, sidewalk or
29 other public way or place, or the ways adjoining any of the
30 foregoing, or the signals, signs, markings, traffic or
31 pedestrian control devices, equipment or structures on or

1 near such street, highway, alley, sidewalk or other public
 2 way or place, or the ways adjoining any of the foregoing from
 3 the standards, if any, which existed at the time of the
 4 original dedication to, or acquisition of, the right of way
 5 of such street, highway, alley, sidewalk or other public way
 6 or place, or the ways adjoining any of the foregoing, by the
 7 first local public entity to acquire the property or right of
 8 way, to standards which are or may be applicable or are
 9 imposed by any government or other person or organization
 10 between the time of such dedication and the time of such
 11 injury.

12 (c) Neither a local public entity nor a public employee
 13 or agent of the local public entity, nor any other person
 14 engaged by the local public entity, public employee, or
 15 agent, who removes or attempts to remove snow or ice from a
 16 street, sidewalk, or other public way is liable for any
 17 injury that results from a condition caused by that
 18 undertaking unless the alleged misconduct was willful and
 19 wanton. ~~Nothing--in--this--Section--shall--relieve--the--local~~
 20 ~~public--entity--of--the--duty--to--exercise--ordinary--care--in--the~~
 21 ~~maintenance--of--its--property--as--set--forth--in--Section--3--102.~~

22 (Source: P.A. 84-1431.)

23 Section 99. Effective date. This Act takes effect upon
 24 becoming law.