

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 Sections
6 3-107 and 3-109 as follows:

7 (745 ILCS 10/3-107) (from Ch. 85, par. 3-107)

8 Sec. 3-107. Neither a local public entity nor a public
9 employee is liable for an injury caused by a condition of:

- 10 (a) Any road which provides access to fishing, hunting, or
- 11 primitive camping, recreational, or scenic areas and which is
- 12 not a (1) city, town or village street (2) county, state or
- 13 federal highway or (3) a township or other road district
- 14 highway. (b) Any hiking, riding, fishing or hunting trail or
- 15 shoreline revetment.

16 (Source: Laws 1965, p. 2983.)

17 (745 ILCS 10/3-109) (from Ch. 85, par. 3-109)

18 Sec. 3-109. (a) Neither a local public entity nor a
19 public employee is liable to any person who participates in a
20 hazardous recreational activity, including any person who
21 assists the participant, or to any spectator who knew or
22 reasonably should have known that the hazardous recreational
23 activity created a substantial risk of injury to himself or
24 herself and was voluntarily in the place of risk, or having
25 the ability to do so failed to leave, for any damage or
26 injury to property or persons arising out of that hazardous
27 recreational activity.

28 (b) As used in this Section, "hazardous recreational
29 activity" means a recreational activity conducted on property
30 of a local public entity which creates a substantial (as

1 distinguished from a minor, trivial, or insignificant) risk
2 of injury to a participant or a spectator.

3 "Hazardous recreational activity" also means:

4 (1) Water contact activities, except diving, in
5 places where or at a time when lifeguards are not
6 provided and reasonable warning thereof has been given or
7 the injured party should reasonably have known that there
8 was no lifeguard provided at the time.

9 (2) Diving at any place or from any structure where
10 diving is prohibited and reasonable warning as to the
11 specific dangers present has been given.

12 (3) Animal racing, archery, bicycle racing or
13 jumping, off-trail bicycling, boat racing, cross-country
14 and downhill skiing, sledding, tobogganing, participating
15 in an equine activity as defined in the Equine Activity
16 Liability Act, hang gliding, kayaking, motorized vehicle
17 racing, off-road motorcycling or four-wheel driving of
18 any kind, orienteering, pistol and rifle shooting, rock
19 climbing, rocketeering, rodeo, spelunking, sky diving,
20 skateboarding, sport parachuting, body contact sports
21 (i.e., sports in which it is reasonably foreseeable that
22 there will be rough bodily contact with one or more
23 participants), surfing, trampolining, tree climbing, tree
24 rope swinging where the person or persons furnished their
25 own rope, water skiing, white water rafting, and wind
26 surfing.

27 (c) Notwithstanding the provisions of subsection (a),
28 this Section does not limit liability which would otherwise
29 exist for any of the following:

30 (1) Failure of the local public entity or public
31 employee to guard or warn of a dangerous condition of
32 which it has actual or constructive notice and of which
33 the participant does not have nor can be reasonably
34 expected to have had notice.

1 (2) An act of willful and wanton conduct by a
2 public entity or a public employee which is a proximate
3 cause of the injury.

4 Nothing in this subsection creates a duty of care or
5 basis of liability for personal injury or for damage to
6 personal property.

7 (d) Nothing in this Section shall limit the liability of
8 an independent concessionaire, or any person or organization
9 other than the local public entity or public employee,
10 whether or not the person or organization has a contractual
11 relationship with the public entity to use the public
12 property, for injuries or damages suffered in any case as a
13 result of the operation of a hazardous recreational activity
14 on public property by the concessionaire, person, or
15 organization.

16 (Source: P.A. 89-111, eff. 7-7-95; 89-502, eff. 6-28-96.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.