

1 AN ACT in relation to tort immunity.

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 adding Section
6 3-106.5 as follows:

7 (745 ILCS 10/3-106.5 new)

8 Sec. 3-106.5. Injury to bicyclists. A local public
9 entity is not immune under this Article for an injury to a
10 bicyclist who is using any portion or segment of a street or
11 highway on which bicyclists are permitted to ride under
12 applicable law or local ordinance if (i) that injury is
13 caused by a condition that is not reasonably safe for use by
14 motor vehicles in the exercise of ordinary care and (ii) the
15 local public entity has actual or constructive notice of the
16 existence of that condition in reasonably adequate time prior
17 to an injury to have taken measures to remedy or protect
18 against that condition. Neither a local public entity nor a
19 public employee, however, is liable for an injury to a
20 bicyclist who is using any portion or segment of a street or
21 highway that is designated as a bicycle lane or bicycle route
22 unless the local public entity or public employee is guilty
23 of willful and wanton conduct.

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