



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5316

Introduced 2/8/2012, by Rep. Dave Winters

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-1502.5 new

Amends the Illinois Vehicle Code. Provides that in the counties of Ogle, Rock Island, Whiteside, and Winnebago, a person riding a bicycle is an intended and permitted user of any highway in Illinois except for a highway on which bicycle use has been specifically prohibited by law and the prohibition is indicated by appropriate signage. Provides that the new language does not create liability for any public entity for the failure to remedy any surface condition of a highway that caused injury to a person riding a bicycle if that surface condition is not hazardous to a passenger car. Provides that, except as expressly provided by law, the new language does not impose an obligation to further improve existing highways or to maintain them to a higher standard for bicyclists. Provides that the new provisions are repealed 3 years after the effective date of the amendatory Act. Effective immediately.

LRB097 18579 HEP 63811 b

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Vehicle Code is amended by adding
5 Section 11-1502.5 as follows:

6 (625 ILCS 5/11-1502.5 new)

7 Sec. 11-1502.5. Bicycles on streets or highways.

8 (a) A person riding a bicycle is an intended and permitted
9 user of any street or highway in Illinois except for a street
10 or highway on which bicycle use has been specifically
11 prohibited by a local public entity and the prohibition is
12 indicated by appropriate signage.

13 (b) No public entity shall be liable under this Section for
14 failure to remedy any surface condition of a highway that
15 caused injury to a person riding a bicycle if that surface
16 condition is not hazardous to a passenger car. The following
17 surface conditions shall not create liability for a public
18 entity unless the condition would be hazardous to a passenger
19 car:

20 (1) irregular surfaces;

21 (2) pavement stress cracks;

22 (3) speed bumps and curbs;

23 (4) expansion joints;

1 (5) accumulations of gravel, dirt, ice, snow, and water
2 on road and shoulder surfaces;

3 (6) existing sewer grates, manholes, and drain covers
4 unless missing; and

5 (7) inadequate artificial lighting of the roadway.

6 (c) Except as expressly provided by law, this Section shall
7 not impose an obligation to upgrade, widen, or reengineer
8 existing highways for use by bicyclists, or to install or
9 upgrade lighting or signage or pavement markings, and does not
10 impose an obligation to maintain streets and highways to a
11 higher standard for bicyclists.

12 (d) This Section applies only to the counties of Ogle, Rock
13 Island, Whiteside, and Winnebago.

14 (e) This Section is repealed 3 years after the effective
15 date of this amendatory Act of the 97th General Assembly.

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