

1 AMENDMENT TO HOUSE BILL 911

2 AMENDMENT NO. _____. Amend House Bill 911 as follows:

3 by replacing the title with the following:

4 "AN ACT in relation to bicycles and bicycle safety."; and

5 by replacing everything after the enacting clause with the
6 following:

7 "Section 5. The Illinois Vehicle Code is amended by
8 changing Section 11-1502 as follows:

9 (625 ILCS 5/11-1502) (from Ch. 95 1/2, par. 11-1502)

10 Sec. 11-1502. Traffic laws apply to persons riding
11 bicycles.

12 (a) Every person riding a bicycle upon a highway shall
13 be granted all of the rights and shall be subject to all of
14 the duties applicable to the driver of a vehicle by this
15 Code, except as to special regulations in this Article XV and
16 except as to those provisions of this Code which by their
17 nature can have no application.

18 (b) A person riding a bicycle is an intended and
19 permitted user of any street or highway in Illinois except
20 for a street or highway on which bicycle use has been

1 specifically prohibited by law. This subsection (b) does not
2 create liability for any public entity for the failure to
3 remedy any surface condition of a public right-of-way that is
4 not hazardous to a motor vehicle even though it may be
5 hazardous to a person riding a bicycle. Except as expressly
6 provided by law, this subsection (b) does not impose an
7 obligation to upgrade, widen, or reengineer existing public
8 right-of-ways for use by bicyclists, or to impose an
9 obligation to maintain streets and highways to a higher
10 standard for bicyclists. For purposes of this subsection (b),
11 conditions that are not hazardous to a motor vehicle even
12 though they may be hazardous to a person riding a bicycle
13 include but are not limited to: (1) potholes smaller than
14 both 3 inches deep and 30 inches in diameter; (2) irregular
15 surfaces on gravel, dirt, clay, and oil and chip roads and
16 shoulders; (3) pavement stress cracks; (4) speed bumps; (5)
17 expansion joints; (6) normal accumulations of gravel, debris,
18 ice, snow, and water on road and shoulder surfaces; and (7)
19 sewer and drain covers.

20 (Source: P.A. 82-132.)

21 Section 10. The Local Governmental and Governmental
22 Employees Tort Immunity Act is amended by adding Section
23 3-111 as follows:

24 (745 ILCS 10/3-111 new)

25 Sec. 3-111. Bicyclists using streets and highways that
26 have special improvements for bicyclists. Neither a local
27 public entity nor a public employee is liable for any injury
28 to a bicyclist if the liability is based on the existence of
29 a condition of a segment or portion of a street or highway
30 that has been improved for bicycle use unless the local
31 public entity or public employee is guilty of willful and
32 wanton misconduct proximately causing the injury. For the

1 purposes of this Section, a street or highway has been
2 improved for bicycle use when: (1) it has been designated
3 with appropriate signs and (2) it contains one of the
4 following features: (i) additional lane width, (ii) a paved
5 shoulder, (iii) a striped bicycle lane, or (iv) a marked
6 crossing of a bicycle trail.

7 Section 99. Effective date. This Act takes effect upon
8 becoming law."