

1 AN ACT in relation to bicycles and bicycle safety.

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
5 changing Section 11-1502 as follows:

6 (625 ILCS 5/11-1502) (from Ch. 95 1/2, par. 11-1502)

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

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

15 (b) A person riding a bicycle is an intended and
16 permitted user of any street or highway in Illinois except
17 for a street or highway on which bicycle use has been
18 specifically prohibited by law. This subsection (b) does not
19 create liability for any public entity for the failure to
20 remedy any surface condition of a public right-of-way that is
21 not hazardous to a motor vehicle even though it may be
22 hazardous to a person riding a bicycle. Except as expressly
23 provided by law, this subsection (b) does not impose an
24 obligation to upgrade, widen, or reengineer existing public
25 right-of-ways for use by bicyclists, or to impose an
26 obligation to maintain streets and highways to a higher
27 standard for bicyclists. For purposes of this subsection (b),
28 conditions that are not hazardous to a motor vehicle even
29 though they may be hazardous to a person riding a bicycle
30 include but are not limited to: (1) potholes smaller than
31 both 3 inches deep and 30 inches in diameter; (2) irregular

1 surfaces on gravel, dirt, clay, and oil and chip roads and
 2 shoulders; (3) pavement stress cracks; (4) speed bumps; (5)
 3 expansion joints; (6) normal accumulations of gravel, debris,
 4 ice, snow, and water on road and shoulder surfaces; and (7)
 5 sewer and drain covers.

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

7 Section 10. The Local Governmental and Governmental
 8 Employees Tort Immunity Act is amended by adding Section
 9 3-111 as follows:

10 (745 ILCS 10/3-111 new)

11 Sec. 3-111. Bicyclists using streets and highways that
 12 have special improvements for bicyclists. Neither a local
 13 public entity nor a public employee is liable for any injury
 14 to a bicyclist if the liability is based on the existence of
 15 a condition of a segment or portion of a street or highway
 16 that has been improved for bicycle use unless the local
 17 public entity or public employee is guilty of willful and
 18 wanton misconduct proximately causing the injury. For the
 19 purposes of this Section, a street or highway has been
 20 improved for bicycle use when: (1) it has been designated
 21 with appropriate signs and (2) it contains one of the
 22 following features: (i) additional lane width, (ii) a paved
 23 shoulder, (iii) a striped bicycle lane, or (iv) a marked
 24 crossing of a bicycle trail.

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