

1 AN ACT concerning 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 Section
6 3-102 as follows:

7 (745 ILCS 10/3-102) (from Ch. 85, par. 3-102)

8 Sec. 3-102. (a) Except as otherwise provided in this
9 Article, a local public entity has the duty to exercise
10 ordinary care to maintain its property in a reasonably safe
11 condition for the use in the exercise of ordinary care of
12 people whom the entity intended and permitted to use the
13 property in a manner in which and at such times as it was
14 reasonably foreseeable that it would be used, and shall not
15 be liable for injury unless it is proven that it has actual
16 or constructive notice of the existence of such a condition
17 that is not reasonably safe in reasonably adequate time prior
18 to an injury to have taken measures to remedy or protect
19 against such condition. A person riding a bicycle is deemed
20 to be an intended and permitted user of a roadway for
21 purposes of this Section, except in the case of roadways upon
22 which the use of bicycles is prohibited and the prohibition
23 is indicated by appropriate signage.

24 (b) A public entity does not have constructive notice of
25 a condition of its property that is not reasonably safe
26 within the meaning of Section 3-102(a) if it establishes
27 either:

28 (1) The existence of the condition and its character of
29 not being reasonably safe would not have been discovered by
30 an inspection system that was reasonably adequate considering
31 the practicability and cost of inspection weighed against the

1 likelihood and magnitude of the potential danger to which
2 failure to inspect would give rise to inform the public
3 entity whether the property was safe for the use or uses for
4 which the public entity used or intended others to use the
5 public property and for uses that the public entity actually
6 knew others were making of the public property or adjacent
7 property; or

8 (2) The public entity maintained and operated such an
9 inspection system with due care and did not discover the
10 condition.

11 (Source: P.A. 84-1431.)