92_HB0815 LRB9204194DJgc

- 1 AN ACT in relation to 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 3-105 as follows:
- 7 (745 ILCS 10/3-105) (from Ch. 85, par. 3-105)
- 8 Sec. 3-105. (a) Neither a local public entity nor a
- 9 public employee is liable for an injury caused by the effect
- 10 of weather conditions as such on the use of streets,
- 11 highways, alleys, sidewalks or other public ways, or places,
- or the ways adjoining any of the foregoing, or the signals,
- 13 signs, markings, traffic or pedestrian control devices,
- 14 equipment or structures on or near any of the foregoing or
- 15 the ways adjoining any of the foregoing. For the purpose of
- 16 this section, the effect of weather conditions as such
- includes but is not limited to the effect of wind, rain,
- 18 flood, hail, ice or snow but does not include physical damage
- 19 to or deterioration of streets, highways, alleys, sidewalks,
- 20 or other public ways or place or the ways adjoining any of
- 21 the foregoing, or the signals, signs, markings, traffic or
- 22 pedestrian control devices, equipment or structures on or
- 23 near any of the foregoing or the ways adjoining any of the
- 24 foregoing resulting from weather conditions.
- 25 (b) Without implied limitation, neither a local public
- 26 entity nor a public employee is liable for any injury caused
- 27 by the failure of a local public entity or a public employee
- 28 to upgrade any existing street, highway, alley, sidewalk or
- other public way or place, or the ways adjoining any of the
- 30 foregoing, or the signals, signs, markings, traffic or
- 31 pedestrian control devices, equipment or structures on or

- 1 near such street, highway, alley, sidewalk or other public
- 2 way or place, or the ways adjoining any of the foregoing from
- 3 the standards, if any, which existed at the time of the
- 4 original dedication to, or acquisition of, the right of way
- of such street, highway, alley, sidewalk or other public way
- or place, or the ways adjoining any of the foregoing, by the
- 7 first local public entity to acquire the property or right of
- 8 way, to standards which are or may be applicable or are
- 9 imposed by any government or other person or organization
- 10 between the time of such dedication and the time of such
- 11 injury.
- 12 (c) <u>Neither a local public entity nor a public employee</u>
- or agent of the local public entity, nor any other person
- 14 engaged by the local public entity, public employee, or
- 15 agent, who removes or attempts to remove snow or ice from a
- 16 street, sidewalk, or other public way is liable for any
- 17 <u>injury that results from a condition caused by that</u>
- 18 <u>undertaking unless the alleged misconduct was willful and</u>
- 19 <u>wanton.</u> Nothing--in--this--Section--shall--relieve-the-local
- 20 public-entity-of-the-duty-to-exercise-ordinary--care--in--the
- 21 maintenance-of-its-property-as-set-forth-in-Section-3-102.
- 22 (Source: P.A. 84-1431.)
- 23 Section 99. Effective date. This Act takes effect upon
- 24 becoming law.