

1 AN ACT in relation to civil liabilities.

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. Notwithstanding any other provision
20 of this Article, a local public entity owes no duty of care
21 when its property is used by any person who is under the
22 influence of alcohol or any other drug or combination of
23 drugs that renders the person incapable of safely using
24 public property, or to a person when the alcohol
25 concentration in the person's blood at the time of the
26 person's injury is 0.08 or more based on the definition of
27 blood and breath units in the Illinois Vehicle Code, or when
28 there is any amount of a drug, substance, or compound in the
29 person's blood resulting from the unlawful use of cannabis as
30 provided in the Cannabis Control Act or a controlled
31 substance as provided in the Illinois Controlled Substances

1 Act.

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

6 (1) The existence of the condition and its character of
7 not being reasonably safe would not have been discovered by
8 an inspection system that was reasonably adequate considering
9 the practicability and cost of inspection weighed against the
10 likelihood and magnitude of the potential danger to which
11 failure to inspect would give rise to inform the public
12 entity whether the property was safe for the use or uses for
13 which the public entity used or intended others to use the
14 public property and for uses that the public entity actually
15 knew others were making of the public property or adjacent
16 property; or

17 (2) The public entity maintained and operated such an
18 inspection system with due care and did not discover the
19 condition.

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