

STATE OF ILLINOIS
OFFICE OF THE GOVERNOR
SPRINGFIELD, 62706GEORGE H. RYAN
GOVERNOR

August 16, 2002

To the Honorable Members of the
Illinois House of Representatives
92nd General Assembly

Pursuant to the authority vested in the Governor by Article IV, Section 9(e) of the Illinois Constitution of 1970, and re-affirmed by the People of the State of Illinois by popular referendum in 1974, and conforming to the standard articulated by the Illinois Supreme Court in People ex Rel. Klinger v. Howlett, 50 Ill. 2d 242 (1972), Continental Illinois National Bank and Trust Co. v. Zagel, 78 Ill. 2d 387 (1979), People ex Rel. City of Canton v. Crouch, 79 Ill. 2d 356 (1980), and County of Kane v. Carlson, 116 Ill. 2d 186 (1987), that gubernatorial action be consistent with the fundamental purposes and the intent of the bill, I hereby return House Bill 5610 entitled "AN ACT in relation to vehicles," with my specific recommendation for change.

House Bill 5610 provides an exemption to the Illinois Vehicle Code, which currently prohibits driving on sidewalks, to allow the use of electric personal assistive mobility devices on sidewalks in Illinois. By removing state restrictions against the use of the electric personal assistive mobility devices on sidewalks, HB 5610 provides a framework in which these devices may be used on sidewalks in Illinois. However, since HB 5610 does not specifically defer to local regulation, HB 5610 effectively mandates that the use of electric personal assistive mobility devices be allowed throughout the state. This is inconsistent with current practice for the use of roller blades, bicycles, etc. and unnecessarily supercedes local control over sidewalk use. From the House and Senate floor debate it is clear that the legislature did not intend to preclude or pre-empt Home Rule powers, but merely intended to remove state restrictions against use of electric personal assistive mobility devices on sidewalks. It is essential that the State preserve local communities' right to permit, restrict, or prohibit the use of such devices as they deem appropriate in their respective communities.

For this reason, I hereby return House Bill 5610 with the following recommendation for change:

on page 1, line 6, by replacing "Section" with "Sections 11-208.2 and "; and

on page 1, by inserting between lines 12 and 13 the following:

"(625 ILCS 5/11-208.2)

Sec. 11-208.2. Limitation on home rule units. The provisions of this Chapter of this Act limit the authority of home rule units to adopt local police regulations inconsistent herewith except pursuant to Sections 11-208, and 11-209, 11-1005.1, 11-1412.1, and 11-1412.2 of this Chapter of this Act."; and

on page 1, line 18, by inserting after the period the following:

"Nothing in this Section shall be deemed to limit or preempt the authority of any home rule or non-home rule unit of local government from regulating or prohibiting the use of electric personal assistive mobility devices."; and

on page 1, line 25 by inserting after the period the following:

"Nothing in this Section shall be deemed to limit or preempt the authority of any home rule or non-home rule unit of local government from regulating or prohibiting the use of electric personal assistive mobility devices."; and

on page 2, line 2, by inserting "device" after "mobility"; and

on page 2, line 3, by inserting after the period the following:

"Nothing in this Section shall be deemed to limit or preempt the authority of any home rule or non-home rule unit of local government from regulating or prohibiting the use of electric personal assistive mobility devices."

With these changes, House Bill 5610 will have my approval. I respectfully request your concurrence.

Sincerely,
s/GEORGE H. RYAN
Governor