

## “Dennis’s Law”

### HOW THE TRAGIC DEATH OF AN ILLINOIS BICYCLIST LED TO A CHANGE IN ILLINOIS LAW

2016 ILLINOIS BIKE SUMMIT  
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## Dennis Jurs – Purple Heart Recipient

- Dennis Jurs served in the United States Army with the 65th Engineering Battalion, 25th Infantry Division in Pleiku, South Vietnam.
- Dennis Jurs was the recipient of the Purple Heart for injuries he sustained to his leg when a landmine exploded.



## Bicycling Led To Rehabilitation

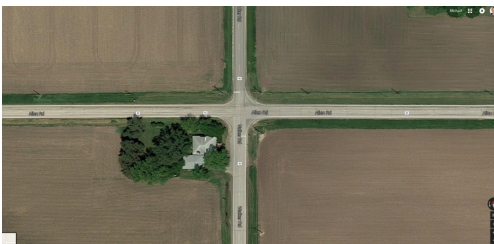


## Team MACK



## May 18, 2015

Intersection of Walker Road and Allen Road



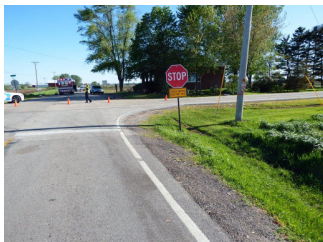
## May 18, 2015

Allen Road - East/West Roadway



May 18, 2015

Walker Road – North/South Roadway



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“Cross Traffic Does Not Stop”



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Subject Collision



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Subject Collision



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### **DRIVER TICKETED FOR FAILING TO YIELD THE RIGHT OF WAY**

Section 11-904(b) “Right of Way” of the Illinois Vehicle Code

#### **Sec. 11-904. Vehicle entering stop or yield intersection.**

(b) Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. After having stopped, *the driver shall yield the right-of-way to any vehicle* which has entered the intersection from another roadway or which is approaching so closely on the roadway as to constitute an immediate hazard during the time when the driver is moving across or within the intersection, but said driver having so yielded may proceed at such time as a safe interval occurs.

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### **Illinois Vehicle Code - Section 11-502 of Article XV 625 ILCS 5/11-502**

Sec. 11-1502. “Traffic laws apply to persons riding bicycles.” Every person riding a bicycle upon a highway shall be *granted all of the rights* and shall be subject to all of the duties applicable to the driver of a vehicle by this Code, except as to special regulations in this Article XV and except as to those provisions of this Code which by their nature can have no application.

(Source: Public Act 82-132 Enacted August 12, 1981).

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## “Same Rights, Same Rules”



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## “Friend of the Court”



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### *Standard Mutual Insurance Co. v. Rogers* 884 N.E.2d 845 (2008)

Issue: Does a bicycle fit within the term “motor vehicle” as that term was utilized in an underinsured motorist (UIM) insurance policy.

Rule: No. The terms of the insurance policy only relates to motor vehicles.

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### *People v. Schaeffer*, 654 N.E.2d 267 (1995)

Issue: Do DUI laws under 625 ILCS 5/11-501(a) apply to bicyclists?

Rule: DUI laws do not apply to bicyclists as bicycles are not applicable under that criminal statute. The *Schaeffer* case did not involve the issue of whether a bicycle was a “vehicle” under the Illinois Rules of the Road nor address the rights entitled to bicyclists.

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### *Lewis v. Northern Illinois Gas*, 422 N.E. 2d 889 (1981)

Issue: Does a law prohibiting a “vehicle” from being operated on the sidewalk apply to a vehicle?

Rule: No. A child riding on the sidewalk is not a vehicle.

Footnote: This case led to a clarification in the Illinois Vehicle Code as well in 2003 to include language about a “vehicle moved exclusively by human power.”

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### *People v. Isaacson*, 4-96-0900 (4<sup>th</sup> Dist. 1997)

Issue: Is a bicycle a vehicle?

Rule: Yes and is entitled to the right-of-way.

Footnote: This case could be appealed because the case was dismissed. In the Dennis Jurs case, the Defendant was found “not guilty” at the end of the trial.

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## CONFLICT

Is a bicycle a vehicle under Illinois law?

3 Appellate Cases Say No.

4<sup>th</sup> District Says Yes.

So who decides?



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## State Representative Anna Moeller

**Representative Anna Moeller (D)**  
43rd District

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**Years served:** March 2014 - Present

**Committee assignments:** Agriculture & Conservation, Appropriations-General Fund, Environment, Health Care, License, Adoption Reform (DACA-Chapters), Renewable Energy & Sustainability, ELEM Sec Ed Charter School Policy

**Biography:** Full-time legislator, BA History and MPA, Northern Illinois University, Edward Fellow, University of Illinois, former Councilman, City of Evanston, former Executive Director, McHenry County Council of Governments, former member of the City of Evanston Planning and Development Commission and Human Relations Commission, former Vice-President of the Northeast Neighborhood Association, former volunteer ESL tutor for the Evanston Library, former Treasurer for the Evanston Elementary School PTO, Member of the Evanston Branch of the Association of American University Women, married, has two children.

**Associated Senator(s):** [Michael Noland](#)

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## CLARIFICATION OF THE LAW BY STATUTE

99TH GENERAL ASSEMBLY  
State of Illinois  
2015 and 2016  
HB5912

Introduced, by Rep. Anna Moeller

### SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-903.5 new  
625 ILCS 5/11-1502 from Ch. 95 1/2, par. 11-1502

Amends the Illinois Vehicle Code. Provides that every driver of a vehicle on a highway shall yield the right-of-way to any person operating a bicycle.

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## Initial Bill Was Too Broad

A BILL FOR

HB5912 LRB099 1800S AMX 43109 b

1 AN ACT concerning transportation.

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 adding

5 Section 11-903.5 and changing Section 11-1502 as follows:

6 (425 ILCS 5/11-903.5 new)

7 Sec. 11-903.5. Bicycles. A driver of a vehicle upon a

8 highway shall yield the right-of-way to any person operating a

9 bicycle.

10 (425 ILCS 5/11-1502) (from Ch. 95 1/2, par. 11-1502)

11 Sec. 11-1502. Traffic laws apply to persons riding

12 bicycles. Every person riding a bicycle upon a highway shall be

13 granted all of the rights and shall be subject to all of the

14 duties applicable to the driver of a vehicle by this Code,

15 except as to special regulations in this Article XV, ~~Section~~

16 ~~11-903.5~~, and ~~except as to~~ those provisions of this Code which by

17 their nature can have no application.

18 (Source: P.A. 82-332.)

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## Amendment Was Perfect In Its Simplicity

099008912am001 LRB099 1800S AMX 43109 a

1 AMENDMENT TO HOUSE BILL 5912

2 AMENDMENT NO. \_\_\_\_ Amend House Bill 5912 by replacing

3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by

5 changing Section 11-1502 as follows:

6 (425 ILCS 5/11-1502) (from Ch. 95 1/2, par. 11-1502)

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

8 bicycles. Every person riding a bicycle upon a highway shall be

9 granted all of the rights ~~under Article IX of this Chapter~~, and shall be subject

10 to all of the duties applicable to the driver of a vehicle by

11 this Code, except as to special regulations in this Article XV

12 and ~~except as to~~ those provisions of this Code which by their

13 nature can have no application.

14 (Source: P.A. 82-332.)"

**VEHICLES**  
(625 ILCS 5) Illinois Vehicle Code.

(425 ILCS 5/Ch. 11 Art. 12 headings)  
ARTICLE IX. RIGHT-OF-WAY

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## Dennis's Law – Illinois Public Act 099-0785

Illinois House of Representatives  
Illinois Senate

111-000-000  
053-001-000

Public Act 099-0785

HB5912 Enrolled LRB099 1800S AMX 43109 b

1 AN ACT concerning transportation.

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 changing

5 Section 11-1502 as follows:

6 (425 ILCS 5/11-1502) (from Ch. 95 1/2, par. 11-1502)

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

8 bicycles. Every person riding a bicycle upon a highway shall be

9 granted all of the rights ~~under Article IX of this Chapter~~, and shall be subject

10 to all of the duties applicable to the driver of a vehicle by

11 this Code, except as to special regulations in this Article XV

12 and ~~except as to~~ those provisions of this Code which by their

13 nature can have no application.

14 (Source: P.A. 82-332.)

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### Legal Benefits of “Dennis’s Law”

1. Validates a Bicycle as a “Vehicle” under Illinois Law.
2. Provides Specific Protection for Bicyclists In All Situations Involving the Right-of-Way.
3. Legislative history will serve in the future to reflect the pre-existing intent for bicyclists to have equal rights under the law.



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