

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Code of Civil Procedure is amended by
5 changing Sections 13-211, 13-212, and 13-214.3 as follows:

6 (735 ILCS 5/13-211) (from Ch. 110, par. 13-211)

7 Sec. 13-211. Minors and persons under legal disability.

8 (a) If the person entitled to bring an action, specified in
9 Sections 13-201 through 13-210 of this Code Act, at the time
10 the cause of action accrued, is under the age of 18 years, or
11 is under a legal disability, then he or she may bring the
12 action within 2 years after the person attains the age of 18
13 years, or the disability is removed.

14 (b) If the person entitled to bring an action specified
15 under Sections 13-201 through 13-210 of this Code is not under
16 a legal disability at the time the cause of action accrues, but
17 becomes under a legal disability before the period of
18 limitations otherwise runs, the period of limitations is stayed
19 until the disability is removed. This subsection (b) does not
20 invalidate any statute of repose provisions contained in
21 Sections 13-201, 13-202, 13-202.1, 13-202.2, 13-202.3, 13-203,
22 13-203.1, 13-204, 13-207, 13-208, 13-209, and 13-210 of this
23 Code. In no event shall the period of limitations for a cause

1 of action under Section 13-205 or 13-206 of this Code be stayed
2 in excess of 10 years from the date of the adjudication of
3 legal disability. This subsection (b) applies to actions
4 commenced or pending on or after the effective date of this
5 amendatory Act of the 98th General Assembly.

6 (Source: P.A. 85-18; 85-907; 86-1329.)

7 (735 ILCS 5/13-212) (from Ch. 110, par. 13-212)

8 Sec. 13-212. Physician or hospital.

9 (a) Except as provided in Section 13-215 of this Act, no
10 action for damages for injury or death against any physician,
11 dentist, registered nurse or hospital duly licensed under the
12 laws of this State, whether based upon tort, or breach of
13 contract, or otherwise, arising out of patient care shall be
14 brought more than 2 years after the date on which the claimant
15 knew, or through the use of reasonable diligence should have
16 known, or received notice in writing of the existence of the
17 injury or death for which damages are sought in the action,
18 whichever of such date occurs first, but in no event shall such
19 action be brought more than 4 years after the date on which
20 occurred the act or omission or occurrence alleged in such
21 action to have been the cause of such injury or death.

22 (b) Except as provided in Section 13-215 of this Act, no
23 action for damages for injury or death against any physician,
24 dentist, registered nurse or hospital duly licensed under the
25 laws of this State, whether based upon tort, or breach of

1 contract, or otherwise, arising out of patient care shall be
2 brought more than 8 years after the date on which occurred the
3 act or omission or occurrence alleged in such action to have
4 been the cause of such injury or death where the person
5 entitled to bring the action was, at the time the cause of
6 action accrued, under the age of 18 years; provided, however,
7 that in no event may the cause of action be brought after the
8 person's 22nd birthday. If the person was under the age of 18
9 years when the cause of action accrued and, as a result of this
10 amendatory Act of 1987, the action is either barred or there
11 remains less than 3 years to bring such action, then he or she
12 may bring the action within 3 years of July 20, 1987.

13 (c) If the person entitled to bring an action described in
14 this Section is, at the time the cause of action accrued, under
15 a legal disability other than being under the age of 18 years,
16 then the period of limitations does not begin to run until the
17 disability is removed.

18 (d) If the person entitled to bring an action described in
19 this Section is not under a legal disability at the time the
20 cause of action accrues, but becomes under a legal disability
21 before the period of limitations otherwise runs, the period of
22 limitations is stayed until the disability is removed. This
23 subsection (d) does not invalidate any statute of repose
24 provisions contained in this Section. This subsection (d)
25 applies to actions commenced or pending on or after the
26 effective date of this amendatory Act of the 98th General

1 Assembly.

2 (Source: P.A. 85-18; 85-907; 86-1329.)

3 (735 ILCS 5/13-214.3) (from Ch. 110, par. 13-214.3)

4 (Text of Section WITHOUT the changes made by P.A. 89-7,
5 which has been held unconstitutional)

6 Sec. 13-214.3. Attorneys.

7 (a) In this Section: "attorney" includes (i) an individual
8 attorney, together with his or her employees who are attorneys,
9 (ii) a professional partnership of attorneys, together with its
10 employees, partners, and members who are attorneys, and (iii) a
11 professional service corporation of attorneys, together with
12 its employees, officers, and shareholders who are attorneys;
13 and "non-attorney employee" means a person who is not an
14 attorney but is employed by an attorney.

15 (b) An action for damages based on tort, contract, or
16 otherwise (i) against an attorney arising out of an act or
17 omission in the performance of professional services or (ii)
18 against a non-attorney employee arising out of an act or
19 omission in the course of his or her employment by an attorney
20 to assist the attorney in performing professional services must
21 be commenced within 2 years from the time the person bringing
22 the action knew or reasonably should have known of the injury
23 for which damages are sought.

24 (c) Except as provided in subsection (d), an action
25 described in subsection (b) may not be commenced in any event

1 more than 6 years after the date on which the act or omission
2 occurred.

3 (d) When the injury caused by the act or omission does not
4 occur until the death of the person for whom the professional
5 services were rendered, the action may be commenced within 2
6 years after the date of the person's death unless letters of
7 office are issued or the person's will is admitted to probate
8 within that 2 year period, in which case the action must be
9 commenced within the time for filing claims against the estate
10 or a petition contesting the validity of the will of the
11 deceased person, whichever is later, as provided in the Probate
12 Act of 1975.

13 (e) If the person entitled to bring the action is under the
14 age of majority or under other legal disability at the time the
15 cause of action accrues, the period of limitations shall not
16 begin to run until majority is attained or the disability is
17 removed.

18 (f) If the person entitled to bring an action described in
19 this Section is not under a legal disability at the time the
20 cause of action accrues, but becomes under a legal disability
21 before the period of limitations otherwise runs, the period of
22 limitations is stayed until the disability is removed. This
23 subsection (f) does not invalidate any statute of repose
24 provisions contained in this Section. This subsection (f)
25 applies to actions commenced or pending on or after the
26 effective date of this amendatory Act of the 98th General

1 Assembly.

2 (g) ~~(f)~~ This Section applies to all causes of action
3 accruing on or after its effective date.

4 (Source: P.A. 86-1371.)