

SB3351



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3351

Introduced 2/14/2020, by Sen. Elgie R. Sims, Jr.

SYNOPSIS AS INTRODUCED:

735 ILCS 5/13-214.3

from Ch. 110, par. 13-214.3

Amends the Code of Civil Procedure. Provides that an attorney malpractice action in which the injury did not occur until the death of the person for whom the professional services were rendered may not be commenced in any event more than 6 years after the date the professional services were performed. Provides, with exceptions, that the changes apply to every cause of action, regardless of the date that the cause of action accrues.

LRB101 19647 LNS 69134 b

A BILL FOR

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 Section 13-214.3 as follows:

6 (735 ILCS 5/13-214.3) (from Ch. 110, par. 13-214.3)

7 Sec. 13-214.3. Attorneys.

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

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

1 for which damages are sought.

2 (c) Except as provided in subsection (d), an action
3 described in subsection (b) may not be commenced in any event
4 more than 6 years after the date on which the act or omission
5 occurred.

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

18 (e) If the person entitled to bring the action is under the
19 age of majority or under other legal disability at the time the
20 cause of action accrues, the period of limitations shall not
21 begin to run until majority is attained or the disability is
22 removed.

23 (f) If the person entitled to bring an action described in
24 this Section is not under a legal disability at the time the
25 cause of action accrues, but becomes under a legal disability
26 before the period of limitations otherwise runs, the period of

1 limitations is stayed until the disability is removed. This
2 subsection (f) does not invalidate any statute of repose
3 provisions contained in this Section. This subsection (f)
4 applies to actions commenced or pending on or after January 1,
5 2015 (the effective date of Public Act 98-1077) ~~this amendatory~~
6 ~~Act of the 98th General Assembly.~~

7 (g) This Section applies to all causes of action regardless
8 of the date that the cause of action accrues, including those
9 relating to professional services rendered before accruing on
10 or after its effective date. This Section, however, shall not
11 bar any cause of action that is timely if filed on the day
12 before the effective date of this amendatory Act of the 101st
13 General Assembly if such filing is determined to be within a
14 reasonable period, not to exceed 6 years, after the effective
15 date of this amendatory Act of the 101st General Assembly.

16 (Source: P.A. 98-1077, eff. 1-1-15.)