

HB4080



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4080

Introduced 5/10/2023, by Rep. Dan Ugaste

SYNOPSIS AS INTRODUCED:

735 ILCS 5/2-1117

from Ch. 110, par. 2-1117

Amends the Code of Civil Procedure. Provides that any defendant whose fault is less than 50% (rather than 25%) of the total fault of all tortfeasors shall be severally liable for all other damages. Provides that any defendant whose fault is 50% (rather than 25%) or greater of the total fault of all tortfeasors shall be jointly and severally liable for all other damages. Provides that the changes made by the amendatory Act apply to actions filed on or after the effective date of the amendatory Act.

LRB103 32005 LNS 60825 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 2-1117 as follows:

6 (735 ILCS 5/2-1117) (from Ch. 110, par. 2-1117)

7 Sec. 2-1117. Joint liability. Except as provided in
8 Section 2-1118, in actions on account of bodily injury or
9 death or physical damage to property, based on negligence, or
10 product liability based on strict tort liability, all
11 defendants found liable are jointly and severally liable for
12 plaintiff's past and future medical and medically related
13 expenses. Any defendant whose fault, as determined by the
14 trier of fact, is less than 50% ~~25%~~ of the total fault of all
15 tortfeasors, including, but not limited to, the plaintiff's
16 employer, nonparties, entities that have settled, or any other
17 person that the trier of fact finds was at fault and a
18 proximate cause of the injury or damage for which recovery is
19 sought by ~~attributable to~~ the plaintiff, the defendants sued
20 by the plaintiff, and any third party defendant except the
21 plaintiff's employer, shall be severally liable for all other
22 damages. Any defendant whose fault, as determined by the trier
23 of fact, is 50% ~~25%~~ or greater of the total fault of all

1 tortfeasors, including, but not limited to, the plaintiff's
2 employer, nonparties, entities that have settled, or any other
3 person that the trier of fact finds was at fault and a
4 proximate cause of the injury or damage for which recovery is
5 sought by the plaintiff ~~attributable to the plaintiff, the~~
6 ~~defendants sued by the plaintiff, and any third party~~
7 ~~defendants except the plaintiff's employer,~~ shall be jointly
8 and severally liable for all other damages.

9 The changes to this Section made by this amendatory Act of
10 the 103rd General Assembly apply to actions filed on or after
11 the effective date of this amendatory Act of the 103rd General
12 Assembly.

13 (Source: P.A. 93-10, eff. 6-4-03; 93-12, eff. 6-4-03.)