



Rep. Ann M. Williams

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LRB103 24900 LNS 60778 a

1 AMENDMENT TO SENATE BILL 1748

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1748 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Code of Civil Procedure is amended by  
5 changing Sections 2-1003 and 2-1007.1 as follows:

6 (735 ILCS 5/2-1003) (from Ch. 110, par. 2-1003)

7 Sec. 2-1003. Discovery and depositions.

8 (a) Discovery, such as admissions of fact and of  
9 genuineness of documents, physical and mental examinations of  
10 parties and other persons, the taking of any depositions, and  
11 interrogatories, shall be in accordance with rules.

12 (b) (Blank).

13 (c) (Blank).

14 (d) Whenever the defendant in any litigation in this State  
15 has the right to demand a physical or mental examination of the  
16 plaintiff pursuant to statute or Supreme Court Rule, relative

1 to the occurrence and extent of injuries or damages for which  
2 claim is made, or in connection with the plaintiff's capacity  
3 to exercise any right plaintiff has, or would have but for a  
4 finding based upon such examination, the plaintiff has the  
5 right to have his or her attorney, or such other person as the  
6 plaintiff may wish, present at such physical or mental  
7 examination. The plaintiff also has the right to designate an  
8 additional person to be present and video record the  
9 examination. The changes to this Section by this amendatory  
10 Act of the 103rd General Assembly apply to actions commenced  
11 or pending on or after the effective date of this amendatory  
12 Act of the 103rd General Assembly.

13 (e) No person or organization shall be required to furnish  
14 claims, loss or risk management information held or provided  
15 by an insurer, which information is described in Section  
16 143.10a of the "Illinois Insurance Code".

17 (Source: P.A. 99-110, eff. 1-1-16.)

18 (735 ILCS 5/2-1007.1) (from Ch. 110, par. 2-1007.1)

19 Sec. 2-1007.1. Preference in setting for trial.

20 (a) A party who is an individual or, in the case of a  
21 wrongful death action, is the surviving spouse or next of kin  
22 and who has reached the age of 67 ~~70~~ years shall, upon motion  
23 by that party or the administrator of the estate of the  
24 deceased person or special administrator, be entitled to  
25 preference in setting for trial, which shall commence within

1 one year of the hearing on the motion, unless the court finds  
2 that the party does not have a substantial interest in the case  
3 as a whole. The trial setting shall apply only to the moving  
4 party and to those defendants who have appeared and answered  
5 the complaint at the time notice of the motion for preference  
6 in setting for trial is served. If any new party is added to a  
7 lawsuit after the setting of a trial under this Section, any  
8 party may move the court to amend the trial setting to allow  
9 for trial to commence up to one year after the date a new  
10 defendant appeared and answered the complaint or up to one  
11 year after the date a plaintiff was added to the lawsuit.

12 (b) The court shall ~~may, in its discretion,~~ grant a motion  
13 for preference in setting for trial where a party or, in the  
14 case of a wrongful death action, the surviving spouse or next  
15 of kin shows substantial physical or financial hardship or  
16 alternatively shows good cause that the interests of justice  
17 will be served by granting a preference in setting for trial  
18 within one year of the hearing on the motion.

19 (c) Any party may move for a trial continuance of up to 6  
20 months for good cause shown. Any subsequent motions for trial  
21 continuance under this Section shall be granted only to the  
22 extent necessary for trial to commence as soon as practicable.

23 (d) The changes to this Section by this amendatory Act of  
24 the 103rd General Assembly apply to actions commenced or  
25 pending on or after the effective date of this amendatory Act  
26 of the 103rd General Assembly.

1 (Source: P.A. 86-854.)

2 Section 99. Effective date. This Act takes effect upon  
3 becoming law.".