

1 AN ACT in relation to alcoholic liquor.

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

4 Section 5. The Liquor Control Act of 1934 is amended by
5 changing Section 6-21 as follows:

6 (235 ILCS 5/6-21) (from Ch. 43, par. 135)

7 Sec. 6-21. (a) Every person who is injured within this
8 State, in person or property, by any intoxicated person has a
9 right of action in his or her own name, severally or jointly,
10 against any person, licensed under the laws of this State or
11 of any other state to sell alcoholic liquor, who, by selling
12 or giving alcoholic liquor, within or without the territorial
13 limits of this State, causes the intoxication of such person.
14 Any person at least 21 years of age who pays for a hotel or
15 motel room or facility knowing that the room or facility is
16 to be used by any person under 21 years of age for the
17 unlawful consumption of alcoholic liquors and such
18 consumption causes the intoxication of the person under 21
19 years of age, shall be liable to any person who is injured in
20 person or property by the intoxicated person under 21 years
21 of age. Any person owning, renting, leasing or permitting the
22 occupation of any building or premises with knowledge that
23 alcoholic liquors are to be sold therein, or who having
24 leased the same for other purposes, shall knowingly permit
25 therein the sale of any alcoholic liquors that have caused
26 the intoxication of any person, shall be liable, severally or
27 jointly, with the person selling or giving the liquors.
28 However, if such building or premises belong to a minor or
29 other person under guardianship the guardian of such person
30 shall be held liable instead of the ward. A married woman has
31 the same right to bring the action and to control it and the

1 amount recovered as an unmarried woman. All damages recovered
2 by a minor under this Act shall be paid either to the minor,
3 or to his or her parent, guardian or next friend as the court
4 shall direct. The unlawful sale or gift of alcoholic liquor
5 works a forfeiture of all rights of the lessee or tenant
6 under any lease or contract of rent upon the premises where
7 the unlawful sale or gift takes place. All actions for
8 damages under this Act may be by any appropriate action in
9 the circuit court. An action shall lie for injuries to either
10 means of support or loss of society, but not both, caused by
11 an intoxicated person or in consequence of the intoxication
12 of any person resulting as hereinabove set out. "Loss of
13 society" means the mutual benefits that each family member
14 receives from the other's continued existence, including
15 love, affection, care, attention, companionship, comfort,
16 guidance, and protection. "Family" includes spouse,
17 children, parents, brothers, and sisters. The action, if the
18 person from whom support or society was furnished is living,
19 shall be brought by any person injured in means of support or
20 society in his or her name for his or her benefit and the
21 benefit of all other persons injured in means of support or
22 society. However, any person claiming to be injured in means
23 of support or society and not included in any action brought
24 hereunder may join by motion made within the times herein
25 provided for bringing such action or the personal
26 representative of the deceased person from whom such support
27 or society was furnished may so join. In every such action
28 the jury shall determine the amount of damages to be
29 recovered without regard to and with no special instructions
30 as to the dollar limits on recovery imposed by this Section.
31 The amount recovered in every such action is for the
32 exclusive benefit of the person injured in loss of support or
33 society and shall be distributed to such persons in the
34 proportions determined by the verdict rendered or judgment

1 entered in the action. If the right of action is settled by
2 agreement with the personal representative of a deceased
3 person from whom support or society was furnished, the court
4 having jurisdiction of the estate of the deceased person
5 shall distribute the amount of the settlement to the person
6 injured in loss of support or society in the proportion, as
7 determined by the court, that the percentage of dependency of
8 each such person upon the deceased person bears to the sum of
9 the percentages of dependency of all such persons upon the
10 deceased person. For all causes of action involving persons
11 injured, killed, or incurring property damage before
12 September 12, 1985, in no event shall the judgment or
13 recovery under this Act for injury to the person or to the
14 property of any person as hereinabove set out exceed \$15,000,
15 and recovery under this Act for loss of means of support
16 resulting from the death or injury of any person, as
17 hereinabove set out, shall not exceed \$20,000. For all causes
18 of action involving persons injured, killed, or incurring
19 property damage after September 12, 1985 but before July 1,
20 1998, in no event shall the judgment or recovery for injury
21 to the person or property of any person exceed \$30,000 for
22 each person incurring damages, and recovery under this Act
23 for loss of means of support resulting from the death or
24 injury of any person shall not exceed \$40,000. For all causes
25 of action involving persons injured, killed, or incurring
26 property damage on or after July 1, 1998, in no event shall
27 the judgment or recovery for injury to the person or property
28 of any person exceed \$45,000 for each person incurring
29 damages, and recovery under this Act for either loss of means
30 of support or loss of society resulting from the death or
31 injury of any person shall not exceed \$55,000. Beginning in
32 1999, every January 20, these liability limits shall
33 automatically be increased or decreased, as applicable, by a
34 percentage equal to the percentage change in the consumer

1 price index-u during the preceding 12-month calendar year.
2 "Consumer price index-u" means the index published by the
3 Bureau of Labor Statistics of the United States Department of
4 Labor that measures the average change in prices of goods and
5 services purchased by all urban consumers, United States city
6 average, all items, 1982-84 = 100. The new amount resulting
7 from each annual adjustment shall be determined by the
8 Comptroller and made available to the chief judge of each
9 judicial circuit. The liability limits at the time at which
10 damages subject to such limits are awarded by final judgment
11 or settlement shall be utilized by the courts. Nothing in
12 this Section bars any person from making separate claims
13 which, in the aggregate, exceed any one limit where such
14 person incurs more than one type of compensable damage,
15 including personal injury, property damage, and loss to means
16 of support or society. However, all persons claiming loss to
17 means of support or society shall be limited to an aggregate
18 recovery not to exceed the single limitation set forth herein
19 for the death or injury of each person from whom support or
20 society is claimed.

21 Nothing in this Act shall be construed to confer a cause
22 of action for injuries to the person or property of the
23 intoxicated person himself, nor shall anything in this Act be
24 construed to confer a cause of action for loss of means of
25 support or society on the intoxicated person himself or on
26 any person claiming to be supported by such intoxicated
27 person or claiming the society of such person. In conformance
28 with the rule of statutory construction enunciated in the
29 general Illinois saving provision in Section 4 of "An Act to
30 revise the law in relation to the construction of the
31 statutes", approved March 5, 1874, as amended, no amendment
32 of this Section purporting to abolish or having the effect of
33 abolishing a cause of action shall be applied to invalidate a
34 cause of action accruing before its effective date,

1 irrespective of whether the amendment was passed before or
2 after the effective date of this amendatory Act of 1986.

3 Each action hereunder shall be barred unless commenced
4 within one year next after the cause of action accrued.

5 However, a licensed distributor or brewer whose only
6 connection with the furnishing of alcoholic liquor which is
7 alleged to have caused intoxication was the furnishing or
8 maintaining of any apparatus for the dispensing or cooling of
9 beer is not liable under this Section, and if such licensee
10 is named as a defendant, a proper motion to dismiss shall be
11 granted.

12 (b) Any person licensed under any state or local law to
13 sell alcoholic liquor, whether or not a citizen or resident
14 of this State, who in person or through an agent causes the
15 intoxication, by the sale or gift of alcoholic liquor, of any
16 person who, while intoxicated, causes injury to any person or
17 property in the State of Illinois thereby submits such
18 licensed person, and, if an individual, his or her personal
19 representative, to the jurisdiction of the courts of this
20 State for a cause of action arising under subsection (a)
21 above.

22 Service of process upon any person who is subject to the
23 jurisdiction of the courts of this State, as provided in this
24 subsection, may be made by personally serving the summons
25 upon the defendant outside this State, as provided in the
26 Code of Civil Procedure, as now or hereafter amended, with
27 the same force and effect as though summons had been
28 personally served within this State.

29 Only causes of action arising under subsection (a) above
30 may be asserted against a defendant in an action in which
31 jurisdiction over him or her is based upon this subsection.

32 Nothing herein contained limits or affects the right to
33 serve any process in any other manner now or hereafter
34 provided by law.

1 (c) A retailers on premise consumption licensee is not
2 liable for damages under this Section caused by an
3 intoxicated person if:

4 (1) The licensee provides free nonalcoholic drinks
5 to all designated drivers and clearly displays signs
6 within its premises that notify patrons that the licensee
7 will provide free nonalcoholic drinks to designated
8 drivers;

9 (2) The licensee offers to provide a taxi ride to
10 the home of any patron who lives within 5 miles of the
11 licensee's premises;

12 (3) The licensee offers a chemical breath analysis
13 test at the front door of its premises so that a patron
14 can determine the content of alcohol in his or her blood;

15 (4) The patron is at least 21 years of age; and

16 (5) The licensee requires all of its bartenders to
17 complete a training program that teaches them to detect
18 when a patron is intoxicated.

19 (Source: P.A. 90-111, eff. 7-14-97.)