



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 02/05/04, by Sidney H. Mathias

SYNOPSIS AS INTRODUCED:

745 ILCS 10/8-101

from Ch. 85, par. 8-101

Amends the Local Governmental and Governmental Employees Tort Immunity Act. Provides that actions for damages for injury or death against any public physician, dentist, registered nurse, or hospital (instead of local public entity or employee) be brought within 2 years after the claimant knew or should have known of the injury or death. Effective immediately.

LRB093 16628 LCB 42278 b

1 AN ACT concerning public employees.

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

4 Section 5. The Local Governmental and Governmental
5 Employees Tort Immunity Act is amended by changing Section
6 8-101 as follows:

7 (745 ILCS 10/8-101) (from Ch. 85, par. 8-101)
8 Sec. 8-101. Limitation.

9 (a) No civil action other than an action described in
10 subsection (b) may be commenced in any court against a local
11 entity or any of its employees for any injury unless it is
12 commenced within one year from the date that the injury was
13 received or the cause of action accrued.

14 (b) No action for damages for injury or death against any
15 public physician, dentist, registered nurse, or hospital,
16 ~~local public entity or public employee,~~ whether based upon
17 tort, or breach of contract, or otherwise, arising out of
18 patient care shall be brought more than 2 years after the date
19 on which the claimant knew, or through the use of reasonable
20 diligence should have known, or received notice in writing of
21 the existence of the injury or death for which damages are
22 sought in the action, whichever of those dates occurs first,
23 but in no event shall such an action be brought more than 4
24 years after the date on which occurred the act or omission or
25 occurrence alleged in the action to have been the cause of the
26 injury or death.

27 (c) For purposes of this Article, the term "civil action"
28 includes any action, whether based upon the common law or
29 statutes or Constitution of this State.

30 (d) The changes made by this amendatory Act of the 93rd
31 General Assembly apply to an action or proceeding pending on or
32 after this amendatory Act's effective date, unless those

1 changes (i) take away or impair a vested right that was
2 acquired under existing law or (ii) with regard to a past
3 transaction or past consideration, create a new obligation,
4 impose a new duty, or attach a new disability.

5 (Source: P.A. 93-11, eff. 6-4-03.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.