



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 2/6/2004, by Tom Cross

SYNOPSIS AS INTRODUCED:

735 ILCS 5/2-1109	from Ch. 110, par. 2-1109
735 ILCS 5/2-1702	from Ch. 110, par. 2-1702

Amends the Code of Civil Procedure. Defines "economic loss" or "economic damages", "non-economic loss" or "non-economic damages", and "compensatory damages" or "actual damages". Distinguishes between economic and non-economic damages in verdicts.

LRB093 18700 LCB 44428 b

1 AN ACT concerning verdicts.

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 Sections 2-1109 and 2-1702 as follows:

6 (735 ILCS 5/2-1109) (from Ch. 110, par. 2-1109)

7 (Text of Section WITHOUT the changes made by P.A. 89-7,
8 which has been held unconstitutional)

9 Sec. 2-1109. Itemized verdicts.

10 (a) In every case where damages for bodily injury or death
11 ~~to the person~~ are assessed by the jury the verdict shall be
12 itemized so as to reflect the monetary distribution, if any,
13 among economic loss and non-economic loss as defined in
14 subsection (b) of this Section, if any, and, in healing art
15 ~~medical~~ malpractice cases, further itemized so as to reflect
16 the distribution of economic loss by category, such itemization
17 of economic loss by category to include: (i) ~~(a)~~ amounts
18 intended to compensate for reasonable expenses which have been
19 incurred, or which will be incurred, for necessary medical,
20 surgical, x-ray, dental, or other health or rehabilitative
21 services, drugs, and therapy; (ii) ~~(b)~~ amounts intended to
22 compensate for lost wages or loss of earning capacity; and
23 (iii) ~~(c)~~ all other economic losses claimed by the plaintiff or
24 granted by the jury. Each category of economic loss shall be
25 further itemized into amounts intended to compensate for losses
26 which have been incurred prior to the verdict and amounts
27 intended to compensate for future losses ~~which will be incurred~~
28 ~~in the future.~~

29 (b) In all actions on account of bodily injury or death
30 based on negligence, the following terms have the following
31 meanings:

32 (i) "Economic loss" or "economic damages" means all

1 damages that are tangible, such as damages for past and
2 future medical expenses, loss of income or earnings, and
3 other property loss.

4 (ii) "Non-economic loss" or "non-economic damages"
5 means damages that are intangible including, but not
6 limited to, damages for pain and suffering, disability,
7 disfigurement, loss of consortium, and loss of society.

8 (iii) "Compensatory damages" or "actual damages" are
9 the sum of economic and non-economic damages.

10 (c) Nothing in this Section shall be construed to create a
11 cause of action.

12 (d) This amendatory Act of the 93rd General Assembly
13 applies to causes of action accruing on or after its effective
14 date.

15 (Source: P.A. 84-7.)

16 (735 ILCS 5/2-1702) (from Ch. 110, par. 2-1702)

17 (Text of Section WITHOUT the changes made by P.A. 89-7,
18 which has been held unconstitutional)

19 Sec. 2-1702. Economic/Non-Economic Loss. As used in this
20 Part, "economic loss" and "non-economic loss" are defined as in
21 Section 2-1109(b). ÷

22 ~~(a) "Economic loss" means all pecuniary harm for which~~
23 ~~damages are recoverable.~~

24 ~~(b) "Non-economic loss" means loss of consortium and all~~
25 ~~nonpecuniary harm for which damages are recoverable,~~
26 ~~including, without limitation, damages for pain and suffering,~~
27 ~~inconvenience, disfigurement, and physical impairment.~~

28 (Source: P.A. 84-7.)