

1 AN ACT in relation to civil procedure.

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, if and  
5 only if House Bill 2784 of the 93rd General Assembly becomes  
6 law in the form in which it passed the General Assembly, by  
7 changing Section 2-1117 as follows:

8 (735 ILCS 5/2-1117) (from Ch. 110, par. 2-1117)

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

11 Sec. 2-1117. Joint liability.

12 Except as provided in Section 2-1118, in actions on  
13 account of bodily injury or death or physical damage to  
14 property, based on negligence, or product liability based on  
15 strict tort liability, all defendants found liable are  
16 jointly and severally liable for plaintiff's past and future  
17 medical and medically related expenses. Any defendant whose  
18 fault, as determined by the trier of fact, is less than 25%  
19 of the total fault attributable to the plaintiff, the  
20 defendants sued by the plaintiff, and any third party  
21 defendant except the plaintiff's employer, shall be severally  
22 liable for all other damages. Any defendant whose fault, as  
23 determined by the trier of fact, is 25% or greater of the  
24 total fault attributable to the plaintiff, the defendants  
25 sued by the plaintiff, and any third party defendants except  
26 the plaintiff's employer ~~who--could--have--been--sued--by--the~~  
27 ~~plaintiff~~, shall be jointly and severally liable for all  
28 other damages.

29 (Source: 93HB2784enr.)

30 Section 99. Effective date. This Act takes effect upon

1 becoming law.