- 1 AMENDMENT TO SENATE BILL 729
- 2 AMENDMENT NO. ____. Amend Senate Bill 729 by replacing
- 3 everything after the enacting clause with the following:
- 4 "Section 5. The Code of Civil Procedure is amended, if
- 5 and only if House Bill 2784 of the 93rd General Assembly
- 6 becomes law in the form in which it passed the General
- 7 Assembly, by 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,
- 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
- 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

- determined by the trier of fact, is 25% or greater of the
- 2 total fault attributable to the plaintiff, the defendants
- 3 sued by the plaintiff, and any third party defendants <u>except</u>
- 4 <u>the plaintiff's employer</u> who-eould-have-been-sued-by-the
- 5 plaintiff, shall be jointly and severally liable for all
- 6 other damages.
- 7 (Source: 93HB2784enr.)
- 8 Section 99. Effective date. This Act takes effect upon
- 9 becoming law.".