



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB1296

Introduced 2/9/2007, by Sen. John J. Cullerton

SYNOPSIS AS INTRODUCED:

735 ILCS 5/2-1117

from Ch. 110, par. 2-1117

Amends the Code of Civil Procedure. Provides that the apportionment of fault under the joint liability Section only applies to the parties still remaining in the case at the time that a final determination is made by the trier of fact and does not apply to the defendants or third party defendants that have been dismissed for any reason, including settlement. Provides that this Amendatory Act of the 95th General Assembly applies to all actions pending on or filed on or after the effective date. Effective immediately.

LRB095 07166 AJO 27297 b

1 AN ACT concerning civil law.

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 Section 2-1117 as follows:

6 (735 ILCS 5/2-1117) (from Ch. 110, par. 2-1117)

7 Sec. 2-1117. Joint liability. Except as provided in Section
8 2-1118, in actions on account of bodily injury or death or
9 physical damage to property, based on negligence, or product
10 liability based on strict tort liability, all defendants found
11 liable are jointly and severally liable for plaintiff's past
12 and future medical and medically related expenses. Any
13 defendant whose fault, as determined by the trier of fact, is
14 less than 25% of the total fault attributable to the plaintiff,
15 the defendants sued by the plaintiff, and any third party
16 defendant except the plaintiff's employer, shall be severally
17 liable for all other damages. Any defendant whose fault, as
18 determined by the trier of fact, is 25% or greater of the total
19 fault attributable to the plaintiff, the defendants sued by the
20 plaintiff, and any third party defendants except the
21 plaintiff's employer, shall be jointly and severally liable for
22 all other damages. The apportionment of fault under this
23 Section only applies to the parties still remaining in the case

1 at the time of the final determination by the trier of fact. It
2 does not apply to the defendants or third party defendants that
3 have been dismissed for any reason, including settlement.

4 The changes to this Section made by this amendatory Act of
5 the 95th General Assembly apply to actions commenced or pending
6 on or after the effective date of this amendatory Act of the
7 95th General Assembly.

8 (Source: P.A. 93-10, eff. 6-4-03; 93-12, eff. 6-4-03.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.