

SB2085



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB2085

Introduced 2/14/2008, by Sen. Ira I. Silverstein

SYNOPSIS AS INTRODUCED:

70 ILCS 3605/41

from Ch. 111 2/3, par. 341

Amends the Metropolitan Transit Authority Act. Provides that certain civil actions against the Metropolitan Transit Authority must be commenced within 2 years (now, one year) from the date the injury was received or the cause of action accrued. Provides that written notice must be provided to the Authority within one year (now, 6 months) from the date the injury was received or the cause of action accrued.

LRB095 18836 HLH 44963 b

A BILL FOR

1 AN ACT concerning local government.

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

4 Section 5. The Metropolitan Transit Authority Act is
5 amended by changing Section 41 as follows:

6 (70 ILCS 3605/41) (from Ch. 111 2/3, par. 341)

7 Sec. 41. No civil action shall be commenced in any court
8 against the Authority by any person for any injury to his
9 person unless it is commenced within 2 years ~~one year~~ from the
10 date that the injury was received or the cause of action
11 accrued. Within one year ~~six (6) months~~ from the date that such
12 an injury was received or such cause of action accrued, any
13 person who is about to commence any civil action in any court
14 against the Authority for damages on account of any injury to
15 his person shall file in the office of the secretary of the
16 Board and also in the office of the General Counsel for the
17 Authority either by himself, his agent, or attorney, a
18 statement, in writing, signed by himself, his agent, or
19 attorney, giving the name of the person to whom the cause of
20 action has accrued, the name and residence of the person
21 injured, the date and about the hour of the accident, the place
22 or location where the accident occurred and the name and
23 address of the attending physician, if any. If the notice

1 provided for by this Section ~~section~~ is not filed as provided,
2 any such civil action commenced against the Authority shall be
3 dismissed and the person to whom any such cause of action
4 accrued for any personal injury shall be forever barred from
5 further suing.

6 Any person who notifies the Authority that he or she was
7 injured or has a cause of action shall be furnished a copy of
8 Section 41 of this Act. Within 10 days after being notified in
9 writing, the Authority shall either send a copy by certified
10 mail to the person at his or her last known address or hand
11 deliver a copy to the person who shall acknowledge receipt by
12 his or her signature. When the Authority is notified later than
13 6 months from the date the injury occurred or the cause of
14 action arose, the Authority is not obligated to furnish a copy
15 of Section 41 to the person. In the event the Authority fails
16 to furnish a copy of Section 41 as provided in this Section,
17 any action commenced against the Authority shall not be
18 dismissed for failure to file a written notice as provided in
19 this Section. Compliance with this Section shall be liberally
20 construed in favor of the person required to file a written
21 statement.

22 (Source: P.A. 90-451, eff. 7-1-98.)