



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB2424

Introduced 2/19/2009, by Rep. Al Riley

SYNOPSIS AS INTRODUCED:

70 ILCS 3605/41

from Ch. 111 2/3, par. 341

Amends the Metropolitan Transit Authority Act. With respect to the notice of injury a person must give to the Chicago Transit Authority within 6 months to allow the person to maintain a civil action against the Authority, provides that, if a notice is filed within the 6-month period, then the Authority is barred from asserting that the notice is insufficient unless the Authority notifies the person who signed the notice, in writing and served by United States mail with postage prepaid, of the specific nature of any alleged insufficiencies and allows the person to correct alleged insufficiencies by filing an amended notice within 60 days after the date the notice of insufficiency was mailed. Effective immediately.

LRB096 10326 RLJ 20496 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning 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 one year from the date
10 that the injury was received or the cause of action accrued.
11 Within six (6) months from the date that such an injury was
12 received or such cause of action accrued, any person who is
13 about to commence any civil action in any court against the
14 Authority for damages on account of any injury to his person
15 shall file in the office of the secretary of the Board and also
16 in the office of the General Counsel for the Authority either
17 by himself, his agent, or attorney, a statement, in writing,
18 signed by himself, his agent, or attorney, giving the name of
19 the person to whom the cause of action has accrued, the name
20 and residence of the person injured, the date and about the
21 hour of the accident, the place or location where the accident
22 occurred and the name and address of the attending physician,
23 if any. If the notice provided for by this section is not filed

1 within the 6-month period ~~as provided~~, any such civil action
2 commenced against the Authority shall be dismissed and the
3 person to whom any such cause of action accrued for any
4 personal injury shall be forever barred from further suing. If
5 a notice is filed within the 6-month period, then the Authority
6 is barred from asserting that the notice is insufficient unless
7 the Authority notifies the person who signed the notice, in
8 writing and served by United States mail with postage prepaid,
9 of the specific nature of any alleged insufficiencies and
10 allows the person to correct the alleged insufficiencies by
11 filing an amended notice within 60 days after the date the
12 notice of insufficiency was mailed.

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

1 construed in favor of the person required to file a written
2 statement.

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

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.