



Rep. Al Riley

**Filed: 3/18/2009**

09600HB2424ham001

LRB096 10326 RLJ 23846 a

1 AMENDMENT TO HOUSE BILL 2424

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2424 by replacing  
3 everything after the enacting clause with the following:

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

1 by himself, his agent, or attorney, a statement, in writing,  
2 signed by himself, his agent, or attorney, giving the name of  
3 the person to whom the cause of action has accrued, the name  
4 and residence of the person injured, the date and about the  
5 hour of the accident, the place or location where the accident  
6 occurred and the name and address of the attending physician,  
7 if any. If the notice provided for by this section is not filed  
8 within the 6-month period as provided, any such civil action  
9 commenced against the Authority shall be dismissed and the  
10 person to whom any such cause of action accrued for any  
11 personal injury shall be forever barred from further suing. If  
12 a statement is filed within the 6-month period, then the  
13 Authority is barred from asserting that the statement is  
14 insufficient unless the Authority notifies the person who  
15 signed the statement, in writing and served by United States  
16 mail with postage prepaid, of the specific nature of any  
17 alleged insufficiencies and allows the person to correct the  
18 alleged insufficiencies by filing an amended statement within  
19 60 days after the date the notice of insufficiency was mailed.  
20 Insufficiencies may include the name of the person to whom the  
21 cause of action has accrued, the name and residence of the  
22 person injured, the date and about the hour of the accident,  
23 the place or location where the accident occurred, and the name  
24 and address of the attending physician, if any. Compliance with  
25 this Section shall be liberally construed in favor of the  
26 person required to file a written statement.

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

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

18           Section 99. Effective date. This Act takes effect upon  
19 becoming law.".