



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5293

Introduced 2/3/2010, by Rep. William B. Black

SYNOPSIS AS INTRODUCED:

735 ILCS 5/13-106

from Ch. 110, par. 13-106

Amends the Code of Civil Procedure. In provisions concerning real property that establish when the right to make an entry or bring an action to recover land first accrues, provides that in the case of a publicly-maintained sanitary sewer, storm sewer, or water pipe, the right accrues at the time of the construction on the property of the sanitary, sewer, storm sewer, or water pipe. Effective immediately.

LRB096 16245 AJO 31501 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 13-106 as follows:

6 (735 ILCS 5/13-106) (from Ch. 110, par. 13-106)

7 Sec. 13-106. Accrual of right of entry or to bring action.
8 The right to make an entry or bring an action to recover land
9 shall be deemed to have first accrued at the times respectively
10 hereinafter provided:

11 (a) When any person is wrongfully ousted from possession,
12 his or her right of entry or of action shall be deemed to have
13 accrued at the time of such wrongful ouster.

14 (b) When he or she claims as heir or legatee of an owner in
15 possession who died, his or her right shall be deemed to have
16 accrued at the time of such death, unless there is an estate
17 intervening after the death of such ancestor or testator; in
18 which case his or her right shall be deemed to accrue when such
19 intermediate estate expires, or when it would have expired by
20 its own limitations.

21 (c) When there is such an intermediate estate, and in all
22 other cases when the party claims by force of any remainder or
23 reversion, his or her right, so far as it is affected by the

1 limitation herein prescribed, shall be deemed to accrue when
2 the intermediate or precedent estate would have expired by its
3 own limitation, notwithstanding any forfeiture thereof for
4 which he or she might have entered at an earlier time.

5 (d) Paragraph (c) of this Section shall not prevent a
6 person from entering when entitled to do so by reason of any
7 forfeiture or breach of condition; but if he or she claims
8 under such a title, his or her right shall be deemed to have
9 accrued when the forfeiture was incurred or the condition was
10 broken.

11 (e) In all cases not otherwise specially provided for, the
12 right shall be deemed to have accrued when the claimant, or the
13 person under whom he or she claims, first became entitled to
14 the possession of the premises under the title upon which the
15 entry or the action is founded.

16 (f) In the case of a publicly-maintained sanitary sewer,
17 storm sewer, or water pipe, the right is deemed to have first
18 accrued at the time of the construction on the property of the
19 sanitary sewer, storm sewer, or water pipe.

20 (Source: P.A. 84-549.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.