



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB1382

Introduced 2/14/2011, by Rep. Kenneth Dunkin

SYNOPSIS AS INTRODUCED:

765 ILCS 605/33 new

Amends the Condominium Property Act. Provides that a tort action against a developer for an act or omission in the construction, design, planning, supervision, observation, or management of the construction of a condominium, condominium unit, or the common elements of a condominium shall be commenced within 4 years from the time that the unit owner or condominium association knew or should reasonably have known of such act or omission. Provides that if a unit owner otherwise entitled to bring an action could not do so solely because of a legal disability, then the limitation period does not begin to run until the disability is removed. Provides that these limitations do not apply to a cause of action arising out of a fraudulent misrepresentation or out of a fraudulent concealment of a cause of action. Provides that these provisions apply to actions commenced or pending on or after the effective date.

LRB097 06197 AJO 46272 b

1 AN ACT concerning property.

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

4 Section 5. The Condominium Property Act is amended by
5 adding Section 33 as follows:

6 (765 ILCS 605/33 new)

7 Sec. 33. Action against a developer.

8 (a) Actions based upon tort against a developer for an act
9 or omission in the construction, design, planning,
10 supervision, observation or management of the construction of a
11 condominium, condominium unit, or the common elements of a
12 condominium shall be commenced against a developer within 4
13 years from the time that the unit owner or condominium
14 association bringing an action knew or should reasonably have
15 known of such act or omission.

16 (b) If a unit owner otherwise entitled to bring an action
17 could not have brought such action within the limitation
18 periods herein solely because the unit owner was under a legal
19 disability, then the limitation period herein shall not begin
20 to run until the disability is removed.

21 (c) The limitation of this Section shall not apply to
22 causes of action arising out of fraudulent misrepresentations
23 or to fraudulent concealment of causes of action.

1 (d) This Section applies to actions commenced or pending on
2 or after the effective date of this amendatory Act of the 97th
3 General Assembly.