



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5809

Introduced 2/16/2012, by Rep. Dwight Kay

SYNOPSIS AS INTRODUCED:

735 ILCS 5/2-1117

from Ch. 110, par. 2-1117

Amends the Code of Civil Procedure. With respect to certain types of actions, provides that for any defendant whose fault is less than 25% of the total fault attributable to the plaintiff, the defendants sued by the plaintiff, and any third party defendant who could have been sued by the plaintiff (instead of any third party defendant except the plaintiff's employer), shall be severally liable for all other damages. Provides that for any defendant whose fault is 25% or greater of the total fault attributable to the plaintiff, the defendants sued by the plaintiff, and any third party defendants who could have been sued by the plaintiff (instead of any third party defendants except the plaintiff's employer), shall be jointly and severally liable for all other damages.

LRB097 18195 AJO 63419 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 2-1117 as follows:

6 (735 ILCS 5/2-1117) (from Ch. 110, par. 2-1117)

7 Sec. 2-1117. Joint liability. Except as provided in Section
8 2-1118, in actions on account of bodily injury or death or
9 physical damage to property, based on negligence, or product
10 liability based on strict tort liability, all defendants found
11 liable are jointly and severally liable for plaintiff's past
12 and future medical and medically related expenses. Any
13 defendant whose fault, as determined by the trier of fact, is
14 less than 25% of the total fault attributable to the plaintiff,
15 the defendants sued by the plaintiff, and any third party
16 defendant who could have been sued by the plaintiff ~~except the~~
17 ~~plaintiff's employer~~, shall be severally liable for all other
18 damages. Any defendant whose fault, as determined by the trier
19 of fact, is 25% or greater of the total fault attributable to
20 the plaintiff, the defendants sued by the plaintiff, and any
21 third party defendants who could have been sued by the
22 plaintiff ~~except the plaintiff's employer~~, shall be jointly and
23 severally liable for all other damages.

1 (Source: P.A. 93-10, eff. 6-4-03; 93-12, eff. 6-4-03.)