



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB1695

Introduced 2/9/2011, by Sen. John J. Millner

SYNOPSIS AS INTRODUCED:

735 ILCS 5/2-1117

from Ch. 110, par. 2-1117

Amends the Code of Civil Procedure. In provisions concerning joint liability provides that a municipality, or any employee, officer, or agent of a municipality, is liable only for the percentage of fault attributable to it by the trier of fact.

LRB097 05430 AJO 45488 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.

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

1 (b) A municipality, or any employee, officer, or agent of a
2 municipality, is liable only for the percentage of fault
3 attributable to it by the trier of fact.

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