



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB2220

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.

LRB098 05545 HEP 35582 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.)