

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 Sections 13-211, 13-212, and 13-214.3 as follows:

6 (735 ILCS 5/13-211) (from Ch. 110, par. 13-211)

7 Sec. 13-211. Minors and persons under legal disability.

8 (a) If the person entitled to bring an action, specified in
9 Sections 13-201 through 13-210 of this Code Act, at the time
10 the cause of action accrued, is under the age of 18 years, or
11 is under a legal disability, then he or she may bring the
12 action within 2 years after the person attains the age of 18
13 years, or the disability is removed.

14 (b) If the person entitled to bring an action specified
15 under Sections 13-201 through 13-210 of this Code is not under
16 a legal disability at the time the cause of action accrues, but
17 becomes under a legal disability before the period of
18 limitations otherwise runs, the period of limitations is stayed
19 until the disability is removed. This subsection (b) does not
20 invalidate any statute of repose provisions contained in
21 Sections 13-201 through 13-210 of this Code. This subsection
22 (b) applies to actions commenced or pending on or after the
23 effective date of this amendatory Act of the 98th General

1 Assembly.

2 (Source: P.A. 85-18; 85-907; 86-1329.)

3 (735 ILCS 5/13-212) (from Ch. 110, par. 13-212)

4 Sec. 13-212. Physician or hospital.

5 (a) Except as provided in Section 13-215 of this Act, no
6 action for damages for injury or death against any physician,
7 dentist, registered nurse or hospital duly licensed under the
8 laws of this State, whether based upon tort, or breach of
9 contract, or otherwise, arising out of patient care shall be
10 brought more than 2 years after the date on which the claimant
11 knew, or through the use of reasonable diligence should have
12 known, or received notice in writing of the existence of the
13 injury or death for which damages are sought in the action,
14 whichever of such date occurs first, but in no event shall such
15 action be brought more than 4 years after the date on which
16 occurred the act or omission or occurrence alleged in such
17 action to have been the cause of such injury or death.

18 (b) Except as provided in Section 13-215 of this Act, no
19 action for damages for injury or death against any physician,
20 dentist, registered nurse or hospital duly licensed under the
21 laws of this State, whether based upon tort, or breach of
22 contract, or otherwise, arising out of patient care shall be
23 brought more than 8 years after the date on which occurred the
24 act or omission or occurrence alleged in such action to have
25 been the cause of such injury or death where the person

1 entitled to bring the action was, at the time the cause of
2 action accrued, under the age of 18 years; provided, however,
3 that in no event may the cause of action be brought after the
4 person's 22nd birthday. If the person was under the age of 18
5 years when the cause of action accrued and, as a result of this
6 amendatory Act of 1987, the action is either barred or there
7 remains less than 3 years to bring such action, then he or she
8 may bring the action within 3 years of July 20, 1987.

9 (c) If the person entitled to bring an action described in
10 this Section is, at the time the cause of action accrued, under
11 a legal disability other than being under the age of 18 years,
12 then the period of limitations does not begin to run until the
13 disability is removed.

14 (d) If the person entitled to bring an action described in
15 this Section is not under a legal disability at the time the
16 cause of action accrues, but becomes under a legal disability
17 before the period of limitations otherwise runs, the period of
18 limitations is stayed until the disability is removed. This
19 subsection (d) does not invalidate any statute of repose
20 provisions contained in this Section. This subsection (d)
21 applies to actions commenced or pending on or after the
22 effective date of this amendatory Act of the 98th General
23 Assembly.

24 (Source: P.A. 85-18; 85-907; 86-1329.)

25 (735 ILCS 5/13-214.3) (from Ch. 110, par. 13-214.3)

1 (Text of Section WITHOUT the changes made by P.A. 89-7,
2 which has been held unconstitutional)

3 Sec. 13-214.3. Attorneys.

4 (a) In this Section: "attorney" includes (i) an individual
5 attorney, together with his or her employees who are attorneys,
6 (ii) a professional partnership of attorneys, together with its
7 employees, partners, and members who are attorneys, and (iii) a
8 professional service corporation of attorneys, together with
9 its employees, officers, and shareholders who are attorneys;
10 and "non-attorney employee" means a person who is not an
11 attorney but is employed by an attorney.

12 (b) An action for damages based on tort, contract, or
13 otherwise (i) against an attorney arising out of an act or
14 omission in the performance of professional services or (ii)
15 against a non-attorney employee arising out of an act or
16 omission in the course of his or her employment by an attorney
17 to assist the attorney in performing professional services must
18 be commenced within 2 years from the time the person bringing
19 the action knew or reasonably should have known of the injury
20 for which damages are sought.

21 (c) Except as provided in subsection (d), an action
22 described in subsection (b) may not be commenced in any event
23 more than 6 years after the date on which the act or omission
24 occurred.

25 (d) When the injury caused by the act or omission does not
26 occur until the death of the person for whom the professional

1 services were rendered, the action may be commenced within 2
2 years after the date of the person's death unless letters of
3 office are issued or the person's will is admitted to probate
4 within that 2 year period, in which case the action must be
5 commenced within the time for filing claims against the estate
6 or a petition contesting the validity of the will of the
7 deceased person, whichever is later, as provided in the Probate
8 Act of 1975.

9 (e) If the person entitled to bring the action is under the
10 age of majority or under other legal disability at the time the
11 cause of action accrues, the period of limitations shall not
12 begin to run until majority is attained or the disability is
13 removed.

14 (f) If the person entitled to bring an action described in
15 this Section is not under a legal disability at the time the
16 cause of action accrues, but becomes under a legal disability
17 before the period of limitations otherwise runs, the period of
18 limitations is stayed until the disability is removed. This
19 subsection (f) does not invalidate any statute of repose
20 provisions contained in this Section. This subsection (f)
21 applies to actions commenced or pending on or after the
22 effective date of this amendatory Act of the 98th General
23 Assembly.

24 (g) ~~(f)~~ This Section applies to all causes of action
25 accruing on or after its effective date.

26 (Source: P.A. 86-1371.)