



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB1441

by Rep. Jack D. Franks

SYNOPSIS AS INTRODUCED:

740 ILCS 130/2

from Ch. 80, par. 302

Amends the Premises Liability Act. Provides that whether a condition is open and obvious may be considered by the trier of fact only in assessing the degree of comparative fault, if any, and shall not be considered with respect to any other issue of law or fact, including duty.

LRB099 06995 HEP 27077 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 Premises Liability Act is amended by
5 changing Section 2 as follows:

6 (740 ILCS 130/2) (from Ch. 80, par. 302)

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

9 Sec. 2. The distinction under the common law between
10 invitees and licensees as to the duty owed by an owner or
11 occupier of any premises to such entrants is abolished.

12 The duty owed to such entrants is that of reasonable care
13 under the circumstances regarding the state of the premises or
14 acts done or omitted on them.

15 Whether a condition is open and obvious may be considered
16 by the trier of fact only in assessing the degree of
17 comparative fault, if any, under Section 2-1116 of the Code of
18 Civil Procedure and shall not be considered with respect to any
19 other issue of law or fact, including duty.

20 (Source: P.A. 83-1398.)