

1 AN ACT concerning the State Comptroller.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 10. The Illinois Pension Code is amended by
5 changing Section 15-125 as follows:

6 (40 ILCS 5/15-125) (from Ch. 108 1/2, par. 15-125)

7 Sec. 15-125. "Prescribed Rate of Interest; Effective Rate
8 of Interest".~~+~~

9 (1) "Prescribed rate of interest": The rate of interest to
10 be used in actuarial valuations and in development of actuarial
11 tables as determined by the board on the basis of the probable
12 average effective rate of interest on a long term basis.

13 (2) "Effective rate of interest": The interest rate for all
14 or any part of a fiscal year that is determined by the board
15 based on factors including the system's past and expected
16 investment experience; historical and expected fluctuations in
17 the market value of investments; the desirability of minimizing
18 volatility in the effective rate of interest from year to year;
19 and the provision of reserves for anticipated losses upon
20 sales, redemptions, or other disposition of investments and for
21 variations in interest experience; except that for the purpose
22 of determining the accumulated normal contributions used in
23 calculating retirement annuities under Rule 2 of Section
24 15-136, the effective rate of interest shall be determined by
25 the State Comptroller rather than the board. The State
26 Comptroller shall determine the effective rate of interest to
27 be used for this purpose using the factors listed above, and
28 shall certify to the board and the Commission on Government
29 Forecasting and Accountability the rate to be used for this
30 purpose for fiscal year 2006 as soon as possible after the
31 effective date of this amendatory Act of the 94th General
32 Assembly, and for each fiscal year thereafter no later than the

1 January 31 ~~September 1~~ immediately preceding the start of that
2 fiscal year.

3 (3) The change made to this Section by Public Acts 90-65
4 and 90-511 is a clarification of existing law.

5 (Source: P.A. 94-4, eff. 6-1-05; revised 10-11-05.)

6 Section 15. The Liquor Control Act of 1934 is amended by
7 changing Section 6-21 as follows:

8 (235 ILCS 5/6-21) (from Ch. 43, par. 135)

9 Sec. 6-21. (a) Every person who is injured within this
10 State, in person or property, by any intoxicated person has a
11 right of action in his or her own name, severally or jointly,
12 against any person, licensed under the laws of this State or of
13 any other state to sell alcoholic liquor, who, by selling or
14 giving alcoholic liquor, within or without the territorial
15 limits of this State, causes the intoxication of such person.
16 Any person at least 21 years of age who pays for a hotel or
17 motel room or facility knowing that the room or facility is to
18 be used by any person under 21 years of age for the unlawful
19 consumption of alcoholic liquors and such consumption causes
20 the intoxication of the person under 21 years of age, shall be
21 liable to any person who is injured in person or property by
22 the intoxicated person under 21 years of age. Any person
23 owning, renting, leasing or permitting the occupation of any
24 building or premises with knowledge that alcoholic liquors are
25 to be sold therein, or who having leased the same for other
26 purposes, shall knowingly permit therein the sale of any
27 alcoholic liquors that have caused the intoxication of any
28 person, shall be liable, severally or jointly, with the person
29 selling or giving the liquors. However, if such building or
30 premises belong to a minor or other person under guardianship
31 the guardian of such person shall be held liable instead of the
32 ward. A married woman has the same right to bring the action
33 and to control it and the amount recovered as an unmarried
34 woman. All damages recovered by a minor under this Act shall be

1 paid either to the minor, or to his or her parent, guardian or
2 next friend as the court shall direct. The unlawful sale or
3 gift of alcoholic liquor works a forfeiture of all rights of
4 the lessee or tenant under any lease or contract of rent upon
5 the premises where the unlawful sale or gift takes place. All
6 actions for damages under this Act may be by any appropriate
7 action in the circuit court. An action shall lie for injuries
8 to either means of support or loss of society, but not both,
9 caused by an intoxicated person or in consequence of the
10 intoxication of any person resulting as hereinabove set out.
11 "Loss of society" means the mutual benefits that each family
12 member receives from the other's continued existence,
13 including love, affection, care, attention, companionship,
14 comfort, guidance, and protection. "Family" includes spouse,
15 children, parents, brothers, and sisters. The action, if the
16 person from whom support or society was furnished is living,
17 shall be brought by any person injured in means of support or
18 society in his or her name for his or her benefit and the
19 benefit of all other persons injured in means of support or
20 society. However, any person claiming to be injured in means of
21 support or society and not included in any action brought
22 hereunder may join by motion made within the times herein
23 provided for bringing such action or the personal
24 representative of the deceased person from whom such support or
25 society was furnished may so join. In every such action the
26 jury shall determine the amount of damages to be recovered
27 without regard to and with no special instructions as to the
28 dollar limits on recovery imposed by this Section. The amount
29 recovered in every such action is for the exclusive benefit of
30 the person injured in loss of support or society and shall be
31 distributed to such persons in the proportions determined by
32 the verdict rendered or judgment entered in the action. If the
33 right of action is settled by agreement with the personal
34 representative of a deceased person from whom support or
35 society was furnished, the court having jurisdiction of the
36 estate of the deceased person shall distribute the amount of

1 the settlement to the person injured in loss of support or
2 society in the proportion, as determined by the court, that the
3 percentage of dependency of each such person upon the deceased
4 person bears to the sum of the percentages of dependency of all
5 such persons upon the deceased person. For all causes of action
6 involving persons injured, killed, or incurring property
7 damage before September 12, 1985, in no event shall the
8 judgment or recovery under this Act for injury to the person or
9 to the property of any person as hereinabove set out exceed
10 \$15,000, and recovery under this Act for loss of means of
11 support resulting from the death or injury of any person, as
12 hereinabove set out, shall not exceed \$20,000. For all causes
13 of action involving persons injured, killed, or incurring
14 property damage after September 12, 1985 but before July 1,
15 1998, in no event shall the judgment or recovery for injury to
16 the person or property of any person exceed \$30,000 for each
17 person incurring damages, and recovery under this Act for loss
18 of means of support resulting from the death or injury of any
19 person shall not exceed \$40,000. For all causes of action
20 involving persons injured, killed, or incurring property
21 damage on or after July 1, 1998, in no event shall the judgment
22 or recovery for injury to the person or property of any person
23 exceed \$45,000 for each person incurring damages, and recovery
24 under this Act for either loss of means of support or loss of
25 society resulting from the death or injury of any person shall
26 not exceed \$55,000. Beginning in 1999, every January 20, these
27 liability limits shall automatically be increased or
28 decreased, as applicable, by a percentage equal to the
29 percentage change in the consumer price index-u during the
30 preceding 12-month calendar year. "Consumer price index-u"
31 means the index published by the Bureau of Labor Statistics of
32 the United States Department of Labor that measures the average
33 change in prices of goods and services purchased by all urban
34 consumers, United States city average, all items, 1982-84 =
35 100. The new amount resulting from each annual adjustment shall
36 be determined by the Comptroller and made available via the

1 Comptroller's official website by January 31 of every year and
2 to the chief judge of each judicial circuit. The liability
3 limits at the time at which damages subject to such limits are
4 awarded by final judgment or settlement shall be utilized by
5 the courts. Nothing in this Section bars any person from making
6 separate claims which, in the aggregate, exceed any one limit
7 where such person incurs more than one type of compensable
8 damage, including personal injury, property damage, and loss to
9 means of support or society. However, all persons claiming loss
10 to means of support or society shall be limited to an aggregate
11 recovery not to exceed the single limitation set forth herein
12 for the death or injury of each person from whom support or
13 society is claimed.

14 Nothing in this Act shall be construed to confer a cause of
15 action for injuries to the person or property of the
16 intoxicated person himself, nor shall anything in this Act be
17 construed to confer a cause of action for loss of means of
18 support or society on the intoxicated person himself or on any
19 person claiming to be supported by such intoxicated person or
20 claiming the society of such person. In conformance with the
21 rule of statutory construction enunciated in the general
22 Illinois saving provision in Section 4 of "An Act to revise the
23 law in relation to the construction of the statutes", approved
24 March 5, 1874, as amended, no amendment of this Section
25 purporting to abolish or having the effect of abolishing a
26 cause of action shall be applied to invalidate a cause of
27 action accruing before its effective date, irrespective of
28 whether the amendment was passed before or after the effective
29 date of this amendatory Act of 1986.

30 Each action hereunder shall be barred unless commenced
31 within one year next after the cause of action accrued.

32 However, a licensed distributor or brewer whose only
33 connection with the furnishing of alcoholic liquor which is
34 alleged to have caused intoxication was the furnishing or
35 maintaining of any apparatus for the dispensing or cooling of
36 beer is not liable under this Section, and if such licensee is

1 named as a defendant, a proper motion to dismiss shall be
2 granted.

3 (b) Any person licensed under any state or local law to
4 sell alcoholic liquor, whether or not a citizen or resident of
5 this State, who in person or through an agent causes the
6 intoxication, by the sale or gift of alcoholic liquor, of any
7 person who, while intoxicated, causes injury to any person or
8 property in the State of Illinois thereby submits such licensed
9 person, and, if an individual, his or her personal
10 representative, to the jurisdiction of the courts of this State
11 for a cause of action arising under subsection (a) above.

12 Service of process upon any person who is subject to the
13 jurisdiction of the courts of this State, as provided in this
14 subsection, may be made by personally serving the summons upon
15 the defendant outside this State, as provided in the Code of
16 Civil Procedure, as now or hereafter amended, with the same
17 force and effect as though summons had been personally served
18 within this State.

19 Only causes of action arising under subsection (a) above
20 may be asserted against a defendant in an action in which
21 jurisdiction over him or her is based upon this subsection.

22 Nothing herein contained limits or affects the right to
23 serve any process in any other manner now or hereafter provided
24 by law.

25 (Source: P.A. 90-111, eff. 7-14-97.)

26 Section 20. The Code of Civil Procedure is amended by
27 changing Section 8-2006 as follows:

28 (735 ILCS 5/8-2006)

29 Sec. 8-2006. Copying fees; adjustment for inflation.
30 Beginning in 2003, every January 20, the copying fee limits
31 established in Sections 8-2001, 8-2003, 8-2004, and 8-2005
32 shall automatically be increased or decreased, as applicable,
33 by a percentage equal to the percentage change in the consumer
34 price index-u during the preceding 12-month calendar year.

1 "Consumer price index-u" means the index published by the
2 Bureau of Labor Statistics of the United States Department of
3 Labor that measures the average change in prices of goods and
4 services purchased by all urban consumers, United States city
5 average, all items, 1982-84 = 100. The new amount resulting
6 from each annual adjustment shall be determined by the
7 Comptroller and made available to the public via the
8 Comptroller's official website by January 31 of every year ~~on~~
9 ~~January 20 of every year.~~

10 (Source: P.A. 92-228, eff. 9-1-01.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.