

# SB2451



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

SB2451

Introduced 2/15/2008, by Sen. Mike Jacobs

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Product Seller Liability Act. Provides that no action based on any legal theory for harm of any kind may be brought against a product seller unless the product seller: (1) manufactured, produced, or designed the product; (2) altered, modified, assembled, or failed to maintain the product, in a manner that caused the claimant's harm; or (3) made an express warranty as to the product, and the failure of the product to conform to the warranty caused the claimant's harm. Provides an exception to the prohibition of actions against a product seller if the product manufacturer is not subject to personal jurisdiction in Illinois. Provides that the Act applies to all claims filed on or after its effective date. Effective July 1, 2008.

LRB095 18706 AJO 44807 b

A BILL FOR

1 AN ACT concerning product liability.

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

4 Section 1. Short title. This Act may be cited as the  
5 Product Seller Liability Act.

6 Section 5. Definitions. In this Act, "product seller" means  
7 a person or entity that sells a product as a retailer,  
8 distributor, or wholesaler, or who otherwise transfers a  
9 product to another for compensation.

10 Section 10. Scope of liability. No action based on any  
11 legal theory for harm of any kind caused by a product may be  
12 maintained or commenced against a product seller unless the  
13 product seller: (1) manufactured, produced, or designed the  
14 product; (2) altered, modified, assembled, or failed to  
15 maintain the product, in a manner that caused the claimant's  
16 harm; or (3) made an express warranty as to the product, and  
17 the failure of the product to conform to the warranty caused  
18 the claimant's harm.

19 Section 15. Exception. Notwithstanding Section 10, a  
20 product seller may be sued in a product liability action if the  
21 product manufacturer is not subject to personal jurisdiction in

1 Illinois.

2 Section 20. Applicability. This Act shall apply to all  
3 claims filed on or after its effective date.

4 Section 99. Effective date. This Act takes effect July 1,  
5 2008.