



Rep. Kenneth Dunkin

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09600HB6475ham001

LRB096 21116 AJO 38263 a

1 AMENDMENT TO HOUSE BILL 6475

2 AMENDMENT NO. _____. Amend House Bill 6475 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Condominium Property Act is amended by
5 adding Section 33 as follows:

6 (765 ILCS 605/33 new)

7 Sec. 33. Action against a developer.

8 (a) Actions based upon tort against a developer for an act
9 or omission in the construction, design, planning,
10 supervision, observation or management of the construction of a
11 condominium, condominium unit, or the common elements of a
12 condominium shall be commenced against a developer within 10
13 years from the time that the unit owner or condominium
14 association bringing an action knew or should reasonably have
15 known of such act or omission.

16 (b) No action based upon tort may be brought against a

1 developer for an act or omission of the developer in the
2 construction, design, planning, supervision, observation or
3 management of the construction of a condominium, condominium
4 unit, or the common elements of a condominium after 10 years
5 have elapsed from the time of such act or omission. However,
6 any unit owner or condominium association who discovers such
7 act or omission prior to the expiration of 10 years from the
8 time of such act or omission shall in no event have less than 5
9 years to bring an action as provided in subsection (a).

10 (c) If a unit owner otherwise entitled to bring an action
11 could not have brought such action within the limitation
12 periods herein solely because the unit owner was under a legal
13 disability, then the limitation periods herein shall not begin
14 to run until the disability is removed.

15 (d) The limitations of this Section shall not apply to
16 causes of action arising out of fraudulent misrepresentations
17 or to fraudulent concealment of causes of action.

18 (e) This Section applies to actions commenced or pending on
19 or after the effective date of this amendatory Act of the 96th
20 General Assembly."