



Rep. Elaine Nekritz

Filed: 3/27/2014

09800HB5512ham002

LRB098 17969 HEP 57753 a

1 AMENDMENT TO HOUSE BILL 5512

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5512 by replacing  
3 everything after the enacting clause with the following:

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

1 becomes under a legal disability before the period of  
2 limitations otherwise runs, the period of limitations is stayed  
3 until the disability is removed. This subsection (b) does not  
4 invalidate any statute of repose provisions contained in  
5 Sections 13-201 through 13-210 of this Code. This subsection  
6 (b) applies to actions commenced or pending on or after the  
7 effective date of this amendatory Act of the 98th General  
8 Assembly.

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

10 (735 ILCS 5/13-212) (from Ch. 110, par. 13-212)

11 Sec. 13-212. Physician or hospital.

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

25 (b) Except as provided in Section 13-215 of this Act, no

1 action for damages for injury or death against any physician,  
2 dentist, registered nurse or hospital duly licensed under the  
3 laws of this State, whether based upon tort, or breach of  
4 contract, or otherwise, arising out of patient care shall be  
5 brought more than 8 years after the date on which occurred the  
6 act or omission or occurrence alleged in such action to have  
7 been the cause of such injury or death where the person  
8 entitled to bring the action was, at the time the cause of  
9 action accrued, under the age of 18 years; provided, however,  
10 that in no event may the cause of action be brought after the  
11 person's 22nd birthday. If the person was under the age of 18  
12 years when the cause of action accrued and, as a result of this  
13 amendatory Act of 1987, the action is either barred or there  
14 remains less than 3 years to bring such action, then he or she  
15 may bring the action within 3 years of July 20, 1987.

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

21 (d) If the person entitled to bring an action described in  
22 this Section is not under a legal disability at the time the  
23 cause of action accrues, but becomes under a legal disability  
24 before the period of limitations otherwise runs, the period of  
25 limitations is stayed until the disability is removed. This  
26 subsection (d) does not invalidate any statute of repose

1 provisions contained in this Section. This subsection (d)  
2 applies to actions commenced or pending on or after the  
3 effective date of this amendatory Act of the 98th General  
4 Assembly.

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

6 (735 ILCS 5/13-214.3) (from Ch. 110, par. 13-214.3)

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

9 Sec. 13-214.3. Attorneys.

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

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

1 for which damages are sought.

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

6 (d) When the injury caused by the act or omission does not  
7 occur until the death of the person for whom the professional  
8 services were rendered, the action may be commenced within 2  
9 years after the date of the person's death unless letters of  
10 office are issued or the person's will is admitted to probate  
11 within that 2 year period, in which case the action must be  
12 commenced within the time for filing claims against the estate  
13 or a petition contesting the validity of the will of the  
14 deceased person, whichever is later, as provided in the Probate  
15 Act of 1975.

16 (e) If the person entitled to bring the action is under the  
17 age of majority or under other legal disability at the time the  
18 cause of action accrues, the period of limitations shall not  
19 begin to run until majority is attained or the disability is  
20 removed.

21 (f) If the person entitled to bring an action described in  
22 this Section is not under a legal disability at the time the  
23 cause of action accrues, but becomes under a legal disability  
24 before the period of limitations otherwise runs, the period of  
25 limitations is stayed until the disability is removed. This  
26 subsection (f) does not invalidate any statute of repose

1 provisions contained in this Section. This subsection (f)  
2 applies to actions commenced or pending on or after the  
3 effective date of this amendatory Act of the 98th General  
4 Assembly.

5 (f) This Section applies to all causes of action accruing  
6 on or after its effective date.

7 (Source: P.A. 86-1371.)".