



Sen. John G. Mulroe

Filed: 5/27/2014

09800HB5512sam002

LRB098 17969 HEP 60291 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 as a result of something other
2 than or unrelated to the original cause of action, before the
3 period of limitations otherwise runs, the period of limitations
4 is stayed until the disability is removed. This subsection (b)
5 does not invalidate any statute of repose provisions contained
6 in Sections 13-201, 13-202, 13-202.1, 13-202.2, 13-202.3,
7 13-203, 13-203.1, 13-204, 13-207, 13-208, 13-209, and 13-210 of
8 this Code. In no event shall the period of limitations for a
9 cause of action under Section 13-205 or 13-206 of this Code be
10 stayed in excess of 10 years from the date of the adjudication
11 of legal disability. This subsection (b) applies to actions
12 commenced or pending on or after the effective date of this
13 amendatory Act of the 98th General Assembly.

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

15 (735 ILCS 5/13-212) (from Ch. 110, par. 13-212)

16 Sec. 13-212. Physician or hospital.

17 (a) Except as provided in Section 13-215 of this Act, no
18 action for damages for injury or death against any physician,
19 dentist, registered nurse or hospital duly licensed under the
20 laws of this State, whether based upon tort, or breach of
21 contract, or otherwise, arising out of patient care shall be
22 brought more than 2 years after the date on which the claimant
23 knew, or through the use of reasonable diligence should have
24 known, or received notice in writing of the existence of the
25 injury or death for which damages are sought in the action,

1 whichever of such date occurs first, but in no event shall such
2 action be brought more than 4 years after the date on which
3 occurred the act or omission or occurrence alleged in such
4 action to have been the cause of such injury or death.

5 (b) Except as provided in Section 13-215 of this Act, no
6 action for damages for injury or death against any physician,
7 dentist, registered nurse or hospital duly licensed under the
8 laws of this State, whether based upon tort, or breach of
9 contract, or otherwise, arising out of patient care shall be
10 brought more than 8 years after the date on which occurred the
11 act or omission or occurrence alleged in such action to have
12 been the cause of such injury or death where the person
13 entitled to bring the action was, at the time the cause of
14 action accrued, under the age of 18 years; provided, however,
15 that in no event may the cause of action be brought after the
16 person's 22nd birthday. If the person was under the age of 18
17 years when the cause of action accrued and, as a result of this
18 amendatory Act of 1987, the action is either barred or there
19 remains less than 3 years to bring such action, then he or she
20 may bring the action within 3 years of July 20, 1987.

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

26 (d) If the person entitled to bring an action described in

1 this Section is not under a legal disability at the time the
2 cause of action accrues, but becomes under a legal disability
3 as a result of something other than or unrelated to the
4 original cause of action, before the period of limitations
5 otherwise runs, the period of limitations is stayed until the
6 disability is removed. This subsection (d) does not invalidate
7 any statute of repose provisions contained in this Section.
8 This subsection (d) applies to actions commenced or pending on
9 or after the effective date of this amendatory Act of the 98th
10 General Assembly.

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

12 (735 ILCS 5/13-214.3) (from Ch. 110, par. 13-214.3)

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

15 Sec. 13-214.3. Attorneys.

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

24 (b) An action for damages based on tort, contract, or
25 otherwise (i) against an attorney arising out of an act or

1 omission in the performance of professional services or (ii)
2 against a non-attorney employee arising out of an act or
3 omission in the course of his or her employment by an attorney
4 to assist the attorney in performing professional services must
5 be commenced within 2 years from the time the person bringing
6 the action knew or reasonably should have known of the injury
7 for which damages are sought.

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

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

22 (e) If the person entitled to bring the action is under the
23 age of majority or under other legal disability at the time the
24 cause of action accrues, the period of limitations shall not
25 begin to run until majority is attained or the disability is
26 removed.

1 (f) If the person entitled to bring an action described in
2 this Section is not under a legal disability at the time the
3 cause of action accrues, but becomes under a legal disability
4 as a result of something other than or unrelated to the
5 original cause of action, before the period of limitations
6 otherwise runs, the period of limitations is stayed until the
7 disability is removed. This subsection (f) does not invalidate
8 any statute of repose provisions contained in this Section.
9 This subsection (f) applies to actions commenced or pending on
10 or after the effective date of this amendatory Act of the 98th
11 General Assembly.

12 (g) ~~(f)~~ This Section applies to all causes of action
13 accruing on or after its effective date.

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