



Sen. Christine Radogno

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LRB099 05484 RJF 36009 a

1 AMENDMENT TO SENATE BILL 884

2 AMENDMENT NO. _____. Amend Senate Bill 884 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 2-101, 2-102, 2-103, 2-1107.1, and 2-1117 and
6 by adding Sections 2-110 and 2-1205.2 as follows:

7 (735 ILCS 5/2-101) (from Ch. 110, par. 2-101)

8 Sec. 2-101. Generally. Except as otherwise provided in this
9 Act, every action must be commenced (1) in the county of
10 residence of any defendant who is joined in good faith and with
11 probable cause for the purpose of obtaining a judgment against
12 him or her and not solely for the purpose of fixing venue in
13 that county, or (2) in the county in which the transaction or
14 some part thereof occurred out of which the cause of action
15 arose.

16 If a check, draft, money order, or other instrument for the

1 payment of child support payable to or delivered to the State
2 Disbursement Unit established under Section 10-26 of the
3 Illinois Public Aid Code is returned by the bank or depository
4 for any reason, venue for the enforcement of any criminal
5 proceedings or civil cause of action for recovery and attorney
6 fees shall be in the county where the principal office of the
7 State Disbursement Unit is located.

8 ~~If all defendants are nonresidents of the State, an action~~
9 ~~may be commenced in any county.~~

10 If the corporate limits of a city, village or town extend
11 into more than one county, then the venue of an action or
12 proceeding instituted by that municipality to enforce any fine,
13 imprisonment, penalty or forfeiture for violation of any
14 ordinance of that municipality, regardless of the county in
15 which the violation was committed or occurred, may be in the
16 appropriate court (i) in the county wherein the office of the
17 clerk of the municipality is located or (ii) in any county in
18 which at least 35% of the territory within the municipality's
19 corporate limits is located.

20 The changes made by this amendatory Act of the 99th General
21 Assembly apply to actions filed on or after its effective date.

22 (Source: P.A. 91-212, eff. 7-20-99.)

23 (735 ILCS 5/2-102) (from Ch. 110, par. 2-102)

24 Sec. 2-102. Residence of corporations, voluntary
25 unincorporated associations and partnerships defined. For

1 purposes of venue, the following definitions apply:

2 (a) Any private corporation or railroad or bridge company,
3 organized under the laws of this State, and any foreign
4 corporation authorized to transact business in this State is a
5 resident of any county in which it has its registered office or
6 other office or, if on due inquiry no office can be found in
7 this State, any county in which it is doing business. A foreign
8 corporation not authorized to transact business in this State
9 is a nonresident of this State.

10 (b) A partnership sued in its firm name is a resident of
11 any county ~~in which any partner resides or~~ in which the
12 partnership has an office or, if on due inquiry no office can
13 be found in this State, any county in which it is doing
14 business. A partnership sued in its firm name, of which all
15 partners are nonresidents of this State and which does not have
16 an office or do business in this State, is a nonresident of
17 this State.

18 (c) A voluntary unincorporated association sued in its own
19 name is a resident of any county in which the association has
20 an office or, if on due inquiry no office can be found, in
21 which any officer of the association resides. A voluntary
22 unincorporated association sued in its own name, of which all
23 its members are nonresidents of this State and which does not
24 have an office or do business in this State, is a nonresident
25 of this State.

26 The changes made by this amendatory Act of the 99th General

1 Assembly apply to actions filed on or after its effective date.

2 (Source: P.A. 83-901.)

3 (735 ILCS 5/2-103) (from Ch. 110, par. 2-103)

4 Sec. 2-103. Public corporations - Local actions - Libel
5 ~~Libel~~ ~~Insurance companies.~~

6 (a) Actions must be brought against a public, municipal,
7 governmental or quasi-municipal corporation in the county in
8 which its principal office is located or in the county in which
9 the transaction or some part thereof occurred out of which the
10 cause of action arose. Except as otherwise provided in Section
11 7-102 of this Code, if the cause of action is related to an
12 airport owned by a unit of local government or the property or
13 aircraft operations thereof, however, including an action
14 challenging the constitutionality of this amendatory Act of the
15 93rd General Assembly, the action must be brought in the county
16 in which the unit of local government's principal office is
17 located. Actions to recover damage to real estate which may be
18 overflowed or otherwise damaged by reason of any act of the
19 corporation may be brought in the county where the real estate
20 or some part of it is situated, or in the county where the
21 corporation is located, at the option of the party claiming to
22 be injured. Except as otherwise provided in Section 7-102 of
23 this Code, any cause of action that is related to an airport
24 owned by a unit of local government, and that is pending on or
25 after the effective date of this amendatory Act of the 93rd

1 General Assembly in a county other than the county in which the
2 unit of local government's principal office is located, shall
3 be transferred, upon motion of any party under Section 2-106 of
4 this Code, to the county in which the unit of local
5 government's principal office is located.

6 (b) Any action to quiet title to real estate, or to
7 partition or recover possession thereof or to foreclose a
8 mortgage or other lien thereon, must be brought in the county
9 in which the real estate or some part of it is situated.

10 (c) Any action which is made local by any statute must be
11 brought in the county designated in the statute.

12 (d) Every action against any owner, publisher, editor,
13 author or printer of a newspaper or magazine of general
14 circulation for libel contained in that newspaper or magazine
15 may be commenced only in the county in which the defendant
16 resides or has his, her or its principal office or in which the
17 article was composed or printed, except when the defendant
18 resides or the article was printed without this State, in
19 either of which cases the action may be commenced in any county
20 in which the libel was circulated or published.

21 (e) (Blank). ~~Actions against any insurance company~~
22 ~~incorporated under the law of this State or doing business in~~
23 ~~this State may also be brought in any county in which the~~
24 ~~plaintiff or one of the plaintiffs may reside.~~

25 (f) The changes made by this amendatory Act of the 99th
26 General Assembly apply to actions filed on or after its

1 effective date.

2 (Source: P.A. 93-450, eff. 8-6-03.)

3 (735 ILCS 5/2-110 new)

4 Sec. 2-110. Motion to dismiss for inconvenient venue.

5 (a) In any action in which none of the parties is a
6 resident of this State and over which another forum has
7 jurisdiction, the court shall on motion dismiss the action on
8 the conditions set forth in subsection (b) unless the cause of
9 action primarily arose in this State or the interests of
10 justice require that the action proceed in this State. The
11 court in its discretion may award costs and reasonable
12 attorney's fees in connection with the dismissal.

13 (b) Dismissal of the action shall be on condition that: (i)
14 if the plaintiff elects to file the action in another forum
15 within 6 months after the dismissal order, the defendant shall
16 accept service of process from that court; and (ii) if the
17 statute of limitations has run in the other forum, the
18 defendant shall waive that defense. If the defendant refuses to
19 abide by these conditions, the action shall be reinstated for
20 further proceedings in the court in which the dismissal was
21 granted. If the court in the other forum refuses to accept
22 jurisdiction, the plaintiff may, within 30 days after the final
23 order refusing jurisdiction, reinstate the action in the court
24 in which the dismissal was granted.

25 (c) The changes made by this amendatory Act of the 99th

1 General Assembly apply to actions filed on or after its
2 effective date.

3 (735 ILCS 5/2-1107.1) (from Ch. 110, par. 2-1107.1)

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

6 Sec. 2-1107.1. Jury instruction in tort actions. In all
7 actions on account of bodily injury or death or physical damage
8 to property based on negligence, or product liability based on
9 strict tort liability, the court shall instruct the jury in
10 writing that (a) the defendant shall be found not liable if the
11 jury finds that the contributory fault of the plaintiff is more
12 than 50% of the proximate cause of the injury or damage for
13 which recovery is sought and (b) if the defendant is found
14 liable, (i) the defendant is jointly and severally liable for
15 the plaintiff's past and future medical and medically related
16 expenses regardless of the fault attributed to the defendant
17 and (ii) the defendant is jointly and severally liable for the
18 plaintiff's other damages if the jury finds that the fault of
19 the defendant is 50% or more of the proximate cause.

20 The changes to this Section made by this amendatory Act of
21 the 99th General Assembly apply to causes of action filed on or
22 after its effective date.

23 (Source: P.A. 84-1431.)

1 (735 ILCS 5/2-1117) (from Ch. 110, par. 2-1117)

2 Sec. 2-1117. Joint liability. Except as provided in Section
3 2-1118, in actions on account of bodily injury or death or
4 physical damage to property, based on negligence, or product
5 liability based on strict tort liability, all defendants found
6 liable are jointly and severally liable for plaintiff's past
7 and future medical and medically related expenses. Any
8 defendant whose fault, as determined by the trier of fact, is
9 less than 50% ~~25%~~ of the total fault of all tortfeasors,
10 including but not limited to the plaintiff's employer,
11 nonparties, entities that have settled, or any other person
12 that the trier of fact finds was at fault and a proximate cause
13 of the injury or damage for which recovery is sought by
14 ~~attributable to~~ the plaintiff, the defendants sued by the
15 plaintiff, and any third party defendant except the plaintiff's
16 employer, shall be severally liable for all other damages. Any
17 defendant whose fault, as determined by the trier of fact, is
18 50% ~~25%~~ or greater of the total fault of all tortfeasors,
19 including but not limited to plaintiff's employer, nonparties,
20 entities that have settled, or any other person that the trier
21 of fact finds was at fault and a proximate cause of the injury
22 or damage for which recovery is sought by the plaintiff
23 ~~attributable to the plaintiff, the defendants sued by the~~
24 ~~plaintiff, and any third party defendants except the~~
25 ~~plaintiff's employer,~~ shall be jointly and severally liable for
26 all other damages.

1 The changes to this Section made by this amendatory Act of
2 the 99th General Assembly apply to causes of action filed on or
3 after its effective date.

4 (Source: P.A. 93-10, eff. 6-4-03; 93-12, eff. 6-4-03.)

5 (735 ILCS 5/2-1205.2 new)

6 Sec. 2-1205.2. Actions on account of bodily injury or death
7 in which recovery is sought for the reasonable expense of
8 necessary medical care, treatment, or services. In actions on
9 account of bodily injury or death in which recovery is sought
10 for the reasonable expense of necessary medical care,
11 treatment, or services, including but not limited to medical,
12 hospital, nursing, or caretaking expenses, the amount
13 recovered shall be not more than the amount actually paid or
14 the amount expected to be actually paid for such expenses,
15 regardless of the amount initially billed for such expenses.
16 The court may hear evidence of the amount actually paid or the
17 amount expected to be paid for such services.

18 Section 95. No acceleration or delay. Where this Act makes
19 changes in a statute that is represented in this Act by text
20 that is not yet or no longer in effect (for example, a Section
21 represented by multiple versions), the use of that text does
22 not accelerate or delay the taking effect of (i) the changes
23 made by this Act or (ii) provisions derived from any other
24 Public Act.

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".