

1 AN ACT concerning civil procedure.

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

4 Section 5. The Code of Civil Procedure is amended by
5 changing Section 13-214 as follows:

6 (735 ILCS 5/13-214) (from Ch. 110, par. 13-214)

7 Sec. 13-214. Construction - Design management and
8 supervision. As used in this Section "person" means any
9 individual, any business or legal entity, or any body
10 politic.

11 (a) Actions based upon tort, contract or otherwise
12 against any person for an act or omission of such person in
13 the design, planning, supervision, observation or management
14 of construction, or construction of an improvement to real
15 property shall be commenced within 4 years from the time the
16 person bringing an action, or his or her privity, knew or
17 should reasonably have known of such act or omission.
18 Notwithstanding any other provision of law, contract actions
19 against a surety on a payment or performance bond shall be
20 commenced, if at all, within the same time limitation
21 applicable to the bond principal.

22 (b) No action based upon tort, contract or otherwise may
23 be brought against any person for an act or omission of such
24 person in the design, planning, supervision, observation or
25 management of construction, or construction of an improvement
26 to real property after 10 years have elapsed from the time of
27 such act or omission. However, any person who discovers such
28 act or omission prior to expiration of 10 years from the time
29 of such act or omission shall in no event have less than 4
30 years to bring an action as provided in subsection (a) of
31 this Section. Notwithstanding any other provision of law,

1 contract actions against a surety on a payment or performance
2 bond shall be commenced, if at all, within the same time
3 limitation applicable to the bond principal.

4 (c) If a person otherwise entitled to bring an action
5 could not have brought such action within the limitation
6 periods herein solely because such person was under the age
7 of 18 years, or a person with a developmental disability or a
8 person with mental illness, then the limitation periods
9 herein shall not begin to run until the person attains the
10 age of 18 years, or the disability is removed.

11 (d) Subsection (b) shall not prohibit any action against
12 a defendant who has expressly warranted or promised the
13 improvement to real property for a longer period from being
14 brought within that period.

15 (e) 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 (f) This Section shall not apply to an action that is
19 based on personal injury, disability, disease, or death
20 resulting from the discharge into the environment of any
21 pollutant, including any waste, hazardous substance, irritant
22 or contaminant (including, but not limited to, smoke, vapor,
23 soot, fumes, acids, alkalis, asbestos, toxic or corrosive
24 chemicals, radioactive waste, or mine tailings).

25 (g) The limitations provided in this Section shall not
26 be asserted as a defense by any person in actual possession
27 or control, as owner, tenant, or otherwise, of an improvement
28 to real property described in this Section when any
29 deficiency in that improvement constitutes the proximate
30 cause of the injury or death for which an action is proposed
31 to be brought.

32 (Source: P.A. 88-380.)

33 Section 99. Effective date. This Act takes effect upon

1 becoming law.