

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 7-103 as follows:

6 (735 ILCS 5/7-103) (from Ch. 110, par. 7-103)  
7 Sec. 7-103. "Quick-take".

8 (a) This Section applies only to proceedings under this  
9 Article that are authorized in the Sections following this  
10 Section and preceding Section 7-104.

11 (b) In a proceeding subject to this Section, the  
12 plaintiff, at any time after the complaint has been filed and  
13 before judgment is entered in the proceeding, may file a  
14 written motion requesting that, immediately or at some  
15 specified later date, the plaintiff either be vested with the  
16 fee simple title (or such lesser estate, interest or  
17 easement, as may be required) to the real property, or  
18 specified portion thereof, which is the subject of the  
19 proceeding, and be authorized to take possession of and use  
20 the such property; or only be authorized to take possession  
21 of and to use such property, if such possession and use,  
22 without the vesting of title, are sufficient to permit the  
23 plaintiff to proceed with the project until the final  
24 ascertainment of compensation; however, no land or interests  
25 therein now or hereafter owned, leased, controlled or  
26 operated and used by, or necessary for the actual operation  
27 of, any common carrier engaged in interstate commerce, or any  
28 other public utility subject to the jurisdiction of the  
29 Illinois Commerce Commission, shall be taken or appropriated  
30 hereunder by the State of Illinois, the Illinois Toll Highway  
31 Authority, the sanitary district, the St. Louis Metropolitan

1 Area Airport Authority or the Board of Trustees of the  
2 University of Illinois without first securing the approval of  
3 such Commission.

4 Except as hereinafter stated, the motion for taking shall  
5 state: (1) an accurate description of the property to which  
6 the motion relates and the estate or interest sought to be  
7 acquired therein; (2) the formally adopted schedule or plan  
8 of operation for the execution of the plaintiff's project;  
9 (3) the situation of the property to which the motion  
10 relates, with respect to the schedule or plan; (4) the  
11 necessity for taking such property in the manner requested in  
12 the motion; and (5) if the property (except property  
13 described in Section 3 of the Sports Stadium Act, or property  
14 described as Site B in Section 2 of the Metropolitan Pier and  
15 Exposition Authority Act) to be taken is owned, leased,  
16 controlled or operated and used by, or necessary for the  
17 actual operation of, any interstate common carrier or other  
18 public utility subject to the jurisdiction of the Illinois  
19 Commerce Commission, a statement to the effect that the  
20 approval of such proposed taking has been secured from such  
21 Commission, and attaching to such motion a certified copy of  
22 the order of such Commission granting such approval. If the  
23 schedule or plan of operation is not set forth fully in the  
24 motion, a copy of such schedule or plan shall be attached to  
25 the motion.

26 (Source: P.A. 91-357, eff. 7-29-99; 91-367, eff. 7-30-99;  
27 92-16, eff. 6-28-01.)