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09600HB1135ham001

LRB096 04589 RLJ 23327 a

1 AMENDMENT TO HOUSE BILL 1135

2 AMENDMENT NO. _____. Amend House Bill 1135 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Municipal Code is amended by
5 adding Section 1-4-9 as follows:

6 (65 ILCS 5/1-4-9 new)

7 Sec. 1-4-9. Liability for sanitary sewer overflow. A
8 municipality shall be liable for damages to real estate caused
9 by the negligent operation or maintenance of the municipality's
10 sewer systems or appurtenances. No claim for compensation under
11 this Section shall be made or action for damages filed against
12 the municipality unless a notice in writing is filed with the
13 municipality at least 60 days prior to the filing of any suit
14 or action. The notice must include (i) the name and residence
15 address of the owner of the damaged property, (ii) the location
16 of the damaged property, and (iii) the probable extent of the

1 damage to the property.

2 Section 10. The Sanitary District Act of 1907 is amended by
3 adding Section 29.4 as follows:

4 (70 ILCS 2205/29.4 new)

5 Sec. 29.4. Liability for sanitary sewer overflow. The
6 sanitary district shall be liable for damages to real estate
7 caused by the negligent operation or maintenance of the
8 sanitary district's sewer systems or appurtenances. No claim
9 for compensation under this Section shall be made or action for
10 damages filed against the district unless a notice in writing
11 is filed with the sanitary district at least 60 days prior to
12 the filing of any suit or action. The notice must include (i)
13 the name and residence address of the owner of the damaged
14 property, (ii) the location of the damaged property, and (iii)
15 the probable extent of the damage to the property.

16 Section 15. The North Shore Sanitary District Act is
17 amended by adding Section 30 as follows:

18 (70 ILCS 2305/30 new)

19 Sec. 30. Liability for sanitary sewer overflow. The
20 sanitary district shall be liable for damages to real estate
21 caused by the negligent operation or maintenance of the
22 sanitary district's sewer systems or appurtenances. No claim

1 for compensation under this Section shall be made or action for
2 damages filed against the district unless a notice in writing
3 is filed with the sanitary district at least 60 days prior to
4 the filing of any suit or action. The notice must include (i)
5 the name and residence address of the owner of the damaged
6 property, (ii) the location of the damaged property, and (iii)
7 the probable extent of the damage to the property.

8 Section 20. The Sanitary District Act of 1917 is amended by
9 adding Section 32 as follows:

10 (70 ILCS 2405/32 new)

11 Sec. 32. Liability for sanitary sewer overflow. The
12 sanitary district shall be liable for damages to real estate
13 caused by the negligent operation or maintenance of the
14 sanitary district's sewer systems or appurtenances. No claim
15 for compensation under this Section shall be made or action for
16 damages filed against the district unless a notice in writing
17 is filed with the sanitary district at least 60 days prior to
18 the filing of any suit or action. The notice must include (i)
19 the name and residence address of the owner of the damaged
20 property, (ii) the location of the damaged property, and (iii)
21 the probable extent of the damage to the property.

22 Section 25. The Sanitary District Act of 1936 is amended by
23 adding Section 94 as follows:

1 (70 ILCS 2805/94 new)

2 Sec. 94. Liability for sanitary sewer overflow. The
3 sanitary district shall be liable for damages to real estate
4 caused by the negligent operation or maintenance of the
5 sanitary district's sewer systems or appurtenances. No claim
6 for compensation under this Section shall be made or action for
7 damages filed against the district unless a notice in writing
8 is filed with the sanitary district at least 60 days prior to
9 the filing of any suit or action. The notice must include (i)
10 the name and residence address of the owner of the damaged
11 property, (ii) the location of the damaged property, and (iii)
12 the probable extent of the damage to the property.

13 Section 30. The Local Governmental and Governmental
14 Employees Tort Immunity Act is amended by changing Section
15 2-101 as follows:

16 (745 ILCS 10/2-101) (from Ch. 85, par. 2-101)

17 Sec. 2-101. Nothing in this Act affects the right to obtain
18 relief other than damages against a local public entity or
19 public employee. Nothing in this Act affects the liability, if
20 any, of a local public entity or public employee, based on:

21 a contract;

22 b operation as a common carrier; and this Act does not
23 apply to any entity organized under or subject to the

1 "Metropolitan Transit Authority Act", approved April 12, 1945,
2 as amended;

3 c The "Workers' Compensation Act", approved July 9, 1951,
4 as heretofore or hereafter amended;

5 d The "Workers' Occupational Diseases Act", approved July
6 9, 1951, as heretofore or hereafter amended;

7 e Section 1-4-7 of the "Illinois Municipal Code", approved
8 May 29, 1961, as heretofore or hereafter amended.

9 f The "Illinois Uniform Conviction Information Act",
10 enacted by the 85th General Assembly, as heretofore or
11 hereafter amended.

12 g Section 1-4-9 of the "Illinois Municipal Code" as
13 heretofore or hereafter amended.

14 h Section 29.4 of the "Sanitary District Act of 1907" as
15 heretofore or hereafter amended.

16 i Section 30 of the "North Shore Sanitary District Act" as
17 heretofore or hereafter amended.

18 j Section 32 of the "Sanitary District Act of 1917" as
19 heretofore or hereafter amended.

20 k Section 94 of the "Sanitary District Act of 1936" as
21 heretofore or hereafter amended.

22 (Source: P.A. 85-922.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law."