



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB4222

by Rep. Jim Durkin

SYNOPSIS AS INTRODUCED:

735 ILCS 5/2-101	from Ch. 110, par. 2-101
735 ILCS 5/2-102	from Ch. 110, par. 2-102
735 ILCS 5/2-103	from Ch. 110, par. 2-103
735 ILCS 5/2-110 new	
735 ILCS 5/2-1107.1	from Ch. 110, par. 2-1107.1
735 ILCS 5/2-1117	from Ch. 110, par. 2-1117
735 ILCS 5/2-1205.2 new	

Amends the Code of Civil Procedure. Deletes a provision authorizing an action to be commenced in any county when all defendants are nonresidents of this State. Limits venue for actions against corporations, partnerships, and insurance companies. Provides that in actions in which none of the parties is a resident of this State and over which another forum has jurisdiction, the court shall, upon motion, dismiss the action subject to specified conditions. Provides that joint and several liability attaches when a defendant is found to be 50%, rather than 25%, at fault. Limits amounts recovered for medical care, treatment, or services and caretaking expenses to the amounts actually paid for those expenses regardless of the amounts initially billed. Effective immediately.

LRB099 12542 JLS 36010 b

1 AN ACT concerning civil law.

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 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
17 payment of child support payable to or delivered to the State
18 Disbursement Unit established under Section 10-26 of the
19 Illinois Public Aid Code is returned by the bank or depository
20 for any reason, venue for the enforcement of any criminal
21 proceedings or civil cause of action for recovery and attorney
22 fees shall be in the county where the principal office of the
23 State Disbursement Unit is located.

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

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

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

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

16 (735 ILCS 5/2-102) (from Ch. 110, par. 2-102)

17 Sec. 2-102. Residence of corporations, voluntary
18 unincorporated associations and partnerships defined. For
19 purposes of venue, the following definitions apply:

20 (a) Any private corporation or railroad or bridge company,
21 organized under the laws of this State, and any foreign
22 corporation authorized to transact business in this State is a
23 resident of any county in which it has its registered office or
24 other office or, if on due inquiry no office can be found in
25 this State, any county in which it is doing business. A foreign

1 corporation not authorized to transact business in this State
2 is a nonresident of this State.

3 (b) A partnership sued in its firm name is a resident of
4 any county ~~in which any partner resides or~~ in which the
5 partnership has an office or, if on due inquiry no office can
6 be found in this State, any county in which it is doing
7 business. A partnership sued in its firm name, of which all
8 partners are nonresidents of this State and which does not have
9 an office or do business in this State, is a nonresident of
10 this State.

11 (c) A voluntary unincorporated association sued in its own
12 name is a resident of any county in which the association has
13 an office or, if on due inquiry no office can be found, in
14 which any officer of the association resides. A voluntary
15 unincorporated association sued in its own name, of which all
16 its members are nonresidents of this State and which does not
17 have an office or do business in this State, is a nonresident
18 of this State.

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

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

22 (735 ILCS 5/2-103) (from Ch. 110, par. 2-103)

23 Sec. 2-103. Public corporations - Local actions - Libel
24 ~~Libel - Insurance companies.~~

25 (a) Actions must be brought against a public, municipal,

1 governmental or quasi-municipal corporation in the county in
2 which its principal office is located or in the county in which
3 the transaction or some part thereof occurred out of which the
4 cause of action arose. Except as otherwise provided in Section
5 7-102 of this Code, if the cause of action is related to an
6 airport owned by a unit of local government or the property or
7 aircraft operations thereof, however, including an action
8 challenging the constitutionality of this amendatory Act of the
9 93rd General Assembly, the action must be brought in the county
10 in which the unit of local government's principal office is
11 located. Actions to recover damage to real estate which may be
12 overflowed or otherwise damaged by reason of any act of the
13 corporation may be brought in the county where the real estate
14 or some part of it is situated, or in the county where the
15 corporation is located, at the option of the party claiming to
16 be injured. Except as otherwise provided in Section 7-102 of
17 this Code, any cause of action that is related to an airport
18 owned by a unit of local government, and that is pending on or
19 after the effective date of this amendatory Act of the 93rd
20 General Assembly in a county other than the county in which the
21 unit of local government's principal office is located, shall
22 be transferred, upon motion of any party under Section 2-106 of
23 this Code, to the county in which the unit of local
24 government's principal office is located.

25 (b) Any action to quiet title to real estate, or to
26 partition or recover possession thereof or to foreclose a

1 mortgage or other lien thereon, must be brought in the county
2 in which the real estate or some part of it is situated.

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

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

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

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

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

22 (735 ILCS 5/2-110 new)

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

24 (a) In any action in which none of the parties is a
25 resident of this State and over which another forum has

1 jurisdiction, the court shall on motion dismiss the action on
2 the conditions set forth in subsection (b) unless the cause of
3 action primarily arose in this State or the interests of
4 justice require that the action proceed in this State. The
5 court in its discretion may award costs and reasonable
6 attorney's fees in connection with the dismissal.

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

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

22 (735 ILCS 5/2-1107.1) (from Ch. 110, par. 2-1107.1)

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

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

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

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

19 (735 ILCS 5/2-1117) (from Ch. 110, par. 2-1117)

20 Sec. 2-1117. Joint liability. Except as provided in Section
21 2-1118, in actions on account of bodily injury or death or
22 physical damage to property, based on negligence, or product
23 liability based on strict tort liability, all defendants found
24 liable are jointly and severally liable for plaintiff's past
25 and future medical and medically related expenses. Any

1 defendant whose fault, as determined by the trier of fact, is
2 less than 50% ~~25%~~ of the total fault of all tortfeasors,
3 including but not limited to the plaintiff's employer,
4 nonparties, entities that have settled, or any other person
5 that the trier of fact finds was at fault and a proximate cause
6 of the injury or damage for which recovery is sought by
7 ~~attributable to~~ the plaintiff, the defendants sued by the
8 plaintiff, and any third party defendant except the plaintiff's
9 employer, shall be severally liable for all other damages. Any
10 defendant whose fault, as determined by the trier of fact, is
11 50% ~~25%~~ or greater of the total fault of all tortfeasors,
12 including but not limited to plaintiff's employer, nonparties,
13 entities that have settled, or any other person that the trier
14 of fact finds was at fault and a proximate cause of the injury
15 or damage for which recovery is sought by the plaintiff
16 ~~attributable to the plaintiff, the defendants sued by the~~
17 ~~plaintiff, and any third party defendants except the~~
18 ~~plaintiff's employer,~~ shall be jointly and severally liable for
19 all other damages.

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. 93-10, eff. 6-4-03; 93-12, eff. 6-4-03.)

24 (735 ILCS 5/2-1205.2 new)

25 Sec. 2-1205.2. Actions on account of bodily injury or death

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

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

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.