

1 AN ACT in relation to land excavation.

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

4 Section 5. The Adjacent Landowner Excavation Protection  
5 Act is amended by changing Section 1 as follows:

6 (765 ILCS 140/1) (from Ch. 111 1/2, par. 3301)

7 Sec. 1.

8 Each adjacent owner is entitled to the continuous lateral  
9 and subjacent support which his land receives from the  
10 adjoining land, subject to the right of the owner of the  
11 adjoining land to make proper and usual excavations on the  
12 same for purposes of construction or improvements, under the  
13 following conditions:

14 1. Any owner or possessor of land intending to make or  
15 to permit an excavation to be made on his land shall give due  
16 and reasonable notice in writing to the owner or owners of  
17 adjoining lands and of adjoining buildings and other  
18 structures stating the depth to which the excavation is  
19 intended to be made and when the excavation will begin. If  
20 the excavation is to be of a depth of not more than the  
21 standard depth of foundations, as herein defined, and if it  
22 appears that the excavation is to be of a greater depth than  
23 the walls or foundations of any adjoining building or other  
24 structure and is to be so close as to endanger the building  
25 or other structure in any way, or if the excavation is  
26 intended to be or is deeper than the standard depth of  
27 foundations as herein defined, then the owner of the land on  
28 which the excavation is being made, if given the necessary  
29 license to enter on adjoining land, and not otherwise, shall  
30 protect the said adjoining land and any building or other  
31 structure thereon, without cost to the owner thereof, by

1 furnishing lateral and subjacent support to said adjoining  
2 land and all buildings and structures thereon, in such a  
3 manner as to protect the same from any damage by reason of  
4 the excavation and shall be liable to the owner of such  
5 property for any damage to the land or to any buildings or  
6 other structures thereon. ~~then-the-owner-of-the-building-or~~  
7 ~~ether-structure-on-the-adjoining--land--shall--be--allowed--a~~  
8 ~~reasonable--time, but-in-no-event-less-than-thirty-(30)-days,~~  
9 ~~in-which-to-take-measures-to-protect-the-same-from-any-damage~~  
10 ~~or-in-which-to-extend-the-foundations-thereof, and-he-must-be~~  
11 ~~given, for-the-said-purpose, a-license-to-enter-on--the--land~~  
12 ~~on-which-the-exeavation-is-to-be-or-is-being-made.~~

13 2. Any owner or possessor of land upon which an  
14 excavation is made, who does not comply with the provisions  
15 of subparagraph 1, when so required, is liable to the owner  
16 of adjacent property for any damage to the land or to any  
17 buildings or other structure thereon arising from such  
18 excavation, and is also liable to occupants and tenants of  
19 the adjoining land or structures for any damage to their  
20 property or business, proximately resulting from injury to  
21 such land or structures, caused by the failure of such owner  
22 or possessor to so comply.

23 3. In making any excavation, reasonable care and  
24 precautions shall be taken to sustain the adjoining land as  
25 such, without regard to any building or other structure which  
26 may be thereon, and there is no liability for damage done to  
27 any building or other structure by reason of the excavation  
28 except as herein provided or otherwise provided or allowed by  
29 law.

30 4. Standard depth of foundations, as used herein, is a  
31 depth of eight (8) feet below the established grade of a  
32 street, highway or other public way upon which such land  
33 abuts, or if there is no established grade, below the surface  
34 of the adjoining land.

1           5. (Blank). If the excavation is intended to be or is  
2 deeper than the standard depth of foundations as herein  
3 defined, then the owner of the land on which the excavation  
4 is being made, if given the necessary license to enter on  
5 adjoining land, and not otherwise, shall protect the said  
6 adjoining land and any building or other structure thereon,  
7 without cost to the owner thereof, by furnishing lateral and  
8 subjacent support to said adjoining land and all buildings  
9 and structures thereon, in such a manner as to protect the  
10 same from any damage by reason of the excavation and shall be  
11 liable to the owner of such property for any damage to the  
12 land or to any buildings or other structures thereon.

13           6. The owner or possessor of the land upon which the  
14 excavation is being made shall also be liable to occupants  
15 and tenants of such adjoining lands or structures thereon for  
16 any damage to their property or business, proximately  
17 resulting from injury to such land or structures, caused by  
18 the failure of such owners or possessor, making such  
19 excavation, to fulfill the duty set forth in subparagraph 1  
20 5.

21 (Source: Laws 1957, p. 1102.)