

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

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

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

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

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

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

34 5. (Blank). ~~If--the-exeavation-is-intended-to-be-or-is~~

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

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

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