



Sen. Elgie R. Sims, Jr.

Filed: 3/4/2020

10100SB3351sam001

LRB101 19647 LNS 70737 a

1 AMENDMENT TO SENATE BILL 3351

2 AMENDMENT NO. _____. Amend Senate Bill 3351 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Code of Civil Procedure is amended by
5 changing Section 13-214.3 as follows:

6 (735 ILCS 5/13-214.3) (from Ch. 110, par. 13-214.3)

7 Sec. 13-214.3. Attorneys.

8 (a) In this Section: "attorney" includes (i) an individual
9 attorney, together with his or her employees who are attorneys,
10 (ii) a professional partnership of attorneys, together with its
11 employees, partners, and members who are attorneys, and (iii) a
12 professional service corporation of attorneys, together with
13 its employees, officers, and shareholders who are attorneys;
14 and "non-attorney employee" means a person who is not an
15 attorney but is employed by an attorney.

16 (b) An action for damages based on tort, contract, or

1 otherwise (i) against an attorney arising out of an act or
2 omission in the performance of professional services or (ii)
3 against a non-attorney employee arising out of an act or
4 omission in the course of his or her employment by an attorney
5 to assist the attorney in performing professional services must
6 be commenced within 2 years from the time the person bringing
7 the action knew or reasonably should have known of the injury
8 for which damages are sought.

9 (c) Except as provided in subsection (d), an action
10 described in subsection (b) may not be commenced in any event
11 more than 6 years after the date on which the act or omission
12 occurred.

13 (d) When the injury caused by the act or omission does not
14 occur until the death of the person for whom the professional
15 services were rendered, the action may be commenced within 2
16 years after the date of the person's death unless letters of
17 office are issued or the person's will is admitted to probate
18 within that 2 year period, in which case the action must be
19 commenced within the time for filing claims against the estate
20 or a petition contesting the validity of the will of the
21 deceased person, whichever is later, as provided in the Probate
22 Act of 1975. An action may not be commenced in any event more
23 than 6 years after the date the professional services were
24 performed.

25 (e) If the person entitled to bring the action is under the
26 age of majority or under other legal disability at the time the

1 cause of action accrues, the period of limitations shall not
2 begin to run until majority is attained or the disability is
3 removed.

4 (f) If the person entitled to bring an action described in
5 this Section is not under a legal disability at the time the
6 cause of action accrues, but becomes under a legal disability
7 before the period of limitations otherwise runs, the period of
8 limitations is stayed until the disability is removed. This
9 subsection (f) does not invalidate any statute of repose
10 provisions contained in this Section. This subsection (f)
11 applies to actions commenced or pending on or after January 1,
12 2015 (the effective date of Public Act 98-1077) ~~this amendatory~~
13 ~~Act of the 98th General Assembly.~~

14 (g) This Section applies to any cause of action, regardless
15 of the date the cause of action arises. This Section, however,
16 does not bar the filing of an action based on the performance
17 of professional services before the effective date of this
18 amendatory Act of the 101st General Assembly if the action is
19 filed within a reasonable period, not to exceed 6 years, after
20 the effective date of this amendatory Act of the 101st General
21 Assembly. This Section applies to all causes of action accruing
22 ~~on or after its effective date.~~

23 (Source: P.A. 98-1077, eff. 1-1-15.)".