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09400HB4074ham006

LRB094 12274 WGH 47433 a

1 AMENDMENT TO HOUSE BILL 4074

2 AMENDMENT NO. _____. Amend House Bill 4074 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. If and only if the provisions of Senate Bill
5 475 of the 94th General Assembly adding Section 2-1706.5 to the
6 Code of Civil Procedure become law, the Code of Civil Procedure
7 is amended by changing Section 2-1706.5 as follows:

8 (735 ILCS 5/2-1706.5)

9 Sec. 2-1706.5. Standards for economic and non-economic
10 damages.

11 (a) In any medical malpractice action or wrongful death
12 action based on medical malpractice in which economic and
13 non-economic damages may be awarded, the following standards
14 shall apply:

15 (1) In a case of an award against a hospital and its
16 personnel or hospital affiliates, as defined in Section
17 10.8 of the Hospital Licensing Act, the total amount of
18 non-economic damages shall not exceed \$1,000,000 awarded
19 to all plaintiffs in any civil action arising out of the
20 care.

21 (2) In a case of an award against a physician and the
22 physician's business or corporate entity and personnel or
23 health care professional, the total amount of non-economic
24 damages shall not exceed \$500,000 awarded to all plaintiffs

1 in any civil action arising out of the care.

2 (3) In awarding damages in a medical malpractice case,
3 the finder of fact shall render verdicts with a specific
4 award of damages for economic loss, if any, and a specific
5 award of damages for non-economic loss, if any.

6 The trier of fact shall not be informed of the provisions
7 of items (1) and (2) of this subsection (a).

8 (b) In any medical malpractice action where an individual
9 plaintiff earns less than the annual average weekly wage, as
10 determined by the Illinois Workers' Compensation Commission,
11 at the time the action is filed, any award may include an
12 amount equal to the wage the individual plaintiff earns or the
13 annual average weekly wage.

14 (c) This Section applies to all causes of action accruing
15 on or after the effective date of this amendatory Act of the
16 94th General Assembly.

17 (d) Notwithstanding any other provision of this Section,
18 this Section does not apply to any medical malpractice action
19 or wrongful death action based on medical malpractice that is
20 properly brought and maintained in the circuit court in a
21 county that has a population in excess of 3,000,000.

22 (Source: 94SB0475ham001.)

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