

HB3552



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3552

Introduced 2/22/2021, by Rep. Tim Butler

SYNOPSIS AS INTRODUCED:

735 ILCS 5/2-2101

Amends the Code of Civil Procedure. Makes a technical change in a Section concerning product liability.

LRB102 14537 LNS 19890 b

A BILL FOR

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 Section 2-2101 as follows:

6 (735 ILCS 5/2-2101)

7 (This Section was added by P.A. 89-7, which has been held
8 unconstitutional)

9 Sec. 2-2101. Definitions. For purposes of this Part the,
10 ~~the~~ terms listed have the following meanings:

11 "Clear and convincing evidence" means that measure or
12 degree of proof that will produce in the mind of the trier of
13 fact a high degree of certainty as to the truth of the
14 allegations sought to be established. This evidence requires a
15 greater degree of persuasion than is necessary to meet the
16 preponderance of the evidence standard.

17 "Harm" means (i) damage to property other than the product
18 itself; (ii) personal physical injury, illness, or death;
19 (iii) mental anguish or emotional harm to the extent
20 recognized by applicable law; (iv) any loss of consortium or
21 services; or (v) other loss deriving from any type of harm
22 described in item (i), (ii), (iii), or (iv).

23 "Manufacturer" means (i) any person who is engaged in a

1 business to design or formulate and to produce, create, make,
2 or construct any product or component part of a product; (ii) a
3 product seller with respect to all component parts of a
4 product or a component part of a product that is created or
5 affected when, before placing the product in the stream of
6 commerce, the product seller designs or formulates and
7 produces, creates, makes, or constructs an aspect of a product
8 or a component part of a product made by another; or (iii) any
9 product seller not described in (ii) that holds itself out as a
10 manufacturer to the user of the product.

11 "Product liability action" means a civil action brought on
12 any theory against a manufacturer or product seller for harm
13 caused by a product.

14 "Product seller" means a person who, in the course of a
15 business conducted for that purpose, sells, distributes,
16 leases, installs, prepares, blends, packages, labels, markets,
17 repairs, maintains, or otherwise is involved in placing a
18 product in the stream of commerce.

19 (Source: P.A. 89-7, eff. 3-9-95.)