

SB2179



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2179

Introduced 2/26/2021, by Sen. Elgie R. Sims, Jr.

SYNOPSIS AS INTRODUCED:

735 ILCS 5/13-214.3

from Ch. 110, par. 13-214.3

Amends the Limitations Article of the Code of Civil Procedure. Provides that an attorney malpractice action in which the injury did not occur until the death of the person for whom the professional services were rendered may not be commenced in any event more than 6 years after the date the professional services were performed. Provides, with exceptions, that the changes apply to every cause of action, regardless of the date that the cause of action accrues.

LRB102 02589 LNS 12592 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 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
10 attorneys, (ii) a professional partnership of attorneys,
11 together with its employees, partners, and members who are
12 attorneys, and (iii) a professional service corporation of
13 attorneys, together with its employees, officers, and
14 shareholders who are attorneys; and "non-attorney employee"
15 means a person who is not an attorney but is employed by an
16 attorney.

17 (b) An action for damages based on tort, contract, or
18 otherwise (i) against an attorney arising out of an act or
19 omission in the performance of professional services or (ii)
20 against a non-attorney employee arising out of an act or
21 omission in the course of his or her employment by an attorney
22 to assist the attorney in performing professional services
23 must be commenced within 2 years from the time the person

1 bringing the action knew or reasonably should have known of
2 the injury for which damages are sought.

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

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

19 (e) If the person entitled to bring the action is under the
20 age of majority or under other legal disability at the time the
21 cause of action accrues, the period of limitations shall not
22 begin to run until majority is attained or the disability is
23 removed.

24 (f) If the person entitled to bring an action described in
25 this Section is not under a legal disability at the time the
26 cause of action accrues, but becomes under a legal disability

1 before the period of limitations otherwise runs, the period of
2 limitations is stayed until the disability is removed. This
3 subsection (f) does not invalidate any statute of repose
4 provisions contained in this Section. This subsection (f)
5 applies to actions commenced or pending on or after January 1,
6 2015 (the effective date of Public Act 98-1077) ~~this~~
7 ~~amendatory Act of the 98th General Assembly.~~

8 (g) This Section applies to any cause of action,
9 regardless of the date the cause of action arises. This
10 Section, however, does not bar the filing of an action based on
11 the performance of professional services before the effective
12 date of this amendatory Act of the 102nd General Assembly if
13 the action is timely filed under the version of this Section in
14 effect on January 1, 2021, and is filed within a reasonable
15 period, not to exceed 6 years, after the effective date of this
16 amendatory Act of the 102nd General Assembly. ~~This Section~~
17 ~~applies to all causes of action accruing on or after its~~
18 ~~effective date.~~

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