

# SB3467



## 102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB3467

Introduced 1/19/2022, by Sen. Adriane Johnson

### SYNOPSIS AS INTRODUCED:

New Act

Creates the Park District and Public Utility Liability Act. Provides that provisions in, or in connection with, a land lease agreement between an electric public utility and a park district that require a lessee park district to indemnify or hold harmless the lessor public utility against liability for damages arising out of bodily injury to persons or damage to property proximately caused by or resulting from the negligence of the lessor is against public policy, void, and unenforceable. Provides that nothing in the Act shall prevent or prohibit a contract, promise, or agreement for a lessor to indemnify or hold harmless any lessee against liability for damages resulting from the sole negligence of the lessor. Effective immediately.

LRB102 24343 LNS 33577 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 1. Short title. This Act may be cited as the Park  
5 District and Public Utility Liability Act.

6 Section 5. Definitions. As used in this Act:

7 "Lessee" means any park district engaged in a contractual  
8 lease for property use.

9 "Lessor" means any electric public utility leasing  
10 property ownership, control, or access.

11 "Park district" has the same meaning as used in the Park  
12 District Code.

13 "Public utility" has the same meaning as used in the  
14 Public Utilities Act.

15 Section 10. Liability.

16 (a) Provisions in, or in connection with, a land lease  
17 agreement between an electric public utility and a park  
18 district that require a lessee to indemnify or hold harmless  
19 the lessor, the lessor's independent contractors, agents,  
20 employees, or indemnitees, against liability for damages  
21 arising out of bodily injury to persons or damage to property  
22 proximately caused by or resulting from negligence, in whole

1 or in part, of the lessor, its independent contractors,  
2 agents, employees, or indemnitees, is against public policy,  
3 void, and unenforceable.

4 (b) Nothing in this Act shall prevent or prohibit a  
5 contract, promise, or agreement for a lessor to indemnify or  
6 hold harmless any lessee against liability for damages  
7 resulting from the sole negligence of the lessor, its agents,  
8 or its employees.

9 Section 99. Effective date. This Act takes effect upon  
10 becoming law.