



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
HB4434

Introduced 02/03/04, by Elaine Nekritz

SYNOPSIS AS INTRODUCED:

New Act

Creates the Public Utility Lease Indemnification for Negligence Act. Provides that every lease, contract, covenant, or agreement in connection with any lease of real property by a public utility to a local public entity that purports to exempt the lessor public utility from liability for damages for injuries to any person or property, including any claims asserted under environmental laws, caused by or resulting from the negligence or the lessor public utility, or its agents, servants, or employees, in the ownership, operation, or maintenance of the demised premises or the real property containing the demised premises, shall be deemed to be void against public policy and wholly unenforceable. Effective immediately.

LRB093 16386 LCB 42025 b

A BILL FOR

1 AN ACT concerning liability.

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 Public
5 Utility Lease Indemnification for Negligence Act.

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

7 "Local public entity" shall have the same meaning as that
8 term is defined in Section 1-206 of the Local Governmental and
9 Governmental Employees Tort Immunity Act.

10 "Public utility" shall have the same meaning as that term
11 is defined in Section 3-105 of the Public Utilities Act.

12 Section 10. Indemnification. Every lease, contract,
13 covenant, or agreement in connection with any lease of real
14 property by a public utility to a local public entity that
15 purports to exempt the lessor public utility from liability for
16 damages for injuries to any person or property, including any
17 claims asserted under environmental laws, caused by or
18 resulting from the negligence or the lessor public utility, or
19 its agents, servants, or employees, in the ownership,
20 operation, or maintenance of the demised premises or the real
21 property containing the demised premises, shall be deemed to be
22 void against public policy and wholly unenforceable.

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