



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 02/09/04, by William B. Black

SYNOPSIS AS INTRODUCED:

735 ILCS 5/2-1115.3 new

Amends the Code of Civil Procedure. Limits the recovery of non-economic damages on account of death, bodily injury, or physical damage to property based on negligence, or on account of product liability based on any theory or doctrine, to \$750,000 per plaintiff. Provides for liability limit increases and decreases based upon the percentage change in the consumer price index published by the Bureau of Labor Statistics of the United States Department of Labor. Provides that there shall be no recovery for hedonic damages.

LRB093 20858 LCB 46793 b

1 AN ACT concerning civil procedure.

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 adding
5 Section 2-1115.3 as follows:

6 (735 ILCS 5/2-1115.3 new)

7 Sec. 2-1115.3. Limitations on recovery of non-economic
8 damages.

9 (a) In all common law, statutory or other actions that seek
10 damages on account of death, bodily injury, or physical damage
11 to property based on negligence, or on account of product
12 liability based on any theory or doctrine, recovery of
13 non-economic damages shall be limited to \$750,000 per
14 plaintiff. There shall be no recovery for hedonic damages.

15 (b) Every January 20, beginning in 2006, the liability
16 limit established in subsection (a) shall automatically be
17 increased or decreased, as applicable, by a percentage equal to
18 the percentage change in the consumer price index-u during the
19 preceding 12 month calendar year. "Consumer price index-u"
20 means the index published by the Bureau of Labor Statistics of
21 the United States Department of Labor that measures the average
22 change in prices of goods and services purchased by all urban
23 consumers, United States city average, all items, 1982-84 =
24 100. The new amount resulting from each annual adjustment shall
25 be determined by the Comptroller and made available to the
26 chief judge of each judicial district.

27 (c) The liability limits in effect when damages subject to
28 the limits are awarded by final judgment or settlement shall be
29 utilized by the courts.

30 (d) Nothing in this Section shall be construed to create a
31 right to recover non-economic damages.

32 (e) This amendatory Act of the 93rd General Assembly

1 applies to causes of action accruing on or after its effective
2 date.