

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
5 changing Section 7-103 as follows:

6 (735 ILCS 5/7-103) (from Ch. 110, par. 7-103)
7 Sec. 7-103. "Quick-take".

8 (a) This Section applies only to proceedings under this
9 Article that are authorized in the Sections following this
10 Section and preceding Section 7-104.

11 (b) In a proceeding subject to this Section, the
12 plaintiff, at any time after the complaint has been filed and
13 before judgment is entered in the proceeding, may file a
14 written motion requesting that, immediately or at some
15 specified later date, the plaintiff either be vested with the
16 fee simple title (or such lesser estate, interest or
17 easement, as may be required) to the real property, or
18 specified portion thereof, which is the subject of the
19 proceeding, and be authorized to take possession of and use
20 such property; or only be authorized to take possession of
21 and to use such property, if such possession and use, without
22 the vesting of title, are sufficient to permit the plaintiff
23 to proceed with the project until the final ascertainment of
24 compensation; however, no land or interests in land therein
25 now or hereafter owned, leased, controlled or operated and
26 used by, or necessary for the actual operation of, any common
27 carrier engaged in interstate commerce, or any other public
28 utility subject to the jurisdiction of the Illinois Commerce
29 Commission, shall be taken or appropriated hereunder by the
30 State of Illinois, the Illinois Toll Highway Authority, the
31 sanitary district, the St. Louis Metropolitan Area Airport

1 Authority or the Board of Trustees of the University of
2 Illinois without first securing the approval of such
3 Commission.

4 Except as hereinafter stated, the motion for taking shall
5 state: (1) an accurate description of the property to which
6 the motion relates and the estate or interest sought to be
7 acquired therein; (2) the formally adopted schedule or plan
8 of operation for the execution of the plaintiff's project;
9 (3) the situation of the property to which the motion
10 relates, with respect to the schedule or plan; (4) the
11 necessity for taking such property in the manner requested in
12 the motion; and (5) if the property (except property
13 described in Section 3 of the Sports Stadium Act, or property
14 described as Site B in Section 2 of the Metropolitan Pier and
15 Exposition Authority Act) to be taken is owned, leased,
16 controlled or operated and used by, or necessary for the
17 actual operation of, any interstate common carrier or other
18 public utility subject to the jurisdiction of the Illinois
19 Commerce Commission, a statement to the effect that the
20 approval of such proposed taking has been secured from such
21 Commission, and attaching to such motion a certified copy of
22 the order of such Commission granting such approval. If the
23 schedule or plan of operation is not set forth fully in the
24 motion, a copy of such schedule or plan shall be attached to
25 the motion.

26 (Source: P.A. 91-357, eff. 7-29-99; 91-367, eff. 7-30-99;
27 92-16, eff. 6-28-01.)