

# SB1210



## 95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB1210

Introduced 2/9/2007, by Sen. Dale E. Risinger

### SYNOPSIS AS INTRODUCED:

735 ILCS 5/2-1107.2 new  
735 ILCS 5/2-1117.1 new

Amends the Code of Civil Procedure. Provides a circumstance under which a defendant shall be found not liable: if the fault of the defendant in a tort action concerning a motor vehicle accident is less than 25% of the proximate cause of the injury or damage for which recovery is sought. Provides that any defendant whose fault is less than 25% of the total fault attributable to the plaintiff in a tort action concerning a motor vehicle accident is not liable for any damages. Effective immediately.

LRB095 10628 AJO 30852 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 adding  
5 Sections 2-1107.2 and 2-1117.1 as follows:

6 (735 ILCS 5/2-1107.2 new)

7 Sec. 2-1107.2. Jury instruction in a tort action concerning  
8 a motor vehicle accident. In all actions on account of bodily  
9 injury or death or physical damage to property based on  
10 negligence concerning a motor vehicle accident, the court shall  
11 instruct the jury in writing that the defendant shall be found  
12 not liable if the jury finds that the contributory fault of the  
13 plaintiff is more than 50% of the proximate cause of the injury  
14 or damage for which recovery is sought or the fault of the  
15 defendant is less than 25% of the proximate cause of the injury  
16 or damage for which recovery is sought.

17 (735 ILCS 5/2-1117.1 new)

18 Sec. 2-1117.1. Joint liability in a tort action concerning  
19 a motor vehicle accident. Except as provided in Section 2-1118,  
20 in an action on account of bodily injury or death or physical  
21 damage to property based on negligence concerning a motor  
22 vehicle accident, all defendants found liable are jointly and

1 severally liable for plaintiff's past and future medical and  
2 medically related expenses. Any defendant whose fault, as  
3 determined by the trier of fact, is less than 25% of the total  
4 fault attributable to the plaintiff is not liable for damages.  
5 Any defendant whose fault, as determined by the trier of fact,  
6 is 25% or greater of the total fault attributable to the  
7 plaintiff, the defendants sued by the plaintiff, and any third  
8 party defendants except the plaintiff's employer, shall be  
9 jointly and severally liable for all other damages.

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