



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB4073

Introduced 2/27/2009, by Rep. Chapin Rose

#### SYNOPSIS AS INTRODUCED:

735 ILCS 5/13-214

from Ch. 110, par. 13-214

Amends the Code of Civil Procedure. Provides that with respect to an action for an act or omission concerning the design, planning, supervision, observation or management of construction or construction to an improvement, an action for contribution or indemnity by the defendant shall be brought within the time prescribed in the Code pertaining to contribution and indemnity or 90 days after the expiration of the plaintiff's applicable limitation period described in this Section, whichever is later.

LRB096 07694 AJO 22409 b

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  
5 changing Section 13-214 as follows:

6 (735 ILCS 5/13-214) (from Ch. 110, par. 13-214)

7 Sec. 13-214. Construction - Design management and  
8 supervision. As used in this Section "person" means any  
9 individual, any business or legal entity, or any body politic.

10 (a) Actions based upon tort, contract or otherwise against  
11 any person for an act or omission of such person in the design,  
12 planning, supervision, observation or management of  
13 construction, or construction of an improvement to real  
14 property shall be commenced within 4 years from the time the  
15 person bringing an action, or his or her privity, knew or  
16 should reasonably have known of such act or omission.  
17 Notwithstanding any other provision of law, contract actions  
18 against a surety on a payment or performance bond shall be  
19 commenced, if at all, within the same time limitation  
20 applicable to the bond principal.

21 (b) No action based upon tort, contract or otherwise may be  
22 brought against any person for an act or omission of such  
23 person in the design, planning, supervision, observation or

1 management of construction, or construction of an improvement  
2 to real property after 10 years have elapsed from the time of  
3 such act or omission. However, any person who discovers such  
4 act or omission prior to expiration of 10 years from the time  
5 of such act or omission shall in no event have less than 4  
6 years to bring an action as provided in subsection (a) of this  
7 Section. Notwithstanding any other provision of law, contract  
8 actions against a surety on a payment or performance bond shall  
9 be commenced, if at all, within the same time limitation  
10 applicable to the bond principal.

11 (c) If a person otherwise entitled to bring an action could  
12 not have brought such action within the limitation periods  
13 herein solely because such person was under the age of 18  
14 years, or a person with a developmental disability or a person  
15 with mental illness, then the limitation periods herein shall  
16 not begin to run until the person attains the age of 18 years,  
17 or the disability is removed.

18 (d) Subsection (b) shall not prohibit any action against a  
19 defendant who has expressly warranted or promised the  
20 improvement to real property for a longer period from being  
21 brought within that period.

22 (e) The limitations of this Section shall not apply to  
23 causes of action arising out of fraudulent misrepresentations  
24 or to fraudulent concealment of causes of action.

25 (f) If this Section applies to a cause of action, the  
26 applicable statute of limitations for claims seeking

1 contribution or indemnity by a defendant shall be that  
2 prescribed in Section 13-204 or 90 days after the expiration of  
3 the plaintiff's applicable limitation period described in  
4 subsection (a) of this Section, whichever is later.

5 (Source: P.A. 88-380.)