



Rep. Elaine Nekritz

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09800SB2221ham002

LRB098 08179 HEP 62502 a

1 AMENDMENT TO SENATE BILL 2221

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2221, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Code of Civil Procedure is amended by  
6 changing Section 13-214 as follows:

7 (735 ILCS 5/13-214) (from Ch. 110, par. 13-214)

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

11 (a) Actions based upon tort, contract or otherwise against  
12 any person for an act or omission of such person in the design,  
13 planning, supervision, observation or management of  
14 construction, or construction of an improvement to real  
15 property shall be commenced within 4 years from the time the  
16 person bringing an action, or his or her privity, knew or

1 should reasonably have known of such act or omission.  
2 Notwithstanding any other provision of law, contract actions  
3 against a surety on a payment or performance bond shall be  
4 commenced, if at all, within the same time limitation  
5 applicable to the bond principal.

6 (b) No action based upon tort, contract or otherwise may be  
7 brought against any person for an act or omission of such  
8 person in the design, planning, supervision, observation or  
9 management of construction, or construction of an improvement  
10 to real property after 10 years have elapsed from the time of  
11 such act or omission. However, any person who discovers such  
12 act or omission prior to expiration of 10 years from the time  
13 of such act or omission shall in no event have less than 4  
14 years to bring an action as provided in subsection (a) of this  
15 Section. Notwithstanding any other provision of law, contract  
16 actions against a surety on a payment or performance bond shall  
17 be commenced, if at all, within the same time limitation  
18 applicable to the bond principal.

19 (c) If a person otherwise entitled to bring an action could  
20 not have brought such action within the limitation periods  
21 herein solely because such person was under the age of 18  
22 years, or a person with a developmental disability or a person  
23 with mental illness, then the limitation periods herein shall  
24 not begin to run until the person attains the age of 18 years,  
25 or the disability is removed.

26 (d) Subsection (b) shall not prohibit any action against a

1 defendant who has expressly warranted or promised the  
2 improvement to real property for a longer period from being  
3 brought within that period.

4 (e) The limitations of this Section shall not apply to  
5 causes of action arising out of fraudulent misrepresentations  
6 or to fraudulent concealment of causes of action.

7 (f) Subsection (b) does not apply to an action that is  
8 based on personal injury, disability, disease, or death  
9 resulting from the discharge into the environment of any  
10 pollutant, including any waste, hazardous substance, irritant,  
11 or contaminant (including, but not limited to, smoke, vapor,  
12 soot, fumes, acids, alkalis, asbestos, toxic or corrosive  
13 chemicals, radioactive waste, or mine tailings).

14 (Source: P.A. 88-380.)".