

1 AN ACT concerning courts.

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) Subsection (b) does not apply to an action that is
26 based on personal injury, disability, disease, or death

1 resulting from the discharge into the environment of asbestos.

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