COMMERCIAL LINES MANUAL

DIVISION SIX - GENERAL LIABILITY

ILLINOIS EXCEPTIONS

EXCERPT OF RULE 45.

45. LIQUOR LIABILITY COVERAGE (Subline Code 332)

Paragraph **D.** is replaced by the following:

D. Increased Limits

Increased limit factors are found in Rule **56.** Refer to the state exceptions. In response to 235 ILL. COMP. STAT. ANN. Section 5/6-21, increased limit factors are provided which reflect the statutory damage limitations. Use increased limits Table **56.B.8.** in the state exceptions.

Paragraph **G.5.** is replaced by the following:

G. Liquor Liability Grades

**5.** The Liquor Liability Numerical Grade is 3.

Citation of Statute: 235 ILL. COMP. STAT. ANN. Section 5/6-21(a)

Comments:

The statute provides, in part, that a person injured within Illinois, in person or property, by an intoxicated person, has a right of action against a liquor vendor who, by selling or giving liquor, causes the intoxication of the intoxicated person. However, the statute also provides:

For all causes of action involving persons injured, killed or incurring property damage after January 20, 2021, in no event shall the judgment or recovery for injury to the person or property of any person exceed $72,671.25 for each person incurring damages, and recovery under this Act for either loss of means of support or loss of society resulting from the death or injury of any person shall not exceed $88,820.41.

The "3" designation reflects the fact that the total amount of damages that may be awarded to any person is limited by the statute. However, the Supreme Court of Illinois in *Ryan T. Simmons v. John D. Homatas (On Stage Productions, Inc.)*, 925 N.E.2d 1089 (Ill. 2010) concluded that with respect to a suit against the operator of a bring your own (BYO) establishment, the plaintiff's common law negligence claim(s) were not preempted by the dram shop laws of the state and noted that the operator is not in the business of selling liquor in the state.

COMMERCIAL LINES MANUAL

DIVISION SIX - GENERAL LIABILITY

ILLINOIS EXCEPTIONS

EXCERPT OF RULE 56.

56. INCREASED LIMITS TABLES

Paragraph **B.** is replaced by the following:

B. Tables

The increased limits tables follow.

8. Liquor Liability (Subline Code 332)

The following Liquor Liability increased limit factors are provided for policies covering liquor liability in compliance with 235 ILL. COMP. STAT. ANN. Section 5/6-21(a). These factors are intended to be applied to a $100/200 Basic Limit rate.

These factors must be referred to company before using.

|  |  |  |  |
| --- | --- | --- | --- |
|  | Limit Per Person BI/Limit Per Person PD/Loss Of Support Per Injured Person/Aggregate\* | | Factors |
|  | $73/73/89/200 | | 0.97 |
|  | $73/73/89/400 | | 0.98 |
|  | $73/73/89/600 | | 0.99 |
|  | $73/73/89/1,000 | | 1.00 |
|  | \* | The limits in the chart per person BI and per person PD and loss of support have been rounded from $72,671.25 and $88,820.41, respectively, for ease of display. | |

Table 56.B.8. Liquor Liability (Subline Code 332) – $100/200 Basic Limit

COMMERCIAL LINES MANUAL

DIVISION TEN - BUSINESSOWNERS

ILLINOIS EXCEPTIONS

EXCERPT OF RULE 29.

29. ENDORSEMENTS

Paragraph **B.13.b.(4)** is replaced by the following:

b. Liquor Liability Grades

**(4)** The Liquor Liability Numerical Grade is 3.

Citation of Statute: 235 ILL. COMP. STAT. ANN. Section 5/6-21(a)

Comments:

The statute provides, in part, that a person injured within Illinois, in person or property, by an intoxicated person, has a right of action against a liquor vendor who, by selling or giving liquor, causes the intoxication of the intoxicated person. However, the statute also provides:

For all causes of action involving persons injured, killed or incurring property damage after January 20, 2021, in no event shall the judgment or recovery for injury to the person or property of any person exceed $72,671.25 for each person incurring damages, and recovery under this Act for either loss of means of support or loss of society resulting from the death or injury of any person shall not exceed $88,820.41.

The "3" designation reflects the fact that the total amount of damages that may be awarded to any person is limited by the statute. However, the Supreme Court of Illinois in *Ryan T. Simmons v. John D. Homatas (On Stage Productions, Inc.)*, 925 N.E.2d 1089 (Ill. 2010) concluded that with respect to a suit against the operator of a bring your own (BYO) establishment, the plaintiff's common law negligence claim(s) were not preempted by the dram shop laws of the state and noted that the operator is not in the business of selling liquor in the state.