



KeyCite Red Flag - Severe Negative Treatment

Unconstitutional or PreemptedHeld Unconstitutional as Not Severable [Watkins v. Ingalls Memorial Hospital](#), Ill.App. 1 Dist., Apr. 26, 2018

[West's Smith-Hurd Illinois Compiled Statutes Annotated](#)

[Chapter 735. Civil Procedure](#)

[Act 5. Code of Civil Procedure \(Refs & Annos\)](#)

[Article XIII. Limitations](#)

[Part 2. Personal Actions](#)

735 ILCS 5/13-217

Formerly cited as IL ST CH 110 ¶ 13-217

## 5/13-217. Reversal or dismissal

### Currentness

§ 13-217. Reversal or dismissal. In the actions specified in Article XIII of this Act or any other act or contract where the time for commencing an action is limited, if judgment is entered for the plaintiff but reversed on appeal, or if there is a verdict in favor of the plaintiff and, upon a motion in arrest of judgment, the judgment is entered against the plaintiff, or the action is dismissed by a United States District Court for lack of jurisdiction, or the action is dismissed by a United States District Court for improper venue, then, whether or not the time limitation for bringing such action expires during the pendency of such action, the plaintiff, his or her heirs, executors or administrators may commence a new action within one year or within the remaining period of limitation, whichever is greater, after such judgment is reversed or entered against the plaintiff, or the action is dismissed by a United States District Court for lack of jurisdiction, or the action is dismissed by a United States District Court for improper venue. No action which is voluntarily dismissed by the plaintiff or dismissed for want of prosecution by the court may be filed where the time for commencing the action has expired.

This amendatory Act of 1995 applies to causes of action accruing on or after its effective date.

### Credits

P.A. 82-280, § 13-217, eff. July 1, 1982. Amended by [P.A. 87-1252, § 2, eff. Jan. 7, 1993](#); [P.A. 89-7, § 15, eff. March 9, 1995](#).

**Formerly** [Ill.Rev.Stat.1991, ch. 110, ¶ 13-217](#).

### VALIDITY

<Public Act 89-7, which amended this section, has been held unconstitutional in its entirety by the Illinois Supreme Court in the case of [Best v. Taylor Machine Works, 1997, 689 N.E.2d 1057, 228 Ill.Dec. 636, 179 Ill.2d 367](#).>

### [Notes of Decisions \(535\)](#)

735 I.L.C.S. 5/13-217, IL ST CH 735 § 5/13-217

Current through P.A. 101-651. Some statute sections may be more current, see credits for details.