

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 2-209 as follows:

6 (735 ILCS 5/2-209) (from Ch. 110, par. 2-209)

7 Sec. 2-209. Act submitting to jurisdiction - Process.

8 (a) Any person, whether or not a citizen or resident of
9 this State, who in person or through an agent does any of the
10 acts hereinafter enumerated, thereby submits such person, and,
11 if an individual, his or her personal representative, to the
12 jurisdiction of the courts of this State as to any cause of
13 action arising from the doing of any of such acts:

14 (1) The transaction of any business within this State;

15 (2) The commission of a tortious act within this
16 State;

17 (3) The ownership, use, or possession of any real
18 estate situated in this State;

19 (4) Contracting to insure any person, property or risk
20 located within this State at the time of contracting;

21 (5) With respect to actions of dissolution of
22 marriage, declaration of invalidity of marriage and legal
23 separation, the maintenance in this State of a matrimonial

1 domicile at the time this cause of action arose or the
2 commission in this State of any act giving rise to the
3 cause of action;

4 (6) With respect to actions brought under the Illinois
5 Parentage Act of 1984, as now or hereafter amended, or
6 under the Illinois Parentage Act of 2015 on and after the
7 effective date of that Act, the performance of an act of
8 sexual intercourse within this State during the possible
9 period of conception;

10 (7) The making or performance of any contract or
11 promise substantially connected with this State;

12 (8) The performance of sexual intercourse within this
13 State which is claimed to have resulted in the conception
14 of a child who resides in this State;

15 (9) The failure to support a child, spouse or former
16 spouse who has continued to reside in this State since the
17 person either formerly resided with them in this State or
18 directed them to reside in this State;

19 (10) The acquisition of ownership, possession or
20 control of any asset or thing of value present within this
21 State when ownership, possession or control was acquired;

22 (11) The breach of any fiduciary duty within this
23 State;

24 (12) The performance of duties as a director or
25 officer of a corporation organized under the laws of this
26 State or having its principal place of business within

1 this State;

2 (13) The ownership of an interest in any trust
3 administered within this State; or

4 (14) The exercise of powers granted under the
5 authority of this State as a fiduciary.

6 (b) A court may exercise general jurisdiction in any
7 action arising within or without this State against any person
8 who:

9 (1) Is a natural person present within this State when
10 served;

11 (2) Is a natural person domiciled or resident within
12 this State when the cause of action arose, the action was
13 commenced, or process was served;

14 (3) Is a corporation organized under the laws of this
15 State or having its principal place of business in this
16 State; or

17 (4) Is a natural person or corporation doing business
18 within this State; or

19 (5) Is a foreign business corporation that has
20 consented to general jurisdiction in this State in
21 accordance with subsection (b) of Section 13.20 or
22 subsection (c-5) of Section 13.70 of the Business
23 Corporation Act of 1983, but only if (i) the action
24 alleges injury or illness resulting from exposure to a
25 substance defined as toxic under the Uniform Hazardous
26 Substances Act of Illinois, whether the cause of action

1 arises within or without this State, and (ii) jurisdiction
2 is proper as to one or more named co-defendants under
3 subsection (a) of this Section.

4 (b-5) Foreign defamation judgment. The courts of this
5 State shall have personal jurisdiction over any person who
6 obtains a judgment in a defamation proceeding outside the
7 United States against any person who is a resident of Illinois
8 or, if not a natural person, has its principal place of
9 business in Illinois, for the purposes of rendering
10 declaratory relief with respect to that resident's liability
11 for the judgment, or for the purpose of determining whether
12 said judgment should be deemed non-recognizable pursuant to
13 this Code, to the fullest extent permitted by the United
14 States Constitution, provided:

15 (1) the publication at issue was published in
16 Illinois, and

17 (2) that resident (i) has assets in Illinois which
18 might be used to satisfy the foreign defamation judgment,
19 or (ii) may have to take actions in Illinois to comply with
20 the foreign defamation judgment.

21 The provisions of this subsection (b-5) shall apply to
22 persons who obtained judgments in defamation proceedings
23 outside the United States prior to, on, or after the effective
24 date of this amendatory Act of the 95th General Assembly.

25 (c) A court may also exercise jurisdiction on any other
26 basis now or hereafter permitted by the Illinois Constitution

1 and the Constitution of the United States.

2 (d) Service of process upon any person who is subject to
3 the jurisdiction of the courts of this State, as provided in
4 this Section, may be made by personally serving the summons
5 upon the defendant outside this State, as provided in this
6 Act, with the same force and effect as though summons had been
7 personally served within this State.

8 (e) Service of process upon any person who resides or
9 whose business address is outside the United States and who is
10 subject to the jurisdiction of the courts of this State, as
11 provided in this Section, in any action based upon product
12 liability may be made by serving a copy of the summons with a
13 copy of the complaint attached upon the Secretary of State.
14 The summons shall be accompanied by a \$5 fee payable to the
15 Secretary of State. The plaintiff shall forthwith mail a copy
16 of the summons, upon which the date of service upon the
17 Secretary is clearly shown, together with a copy of the
18 complaint to the defendant at his or her last known place of
19 residence or business address. Plaintiff shall file with the
20 circuit clerk an affidavit of the plaintiff or his or her
21 attorney stating the last known place of residence or the last
22 known business address of the defendant and a certificate of
23 mailing a copy of the summons and complaint to the defendant at
24 such address as required by this subsection (e). The
25 certificate of mailing shall be prima facie evidence that the
26 plaintiff or his or her attorney mailed a copy of the summons

1 and complaint to the defendant as required. Service of the
2 summons shall be deemed to have been made upon the defendant on
3 the date it is served upon the Secretary and shall have the
4 same force and effect as though summons had been personally
5 served upon the defendant within this State.

6 (f) Only causes of action arising from acts enumerated
7 herein may be asserted against a defendant in an action in
8 which jurisdiction over him or her is based upon subsection
9 (a).

10 (g) Nothing herein contained limits or affects the right
11 to serve any process in any other manner now or hereafter
12 provided by law.

13 (Source: P.A. 99-85, eff. 1-1-16.)

14 Section 10. The Business Corporation Act of 1983 is
15 amended by changing Sections 13.20 and 13.70 as follows:

16 (805 ILCS 5/13.20) (from Ch. 32, par. 13.20)

17 Sec. 13.20. Effect of authority.

18 (a) Upon the filing of the application for authority by
19 the Secretary of State, the corporation shall have the right
20 to transact business in this State for those purposes set
21 forth in its application, subject, however, to the right of
22 this State to revoke such right to transact business in this
23 State as provided in this Act.

24 (b) A corporation that obtains or continues to maintain

1 the right to transact business in this State consents to the
2 exercise of general jurisdiction by the courts of this State
3 in accordance with paragraph (5) of subsection (b) of Section
4 2-209 of the Code of Civil Procedure.

5 A corporation consents to general jurisdiction in
6 accordance with paragraph (5) of subsection (b) of Section
7 2-209 of the Code of Civil Procedure upon registering to do
8 business in this State at any time following the effective
9 date of this amendatory Act of the 104th General Assembly.

10 A corporation that has previously registered to do
11 business in this State consents to general jurisdiction in
12 accordance with paragraph (5) of subsection (b) of Section
13 2-209 of the Code of Civil Procedure upon the next date after
14 the effective date of this amendatory Act of the 104th General
15 Assembly on which the filing of its annual report in
16 accordance of Section 14.05 is due, regardless of whether or
17 not it then files its annual report.

18 Consent to such general jurisdiction terminates upon, and
19 only upon, formal withdrawal from this State.

20 (Source: P.A. 92-33, eff. 7-1-01.)

21 (805 ILCS 5/13.70) (from Ch. 32, par. 13.70)

22 Sec. 13.70. Transacting business without authority.

23 (a) No foreign corporation transacting business in this
24 State without authority to do so is permitted to maintain a
25 civil action in any court of this State, until the corporation

1 obtains that authority. Nor shall a civil action be maintained
2 in any court of this State by any successor or assignee of the
3 corporation on any right, claim or demand arising out of the
4 transaction of business by the corporation in this State,
5 until authority to transact business in this State is obtained
6 by the corporation or by a corporation that has acquired all or
7 substantially all of its assets.

8 (b) The failure of a foreign corporation to obtain
9 authority to transact business in this State does not impair
10 the validity of any contract or act of the corporation, and
11 does not prevent the corporation from defending any action in
12 any court of this State.

13 (c) A foreign corporation that transacts business in this
14 State without authority is liable to this State, for the years
15 or parts thereof during which it transacted business in this
16 State without authority, in an amount equal to all fees,
17 franchise taxes, penalties and other charges that would have
18 been imposed by this Act upon the corporation had it duly
19 applied for and received authority to transact business in
20 this State as required by this Act, but failed to pay the
21 franchise taxes that would have been computed thereon, and
22 thereafter filed all reports required by this Act; and, if a
23 corporation fails to file an application for authority within
24 60 days after it commences business in this State, in addition
25 thereto it is liable for a penalty of either 10% of the filing
26 fee, license fee and franchise taxes or \$200 plus \$5.00 for

1 each month or fraction thereof in which it has continued to
2 transact business in this State without authority therefor,
3 whichever penalty is greater. The Attorney General shall bring
4 proceedings to recover all amounts due this State under this
5 Section.

6 (c-5) A foreign corporation that transacts business in
7 this State without authority is deemed to have consented to
8 general jurisdiction in accordance with subsection (b) of
9 Section 13.20 to the same extent as if it were registered to do
10 business in this State. Consent to such general jurisdiction
11 commences upon committing an act constituting the transaction
12 of business in this State without authority at any time after
13 the effective date of this amendatory Act of the 104th General
14 Assembly and remains effective for 180 days following the
15 committing of each and every such act.

16 (d) The Attorney General shall bring an action to restrain
17 a foreign corporation from transacting business in this State,
18 if the authority of the foreign corporation to transact
19 business has been revoked under subsection (m) of Section
20 13.50 of this Act.

21 (Source: P.A. 95-515, eff. 8-28-07.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.