



Rep. Jay Hoffman

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LRB104 06446 JRC 27087 a

1 AMENDMENT TO SENATE BILL 328

2 AMENDMENT NO. _____. Amend Senate Bill 328 by replacing
3 everything after the enacting clause with the following:

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;

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

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

5 (5) With respect to actions of dissolution of
6 marriage, declaration of invalidity of marriage and legal
7 separation, the maintenance in this State of a matrimonial
8 domicile at the time this cause of action arose or the
9 commission in this State of any act giving rise to the
10 cause of action;

11 (6) With respect to actions brought under the Illinois
12 Parentage Act of 1984, as now or hereafter amended, or
13 under the Illinois Parentage Act of 2015 on and after the
14 effective date of that Act, the performance of an act of
15 sexual intercourse within this State during the possible
16 period of conception;

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

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

22 (9) The failure to support a child, spouse or former
23 spouse who has continued to reside in this State since the
24 person either formerly resided with them in this State or
25 directed them to reside in this State;

26 (10) The acquisition of ownership, possession or

1 control of any asset or thing of value present within this
2 State when ownership, possession or control was acquired;

3 (11) The breach of any fiduciary duty within this
4 State;

5 (12) The performance of duties as a director or
6 officer of a corporation organized under the laws of this
7 State or having its principal place of business within
8 this State;

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

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

13 (b) A court may exercise general jurisdiction in any
14 action arising within or without this State against any person
15 who:

16 (1) Is a natural person present within this State when
17 served;

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

21 (3) Is a corporation organized under the laws of this
22 State or having its principal place of business in this
23 State; or

24 (4) Is a natural person or corporation doing business
25 within this State; or

26 (5) Is a foreign business corporation that has

1 consented to general jurisdiction in this State in
2 accordance with subsection (b) of Section 13.20 or
3 subsection (c-5) of Section 13.70 of the Business
4 Corporation Act of 1983, but only if (i) the action
5 alleges injury or illness resulting from exposure to a
6 substance defined as toxic under the Uniform Hazardous
7 Substances Act of Illinois, whether the cause of action
8 arises within or without this State, and (ii) jurisdiction
9 is proper as to one or more named co-defendants under
10 subsection (a) of this Section.

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

22 (1) the publication at issue was published in
23 Illinois, and

24 (2) that resident (i) has assets in Illinois which
25 might be used to satisfy the foreign defamation judgment,
26 or (ii) may have to take actions in Illinois to comply with

1 the foreign defamation judgment.

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

6 (c) A court may also exercise jurisdiction on any other
7 basis now or hereafter permitted by the Illinois Constitution
8 and the Constitution of the United States.

9 (d) Service of process upon any person who is subject to
10 the jurisdiction of the courts of this State, as provided in
11 this Section, may be made by personally serving the summons
12 upon the defendant outside this State, as provided in this
13 Act, with the same force and effect as though summons had been
14 personally served within this State.

15 (e) Service of process upon any person who resides or
16 whose business address is outside the United States and who is
17 subject to the jurisdiction of the courts of this State, as
18 provided in this Section, in any action based upon product
19 liability may be made by serving a copy of the summons with a
20 copy of the complaint attached upon the Secretary of State.
21 The summons shall be accompanied by a \$5 fee payable to the
22 Secretary of State. The plaintiff shall forthwith mail a copy
23 of the summons, upon which the date of service upon the
24 Secretary is clearly shown, together with a copy of the
25 complaint to the defendant at his or her last known place of
26 residence or business address. Plaintiff shall file with the

1 circuit clerk an affidavit of the plaintiff or his or her
2 attorney stating the last known place of residence or the last
3 known business address of the defendant and a certificate of
4 mailing a copy of the summons and complaint to the defendant at
5 such address as required by this subsection (e). The
6 certificate of mailing shall be prima facie evidence that the
7 plaintiff or his or her attorney mailed a copy of the summons
8 and complaint to the defendant as required. Service of the
9 summons shall be deemed to have been made upon the defendant on
10 the date it is served upon the Secretary and shall have the
11 same force and effect as though summons had been personally
12 served upon the defendant within this State.

13 (f) Only causes of action arising from acts enumerated
14 herein may be asserted against a defendant in an action in
15 which jurisdiction over him or her is based upon subsection
16 (a).

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

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

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

23 (805 ILCS 5/13.20) (from Ch. 32, par. 13.20)

24 Sec. 13.20. Effect of authority.

1 (a) Upon the filing of the application for authority by
2 the Secretary of State, the corporation shall have the right
3 to transact business in this State for those purposes set
4 forth in its application, subject, however, to the right of
5 this State to revoke such right to transact business in this
6 State as provided in this Act.

7 (b) A corporation that obtains or continues to maintain
8 the right to transact business in this State consents to the
9 exercise of general jurisdiction by the courts of this State
10 in accordance with paragraph (5) of subsection (b) of Section
11 2-209 of the Code of Civil Procedure.

12 A corporation consents to general jurisdiction upon
13 registering to do business in this State at any time following
14 the effective date of this amendatory Act of the 104th General
15 Assembly.

16 A corporation that has previously registered to do
17 business in this State consents to general jurisdiction upon
18 the next date after the effective date of this amendatory Act
19 of the 104th General Assembly on which the filing of its annual
20 report in accordance of Section 14.05 is due, regardless of
21 whether or not it then files its annual report.

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

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

1 Sec. 13.70. Transacting business without authority.

2 (a) No foreign corporation transacting business in this
3 State without authority to do so is permitted to maintain a
4 civil action in any court of this State, until the corporation
5 obtains that authority. Nor shall a civil action be maintained
6 in any court of this State by any successor or assignee of the
7 corporation on any right, claim or demand arising out of the
8 transaction of business by the corporation in this State,
9 until authority to transact business in this State is obtained
10 by the corporation or by a corporation that has acquired all or
11 substantially all of its assets.

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

17 (c) A foreign corporation that transacts business in this
18 State without authority is liable to this State, for the years
19 or parts thereof during which it transacted business in this
20 State without authority, in an amount equal to all fees,
21 franchise taxes, penalties and other charges that would have
22 been imposed by this Act upon the corporation had it duly
23 applied for and received authority to transact business in
24 this State as required by this Act, but failed to pay the
25 franchise taxes that would have been computed thereon, and
26 thereafter filed all reports required by this Act; and, if a

1 corporation fails to file an application for authority within
2 60 days after it commences business in this State, in addition
3 thereto it is liable for a penalty of either 10% of the filing
4 fee, license fee and franchise taxes or \$200 plus \$5.00 for
5 each month or fraction thereof in which it has continued to
6 transact business in this State without authority therefor,
7 whichever penalty is greater. The Attorney General shall bring
8 proceedings to recover all amounts due this State under this
9 Section.

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

20 (d) The Attorney General shall bring an action to restrain
21 a foreign corporation from transacting business in this State,
22 if the authority of the foreign corporation to transact
23 business has been revoked under subsection (m) of Section
24 13.50 of this Act.

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

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".