



Sen. Don Harmon

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10100HB3360sam001

LRB101 09884 LNS 74790 a

1 AMENDMENT TO HOUSE BILL 3360

2 AMENDMENT NO. _____. Amend House Bill 3360 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 2-1303 as follows:

6 (735 ILCS 5/2-1303) (from Ch. 110, par. 2-1303)

7 Sec. 2-1303. Interest on judgment.

8 (a) Except as provided in subsection (b), judgments
9 recovered in any court shall draw interest at the rate of 9%
10 per annum from the date of the judgment until satisfied or 6%
11 per annum when the judgment debtor is a unit of local
12 government, as defined in Section 1 of Article VII of the
13 Constitution, a school district, a community college district,
14 or any other governmental entity. When judgment is entered upon
15 any award, report or verdict, interest shall be computed at the
16 above rate, from the time when made or rendered to the time of

1 entering judgment upon the same, and included in the judgment.
2 Interest shall be computed and charged only on the unsatisfied
3 portion of the judgment as it exists from time to time. The
4 judgment debtor may by tender of payment of judgment, costs and
5 interest accrued to the date of tender, stop the further
6 accrual of interest on such judgment notwithstanding the
7 prosecution of an appeal, or other steps to reverse, vacate or
8 modify the judgment.

9 (b) (1) As used in this Section:

10 "Consumer debt" means money or property, or the equivalent,
11 due or owing, or alleged to be due or owing, from a natural
12 person by reason of a transaction in which property, services,
13 or money is acquired by that natural person primarily for
14 personal, family, or household purposes.

15 "Consumer debt judgment" means a judgment recovered in any
16 court against one or more natural persons arising out of
17 consumer debt. "Consumer debt judgment" does not include any
18 compensation for bodily injury or death, nor any judgment
19 entered where the debt is guaranteed by or contains a joint and
20 several liability provision between a natural person and a
21 business, whether or not that business is legally constituted
22 under the laws of this State or any other state.

23 (2) Notwithstanding subsection (a), consumer debt
24 judgments of \$25,000 or less shall draw interest from the date
25 of the judgment until satisfied at the rate of 5% per annum.

26 (3) The judgment debtor may, by tender of payment of

1 judgment, costs, and interest accrued to the date of tender,
2 stop the further accrual of interest on the consumer debt
3 judgment, notwithstanding the prosecution of an appeal, or
4 other steps to reverse, vacate, or modify the judgment.

5 (4) This subsection applies to all consumer debt judgments
6 entered into after the effective date of this amendatory Act of
7 the 101st General Assembly.

8 (c) In all actions brought to recover damages for personal
9 injury or wrongful death resulting from or occasioned by the
10 conduct of any other person or entity, whether by negligence,
11 willful and wanton misconduct, intentional conduct, or strict
12 liability of the other person or entity, the plaintiff shall
13 recover prejudgment interest on all damages set forth in the
14 judgment. Prejudgment interest shall begin to accrue on the
15 date the defendant has notice of the injury from the incident
16 itself or a written notice. In entering judgment for the
17 plaintiff in the action, the court shall add to the amount of
18 the judgment interest on the amount calculated at the rate of
19 9% per annum.

20 (d) Notwithstanding any other provision of law, a local
21 public entity is not liable to pay prejudgment interest in an
22 action brought directly or vicariously against it by the
23 injured party.

24 (e) For any personal injury or wrongful death occurring
25 before the effective date of this amendatory Act of the 101st
26 General Assembly, the prejudgment interest shall begin to

1 accrue on the later of the effective date of this amendatory
2 Act of the 101st General Assembly or the date the alleged
3 tortfeasor has notice of the injury.

4 (f) The trial court may, in its discretion, apportion any
5 amount of prejudgment interest between the plaintiff and any
6 agency or department of the State. In apportioning prejudgment
7 interest as provided in this Section, the court shall consider,
8 among other factors it deems relevant, the plaintiff's hardship
9 from the time of injury to the date of judgment and the effort
10 required to obtain the judgment.

11 (Source: P.A. 101-168, eff. 1-1-20.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law."