



Rep. La Shawn K. Ford

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10100HB3866ham001

LRB101 13096 LNS 70928 a

1 AMENDMENT TO HOUSE BILL 3866

2 AMENDMENT NO. _____. Amend House Bill 3866 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Code of Civil Procedure is amended by
5 adding Section 13-227 as follows:

6 (735 ILCS 5/13-227 new)

7 Sec. 13-227. Collection of debt by municipality.

8 (a) A municipality, or its designee, seeking to collect a
9 debt arising from a municipal violation, entered as a judgment
10 by an administrative law court, circuit court, or other court
11 from which no further appeal has been or could be taken, shall
12 file an action to collect a debt arising from a violation of a
13 municipal ordinance in accordance with Section.

14 (b) An individual who accrued debt from a violation or
15 judgment prior to a lawful filing under Chapter VIII or XIII of
16 Title 11 of the United States Code, or during the pendency of

1 such bankruptcy proceedings, may only have those debts pursued
2 by the municipality, or its designee, during the bankruptcy
3 proceedings.

4 (c) A municipality may file an action to collect tax debt
5 arising from a municipal ordinance in accordance with the
6 statutory taxing power. If no limit is established by law, the
7 municipality shall file the action to collect the debt within
8 10 years of the final judgment.

9 (d) A municipality may not file an action to collect the
10 debt arising from a municipal ordinance as follows:

11 (1) For vehicular moving violations or parking
12 violations, more than 2 years after the final judgment is
13 entered if no penalties or interest are sought. If
14 penalties and interest are to accrue, then within 90 days
15 of entry of the final judgment.

16 (2) For service calls or utility debts, more than 2
17 years after the final judgment is entered if no penalties
18 or interest are sought. If penalties and interest are to
19 accrue, then within 90 days of entry of the final judgment.

20 (3) For building and zoning code violations, no later
21 than 2 years after the final judgment is entered. However,
22 for any debt that is subject to a mechanics lien, the
23 deadlines set forth in the Mechanics Lien Act apply.

24 (4) For contractual obligations involving the
25 municipality, no more than 4 years after the final judgment
26 is entered if no penalties or interest are sought. If

1 penalties and interest are to accrue, then within 2 years
2 of entry of the final judgment.

3 (e) For any other action not set forth in this Section, the
4 judgment debtor shall presumptively have an affirmative
5 defense of laches for any debt collection efforts made by the
6 municipality 4 years after a final judgment has been entered,
7 and the burden shall be on the municipality to show a lack of
8 prejudice to the judgment debtor prior to enforcement.

9 (f) Nothing in this Section shall be construed to authorize
10 any municipality, or its designee, to file a claim in violation
11 of the Federal Fair Debt Collection Practices Act.

12 (g) For an entity designated to act by the municipality
13 seeking to collect on a debt, the municipality shall provide
14 the entity a copy of this Section and proof that the entity has
15 the right to seek collection on the debt. The entity seeking to
16 collect the debt shall certify, under penalty of perjury, that
17 it has the authority to seek to collect the debt.

18 (h) A home rule unit may not regulate the collection of
19 debt arising from a municipal violation in a manner
20 inconsistent with the regulation by the State of the collection
21 of debt arising from a municipal violation under this Section.
22 This Section is a limitation under subsection (i) of Section 6
23 of Article VII of the Illinois Constitution on the concurrent
24 exercise by home rule units of powers and functions exercised
25 by the State.

1 Section 99. Effective date. This Act takes effect January
2 1, 2021."