

HB0048



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB0048

Introduced 1/14/2021, by Rep. Rita Mayfield

SYNOPSIS AS INTRODUCED:

735 ILCS 5/2-1303

from Ch. 110, par. 2-1303

Amends the Code of Civil Procedure. Provides that the definition of "consumer debt" does not include any money due or owing, or alleged to be due or owing, from a natural person for an arrearage of child support. Provides that the definition of "consumer debt judgment" does not include any judgment entered for an arrearage of child support.

LRB102 04081 LNS 14097 b

A BILL FOR

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 2-1303 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
15 upon any award, report or verdict, interest shall be computed
16 at the above rate, from the time when made or rendered to the
17 time of entering judgment upon the same, and included in the
18 judgment. Interest shall be computed and charged only on the
19 unsatisfied portion of the judgment as it exists from time to
20 time. The judgment debtor may by tender of payment of
21 judgment, costs and interest accrued to the date of tender,
22 stop the further accrual of interest on such judgment
23 notwithstanding the prosecution of an appeal, or other steps

1 to reverse, vacate or modify the judgment.

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

3 "Consumer debt" means money or property, or the
4 equivalent, due or owing, or alleged to be due or owing, from a
5 natural person by reason of a transaction in which property,
6 services, or money is acquired by that natural person
7 primarily for personal, family, or household purposes.
8 "Consumer debt" does not include any money due or owing, or
9 alleged to be due or owing, from a natural person for an
10 arrearage of child support.

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

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

23 (3) The judgment debtor may, by tender of payment of
24 judgment, costs, and interest accrued to the date of tender,
25 stop the further accrual of interest on the consumer debt
26 judgment, notwithstanding the prosecution of an appeal, or

1 other steps to reverse, vacate, or modify the judgment.

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

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