

**SB3637**



**102ND GENERAL ASSEMBLY**

**State of Illinois**

**2021 and 2022**

**SB3637**

Introduced 1/19/2022, by Sen. Dan McConchie

**SYNOPSIS AS INTRODUCED:**

735 ILCS 5/2-1303

from Ch. 110, par. 2-1303

Amends the Code of Civil Procedure. Removes provisions providing that: in all actions brought to recover damages for personal injury or wrongful death resulting from or occasioned by the conduct of any other person or entity, whether by negligence, willful and wanton misconduct, intentional conduct, or strict liability of the other person or entity, the plaintiff shall recover prejudgment interest on specified damages and costs set forth in the judgment; neither the State nor a local public entity shall be liable to pay prejudgment interest; and for any personal injury or wrongful death occurring before July 1, 2021 (the effective date of Public Act 102-6), the prejudgment interest shall begin to accrue on the later of July 1, 2021 or the date the action is filed.

LRB102 24199 LNS 33427 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 judgment" means a judgment recovered in any  
9 court against one or more natural persons arising out of  
10 consumer debt. "Consumer debt judgment" does not include any  
11 compensation for bodily injury or death, nor any judgment  
12 entered where the debt is guaranteed by or contains a joint and  
13 several liability provision between a natural person and a  
14 business, whether or not that business is legally constituted  
15 under the laws of this State or any other state.

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

19 (3) The judgment debtor may, by tender of payment of  
20 judgment, costs, and interest accrued to the date of tender,  
21 stop the further accrual of interest on the consumer debt  
22 judgment, notwithstanding the prosecution of an appeal, or  
23 other steps to reverse, vacate, or modify the judgment.

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

1           (c) (Blank). ~~In all actions brought to recover damages for~~  
2 ~~personal injury or wrongful death resulting from or occasioned~~  
3 ~~by the conduct of any other person or entity, whether by~~  
4 ~~negligence, willful and wanton misconduct, intentional~~  
5 ~~conduct, or strict liability of the other person or entity,~~  
6 ~~the plaintiff shall recover prejudgment interest on all~~  
7 ~~damages, except punitive damages, sanctions, statutory~~  
8 ~~attorney's fees, and statutory costs, set forth in the~~  
9 ~~judgment. Prejudgment interest shall begin to accrue on the~~  
10 ~~date the action is filed. If the plaintiff voluntarily~~  
11 ~~dismisses the action and refiles, the accrual of prejudgment~~  
12 ~~interest shall be tolled from the date the action is~~  
13 ~~voluntarily dismissed to the date the action is refiled. In~~  
14 ~~entering judgment for the plaintiff in the action, the court~~  
15 ~~shall add to the amount of the judgment interest calculated at~~  
16 ~~the rate of 6% per annum on the amount of the judgment, minus~~  
17 ~~punitive damages, sanctions, statutory attorney's fees, and~~  
18 ~~statutory costs. If the judgment is greater than the amount of~~  
19 ~~the highest written settlement offer made by the defendant~~  
20 ~~within 12 months after the later of the effective date of this~~  
21 ~~amendatory Act of the 102nd General Assembly or the filing of~~  
22 ~~the action and not accepted by the plaintiff within 90 days~~  
23 ~~after the date of the offer or rejected by the plaintiff,~~  
24 ~~interest added to the amount of judgment shall be an amount~~  
25 ~~equal to interest calculated at the rate of 6% per annum on the~~  
26 ~~difference between the amount of the judgment, minus punitive~~

1 ~~damages, sanctions, statutory attorney's fees, and statutory~~  
2 ~~costs, and the amount of the highest written settlement offer.~~  
3 ~~If the judgment is equal to or less than the amount of the~~  
4 ~~highest written settlement offer made by the defendant within~~  
5 ~~12 months after the later of the effective date of this~~  
6 ~~amendatory Act of the 102nd General Assembly or the filing of~~  
7 ~~the action and not accepted by the plaintiff within 90 days~~  
8 ~~after the date of the offer or rejected by the plaintiff, no~~  
9 ~~prejudgment interest shall be added to the amount of the~~  
10 ~~judgment. For the purposes of this subsection, withdrawal of a~~  
11 ~~settlement offer by defendant shall not be considered a~~  
12 ~~rejection of the offer by the plaintiff. Notwithstanding any~~  
13 ~~other provision of this subsection, prejudgment interest shall~~  
14 ~~accrue for no longer than 5 years.~~

15 ~~Notwithstanding any other provision of law, neither the~~  
16 ~~State, a unit of local government, a school district,~~  
17 ~~community college district, nor any other governmental entity~~  
18 ~~is liable to pay prejudgment interest in an action brought~~  
19 ~~directly or vicariously against it by the injured party.~~

20 ~~For any personal injury or wrongful death occurring before~~  
21 ~~the effective date of this amendatory Act of the 102nd General~~  
22 ~~Assembly, the prejudgment interest shall begin to accrue on~~  
23 ~~the later of the date the action is filed or the effective date~~  
24 ~~of this amendatory Act of the 102nd General Assembly.~~

25 (Source: P.A. 101-168, eff. 1-1-20; 102-6, eff. 7-1-21.)