

HB2988



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2988

Introduced 2/16/2023, by Rep. Patrick Windhorst

SYNOPSIS AS INTRODUCED:

735 ILCS 5/2-1303

from Ch. 110, par. 2-1303

Amends the Code of Civil Procedure. In a provision concerning actions brought to recover damages for personal injury or wrongful death, changes the amount of prejudgment interest the court shall add to the judgment to an amount calculated at a rate of 5% (instead of 6%) per annum. Effective immediately.

LRB103 05194 LNS 50210 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, l 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, l 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) In all actions brought to recover damages for personal
2 injury or wrongful death resulting from or occasioned by the
3 conduct of any other person or entity, whether by negligence,
4 willful and wanton misconduct, intentional conduct, or strict
5 liability of the other person or entity, the plaintiff shall
6 recover prejudgment interest on all damages, except punitive
7 damages, sanctions, statutory attorney's fees, and statutory
8 costs, set forth in the judgment. Prejudgment interest shall
9 begin to accrue on the date the action is filed. If the
10 plaintiff voluntarily dismisses the action and refiles, the
11 accrual of prejudgment interest shall be tolled from the date
12 the action is voluntarily dismissed to the date the action is
13 refiled. In entering judgment for the plaintiff in the action,
14 the court shall add to the amount of the judgment interest
15 calculated at the rate of 5% ~~6%~~ per annum on the amount of the
16 judgment, minus punitive damages, sanctions, statutory
17 attorney's fees, and statutory costs. If the judgment is
18 greater than the amount of the highest written settlement
19 offer made by the defendant within 12 months after the later of
20 the effective date of this amendatory Act of the 102nd General
21 Assembly or the filing of the action and not accepted by the
22 plaintiff within 90 days after the date of the offer or
23 rejected by the plaintiff, interest added to the amount of
24 judgment shall be an amount equal to interest calculated at
25 the rate of 5% ~~6%~~ per annum on the difference between the
26 amount of the judgment, minus punitive damages, sanctions,

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

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.