

HB4916



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4916

Introduced 2/7/2024, by Rep. Daniel Didech

SYNOPSIS AS INTRODUCED:

735 ILCS 5/2-2301

Amends the Code of Civil Procedure. Provides that the provisions for prompt settlement of claims apply to private causes of action rather than just personal injury, property damage, wrongful death, or tort actions.

LRB103 38470 JRC 68606 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 2-2301 as follows:

6 (735 ILCS 5/2-2301)

7 Sec. 2-2301. Settlement of claims; payment.

8 (a) In a private cause of ~~personal injury, property~~
9 ~~damage, wrongful death, or tort~~ action involving a claim for
10 money damages, a release must be tendered to the plaintiff by
11 the settling defendant within 14 days of written confirmation
12 of the settlement. Written confirmation includes all
13 communication by written means.

14 (b) In a private cause of ~~personal injury, property~~
15 ~~damage, wrongful death, or tort~~ action involving a claim for
16 money damages in which the law requires court approval of a
17 settlement, the plaintiff shall tender to the defendant a copy
18 of the court order approving the settlement.

19 (c) In a private cause of ~~personal injury, property~~
20 ~~damage, wrongful death, or tort~~ action involving a claim for
21 money damages in which there is a known third-party right of
22 recovery or subrogation interest (including attorney's liens,
23 healthcare provider liens, or rights of recovery claimed by

1 Medicare, the Centers for Medicare and Medicaid Services, the
2 Illinois Department of Healthcare and Family Services, or
3 private health insurance companies), the plaintiff may protect
4 the third-party's right of recovery or subrogation interest,
5 where applicable, by tendering to the defendant:

6 (1) A signed release of the attorney's lien.

7 (2) Either:

8 (i) a signed release of a healthcare provider
9 lien; or

10 (ii) a letter from the plaintiff's attorney
11 agreeing to hold the full amount of the claimed lien in
12 the plaintiff's attorney's client fund account pending
13 final resolution of the lien amount; or

14 (iii) an offer that the defendant hold the full
15 amount of the claimed right to recovery pending final
16 resolution of the amount of the right of recovery; or

17 (iv) documentation of any other method of
18 resolution of the liens as agreed by the parties.

19 (3) Either:

20 (i) documentation of the agreement between the
21 plaintiff and Medicare, the Centers for Medicare and
22 Medicaid Services, the Illinois Department of
23 Healthcare and Family Services, or the private health
24 insurance company as to the amount of the settlement
25 that will be accepted in satisfaction of right of
26 recovery; or

1 (ii) a letter from the plaintiff's attorney
2 agreeing to hold the full amount of the claimed right
3 to recovery in the plaintiff's attorney's client fund
4 account pending final resolution of the amount of the
5 right to recovery; or

6 (iii) an offer that the defendant hold the full
7 amount of the claimed right to recovery pending final
8 resolution of the amount of the right of recovery; or

9 (iv) documentation of any other method of
10 resolution of the liens as agreed by the parties.

11 (d) A settling defendant shall pay all sums due to the
12 plaintiff within 30 days of tender by the plaintiff of the
13 executed release and all applicable documents in compliance
14 with subsections (a), (b), and (c) of this Section.

15 (e) If, after a hearing, the court having jurisdiction
16 over the parties finds that timely payment has not been made by
17 a defendant pursuant to subsection (d) of this Section,
18 judgment shall be entered against that defendant for the
19 amount set forth in the executed release, plus costs incurred
20 in obtaining the judgment and interest at the rate specified
21 under Section 2-1303 of this Code, calculated from the date of
22 the tender by the plaintiff under subsection (d) of this
23 Section.

24 (f) As used in this Section, "tender" means personal
25 delivery or delivery by a means providing a return receipt.

26 (g) This Section applies to all personal injury, property

1 damage, wrongful death, and tort actions involving a claim for
2 money damages, except as otherwise agreed by the parties. This
3 Section does not apply to:

4 (1) the State of Illinois;

5 (2) any State agency, board, or Commission, as defined
6 in Section 1-7 of the Illinois State Auditing Act;

7 (3) any State officer or employee sued in his or her
8 official capacity;

9 (4) any person or entity that is being represented by
10 the Attorney General and provided indemnification by the
11 State pursuant to the State Employee Indemnification Act;

12 (5) any municipality or unit of local government as
13 defined under Article VII of the Illinois Constitution;

14 and

15 (6) class action lawsuits.

16 (Source: P.A. 98-548, eff. 1-1-14.)