



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB2034

Introduced 2/26/2007, by Rep. Chapin Rose

#### SYNOPSIS AS INTRODUCED:

735 ILCS 5/8-1212 new

Amends the Code of Civil Procedure. Provides that as to a plaintiff's claim for compensatory damages for services rendered, a rebuttable presumption of the amount and reasonableness of the compensatory damage claim is established by proof that a bill for the services was paid and that the payment was accepted as payment in full for the services. Provides that the presumption is rebutted by proof that the amount was paid in error or that the plaintiff remains liable to pay an amount for the services over the amount paid. Provides that this procedure applies to actions commenced or pending on or after the effective date. Effective immediately.

LRB095 11254 AJ0 31750 b

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 adding  
5 Section 8-1212 as follows:

6 (735 ILCS 5/8-1212 new)

7 Sec. 8-1212. Presumption as to bills for services rendered.

8 (a) As to a plaintiff's claim for compensatory damages for  
9 services rendered:

10 (1) A rebuttable presumption as to the amount and  
11 reasonableness of the damages may be established by proof  
12 that, and to the extent to which, a bill for the services  
13 has been paid and accepted as payment in full for the  
14 services.

15 (2) A party attempting to rebut the presumption of the  
16 amount and reasonableness of the damages must prove that:

17 (A) the amount paid was paid in error and is  
18 therefore not a proper measure of plaintiff's damages;  
19 or

20 (B) that the plaintiff remains liable to pay an  
21 amount for the services rendered in addition to the  
22 amount paid.

23 (b) This Section applies to actions commenced or pending on

1 or after the effective date of this amendatory Act of the 95th  
2 General Assembly.

3 Section 99. Effective date. This Act takes effect upon  
4 becoming law.