



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

**HB5198**

Introduced 2/8/2012, by Rep. Daniel Biss

#### SYNOPSIS AS INTRODUCED:

735 ILCS 5/5-126.3 new

Amends the Code of Civil Procedure. Provides that if a contract allows for the recovery of attorney's fees in an action brought to enforce the contract, the court may also allow reasonable attorney's fees to the defendant if the defendant prevails in the action.

LRB097 18569 AJO 63801 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 5-126.3 as follows:

6 (735 ILCS 5/5-126.3 new)

7 Sec. 5-126.3. Defendant's attorney's fees in an action on a  
8 contract. If a contract allows for the recovery of attorney's  
9 fees in an action brought to enforce the contract, the court  
10 may also allow reasonable attorney's fees to the defendant if  
11 the defendant prevails in the action.