



Rep. Will Guzzardi

Filed: 3/28/2019

10100HB0088ham001

LRB101 02945 LNS 58849 a

1 AMENDMENT TO HOUSE BILL 88

2 AMENDMENT NO. _____. Amend House Bill 88 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Code of Civil Procedure is amended by
5 changing Sections 2-1303, 2-1602, and 12-108 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 ~~Judgments~~ recovered in any court shall draw interest at the
10 rate of 9% per annum from the date of the judgment until
11 satisfied or 6% per annum when the judgment debtor is a unit of
12 local 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 upon
15 any award, report or verdict, interest shall be computed at the
16 above rate, from the time when made or rendered to the time of

1 entering judgment upon the same, and included in the judgment.
2 Interest shall be computed and charged only on the unsatisfied
3 portion of the judgment as it exists from time to time. The
4 judgment debtor may by tender of payment of judgment, costs and
5 interest accrued to the date of tender, stop the further
6 accrual of interest on such judgment notwithstanding the
7 prosecution of an appeal, or other steps to reverse, vacate or
8 modify the judgment.

9 (b) (1) As used in this Section:

10 "Consumer debt" means money or property, or the equivalent,
11 due or owing, or alleged to be due or owing, from a natural
12 person by reason of a transaction in which property, services,
13 or money is acquired by that natural person primarily for
14 personal, family, or household purposes.

15 "Consumer debt judgment" means a judgment recovered in any
16 court against one or more natural persons arising out of
17 consumer debt. "Consumer debt judgment" does not include any
18 compensation for bodily injury or death, nor any judgment
19 entered where the debt is guaranteed by or contains a joint and
20 several liability provision between a natural person and a
21 business, whether or not that business is legally constituted
22 under the laws of this State or any other state.

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

26 (3) The judgment debtor may, by tender of payment of

1 judgment, costs, and interest accrued to the date of tender,
2 stop the further accrual of interest on the consumer debt
3 judgment, notwithstanding the prosecution of an appeal, or
4 other steps to reverse, vacate, or modify the judgment.

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

8 (Source: P.A. 85-907.)

9 (735 ILCS 5/2-1602)

10 Sec. 2-1602. Revival of judgment.

11 (a) Except as provided in subsection (a-5), a ~~A~~ judgment
12 may be revived by filing a petition to revive the judgment in
13 the seventh year after its entry, or in the seventh year after
14 its last revival, or in the twentieth year after its entry, or
15 at any other time within 20 years after its entry if the
16 judgment becomes dormant and by serving the petition and
17 entering a court order for revival as provided in the following
18 subsections. The provisions of this amendatory Act of the 96th
19 General Assembly are declarative of existing law.

20 (a-5) A consumer debt judgment as defined in subsection (b)
21 of Section 2-1303 may be revived by filing a petition to revive
22 the consumer debt judgment no later than 10 years after its
23 entry and by serving the petition and entering a court order
24 for revival as provided in this Section.

25 (b) A petition to revive a judgment shall be filed in the

1 original case in which the judgment was entered. The petition
2 shall include a statement as to the original date and amount of
3 the judgment, court costs expended, accrued interest, and
4 credits to the judgment, if any.

5 (c) Service of notice of the petition to revive a judgment
6 shall be made in accordance with Supreme Court Rule 106.

7 (d) An order reviving a judgment shall be for the original
8 amount of the judgment. The plaintiff may recover interest and
9 court costs from the date of the original judgment. Credits to
10 the judgment shall be reflected by the plaintiff in
11 supplemental proceedings or execution.

12 (e) If a judgment debtor has filed for protection under the
13 United States Bankruptcy Code and failed to successfully
14 adjudicate and remove a lien filed by a judgment creditor, then
15 the judgment may be revived only as to the property to which a
16 lien attached before the filing of the bankruptcy action.

17 (f) A judgment may be revived as to fewer than all judgment
18 debtors, and such order for revival of judgment shall be final,
19 appealable, and enforceable.

20 (g) This Section does not apply to a child support judgment
21 or to a judgment recovered in an action for damages for an
22 injury described in Section 13-214.1, which need not be revived
23 as provided in this Section and which may be enforced at any
24 time as provided in Section 12-108.

25 (h) If a judgment becomes dormant during the pendency of an
26 enforcement proceeding against wages under Part 14 of this

1 Article or under Article XII, the enforcement may continue to
2 conclusion without revival of the underlying judgment so long
3 as the enforcement is done under court supervision and includes
4 a wage deduction order or turn over order and is against an
5 employer, garnishee, or other third party respondent.

6 (Source: P.A. 98-557, eff. 1-1-14; 99-744, eff. 8-5-16.)

7 (735 ILCS 5/12-108) (from Ch. 110, par. 12-108)

8 Sec. 12-108. Limitation on enforcement.

9 (a) Except as herein provided, no judgment shall be
10 enforced after the expiration of 7 years from the time the same
11 is rendered, except upon the revival of the same by a
12 proceeding provided by Section 2-1601 of this Act; but real
13 estate, levied upon within the 7 years, may be sold to enforce
14 the judgment at any time within one year after the expiration
15 of the 7 years. A judgment recovered in an action for damages
16 for an injury described in Section 13-214.1 may be enforced at
17 any time. Child support judgments, including those arising by
18 operation of law, may be enforced at any time.

19 (b) No judgment shall be enforced against a police officer
20 employed by a municipality if the corporate authority of the
21 municipality files with the clerk of the court in which the
22 judgment was entered a statement certifying: (1) such police
23 officer was employed by the municipality and was within the
24 scope and course of his employment at the time of the
25 occurrence giving rise to the action in which the judgment is

1 entered and (2) the municipality indemnifies the police officer
2 in the amount of the judgment and interest thereon. In such
3 event, the judgment creditor may enforce the judgment against
4 the municipality in the same manner and to the same extent as
5 if the municipality were the judgment debtor.

6 (c) If a judgment or a consumer debt judgment becomes
7 dormant during the pendency of an enforcement proceeding
8 against wages under of Part 14 of Article II or Part 8 of
9 Article XII, the enforcement may continue to conclusion if the
10 enforcement is done under court supervision and includes a wage
11 deduction order or turn over order and is against an employer,
12 garnishee, or other third party respondent.

13 (Source: P.A. 90-18, eff. 7-1-97.)

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.".