

HB2138



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2138

by Rep. Keith R. Wheeler

SYNOPSIS AS INTRODUCED:

735 ILCS 5/11-110

from Ch. 110, par. 11-110

Amends the Code of Civil Procedure. Provides that a unit of local government may not seek damages in connection with a temporary restraining order or preliminary injunction based upon a constitutional challenge to a tax. Provides that if a petition is filed in violation of the new provisions, the court shall award the respondent reasonable attorney's fees and costs incurred in connection with the petition. Effective immediately.

LRB101 04882 LNS 49891 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 11-110 as follows:

6 (735 ILCS 5/11-110) (from Ch. 110, par. 11-110)
7 Sec. 11-110. Assessing damages.

8 (a) Except as provided in subsection (b) of this Section,
9 in ~~in~~ all cases where a temporary restraining order or a
10 preliminary injunction is dissolved by the circuit court or by
11 the reviewing court, the circuit court, after the dissolution
12 of the temporary restraining order or preliminary injunction,
13 and before finally disposing of the action shall, upon the
14 party claiming damages by reason of such temporary restraining
15 order or preliminary injunction, filing a petition under oath
16 setting forth the nature and amount of damages suffered,
17 determine and enter judgment in favor of the party who was
18 injured by such temporary restraining order or preliminary
19 injunction for the damages which the party suffered as a result
20 thereof, which judgment may be enforced as other judgments for
21 the payment of money. However, a failure so to assess damages
22 as hereinabove set out shall not operate as a bar to an action
23 upon the injunction bond.

1 (b) A unit of local government may not seek damages under
2 this Section in connection with a temporary restraining order
3 or preliminary injunction based upon a constitutional
4 challenge to a tax. If a petition is filed in violation of this
5 subsection (b), the court shall award the respondent reasonable
6 attorney's fees and costs incurred in connection with the
7 petition filed in violation of this subsection (b).

8 (Source: P.A. 82-280.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.