

HB0681



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB0681

Introduced 2/8/2021, by Rep. Jeff Keicher

SYNOPSIS AS INTRODUCED:

735 ILCS 5/2-1303

from Ch. 110, par. 2-1303

Amends the Code of Civil Procedure. Contains a statement of legislative purpose. Provides that the definition of "consumer debt" does not include any money due or owing, or alleged to be due or owing, from a natural person for an arrearage of child support. Provides that the definition of "consumer debt judgment" does not include any judgment entered for an arrearage of child support.

LRB102 15483 LNS 20846 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 1. Purpose. The purpose of this Act is to clarify
5 that the recent changes to the interest rate for consumer debt
6 judgments made by Public Act 101-168 did not lower the
7 interest rate for arrearages of child support payments, which
8 will stay the same to protect the interests of children.

9 Section 5. The Code of Civil Procedure is amended by
10 changing Section 2-1303 as follows:

11 (735 ILCS 5/2-1303) (from Ch. 110, par. 2-1303)

12 Sec. 2-1303. Interest on judgment.

13 (a) Except as provided in subsection (b), judgments
14 recovered in any court shall draw interest at the rate of 9%
15 per annum from the date of the judgment until satisfied or 6%
16 per annum when the judgment debtor is a unit of local
17 government, as defined in Section 1 of Article VII of the
18 Constitution, a school district, a community college district,
19 or any other governmental entity. When judgment is entered
20 upon any award, report or verdict, interest shall be computed
21 at the above rate, from the time when made or rendered to the
22 time of entering judgment upon the same, and included in the

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

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

9 "Consumer debt" means money or property, or the
10 equivalent, due or owing, or alleged to be due or owing, from a
11 natural person by reason of a transaction in which property,
12 services, or money is acquired by that natural person
13 primarily for personal, family, or household purposes.
14 "Consumer debt" does not include any money due or owing, or
15 alleged to be due or owing, from a natural person for an
16 arrearage of child support.

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

26 (2) Notwithstanding subsection (a), consumer debt

1 judgments of \$25,000 or less shall draw interest from the date
2 of the judgment until satisfied at the rate of 5% per annum.

3 (3) The judgment debtor may, by tender of payment of
4 judgment, costs, and interest accrued to the date of tender,
5 stop the further accrual of interest on the consumer debt
6 judgment, notwithstanding the prosecution of an appeal, or
7 other steps to reverse, vacate, or modify the judgment.

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

11 (Source: P.A. 101-168, eff. 1-1-20.)