



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3035

Introduced 2/19/2021, 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.

LRB102 04411 LNS 14429 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
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), in ~~in~~ all cases
9 where a temporary restraining order or a preliminary
10 injunction is dissolved by the circuit court or by the
11 reviewing court, the circuit court, after the dissolution of
12 the temporary restraining order or preliminary injunction, and
13 before finally disposing of the action shall, upon the party
14 claiming damages by reason of such temporary restraining order
15 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
20 result thereof, which judgment may be enforced as other
21 judgments for the payment of money. However, a failure so to
22 assess damages as hereinabove set out shall not operate as a
23 bar to an action 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
6 reasonable attorney's fees and costs incurred in connection
7 with the 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.