

# HB4340



## 102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

**HB4340**

Introduced 1/5/2022, by Rep. Dagmara Avelar

### SYNOPSIS AS INTRODUCED:

735 ILCS 5/2-1602

Amends the Code of Civil Procedure. Provides that a language concerning the revival of a consumer debt judgments applies to judgments entered on or after January 1, 2010. Effective immediately.

LRB102 22453 LNS 31593 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 2-1602 as follows:

6 (735 ILCS 5/2-1602)

7 Sec. 2-1602. Revival of judgment.

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

17 (a-5) A consumer debt judgment, as defined in subsection  
18 (b) of Section 2-1303, entered on or after January 1, 2010 may  
19 be revived by filing a petition to revive the consumer debt  
20 judgment no later than 10 years after its entry and by serving  
21 the petition and entering a court order for revival as  
22 provided in this Section.

23 (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  
13 the United States Bankruptcy Code and failed to successfully  
14 adjudicate and remove a lien filed by a judgment creditor,  
15 then the judgment may be revived only as to the property to  
16 which a lien attached before the filing of the bankruptcy  
17 action.

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

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

26 (h) If a judgment becomes dormant during the pendency of

1 an enforcement proceeding against wages under Part 14 of this  
2 Article or under Article XII, the enforcement may continue to  
3 conclusion without revival of the underlying judgment so long  
4 as the enforcement is done under court supervision and  
5 includes a wage deduction order or turn over order and is  
6 against an employer, garnishee, or other third party  
7 respondent.

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

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