

HB5484



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5484

Introduced 1/31/2022, by Rep. Justin Slaughter

SYNOPSIS AS INTRODUCED:

735 ILCS 5/2-204
805 ILCS 5/5.25

from Ch. 110, par. 2-204
from Ch. 32, par. 5.25

Amends the Code of Civil Procedure and the Business Corporation Act of 1983. Provides that a private corporation may be served by electronic service as determined by rule.

LRB102 25399 SPS 34683 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 2-204 as follows:

6 (735 ILCS 5/2-204) (from Ch. 110, par. 2-204)

7 Sec. 2-204. Service on private corporations. A private
8 corporation may be served (1) by leaving a copy of the process
9 with its registered agent or any officer or agent of the
10 corporation found anywhere in the State; (2) by electronic
11 service as determined by rule; or (3) ~~(2)~~ in any other manner
12 now or hereafter permitted by law. A private corporation may
13 also be notified by publication and mail in like manner and
14 with like effect as individuals.

15 (Source: P.A. 83-707.)

16 Section 10. The Business Corporation Act of 1983 is
17 amended by changing Section 5.25 as follows:

18 (805 ILCS 5/5.25) (from Ch. 32, par. 5.25)

19 Sec. 5.25. Service of process on domestic or foreign
20 corporation.

21 (a) Any process, notice, or demand required or permitted

1 by law to be served upon a domestic corporation or a foreign
2 corporation having authority to transact business in this
3 State may be served either upon the registered agent appointed
4 by the corporation or upon the Secretary of State as provided
5 in this Section.

6 (a-5) Any process, notice, or demand required or permitted
7 by law to be served upon a domestic corporation or a foreign
8 corporation having authority to transact business in this
9 State as provided under this Section may, by rule, be served
10 electronically.

11 (b) The Secretary of State shall be irrevocably appointed
12 as an agent of a domestic corporation or of a foreign
13 corporation having authority upon whom any process, notice or
14 demand may be served:

15 (1) Whenever the corporation shall fail to appoint or
16 maintain a registered agent in this State, or

17 (2) Whenever the corporation's registered agent cannot
18 with reasonable diligence be found at the registered
19 office in this State, or

20 (3) When a domestic corporation has been dissolved,
21 the conditions of paragraph (1) or paragraph (2) exist,
22 and a civil action, suit or proceeding is instituted
23 against or affecting the corporation within the five years
24 after the issuance of a certificate of dissolution or the
25 filing of a judgment of dissolution, or

26 (4) When a domestic corporation has been dissolved,

1 the conditions of paragraph (1) or paragraph (2) exist,
2 and a criminal proceeding has been instituted against or
3 affecting the corporation, or

4 (5) When the authority of a foreign corporation to
5 transact business in this State has been revoked or
6 withdrawn.

7 (c) Service under subsection (b) shall be made by:

8 (1) Service on the Secretary of State, or on any clerk
9 having charge of the corporation division of his or her
10 office, of a copy of the process, notice or demand,
11 together with any papers required by law to be delivered
12 in connection with service, and a fee as prescribed by
13 subsection (b) of Section 15.15 of this Act;

14 (2) Transmittal by the person instituting the action,
15 suit or proceeding of notice of the service on the
16 Secretary of State and a copy of the process, notice or
17 demand and accompanying papers to the corporation being
18 served, by registered or certified mail:

19 (i) At the last registered office of the
20 corporation as shown by the records on file in the
21 office of the Secretary of State; and

22 (ii) At such address the use of which the person
23 instituting the action, suit or proceeding knows or,
24 on the basis of reasonable inquiry, has reason to
25 believe, is most likely to result in actual notice;
26 and

1 (3) Appendage, by the person instituting the action,
2 suit or proceeding, of an affidavit of compliance with
3 this Section, in substantially such form as the Secretary
4 of State may by rule or regulation prescribe, to the
5 process, notice or demand.

6 (d) Nothing herein contained shall limit or affect the
7 right to serve any process, notice, or demand required or
8 permitted by law to be served upon a corporation in any other
9 manner now or hereafter permitted by law.

10 (e) The Secretary of State shall keep a record of all
11 processes, notices, and demands served upon him or her under
12 this Section, and shall record therein the time of such
13 service and his or her action with reference thereto, but
14 shall not be required to retain such information for a period
15 longer than five years from his or her receipt of the service.

16 (Source: P.A. 98-171, eff. 8-5-13.)