



Rep. Jay Hoffman

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10200SB0072ham002

LRB102 04343 LNS 24009 a

1 AMENDMENT TO SENATE BILL 72

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 72 by replacing  
3 everything after the enacting clause with the following:

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

6 (735 ILCS 5/2-1303) (from Ch. 110, par. 2-1303)

7 Sec. 2-1303. Interest on judgment.

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

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

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

10 "Consumer debt" means money or property, or the  
11 equivalent, due or owing, or alleged to be due or owing, from a  
12 natural person by reason of a transaction in which property,  
13 services, or money is acquired by that natural person  
14 primarily for personal, family, or household purposes.

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

23 (2) Notwithstanding subsection (a), consumer debt  
24 judgments of \$25,000 or less shall draw interest from the date  
25 of the judgment until satisfied at the rate of 5% per annum.

26 (3) The judgment debtor may, by tender of payment of

1 judgment, costs, and interest accrued to the date of tender,  
2 stop the further accrual of interest on the consumer debt  
3 judgment, notwithstanding the prosecution of an appeal, or  
4 other steps to reverse, vacate, or modify the judgment.

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

8 (c) In all actions brought to recover damages for personal  
9 injury or wrongful death resulting from or occasioned by the  
10 conduct of any other person or entity, whether by negligence,  
11 willful and wanton misconduct, intentional conduct, or strict  
12 liability of the other person or entity, the plaintiff shall  
13 recover prejudgment interest on all damages, except punitive  
14 damages, sanctions, statutory attorney's fees, and statutory  
15 costs, set forth in the judgment. Prejudgment interest shall  
16 begin to accrue on the date the action is filed. If the  
17 plaintiff voluntarily dismisses the action and refiles, the  
18 accrual of prejudgment interest shall be tolled from the date  
19 the action is voluntarily dismissed to the date the action is  
20 refiled. In entering judgment for the plaintiff in the action,  
21 the court shall add to the amount of the judgment interest  
22 calculated at the rate of 6% per annum on the amount of the  
23 judgment, minus punitive damages, sanctions, statutory  
24 attorney's fees, and statutory costs. If the judgment is  
25 greater than the amount of the highest written settlement  
26 offer made by the defendant within 12 months after the later of

1 the effective date of this amendatory Act of the 102nd General  
2 Assembly or the filing of the action and not accepted by the  
3 plaintiff within 90 days after the date of the offer or  
4 rejected by the plaintiff, interest added to the amount of  
5 judgment shall be an amount equal to interest calculated at  
6 the rate of 6% per annum on the difference between the amount  
7 of the judgment, minus punitive damages, sanctions, statutory  
8 attorney's fees, and statutory costs, and the amount of the  
9 highest written settlement offer. If the judgment is equal to  
10 or less than the amount of the highest written settlement  
11 offer made by the defendant within 12 months after the later of  
12 the effective date of this amendatory Act of the 102nd General  
13 Assembly or the filing of the action and not accepted by the  
14 plaintiff within 90 days after the date of the offer or  
15 rejected by the plaintiff, no prejudgment interest shall be  
16 added to the amount of the judgment. For the purposes of this  
17 subsection, withdrawal of a settlement offer by defendant  
18 shall not be considered a rejection of the offer by the  
19 plaintiff. Notwithstanding any other provision of this  
20 subsection, prejudgment interest shall accrue for no longer  
21 than 5 years.

22 Notwithstanding any other provision of law, neither the  
23 State, a unit of local government, a school district,  
24 community college district, nor any other governmental entity  
25 is liable to pay prejudgment interest in an action brought  
26 directly or vicariously against it by the injured party.

1       For any personal injury or wrongful death occurring before  
2       the effective date of this amendatory Act of the 102nd General  
3       Assembly, the prejudgment interest shall begin to accrue on  
4       the later of the date the action is filed or the effective date  
5       of this amendatory Act of the 102nd General Assembly.

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

7       Section 99. Effective date. This Act takes effect July 1,  
8       2021."