

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 2-2301 as follows:

6 (735 ILCS 5/2-2301)

7 Sec. 2-2301. Settlement of claims; payment.

8 (a) In a personal injury, property damage, wrongful death,  
9 ~~or~~ tort, or other private action involving a claim for money  
10 damages, a release must be tendered to the plaintiff by the  
11 settling defendant within 14 days of written confirmation of  
12 the settlement. Written confirmation includes all  
13 communication by written means.

14 (b) In a personal injury, property damage, wrongful death,  
15 ~~or~~ tort, or other private action involving a claim for money  
16 damages in which the law requires court approval of a  
17 settlement, the plaintiff shall tender to the defendant a copy  
18 of the court order approving the settlement.

19 (c) In a personal injury, property damage, wrongful death,  
20 ~~or~~ tort, or other private action involving a claim for money  
21 damages in which there is a known third-party right of  
22 recovery or subrogation interest (including attorney's liens,  
23 healthcare provider liens, or rights of recovery claimed by

1 Medicare, the Centers for Medicare and Medicaid Services, the  
2 Illinois Department of Healthcare and Family Services, or  
3 private health insurance companies), the plaintiff may protect  
4 the third-party's right of recovery or subrogation interest,  
5 where applicable, by tendering to the defendant:

6 (1) A signed release of the attorney's lien.

7 (2) Either:

8 (i) a signed release of a healthcare provider  
9 lien; or

10 (ii) a letter from the plaintiff's attorney  
11 agreeing to hold the full amount of the claimed lien in  
12 the plaintiff's attorney's client fund account pending  
13 final resolution of the lien amount; or

14 (iii) an offer that the defendant hold the full  
15 amount of the claimed right to recovery pending final  
16 resolution of the amount of the right of recovery; or

17 (iv) documentation of any other method of  
18 resolution of the liens as agreed by the parties.

19 (3) Either:

20 (i) documentation of the agreement between the  
21 plaintiff and Medicare, the Centers for Medicare and  
22 Medicaid Services, the Illinois Department of  
23 Healthcare and Family Services, or the private health  
24 insurance company as to the amount of the settlement  
25 that will be accepted in satisfaction of right of  
26 recovery; or

1           (ii) a letter from the plaintiff's attorney  
2           agreeing to hold the full amount of the claimed right  
3           to recovery in the plaintiff's attorney's client fund  
4           account pending final resolution of the amount of the  
5           right to recovery; or

6           (iii) an offer that the defendant hold the full  
7           amount of the claimed right to recovery pending final  
8           resolution of the amount of the right of recovery; or

9           (iv) documentation of any other method of  
10          resolution of the liens as agreed by the parties.

11          (d) A settling defendant shall pay all sums due to the  
12          plaintiff within 30 days of tender by the plaintiff of the  
13          executed release and all applicable documents in compliance  
14          with subsections (a), (b), and (c) of this Section.

15          (e) If, after a hearing, the court having jurisdiction  
16          over the parties finds that timely payment has not been made by  
17          a defendant pursuant to subsection (d) of this Section,  
18          judgment shall be entered against that defendant for the  
19          amount set forth in the executed release, plus costs incurred  
20          in obtaining the judgment and interest at the rate specified  
21          under Section 2-1303 of this Code, calculated from the date of  
22          the tender by the plaintiff under subsection (d) of this  
23          Section.

24          (f) As used in this Section, "tender" means personal  
25          delivery or delivery by a means providing a return receipt.

26          (g) This Section applies to all personal injury, property

1 damage, wrongful death, ~~and~~ tort, and other private actions  
2 involving a claim for money damages, except as otherwise  
3 agreed by the parties. This Section does not apply to:

4 (1) the State of Illinois;

5 (2) any State agency, board, or Commission, as defined  
6 in Section 1-7 of the Illinois State Auditing Act;

7 (3) any State officer or employee sued in his or her  
8 official capacity;

9 (4) any person or entity that is being represented by  
10 the Attorney General and provided indemnification by the  
11 State pursuant to the State Employee Indemnification Act;

12 (5) any municipality or unit of local government as  
13 defined under Article VII of the Illinois Constitution;  
14 and

15 (6) class action lawsuits.

16 (h) In the event of a conflict between this amendatory Act  
17 of the 103rd General Assembly and the Workers' Compensation  
18 Act, the provisions of the Workers' Compensation Act shall  
19 control.

20 (Source: P.A. 98-548, eff. 1-1-14.)