



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB1960

by Rep. Franco Coladipietro

SYNOPSIS AS INTRODUCED:

735 ILCS 5/2-301

from Ch. 110, par. 2-301

Amends the Code of Civil Procedure. Provides that: a motion to quash must be filed within 30 days after a defendant or other party files an appearance; a motion to quash must be filed within 30 days after a hearing in which a defendant or other party appears in court, without filing an appearance, and participates in a hearing before a judge; and a motion to quash not filed within the applicable 30-day time limit is barred. Effective immediately.

LRB097 05311 AJ0 45366 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 2-301 as follows:

6 (735 ILCS 5/2-301) (from Ch. 110, par. 2-301)

7 Sec. 2-301. Objections to jurisdiction over the person.

8 (a) Prior to the filing of any other pleading or motion
9 other than a motion for an extension of time to answer or
10 otherwise appear, a party may object to the court's
11 jurisdiction over the party's person, either on the ground that
12 the party is not amenable to process of a court of this State
13 or on the ground of insufficiency of process or insufficiency
14 of service of process, by filing a motion to dismiss the entire
15 proceeding or any cause of action involved in the proceeding or
16 by filing a motion to quash service of process. Such a motion
17 may be made singly or included with others in a combined
18 motion, but the parts of a combined motion must be identified
19 in the manner described in Section 2-619.1. Unless the facts
20 that constitute the basis for the objection are apparent from
21 papers already on file in the case, the motion must be
22 supported by an affidavit setting forth those facts.

23 (a-3) A motion to quash must be filed within 30 days after

1 a defendant or other party files an appearance. A motion to
2 quash must be filed within 30 days after a hearing in which a
3 defendant or other party appears in court, without filing an
4 appearance, and participates in a hearing before a judge. A
5 motion to quash not filed within the applicable 30-day time
6 limit is barred.

7 (a-5) If the objecting party files a responsive pleading or
8 a motion (other than a motion for an extension of time to
9 answer or otherwise appear) prior to the filing of a motion in
10 compliance with subsection (a), that party waives all
11 objections to the court's jurisdiction over the party's person.

12 (b) In disposing of a motion objecting to the court's
13 jurisdiction over the person of the objecting party, the court
14 shall consider all matters apparent from the papers on file in
15 the case, affidavits submitted by any party, and any evidence
16 adduced upon contested issues of fact. The court shall enter an
17 appropriate order sustaining or overruling the objection. No
18 determination of any issue of fact in connection with the
19 objection is a determination of the merits of the case or any
20 aspect thereof. A decision adverse to the objector does not
21 preclude the objector from making any motion or defense which
22 he or she might otherwise have made.

23 (c) Error in ruling against the objecting party on the
24 objection is waived by the party's taking part in further
25 proceedings unless the objection is on the ground that the
26 party is not amenable to process issued by a court of this

1 State.

2 (Source: P.A. 91-145, eff. 1-1-00.)

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.