



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB3275

by Rep. Arthur Turner

SYNOPSIS AS INTRODUCED:

735 ILCS 5/2-203

from Ch. 110, par. 2-203

Amends the Civil Practice Law of the Code of Civil Procedure. Replaces certain provisions concerning service of summons upon individuals with language providing that service shall be made in the following manner: (1) service shall be accomplished by: (A) handing it to the person; (B) leaving it at the person's office with a clerk or other person in charge or, if no one is in charge, in a conspicuous place in the office; or if the person has no office or the office is closed, at the person's dwelling or usual place of abode with someone of suitable age and discretion who resides there; (C) mailing it to the person's last known address, in which event service is complete upon mailing; or (D) leaving it with the court clerk if the person has no known address; and (2) if a party is represented by an attorney, service must be made on the attorney unless the court orders service on the party. Effective immediately.

LRB098 08258 HEP 41587 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 2-203 as follows:

6 (735 ILCS 5/2-203) (from Ch. 110, par. 2-203)

7 Sec. 2-203. Service on individuals.

8 (a) Except as otherwise expressly provided, service of
9 summons upon an individual defendant shall be made in the
10 following manner:

11 (1) service shall be accomplished by: (A) handing it to
12 the person; (B) leaving it at the person's office with a
13 clerk or other person in charge or, if no one is in charge,
14 in a conspicuous place in the office; or if the person has
15 no office or the office is closed, at the person's dwelling
16 or usual place of abode with someone of suitable age and
17 discretion who resides there; (C) mailing it to the
18 person's last known address, in which event service is
19 complete upon mailing; or (D) leaving it with the court
20 clerk if the person has no known address;

21 (2) if a party is represented by an attorney, service
22 must be made on the attorney unless the court orders
23 service on the party; ~~(1) by leaving a copy of the summons~~

1 ~~with the defendant personally, (2) by leaving a copy at the~~
2 ~~defendant's usual place of abode, with some person of the~~
3 ~~family or a person residing there, of the age of 13 years~~
4 ~~or upwards, and informing that person of the contents of~~
5 ~~the summons, provided the officer or other person making~~
6 ~~service shall also send a copy of the summons in a sealed~~
7 ~~envelope with postage fully prepaid, addressed to the~~
8 ~~defendant at his or her usual place of abode, or~~

9 (3) as provided in Section 1-2-9.2 of the Illinois
10 Municipal Code with respect to violation of an ordinance
11 governing parking or standing of vehicles in cities with a
12 population over 500,000.

13 The certificate of the officer or affidavit of the person
14 that he or she has sent the copy in pursuance of this Section
15 is evidence that he or she has done so. No employee of a
16 facility licensed under the Nursing Home Care Act, the
17 Specialized Mental Health Rehabilitation Act, or the ID/DD
18 Community Care Act shall obstruct an officer or other person
19 making service in compliance with this Section.

20 (b) The officer, in his or her certificate or in a record
21 filed and maintained in the Sheriff's office, or other person
22 making service, in his or her affidavit or in a record filed
23 and maintained in his or her employer's office, shall (1)
24 identify as to sex, race, and approximate age the defendant or
25 other person with whom the summons was left and (2) state the
26 place where (whenever possible in terms of an exact street

1 address) and the date and time of the day when the summons was
2 left with the defendant or other person.

3 (c) Any person who knowingly sets forth in the certificate
4 or affidavit any false statement, shall be liable in civil
5 contempt. When the court holds a person in civil contempt under
6 this Section, it shall award such damages as it determines to
7 be just and, when the contempt is prosecuted by a private
8 attorney, may award reasonable attorney's fees.

9 (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11; 97-227,
10 eff. 1-1-12; 97-813, eff. 7-13-12.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.