



Sen. Kwame Raoul

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09800SB1912sam002

LRB098 08938 HEP 44040 a

1 AMENDMENT TO SENATE BILL 1912

2 AMENDMENT NO. _____. Amend Senate Bill 1912, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Code of Civil Procedure is amended by
6 adding Part 23 to Article II as follows:

7 (735 ILCS 5/Art. II Pt. 23 heading new)

8 Part 23. Settlement

9 (735 ILCS 5/2-2301 new)

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

11 (a) In any civil action involving a claim for money
12 damages, a release must be tendered by the settling defendant
13 to the plaintiff within 14 days of an agreement to the
14 settlement.

15 (b) In any civil action involving a claim for money damages

1 in which the law requires court approval of a settlement, the
2 plaintiff shall timely tender to the settling defendant a copy
3 of the court order approving the settlement.

4 (c) In any civil action involving a claim for money damages
5 in which there is a known third-party lienholder or subrogation
6 interest (including, where applicable, Medicare, the Centers
7 for Medicare & Medicaid Services, or the Illinois Department of
8 Healthcare & Family Services), the plaintiff shall timely
9 tender to a settling defendant either:

10 (1) documentation of an agreement between the
11 plaintiff and the known third-party lienholder or
12 subrogation interest as to the amount of the settlement
13 that will be applied toward satisfaction of each lien or
14 subrogation interest; or

15 (2) a letter from the plaintiff's attorney agreeing to
16 hold the full amount of the known lien or subrogation
17 interest in the plaintiff's attorney's client fund account
18 pending final resolution of the amount to satisfy the lien
19 or subrogation interest.

20 (d) A settling defendant shall pay all sums due to the
21 plaintiff within 21 days of tender by the plaintiff of that
22 defendant's duly executed release and, if applicable,
23 compliance with paragraph (1) or (2) of subsection (c) of this
24 Section.

25 (e) If a settling defendant fails to pay to the plaintiff
26 all sums due under the terms of the settlement within 21 days

1 of tender of the items required by subsection (d) of this
2 Section without good cause shown, interest at the rate set
3 forth under Section 2-1303 of this Code, calculated from the
4 date of the tender by the plaintiff, shall accrue on the amount
5 of the settlement attributable to that settling defendant and
6 shall be payable to the plaintiff.

7 (f) The plaintiff is entitled to judgment against any
8 settling defendant who has not timely paid under subsection (d)
9 of this Section. The judgment shall be for the amount set forth
10 in the executed release, plus costs incurred in obtaining the
11 judgment and interest at the rate specified under Section
12 2-1303 of this Code.

13 (g) As used in this Section, "tender" means personal
14 delivery or delivery by a means providing a return receipt.

15 (h) This Section applies to all civil actions involving a
16 claim for money damages, except for those against this State,
17 any State agency, or any State employee or foster parent or
18 other entity or person that is being represented and provided
19 indemnification in accordance with the provisions of the State
20 Employee Indemnification Act.

21 Section 99. Effective date. This Act takes effect upon
22 becoming law."