



Rep. André Thapedi

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10000HB0188ham002

LRB100 03354 KTG 25348 a

1 AMENDMENT TO HOUSE BILL 188

2 AMENDMENT NO. _____. Amend House Bill 188 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 2-301 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 as set forth in subsection (a-6) ~~a motion for an~~
10 ~~extension of time to answer or otherwise appear~~, a party may
11 object to the court's jurisdiction over the party's person,
12 either on the ground that the party is not amenable to process
13 of a court of this State or on the ground of insufficiency of
14 process or insufficiency of service of process, by filing a
15 motion to dismiss the entire proceeding or any cause of action
16 involved in the proceeding or by filing a motion to quash

1 service of process. Such a motion may be made singly or
2 included with others in a combined motion, but the parts of a
3 combined motion must be identified in the manner described in
4 Section 2-619.1. Unless the facts that constitute the basis for
5 the objection are apparent from papers already on file in the
6 case, the motion must be supported by an affidavit setting
7 forth those facts.

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

13 (a-6) A party filing any other pleading or motion prior to
14 the filing of a motion objecting to the court's jurisdiction
15 over the party's person as set forth in subsection (a) waives
16 all objections to the court's jurisdiction over the party's
17 person, both prospectively and retroactively, unless the
18 initial motion filed is one of the following:

19 (1) A motion for an extension of time to answer or
20 otherwise plead.

21 (2) A motion filed under Section 2-1301, 2-1401, or
22 2-1401.1.

23 Any motion objecting to the court's jurisdiction over the
24 party's person as set forth in subsection (a) shall be filed
25 within 60 days of the court's order disposing of the initial
26 motion filed under Section 2-1301, 2-1401, or 2-1401.1. Nothing

1 in this subsection precludes a party from filing a motion under
2 subsection (a) combined with a motion under Section 2-1301,
3 2-1401, or 2-1401.1. If such a combined motion is filed, any
4 objection to the court's jurisdiction over the party's person
5 is not waived.

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

17 (c) Error in ruling against the objecting party on the
18 objection is waived by the party's taking part in further
19 proceedings unless the objection is on the ground that the
20 party is not amenable to process issued by a court of this
21 State.

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