



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB5209

by Rep. Keith R. Wheeler

#### SYNOPSIS AS INTRODUCED:

735 ILCS 5/11-110

from Ch. 110, par. 11-110

Amends the Code of Civil Procedure. Provides that a unit of local government may not seek damages in connection with a temporary restraining order or preliminary injunction based upon a constitutional challenge to a tax. Provides that if a petition is filed in violation of the new provisions, the court shall award the respondent reasonable attorney's fees and costs incurred in connection with the petition. Effective immediately.

LRB101 17551 LNS 66969 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 11-110 as follows:

6 (735 ILCS 5/11-110) (from Ch. 110, par. 11-110)  
7 Sec. 11-110. Assessing damages.

8 (a) Except as provided in subsection (b), in ~~in~~ all cases  
9 where a temporary restraining order or a preliminary injunction  
10 is dissolved by the circuit court or by the reviewing court,  
11 the circuit court, after the dissolution of the temporary  
12 restraining order or preliminary injunction, and before  
13 finally disposing of the action shall, upon the party claiming  
14 damages by reason of such temporary restraining order or  
15 preliminary injunction, filing a petition under oath setting  
16 forth the nature and amount of damages suffered, determine and  
17 enter judgment in favor of the party who was injured by such  
18 temporary restraining order or preliminary injunction for the  
19 damages which the party suffered as a result thereof, which  
20 judgment may be enforced as other judgments for the payment of  
21 money. However, a failure so to assess damages as hereinabove  
22 set out shall not operate as a bar to an action upon the  
23 injunction bond.

1       (b) A unit of local government may not seek damages under  
2 this Section in connection with a temporary restraining order  
3 or preliminary injunction based upon a constitutional  
4 challenge to a tax. If a petition is filed in violation of this  
5 subsection (b), the court shall award the respondent reasonable  
6 attorney's fees and costs incurred in connection with the  
7 petition filed in violation of this subsection (b).

8       (Source: P.A. 82-280.)

9       Section 99. Effective date. This Act takes effect upon  
10 becoming law.