



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5160

by Rep. Ruth Munson

SYNOPSIS AS INTRODUCED:

765 ILCS 905/4.5 new

Amends the Mortgage Act. Provides that any person who is required to pay or deliver funds to complete a real estate closing shall do so at the closing. Provides a definition of a real estate closing. Provides that a person who wants to make a wire transfer at a closing shall make contact with the person or entity that will receive the funds prior to the closing to determine if a wire transfer can be made and, if so, the details of effecting the transfer. Provides that a person who fails to make any required payment at a closing is liable to any party involved in the closing who incurs a loss or expense because of the failure to make the payment at the closing, plus costs and reasonable attorney's fees. Effective immediately.

LRB095 18258 AJ0 44342 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 Mortgage Act is amended by adding Section
5 4.5 as follows:

6 (765 ILCS 905/4.5 new)

7 Sec. 4.5. Timely payment of sums due.

8 (a) Any person who is to pay or deliver funds as part of a
9 real estate closing shall do so at the time of the closing.

10 (b) For purposes of this Section, "real estate closing" or
11 "closing" means the conclusion of a real estate sale or
12 transaction or the refinancing of a real estate loan at which
13 time funds are paid and documents to conclude the transaction
14 are executed.

15 (c) A person who has an obligation to pay or deliver funds
16 at the time of a closing who prefers to deliver the funds by a
17 wire transfer shall contact, at least one day in advance of the
18 closing, the person or entity that is to receive those funds to
19 determine whether a wire transfer is an acceptable means of
20 transferring funds and, if so, the details of how to complete a
21 wire transfer for the closing.

22 (d) A person with an obligation to pay or deliver funds to
23 complete a closing who fails to do so at the time of the

1 closing shall be liable for any actual damages to any party
2 involved in the real estate closing who incurs any expense or
3 loss because of the person's failure to pay or deliver funds at
4 the time of the closing, plus costs and reasonable attorney's
5 fees.

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.