



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB5410

Introduced 2/13/2026, by Rep. Kelly M. Cassidy

SYNOPSIS AS INTRODUCED:

New Act

Creates the Rights Against Forced Arbitration Act. Provides that a seller may not require an Illinois consumer to agree to a provision that would do either of the following: (1) require the Illinois consumer to arbitrate outside of Illinois for a claim arising in Illinois for the purchase of consumer goods or services; or (2) require the Illinois consumer to arbitrate a controversy arising in Illinois under the substantive law of a state other than Illinois. Provides that any provision of a contract that violates the Act is voidable by the Illinois consumer, and if a provision is rendered void at the request of that consumer, the matter shall be adjudicated in Illinois and Illinois law governs the dispute. Provides that in addition to injunctive relief and any other remedies available, a court may award a consumer who is enforcing rights under this Act reasonable attorney's fees incurred in enforcing those rights.

LRB104 19283 JRC 32729 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 1. Short title. This Act may be cited as the Rights
5 Against Forced Arbitration Act.

6 Section 5. Rights of an Illinois consumer. A seller may
7 not require an Illinois consumer to agree to a provision that
8 would do either of the following:

9 (1) require the Illinois consumer to arbitrate outside of
10 Illinois for a claim arising in Illinois for the purchase of
11 consumer goods or services; or

12 (3) require the Illinois consumer to arbitrate a
13 controversy arising in Illinois under the substantive law of a
14 state other than Illinois.

15 (c) Any provision of a contract that violates this Section
16 is voidable by the Illinois consumer, and if a provision is
17 rendered void at the request of that consumer, the matter
18 shall be adjudicated in Illinois and Illinois law governs the
19 dispute.

20 (d) In addition to injunctive relief and any other
21 remedies available, a court may award a consumer who is
22 enforcing rights under this Act reasonable attorney's fees
23 incurred in enforcing those rights.

1 (e) For purposes of this Section, adjudication includes
2 litigation and arbitration.

3 Section 10. Arbitration fees. In an employment or consumer
4 arbitration that requires, either expressly or through
5 application of State or federal law or the rules of the
6 arbitration provider, that the drafting party pay certain fees
7 and costs during the pendency of an arbitration proceeding, if
8 the fees or costs required to continue the arbitration
9 proceeding are not paid within 30 days after the due date, the
10 drafting party is in material breach of the arbitration
11 agreement, is in default of the arbitration, and waives its
12 right to compel the employee or consumer to proceed with that
13 arbitration as a result of the material breach.