



Rep. Jay Hoffman

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10200SB0072ham001

LRB102 04343 LNS 23720 a

1 AMENDMENT TO SENATE BILL 72

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 72 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. If and only if House Bill 3360 of the 101st  
5 General Assembly becomes law, then the Code of Civil Procedure  
6 is amended by changing Section 2-1303 as follows:

7 (735 ILCS 5/2-1303) (from Ch. 110, par. 2-1303)

8 Sec. 2-1303. Interest on judgment.

9 (a) Except as provided in subsection (b), judgments  
10 recovered in any court shall draw interest at the rate of 9%  
11 per annum from the date of the judgment until satisfied or 6%  
12 per annum when the judgment debtor is a unit of local  
13 government, as defined in Section 1 of Article VII of the  
14 Constitution, a school district, a community college district,  
15 or any other governmental entity. When judgment is entered  
16 upon any award, report or verdict, interest shall be computed

1 at the above rate, from the time when made or rendered to the  
2 time of entering judgment upon the same, and included in the  
3 judgment. Interest shall be computed and charged only on the  
4 unsatisfied portion of the judgment as it exists from time to  
5 time. The judgment debtor may by tender of payment of  
6 judgment, costs and interest accrued to the date of tender,  
7 stop the further accrual of interest on such judgment  
8 notwithstanding the prosecution of an appeal, or other steps  
9 to reverse, vacate or modify the judgment.

10 (b) (1) As used in this Section:

11 "Consumer debt" means money or property, or the  
12 equivalent, due or owing, or alleged to be due or owing, from a  
13 natural person by reason of a transaction in which property,  
14 services, or money is acquired by that natural person  
15 primarily for personal, family, or household purposes.

16 "Consumer debt judgment" means a judgment recovered in any  
17 court against one or more natural persons arising out of  
18 consumer debt. "Consumer debt judgment" does not include any  
19 compensation for bodily injury or death, nor any judgment  
20 entered where the debt is guaranteed by or contains a joint and  
21 several liability provision between a natural person and a  
22 business, whether or not that business is legally constituted  
23 under the laws of this State or any other state.

24 (2) Notwithstanding subsection (a), consumer debt  
25 judgments of \$25,000 or less shall draw interest from the date  
26 of the judgment until satisfied at the rate of 5% per annum.

1           (3) The judgment debtor may, by tender of payment of  
2 judgment, costs, and interest accrued to the date of tender,  
3 stop the further accrual of interest on the consumer debt  
4 judgment, notwithstanding the prosecution of an appeal, or  
5 other steps to reverse, vacate, or modify the judgment.

6           (4) This subsection applies to all consumer debt judgments  
7 entered into after the effective date of this amendatory Act  
8 of the 101st General Assembly.

9           (c) In all actions brought to recover damages for personal  
10 injury or wrongful death resulting from or occasioned by the  
11 conduct of any other person or entity, whether by negligence,  
12 willful and wanton misconduct, intentional conduct, or strict  
13 liability of the other person or entity, the plaintiff shall  
14 recover prejudgment interest on all damages set forth in the  
15 judgment. Prejudgment interest shall begin to accrue on the  
16 date the action is filed ~~defendant has notice of the injury~~  
17 ~~from the incident itself or a written notice~~. In entering  
18 judgment for the plaintiff in the action, the court shall add  
19 to the amount of the judgment interest on the amount  
20 calculated at the rate of 7% ~~9%~~ per annum.

21           (d) Notwithstanding any other provision of law, neither  
22 the State, a unit of local government, a school district, a  
23 community college district, nor any other governmental entity  
24 ~~a local public entity~~ is ~~not~~ liable to pay prejudgment  
25 interest in an action brought directly or vicariously against  
26 it by the injured party.

1           (e) For any personal injury or wrongful death occurring  
2 before the effective date of this amendatory Act of the 101st  
3 General Assembly, the prejudgment interest shall begin to  
4 accrue on the later of the effective date of this amendatory  
5 Act of the 101st General Assembly or the date the action is  
6 filed ~~alleged tortfeasor has notice of the injury.~~

7           (f) (Blank). ~~The trial court may, in its discretion,~~  
8 ~~apportion any amount of prejudgment interest between the~~  
9 ~~plaintiff and any agency or department of the State. In~~  
10 ~~apportioning prejudgment interest as provided in this Section,~~  
11 ~~the court shall consider, among other factors it deems~~  
12 ~~relevant, the plaintiff's hardship from the time of injury to~~  
13 ~~the date of judgment and the effort required to obtain the~~  
14 ~~judgment.~~

15           (10100HB3360enr.)

16           Section 99. Effective date. This Act takes effect upon  
17 becoming law.".