



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3314

Introduced 2/17/2023, by Rep. Will Guzzardi

SYNOPSIS AS INTRODUCED:

New Act

Creates the Consumer Reciprocal Attorney's Fees Act. Defines "consumer contract" as any contract in which the money, property, or service that is the subject of the transaction is primarily for personal, family, or household purposes. Provides that if a consumer contract allows for the recovery of attorney's fees in an action brought to enforce the contract, the court may award reasonable attorney's fees to the defendant if the defendant prevails in the action. Provides that the Act applies to any action filed on or after the effective date of the Act where the amount claimed does not exceed the maximum amount of a judgment allowable for a small claim under the Illinois Supreme Court Rules, but does not apply if the plaintiff does not request attorney's fees in the complaint or if each party to the consumer contract was represented by counsel in the negotiation of the contract. Provides that nothing in the Act shall be construed to apply to or limit the rights of any party to attorney's fees under any other contract or other provisions of State law.

LRB103 05921 LNS 50942 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
5 Consumer Reciprocal Attorney's Fees Act.

6 Section 5. Consumer contract defined. For purposes of this
7 Act, "consumer contract" means any contract in which the
8 money, property, or service that is the subject of the
9 transaction is primarily for personal, family, or household
10 purposes.

11 Section 10. Attorney's fees. If a consumer contract allows
12 for the recovery of attorney's fees in an action brought to
13 enforce the contract, the court may award reasonable
14 attorney's fees to the defendant if the defendant prevails in
15 the action.

16 Section 15. Applicability.

17 (a) This Act applies to any action filed on or after the
18 effective date of this Act where the amount claimed does not
19 exceed the maximum amount of a judgment allowable for a small
20 claim under the Illinois Supreme Court Rules.

21 (b) This Act does not apply if the plaintiff does not

1 request attorney's fees in the complaint or if each party to
2 the consumer contract was represented by counsel in the
3 negotiation of the contract.

4 Section 20. Right to attorney's fees not limited. Nothing
5 in this Act shall be construed to apply to or limit the rights
6 of any party to attorney's fees under any other contract or
7 other provisions of State law.