



Rep. Daniel Didech

Filed: 3/5/2024

10300HB4916ham001

LRB103 38470 JRC 70436 a

1 AMENDMENT TO HOUSE BILL 4916

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4916 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Code of Civil Procedure is amended by  
5 changing Section 2-2301 as follows:

6 (735 ILCS 5/2-2301)

7 Sec. 2-2301. Settlement of claims; payment.

8 (a) In a personal injury, property damage, wrongful death,  
9 ~~or~~ tort, or other private action involving a claim for money  
10 damages, a release must be tendered to the plaintiff by the  
11 settling defendant within 14 days of written confirmation of  
12 the settlement. Written confirmation includes all  
13 communication by written means.

14 (b) In a personal injury, property damage, wrongful death,  
15 ~~or~~ tort, or other private action involving a claim for money  
16 damages in which the law requires court approval of a

1 settlement, the plaintiff shall tender to the defendant a copy  
2 of the court order approving the settlement.

3 (c) In a personal injury, property damage, wrongful death,  
4 ~~or~~ tort, or other private action involving a claim for money  
5 damages in which there is a known third-party right of  
6 recovery or subrogation interest (including attorney's liens,  
7 healthcare provider liens, or rights of recovery claimed by  
8 Medicare, the Centers for Medicare and Medicaid Services, the  
9 Illinois Department of Healthcare and Family Services, or  
10 private health insurance companies), the plaintiff may protect  
11 the third-party's right of recovery or subrogation interest,  
12 where applicable, by tendering to the defendant:

13 (1) A signed release of the attorney's lien.

14 (2) Either:

15 (i) a signed release of a healthcare provider  
16 lien; or

17 (ii) a letter from the plaintiff's attorney  
18 agreeing to hold the full amount of the claimed lien in  
19 the plaintiff's attorney's client fund account pending  
20 final resolution of the lien amount; or

21 (iii) an offer that the defendant hold the full  
22 amount of the claimed right to recovery pending final  
23 resolution of the amount of the right of recovery; or

24 (iv) documentation of any other method of  
25 resolution of the liens as agreed by the parties.

26 (3) Either:

1 (i) documentation of the agreement between the  
2 plaintiff and Medicare, the Centers for Medicare and  
3 Medicaid Services, the Illinois Department of  
4 Healthcare and Family Services, or the private health  
5 insurance company as to the amount of the settlement  
6 that will be accepted in satisfaction of right of  
7 recovery; or

8 (ii) a letter from the plaintiff's attorney  
9 agreeing to hold the full amount of the claimed right  
10 to recovery in the plaintiff's attorney's client fund  
11 account pending final resolution of the amount of the  
12 right to recovery; or

13 (iii) an offer that the defendant hold the full  
14 amount of the claimed right to recovery pending final  
15 resolution of the amount of the right of recovery; or

16 (iv) documentation of any other method of  
17 resolution of the liens as agreed by the parties.

18 (d) A settling defendant shall pay all sums due to the  
19 plaintiff within 30 days of tender by the plaintiff of the  
20 executed release and all applicable documents in compliance  
21 with subsections (a), (b), and (c) of this Section.

22 (e) If, after a hearing, the court having jurisdiction  
23 over the parties finds that timely payment has not been made by  
24 a defendant pursuant to subsection (d) of this Section,  
25 judgment shall be entered against that defendant for the  
26 amount set forth in the executed release, plus costs incurred

1 in obtaining the judgment and interest at the rate specified  
2 under Section 2-1303 of this Code, calculated from the date of  
3 the tender by the plaintiff under subsection (d) of this  
4 Section.

5 (f) As used in this Section, "tender" means personal  
6 delivery or delivery by a means providing a return receipt.

7 (g) This Section applies to all personal injury, property  
8 damage, wrongful death, ~~and~~ tort, and other private actions  
9 involving a claim for money damages, except as otherwise  
10 agreed by the parties. This Section does not apply to:

11 (1) the State of Illinois;

12 (2) any State agency, board, or Commission, as defined  
13 in Section 1-7 of the Illinois State Auditing Act;

14 (3) any State officer or employee sued in his or her  
15 official capacity;

16 (4) any person or entity that is being represented by  
17 the Attorney General and provided indemnification by the  
18 State pursuant to the State Employee Indemnification Act;

19 (5) any municipality or unit of local government as  
20 defined under Article VII of the Illinois Constitution;  
21 and

22 (6) class action lawsuits.

23 (Source: P.A. 98-548, eff. 1-1-14.)".