



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1291

Introduced 2/3/2023, by Sen. Christopher Belt

SYNOPSIS AS INTRODUCED:

30 ILCS 210/10.3 new
735 ILCS 5/13-205

from Ch. 110, par. 13-205

Amends the Illinois State Collection Act of 1986. Provides that except in the case of fraud, if a State agency fails to provide a debtor with written notice and a demand for payment of any debt, accounts, or claims owed to the State agency with 5 years of when the State agency's right to collect the debt first accrued, then the State agency is barred from attempting to collect such debt, accounts, or claims owed to it by the debtor. Amends the Personal Actions Part of the Limitations Article of the Code of Civil Procedure. Provides that except in the case of fraud or where facts material to the State agency's right to collect the debt were not known nor could reasonably have been known by the State agency's official charged with the responsibility to discover and collect the debt, an action by a State agency may not be conducted more than 5 years after the State agency's right to collect the debt first accrued.

LRB103 27559 LNS 53934 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 Illinois State Collection Act of 1986 is
5 amended by adding Section 10.3 as follows:

6 (30 ILCS 210/10.3 new)

7 Sec. 10.3. Five-year limitation. Except in the case of
8 fraud, if a State agency fails to provide a debtor with written
9 notice and a demand for payment of any debt, accounts, or
10 claims owed to the State agency with 5 years of when the State
11 agency's right to collect the debt first accrued, then the
12 State agency is barred from attempting to collect such debt,
13 accounts, or claims owed to it by the debtor.

14 Section 10. The Code of Civil Procedure is amended by
15 changing Section 13-205 as follows:

16 (735 ILCS 5/13-205) (from Ch. 110, par. 13-205)

17 Sec. 13-205. Five year limitation.

18 (a) Except as provided in Section 2-725 of the "Uniform
19 Commercial Code", approved July 31, 1961, as amended, and
20 Section 11-13 of "The Illinois Public Aid Code", approved
21 April 11, 1967, as amended, actions on unwritten contracts,

1 expressed or implied, or on awards of arbitration, or to
2 recover damages for an injury done to property, real or
3 personal, or to recover the possession of personal property or
4 damages for the detention or conversion thereof, and all civil
5 actions not otherwise provided for, shall be commenced within
6 5 years next after the cause of action accrued.

7 (b) Except in the case of fraud or where facts material to
8 the State agency's right to collect the debt were not known nor
9 could reasonably have been known by the State agency's
10 official charged with the responsibility to discover and
11 collect the debt, an action by a State agency may not be
12 conducted more than 5 years after the State agency's right to
13 collect the debt first accrued.

14 (Source: P.A. 82-280.)