

AN ACT concerning civil law.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 1. Short title. This Act may be cited as the Consumer Contract Reciprocal Attorney's Fees Act.

Section 5. Definitions. As used in this Act:

"Consumer contract" means any contract in which the money, property, or service that is the subject of the transaction is primarily for personal, family, or household purposes.

"Commercial party" means the person from whom money, property, or services are acquired under the consumer contract that is a seller, lender, participating lender, lessor, creditor, or assignee.

"Debt buyer" has the meaning given to that term in Section 2 of the Collection Agency Act.

Section 10. Attorney's fees. If a consumer contract allows for the recovery of attorney's fees in an action brought by a commercial party to enforce the consumer contract, the court may award reasonable attorney's fees to the defendant if the defendant prevails in the action. A defendant prevails in an action if:

- (1) judgment is entered by the court in favor of the

defendant;

(2) a motion to dismiss the case is filed by the defendant under Section 2-619 of the Code of Civil Procedure and is granted by the court; or

(3) the plaintiff voluntarily dismisses the pending case under Section 2-1009 of the Code of Civil Procedure after a trial date has been set and after the pending case has been previously filed on the same consumer contract and dismissed under Section 2-1009 of the Code of Civil Procedure.

Section 15. Applicability.

(a) This Act applies to any action filed on or after the effective date of this Act:

(1) with respect to any consumer contract entered into on or after the effective date of this Act; if the commercial party filing the action is a debt buyer, this Act applies irrespective of when the consumer contract was made or acquired by the debt buyer; and

(2) if the principal amount claimed does not exceed the maximum amount of a judgment allowable for a small claim under the Illinois Supreme Court Rules.

(b) Notwithstanding subsection (a), this Act does not apply if:

(1) the commercial party does not request attorney's fees in its complaint; or

(2) each party to the consumer contract was represented by counsel in the negotiation of the consumer contract.

Section 20. Right to attorney's fees not limited. Nothing in this Act shall be construed to apply to or limit the rights of any party to attorney's fees under any other contract or as authorized in relation to consumer contracts under other provisions of State law.