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**JIM DURKIN**  
STATE REPRESENTATIVE • 82ND DISTRICT  
HOUSE REPUBLICAN LEADER

February 2, 2021

Honorable JB Pritzker  
Governor  
State of Illinois  
207 State House  
Springfield, IL 62706

Dear Governor Pritzker,

As the COVID-19 pandemic continues to decimate our beloved home State of Illinois in all areas of life, be it health care, financially, or socially, the people who we represent look to us to help pull them out of a terrible crisis that was beyond their control. With the development of vaccines, the Legislature coming back in session, and safety measures put in place, we are finally starting to see a light at the end of this long and dark tunnel. However, when that time does come, we will still have a long road ahead of us toward a full recovery, and unfortunately, the passage of HB 3360 has only threatened that recovery with even more devastating effects to our State, from which we may not be able to recover. That is why I am respectfully asking you, on behalf of the citizens and businesses of Illinois, to veto HB 3360 for the reasons stated below.

If HB 3360 were to become law, it would create an environment in Illinois where the court system could be abused in a manner that could bankrupt people and businesses when they are already hurting from the effects of COVID-19. The legislation imposes an unfair and draconian 9% interest rate per year on pre-judgment interest. Approximately 18 months ago, you signed into law P.A. 101-168 to lower interest rates on consumer debt judgments from 9% to 5% per year. The proponents of that bill urged its passage by calling the 9% interest per annum “unconscionable” against people who made an agreement to purchase goods and subsequently fell behind in their payments. Now, with HB 3360, you are being asked to impose that same 9% on anyone in this State who might experience the misfortune of allegedly causing a personal injury. While we want to hold people accountable for their actions and ensure that any victims are made whole, this would go far beyond remuneration, at the cost of those who may not even be aware that the interest is piling up against them.

The advocates of HB 3360 suggested that the purpose of the bill is to encourage settlement more quickly, but with such an exorbitant rate of return that a plaintiff would be hard pressed to find on their money anywhere else, these provisions will only serve to cause plaintiffs to delay as long as possible. Besides overloading our already back-logged court system by encouraging and lengthening trials to seemingly no end, especially as they begin to fully reopen after the COVID-19 pandemic, this bill gives a plaintiff no reason to settle. The bill gives every reason to wait as



long as they can to file a lawsuit, while earning 9% interest. That is a patently unfair result to a defendant who may have very little control over how long the trial lasts. A defendant may unknowingly and uncontrollably have a judgment run up against them before a lawsuit is ever filed, including interest on costs like future medical expenses that have not even yet occurred.

As the bill is drafted, the 9% would apply to all types of damages, too, including punitive damages. Many states, from California to Massachusetts, have realized that defendants should not be punished with the pre-judgment interest rate in addition to the award set by the jury for what they believe is already fair compensation. It also would apply to non-economic damages, which states from Washington to Maryland have found to be inappropriate. How can any person or business plan their expenses, even if they are aware of a potential lawsuit, when they have no control over how much interest will accrue from the time of an injury until whenever the judgment would finally be rendered?

The only result this can lead to is businesses and insurance companies raising their expenses and valued employers fleeing the State of Illinois. In the time of a global pandemic, we can ill afford to lose any medical professionals to other states with less punishing laws out of fear that a potential lawsuit could spell their ruin. Though the proponents claimed that this bill was in line with other states, not a single state sets such a high interest rate for pre-judgment interest on all damages in personal injury cases from the date the wrong occurred. Many states only let interest accrue from the date the action was filed, set a much more reasonable rate of interest, limit the interest to certain ascertainable damages, limit interest to certain types of claims, or protect their state from pre-judgment interest awards, if they even allow any type or amount of pre-judgment interest at all.

I could continue on with the negative effects this bill would have on Illinois, its people, and its businesses, but to know how truly devastating HB 3360 would be, I encourage you to discuss it with anyone on the long list of opponents. Those opponents range from medical professionals to manufacturers and producers, from insurers to infrastructure, and from civic justice to civic office holders. They will echo what I have stressed here in this letter, and many will have a more personal impact of how it would push them away. Once again, I respectfully ask for your veto of HB 3360 and sincerely hope that in its place we can work together as we start a new General Assembly on a united front to provide solutions and relief that will work for our entire State and to serve in our elected capacities for our constituents who put their faith in us to lead Illinois into the future.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Durkin", written in a cursive style.

Jim Durkin  
House Republican Leader  
State Representative – 82<sup>nd</sup> District