

1 such sub-contractor, materialman or laborer to any greater
2 extent than it was liable under the law as it stood before
3 the adoption of this Act. Provided, however, that any person
4 having a claim for labor, and material as aforesaid shall
5 have no such right of action unless he shall have filed a
6 verified notice of said claim with the officer, board, bureau
7 or department awarding the contract, within 180 days after
8 the date of the last item of work or the furnishing of the
9 last item of materials, and shall have furnished a copy of
10 such verified notice to the contractor within 10 days of the
11 filing of the notice with the agency awarding the contract.

12 The claim shall be verified and shall contain (1) the
13 name and address of the claimant; the business address of the
14 claimant within this State and if the claimant shall be a
15 foreign corporation having no place of business within the
16 State, the notice shall state the principal place of business
17 of said corporation and in the case of a partnership, the
18 notice shall state the names and residences of each of the
19 partners; (2) the name of the contractor for the government;
20 (3) the name of the person, firm or corporation by whom the
21 claimant was employed or to whom he or it furnished
22 materials; (4) the amount of the claim; (5) a brief
23 description of the public improvement sufficient for
24 identification.

25 No defect in the notice herein provided for shall deprive
26 the claimant of his right of action under this article unless
27 it shall affirmatively appear that such defect has prejudiced
28 the rights of an interested party asserting the same.

29 Provided, further, that no action shall be brought until
30 the expiration of 120 days after the date of the last item of
31 work or the furnishing of the last item of materials, except
32 in cases where the final settlement between the officer,
33 board, bureau or department of municipal corporation and the
34 contractor shall have been made prior to the expiration of

1 the 120 day period, in which case action may be taken
2 immediately following such final settlement; nor shall any
3 action of any kind be brought later than 6 months after the
4 acceptance by the State or political subdivision thereof of
5 the building project or work. Such action shall be brought
6 only in the circuit court of this State in the judicial
7 circuit in which the contract is to be performed.

8 The remedy provided in this Section is in addition to and
9 independent of any other rights and remedies provided at law
10 or in equity. A waiver of rights under the Mechanics Lien Act
11 shall not constitute a waiver of rights under this Section
12 unless specifically stated in the waiver.

13 (Source: P.A. 86-333.)

14 Section 99. Effective date. This Act takes effect upon
15 becoming law."