



Rep. Rita Mayfield

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09800HB0890ham001

LRB098 03719 HEP 42688 a

1 AMENDMENT TO HOUSE BILL 890

2 AMENDMENT NO. _____. Amend House Bill 890 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Mechanics Lien Act is amended by changing
5 Section 1 as follows:

6 (770 ILCS 60/1) (from Ch. 82, par. 1)

7 Sec. 1. Contractor defined; amount of lien; waiver of lien;
8 attachment of lien; agreement to waive; when not enforceable.

9 (a) Any person who shall by any contract or contracts,
10 express or implied, or partly expressed or implied, with the
11 owner of a lot or tract of land, or with one whom the owner has
12 authorized or knowingly permitted to contract, to improve the
13 lot or tract of land or for the purpose of improving the tract
14 of land, or to manage a structure under construction thereon,
15 is known under this Act as a contractor and has a lien upon the
16 whole of such lot or tract of land and upon adjoining or

1 adjacent lots or tracts of land of such owner constituting the
2 same premises and occupied or used in connection with such lot
3 or tract of land as a place of residence or business; and in
4 case the contract relates to 2 or more buildings, on 2 or more
5 lots or tracts of land, upon all such lots and tracts of land
6 and improvements thereon for the amount due to him or her for
7 the material, fixtures, apparatus, machinery, services or
8 labor, and interest at the rate of 10% per annum from the date
9 the same is due. This lien extends to an estate in fee, for
10 life, for years, or any other estate or any right of redemption
11 or other interest that the owner may have in the lot or tract
12 of land at the time of making such contract or may subsequently
13 acquire and this lien attaches as of the date of the contract.
14 A licensed public adjuster may be considered a contractor for
15 purposes of this Act if such a determination serves the
16 interests of justice.

17 (b) As used in subsection (a) of this Section, "improve"
18 means to furnish labor, services, material, fixtures,
19 apparatus or machinery, forms or form work in the process of
20 construction where cement, concrete or like material is used
21 for the purpose of or in the building, altering, repairing or
22 ornamenting any house or other building, walk or sidewalk,
23 whether the walk or sidewalk is on the land or bordering
24 thereon, driveway, fence or improvement or appurtenances to the
25 lot or tract of land or connected therewith, and upon, over or
26 under a sidewalk, street or alley adjoining; or fill, sod or

1 excavate such lot or tract of land, or do landscape work
2 thereon or therefor; or raise or lower any house thereon or
3 remove any house thereto, or remove any house or other
4 structure therefrom, or perform any services or incur any
5 expense as an architect, structural engineer, professional
6 engineer, land surveyor or property manager in, for or on a lot
7 or tract of land for any such purpose; or drill any water well
8 thereon; or furnish or perform labor or services as
9 superintendent, time keeper, mechanic, laborer or otherwise,
10 in the building, altering, repairing or ornamenting of the
11 same; or furnish material, fixtures, apparatus, machinery,
12 labor or services, forms or form work used in the process of
13 construction where concrete, cement or like material is used,
14 or drill any water well on the order of his agent, architect,
15 structural engineer or superintendent having charge of the
16 improvements, building, altering, repairing or ornamenting the
17 same.

18 (c) The taking of additional security by the contractor or
19 sub-contractor is not a waiver of any right of lien which he
20 may have by virtue of this Act, unless made a waiver by express
21 agreement of the parties and the waiver is not prohibited by
22 this Act.

23 (d) An agreement to waive any right to enforce or claim any
24 lien under this Act where the agreement is in anticipation of
25 and in consideration for the awarding of a contract or
26 subcontract, either express or implied, to perform work or

1 supply materials for an improvement upon real property is
2 against public policy and unenforceable. This Section does not
3 prohibit release of lien under subsection (b) of Section 35 of
4 this Act or prohibit subordination of the lien, except as
5 provided in Section 21.

6 (Source: P.A. 94-627, eff. 1-1-06.)".