



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB3675

Introduced 11/19/2014, by Sen. Michael Noland

SYNOPSIS AS INTRODUCED:

770 ILCS 45/1	from Ch. 82, par. 40
770 ILCS 50/1	from Ch. 82, par. 47a
815 ILCS 306/10	
815 ILCS 306/77 new	
815 ILCS 308/10	
815 ILCS 308/67 new	

Amends the Labor and Storage Lien Act, the Labor and Storage Lien (Small Amount) Act, the Automobile Repair Act, and the Automotive Collision Repair Act. Provides that a person or entity providing labor, services, material, or storage for any vehicle with the consent of the vehicle owner or authorized agent of the vehicle owner shall be entitled to have a lien upon the vehicle for the contracted price of the services provided. Provides methods for establishing consent. Prescribes the method and requirements for foreclosing a mechanic's lien, including notice requirements to the owner. Establishes requirements for the purchaser of a vehicle at a foreclosure sale to obtain title.

LRB098 23283 HEP 62348 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 Labor and Storage Lien Act is amended by
5 changing Section 1 as follows:

6 (770 ILCS 45/1) (from Ch. 82, par. 40)

7 Sec. 1. Every person, firm or corporation who has expended
8 labor, skill or materials upon any chattel, or has furnished
9 storage for said chattel, at the request of its owner, reputed
10 owner, or authorized agent of the owner, or lawful possessor
11 thereof, shall have a lien upon such chattel beginning on the
12 date of the commencement of such expenditure of labor, skill
13 and materials or of such storage for the contract price for all
14 such expenditure of labor, skill or materials, or for all such
15 storage, or in the absence of such contract price, for the
16 reasonable worth of such expenditure of labor, skill and
17 materials, or of such storage, for a period of one year from
18 and after the completion of such expenditure of labor, skill or
19 materials, or of such storage, notwithstanding the fact that
20 the possession of such chattel has been surrendered to the
21 owner, or lawful possessor thereof. The specific procedures for
22 obtaining liens on unclaimed motor vehicles for labor, storage,
23 and material under this Act shall be those set forth in Section

1 77 of the Automotive Repair Act and Section 67 of the
2 Automotive Collision Repair Act.

3 (Source: Laws 1921, p. 508.)

4 Section 10. The Labor and Storage Lien (Small Amount) Act
5 is amended by changing Section 1 as follows:

6 (770 ILCS 50/1) (from Ch. 82, par. 47a)

7 Sec. 1. Every person expending labor, services, skill or
8 material upon or furnishing storage for any chattel at the
9 request of or with the consent of its owner, authorized agent
10 of the owner, or lawful possessor thereof, in the amount of
11 \$2,000 or less, shall have a lien upon such chattel beginning
12 upon the date of commencement of such expenditure of labor,
13 services, skill, or materials or furnishing of storage, for the
14 contract price for all such expenditure of labor, services,
15 skill, or material, until the possession of such chattel is
16 voluntarily relinquished to such owner or authorized agent, or
17 to one entitled to the possession thereof. The specific
18 procedures for obtaining liens on unclaimed motor vehicles for
19 labor, storage, and material under this Act shall be those set
20 forth in Section 77 of the Automotive Repair Act and Section 67
21 of the Automotive Collision Repair Act.

22 For the purposes of this Act, a person, other than a driver
23 or a person otherwise in control of a fire, police, emergency
24 or public utility vehicle on official business, consents to

1 removal by towing of his or her vehicle when he or she without
2 authorization parks such vehicle upon private property while
3 having notice that unauthorized vehicles will be towed from
4 such property by the owner of such property, or agent thereof,
5 at the vehicle owner's expense, where such notice is provided
6 pursuant to State law, local ordinances or regulation by any
7 state or local agency. Such notice must include a sign of at
8 least 24 inches in height by 36 inches in width posted in a
9 conspicuous place in the affected area at least 4 feet from the
10 ground but not more than 8 feet from the ground. Such sign
11 shall be either illuminated or painted with reflective paint,
12 or both and shall state the amount of towing charges to which
13 the person may be subjected. However, the requirement of the
14 sign provided for in this section shall not apply to
15 residential property which, paying due regard to the
16 circumstances and the surrounding area, is clearly reserved or
17 intended exclusively for the use or occupation of residents or
18 their vehicles.

19 The lien established herein shall also apply to labor,
20 services, skills or material upon or furnishing storage for
21 towed vehicles performed by any relocater or any other towing
22 service pursuant to the order of a law enforcement official or
23 agency in accordance with Sections 4-201 through 4-214 of The
24 Illinois Vehicle Code. The lien created herein shall be valid
25 even though the towing and storage is performed without the
26 vehicle owner's consent.

1 (Source: P.A. 85-1283.)

2 Section 15. The Automotive Repair Act is amended by
3 changing Section 10 and by adding Section 77 as follows:

4 (815 ILCS 306/10)

5 Sec. 10. Definitions. In this Act:

6 "Automotive repair" includes, but is not limited to:

7 (1) All repairs to motor vehicles that are commonly
8 performed in a motor vehicle repair facility by a motor
9 vehicle technician, including the diagnosis, installation,
10 exchange, or repair of mechanical or electrical parts or
11 units for any vehicle, the performance of any electrical or
12 mechanical adjustment to any vehicle, or the performance of
13 any service work required for routine maintenance or repair
14 of any vehicle. The term does not include commercial fleet
15 repair or maintenance transactions involving 2 or more
16 vehicles or ongoing service or maintenance contracts
17 involving vehicles used primarily for business purposes.

18 (2) All repair work in motor vehicle repair facilities
19 that perform one or more specialties within the automotive
20 repair service industry, including, but not limited to,
21 refinishing, brake, electrical, exhaust repair or
22 installation, front-end, radiators, tires, transmission,
23 tune-up, and windshield. However, transactions involving
24 the retail purchase of merchandise when a facility installs

1 the merchandise as part of the transaction at the
2 discretion of the customer for a firm price are not
3 included. These transactions shall include but not be
4 limited to tires, batteries, oil, and lube jobs.

5 "Automotive repair facility" or "motor vehicle repair
6 facility" means any person, firm, association, or corporation
7 that for compensation engages in the business of automotive
8 repair or diagnosis, or both, of malfunctions of motor
9 vehicles.

10 "Owner" includes the person who holds the legal title to
11 the vehicle or the customer who relinquished the vehicle to the
12 claimant for repair.

13 A "used" part consists of a used assembly removed from a
14 vehicle and installed on a vehicle undergoing repair without
15 the benefit of being rebuilt or remanufactured.

16 (Source: P.A. 90-426, eff. 1-1-98.)

17 (815 ILCS 306/77 new)

18 Sec. 77. Foreclosing mechanic's liens.

19 (a) If a vehicle is not redeemed by the owner within 30
20 days after completion of the requested services or 30 days
21 after the date agreed upon by the parties, whichever is later,
22 the vehicle shall be considered unclaimed and the claimant may
23 begin to enforce a mechanic's lien. If no repairs were made,
24 the claimant may enforce a mechanic's lien for storage services
25 30 days after the claimant provided an estimate to the owner.

1 (b) The sale of the vehicle shall occur only after
2 providing notice to the lienholder and owner of the time and
3 place of the sale. The claimant shall request the title records
4 of the vehicle from the Secretary of State. If the Secretary of
5 State cannot provide ownership information, the following
6 means shall be used to identify the owner:

7 (1) using the vehicle identification number to conduct
8 a search through a commercial, nationwide motor vehicle
9 information service; and

10 (2) inspecting the vehicle for evidence of the name or
11 address of the owner or state of registration.

12 If evidence of the state of registration is found, the
13 motor vehicle department of the particular state shall be
14 contacted and requested to perform a record search for the name
15 and address of any owner or lienholder. In lieu of contacting a
16 motor vehicle department, the request for the name and address
17 of any owner or lienholder may be made to any private entity
18 approved by the Secretary of State for this purpose.

19 (c) The claimant shall send notice by certified mail no
20 less than 30 days prior to the sale to the owner of the vehicle
21 and any lienholder. The notice sent to a lienholder shall be
22 sent return receipt requested. The notice, in addition to being
23 mailed to the addresses provided on the record search, shall
24 also be sent to any secondary address provided to the claimant
25 by the vehicle owner. The notice shall include the name,
26 address, and telephone number of the claimant, the hours of

1 operation, the total amount owed, and the time and place of the
2 sale. The sale must be held at the business location of the
3 claimant.

4 (d) In addition to the certified notice required under
5 subsection (c) of this Section, the claimant shall publish one
6 notice of the sale in a newspaper of general circulation in the
7 city, county, village, municipality, or township where the
8 claimant provided services for the vehicle. The notice shall be
9 published no less than 14 days prior to the date and time of
10 the sale and shall set forth:

11 (1) the date, time, and location of the sale;

12 (2) the name of the vehicle owner and a description of
13 the vehicle including the vehicle identification number,
14 make, model, and year of manufacture;

15 (3) the amount owed; and

16 (4) a statement that, unless the vehicle is redeemed
17 prior to the date of the sale, it will be sold at sale.

18 (e) The owner or lienholder of the vehicle may redeem the
19 vehicle any time during normal business hours prior to the date
20 of the sale. If the vehicle is not redeemed prior to the sale,
21 the claimant may sell the vehicle at the time and place
22 specified in the notice to satisfy the lien amount.

23 (f) After the sale of the vehicle, the entity or individual
24 purchasing the vehicle at sale shall apply for a certificate of
25 title, salvage certificate, or junking certificate for the
26 purchased vehicle as required by law. The entity or individual

1 shall submit a title application along with the following
2 documentation to the Secretary of State:

3 (1) a detailed, itemized estimate or invoice,
4 including labor and parts, as originally prepared by the
5 repairer, rebuilder, or other entity;

6 (2) pictures of the vehicle;

7 (3) a mechanic's lien affirmation, completed by the
8 purchaser and the mechanic;

9 (4) proof of a title record search;

10 (5) proof of certified mail notification to the owner
11 and proof of a signed return receipt from the lienholder;
12 and

13 (6) proof of published notice (not required for a
14 junking certificate).

15 Section 20. The Automotive Collision Repair Act is amended
16 by changing Section 10 and by adding Section 67 as follows:

17 (815 ILCS 308/10)

18 Sec. 10. Definitions. As used in this Act:

19 "Automotive collision and body repair" means all repairs
20 that are commonly performed by a body repair technician to
21 restore a motor vehicle damaged in an accident or collision to
22 a condition similar to the motor vehicle condition prior to the
23 damage or deterioration including, but not limited to, the
24 diagnosis, installation, exchange, repair, or refinishing of

1 exterior body panels, trim, lighting, and structural chassis.
2 The term does not include commercial fleet repair or
3 maintenance transactions involving 2 or more motor vehicles or
4 ongoing service or maintenance contracts involving motor
5 vehicles used primarily for business purposes.

6 "Automotive collision and body repair facility" means a
7 person, firm, association, or corporation that for
8 compensation engages in the business of cosmetic repair,
9 structural repair, or refinishing of motor vehicles with defect
10 related to accident or collision.

11 "New part" means a part or component manufactured or
12 supplied by the original motor vehicle manufacturer in an
13 unused condition.

14 "Owner" includes the person who holds the legal title to
15 the vehicle or the customer who relinquished the vehicle to the
16 claimant for repair.

17 "Used part" means an original motor vehicle manufacturer
18 part or component removed from a motor vehicle of similar make,
19 model, and condition without the benefit of being rebuilt or
20 remanufactured.

21 "Rebuilt part" or "reconditioned part" means a used part
22 that has been inspected and remanufactured to restore
23 functionality and performance.

24 "Aftermarket part" means a new part that is not
25 manufactured or supplied by the original motor vehicle
26 manufacturer for addition to, or replacement of, exterior body

1 panel or trim.

2 (Source: P.A. 93-565, eff. 1-1-04.)

3 (815 ILCS 308/67 new)

4 Sec. 67. Foreclosing mechanic's liens.

5 (a) If a vehicle is not redeemed by the owner within 30
6 days after completion of the requested services or 30 days
7 after the date agreed upon by the parties, whichever is later,
8 the vehicle shall be considered unclaimed and the claimant may
9 begin to enforce a mechanic's lien. If no repairs were made,
10 the claimant may enforce a mechanic's lien for storage services
11 30 days after the claimant provided an estimate to the owner.

12 (b) The sale of the vehicle shall occur only after
13 providing notice to the lienholder and owner of the time and
14 place of the sale. The claimant shall request the title records
15 of the vehicle from the Secretary of State. If the Secretary of
16 State cannot provide ownership information, the following
17 means shall be used to identify the owner:

18 (1) using the vehicle identification number to conduct
19 a search through a commercial, nationwide motor vehicle
20 information service; and

21 (2) inspecting the vehicle for evidence of the name or
22 address of the owner or state of registration.

23 If evidence of the state of registration is found, the
24 motor vehicle department of the particular state shall be
25 contacted and requested to perform a record search for the name

1 and address of any owner or lienholder. In lieu of contacting a
2 motor vehicle department, the request for the name and address
3 of any owner or lienholder may be made to any private entity
4 approved by the Secretary of State for this purpose.

5 (c) The claimant shall send notice by certified mail no
6 less than 30 days prior to the sale to the owner of the vehicle
7 and any lienholder. The notice sent to a lienholder shall be
8 sent return receipt requested. The notice, in addition to being
9 mailed to the addresses provided on the record search, shall
10 also be sent to any secondary address provided to the claimant
11 by the vehicle owner. The notice shall include the name,
12 address, and telephone number of the claimant, the hours of
13 operation, the total amount owed, and the time and place of the
14 sale. The sale must be held at the business location of the
15 claimant.

16 (d) In addition to the certified notice required under
17 subsection (c) of this Section, the claimant shall publish one
18 notice of the sale in a newspaper of general circulation in the
19 city, county, village, municipality, or township where the
20 claimant provided services for the vehicle. The notice shall be
21 published no less than 14 days prior to the date and time of
22 the sale and shall set forth:

23 (1) the date, time, and location of the sale;

24 (2) the name of the vehicle owner and a description of
25 the vehicle including the vehicle identification number,
26 make, model, and year of manufacture;

1 (3) the amount owed; and

2 (4) a statement that, unless the vehicle is redeemed
3 prior to the date of the sale, it will be sold at sale.

4 (e) The owner or lienholder of the vehicle may redeem the
5 vehicle any time during normal business hours prior to the date
6 of the sale. If the vehicle is not redeemed prior to the sale,
7 the claimant may sell the vehicle at the time and place
8 specified in the notice to satisfy the lien amount.

9 (f) After the sale of the vehicle, the entity or individual
10 purchasing the vehicle at sale shall apply for a certificate of
11 title, salvage certificate, or junking certificate for the
12 purchased vehicle as required by law. The entity or individual
13 shall submit a title application along with the following
14 documentation to the Secretary of State:

15 (1) a detailed, itemized estimate or invoice,
16 including labor and parts, as originally prepared by the
17 repairer, rebuilder, or other entity;

18 (2) pictures of the vehicle;

19 (3) a mechanic's lien affirmation, completed by the
20 purchaser and the mechanic;

21 (4) proof of a title record search;

22 (5) proof of certified mail notification to the owner
23 and proof of a signed return receipt from the lienholder;
24 and

25 (6) proof of published notice (not required for a
26 junking certificate).