



Sen. Michael Noland

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LRB099 07440 JLS 34147 a

1 AMENDMENT TO SENATE BILL 682

2 AMENDMENT NO. _____. Amend Senate Bill 682 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Labor and Storage Lien Act is amended by
5 changing Section 1 and adding Section 1.5 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

1 materials, or of such storage, for a period of one year from
2 and after the completion of such expenditure of labor, skill or
3 materials, or of such storage, notwithstanding the fact that
4 the possession of such chattel has been surrendered to the
5 owner, or lawful possessor thereof. The specific process for
6 liens on unclaimed motor vehicles for labor, storage, and
7 materials under this Act are set forth in Section 1.5 of this
8 Act.

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

10 (770 ILCS 45/1.5 new)

11 Sec. 1.5. Lien foreclosure process.

12 (a) As used in this Section:

13 "Claimant" means the person or entity furnishing labor or
14 materials upon or storage for a motor vehicle.

15 "Consent" means authorization by a customer by the means of
16 a Signature Consent Form, Electronic Consent Form, or Oral
17 Consent Form.

18 "Customer" means the person or entity which relinquished
19 the vehicle to the claimant for repair or storage.

20 "Electronic Consent Form" means an electronic
21 authorization between customer and claimant authorizing the
22 repairs or storage.

23 "Lienholder" means the person or entity listed as such on
24 the vehicle certificate of title.

25 "Oral Consent Form" means: if the customer's authorization

1 is oral, the claimant shall note, on both the written estimate
2 or firm price quotation and the invoice, the name of the person
3 authorizing the repairs, the date, the time, and the telephone
4 number called, if any; any charge for parts of labor in excess
5 of the original estimate must be separately authorized by the
6 customer.

7 "Owner" means the person or entity listed on the vehicle
8 certificate of title.

9 "Signature Consent Form" means an authorization form
10 signed by the customer and the claimant authorizing the repairs
11 or storage.

12 (b) If a vehicle is not redeemed by the customer within 60
13 days after completion of the requested services or after the
14 date agreed upon by the parties, whichever is later, the
15 claimant may begin to foreclose the mechanic's lien provided
16 hereby by a commercially reasonable public or private sale of
17 the motor vehicle. If no repairs were made, the claimant may
18 foreclose a lien for storage services 30 days after the
19 claimant provided an estimate to the owner or customer, and in
20 any case within 45 days thereafter.

21 (c) The sale of the vehicle shall occur only after
22 providing notice to the lienholder and owner of the time and
23 place of the sale. The claimant shall request the title records
24 of the vehicle from the Secretary of State at which time the
25 Secretary of State shall also run a LEADS search to determine
26 if the vehicle was reported stolen. If the Secretary of State

1 cannot provide ownership information, the following means
2 shall be used to identify the owner and lienholder:

3 (1) using the vehicle identification number to conduct
4 a search through a commercial, nationwide motor vehicle
5 information service; and

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

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

15 (d) The claimant shall send notice by certified mail no
16 less than 30 days prior to the sale to the owner and any
17 lienholder. The notice sent to a lienholder shall be sent
18 certified mail, return receipt requested. The notice sent to
19 the owner shall be sent to the addresses provided in the
20 records search and to any secondary address provided to the
21 claimant by the vehicle owner or customer. The notice shall
22 include the name, address, and telephone number of the
23 claimant, the hours of operation, the total amount owed for
24 labor and materials furnished, the amount claimed for storage,
25 the time and place of the sale, and whether the sale will be a
26 private or public sale. The sale must be held at the business

1 location of the claimant.

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

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

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

14 (3) the amount owed; and

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

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

22 (g) After the sale, the purchaser shall apply for a
23 certificate of title, salvage certificate, or junking
24 certificate for the vehicle as required by law. The purchaser
25 shall submit a title application along with the following
26 documentation to the Secretary of State:

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

4 (2) pictures of the vehicle;

5 (3) an affirmation executed by the purchaser and the
6 claimant on a form promulgated or approved by the Secretary
7 of State;

8 (4) proof of a title record search;

9 (5) proof of certified mail notice to the owner and
10 proof of a signed return receipt from the lienholder or
11 undelivered returned envelope containing the notice
12 addressed to the lienholder;

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

15 (7) the customer's consent.

16 If the title application contains the required components
17 itemized in this subsection, the Secretary of State shall issue
18 the title within 45 days.

19 (h) Daily storage charges shall not commence earlier than
20 10 days after the customer has relinquished possession of the
21 vehicle to the claimant and shall not exceed the maximum daily
22 storage rate authorized by the Illinois Commerce Commission
23 from time to time under the Illinois Commercial Relocation of
24 Trespassing Vehicles Law.

25 (i) The amounts claimed in the notice provided in
26 subsection (d) shall not be increased or decreased prior to the

1 sale, except with the consent of the owner or lienholder of the
2 vehicle.

3 (j) Nothing in this Section 1.5 in intended to or shall be
4 construed to impair or affect the existing rights and
5 priorities of any lienholder to have or recover possession of
6 any vehicle.

7 Section 10. The Labor and Storage Lien (Small Amount) Act
8 is amended by changing Section 1 and adding Section 1.5 as
9 follows:

10 (770 ILCS 50/1) (from Ch. 82, par. 47a)

11 Sec. 1. Every person expending labor, services, skill or
12 material upon or furnishing storage for any chattel at the
13 request of or with the consent of its owner, authorized agent
14 of the owner, or lawful possessor thereof, in the amount of
15 \$2,000 or less, shall have a lien upon such chattel beginning
16 upon the date of commencement of such expenditure of labor,
17 services, skill, or materials or furnishing of storage, for the
18 contract price for all such expenditure of labor, services,
19 skill, or material, until the possession of such chattel is
20 voluntarily relinquished to such owner or authorized agent, or
21 to one entitled to the possession thereof. The specific process
22 for liens on unclaimed motor vehicles for labor, storage, and
23 materials under this Act are set forth in Section 1.5 of this
24 Act.

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

22 The lien established herein shall also apply to labor,
23 services, skills or material upon or furnishing storage for
24 towed vehicles performed by any relocater or any other towing
25 service pursuant to the order of a law enforcement official or
26 agency in accordance with Sections 4-201 through 4-214 of The

1 Illinois Vehicle Code. The lien created herein shall be valid
2 even though the towing and storage is performed without the
3 vehicle owner's consent.

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

5 (770 ILCS 50/1.5 new)

6 Sec. 1.5. Lien foreclosure process.

7 (a) As used in this Section:

8 "Claimant" means the person or entity furnishing labor or
9 materials upon or storage for a motor vehicle.

10 "Consent" means authorization by a customer by the means of
11 a Signature Consent Form, Electronic Consent Form, or Oral
12 Consent Form.

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14 the vehicle to the claimant for repair or storage.

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16 authorization between customer and claimant authorizing the
17 repairs or storage.

18 "Lienholder" means the person or entity listed as such on
19 the vehicle certificate of title.

20 "Oral Consent Form" means: if the customer's authorization
21 is oral, the claimant shall note, on both the written estimate
22 or firm price quotation and the invoice, the name of the person
23 authorizing the repairs, the date, the time, and the telephone
24 number called, if any; any charge for parts of labor in excess
25 of the original estimate must be separately authorized by the

1 customer.

2 "Owner" means the person or entity listed on the vehicle
3 certificate of title.

4 "Signature Consent Form" means an authorization form
5 signed by the customer and the claimant authorizing the repairs
6 or storage.

7 (b) If a vehicle is not redeemed by the customer within 60
8 days after completion of the requested services or after the
9 date agreed upon by the parties, whichever is later, the
10 claimant may begin to foreclose the mechanic's lien provided
11 hereby by a commercially reasonable public or private sale of
12 the motor vehicle. If no repairs were made, the claimant may
13 foreclose a lien for storage services 30 days after the
14 claimant provided an estimate to the owner or customer, and in
15 any case within 45 days thereafter.

16 (c) The sale of the vehicle shall occur only after
17 providing notice to the lienholder and owner of the time and
18 place of the sale. The claimant shall request the title records
19 of the vehicle from the Secretary of State at which time the
20 Secretary of State shall also run a LEADS search to determine
21 if the vehicle was reported stolen. If the Secretary of State
22 cannot provide ownership information, the following means
23 shall be used to identify the owner and lienholder:

24 (1) using the vehicle identification number to conduct
25 a search through a commercial, nationwide motor vehicle
26 information service; and

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

3 If evidence of the state of registration is found, the
4 motor vehicle department of the particular state shall be
5 contacted and requested to perform a record search for the name
6 and address of any owner or lienholder. In lieu of contacting a
7 motor vehicle department, the request for the name and address
8 of any owner or lienholder may be made to any private entity
9 approved by the Secretary of State for this purpose.

10 (d) The claimant shall send notice by certified mail no
11 less than 30 days prior to the sale to the owner and any
12 lienholder. The notice sent to a lienholder shall be sent
13 certified mail, return receipt requested. The notice sent to
14 the owner shall be sent to the addresses provided in the
15 records search and to any secondary address provided to the
16 claimant by the vehicle owner or customer. The notice shall
17 include the name, address, and telephone number of the
18 claimant, the hours of operation, the total amount owed for
19 labor and materials furnished, the amount claimed for storage,
20 the time and place of the sale, and whether the sale will be a
21 private or public sale. The sale must be held at the business
22 location of the claimant.

23 (e) In addition to the certified notice required under
24 subsection (d) of this Section, the claimant shall publish one
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26 city, county, village, municipality, or township where the

1 claimant provided services for the vehicle. The notice shall be
2 published no less than 14 days prior to the date and time of
3 the sale and shall set forth:

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

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6 description of the vehicle including the vehicle
7 identification number, make, model, and year of
8 manufacture;

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23 parts, as originally prepared by the repairer, rebuilder,
24 or other entity;

25 (2) pictures of the vehicle;

26 (3) an affirmation executed by the purchaser and the

1 claimant on a form promulgated or approved by the Secretary
2 of State;

3 (4) proof of a title record search;

4 (5) proof of certified mail notice to the owner and
5 proof of a signed return receipt from the lienholder or
6 undelivered returned envelope containing the notice
7 addressed to the lienholder;

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9 junking certificate); and

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11 If the title application contains the required components
12 itemized in this subsection, the Secretary of State shall issue
13 the title within 45 days.

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15 10 days after the customer has relinquished possession of the
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18 from time to time under the Illinois Commercial Relocation of
19 Trespassing Vehicles Law.

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21 subsection (d) shall not be increased or decreased prior to the
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24 (j) Nothing in this Section 1.5 is intended to or shall be
25 construed to impair or affect the existing rights and
26 priorities of any lienholder to have or recover possession of

1 any vehicle.".