

1 AN ACT concerning bonds.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Public Construction Bond Act is amended
5 by changing Section 2 as follows:

6 (30 ILCS 550/2) (from Ch. 29, par. 16)

7 Sec. 2. Every person furnishing material or performing
8 labor, either as an individual or as a sub-contractor for any
9 contractor, with the State, or a political subdivision
10 thereof where bond or letter of credit shall be executed as
11 provided in this Act, shall have the right to sue on such
12 bond or letter of credit in the name of the State, or the
13 political subdivision thereof entering into such contract, as
14 the case may be, for his use and benefit, and in such suit
15 the plaintiff shall file a copy of such bond or letter of
16 credit, certified by the party or parties in whose charge
17 such bond or letter of credit shall be, which copy shall,
18 unless execution thereof be denied under oath, be prima facie
19 evidence of the execution and delivery of the original;
20 provided, however, that this Act shall not be taken to in any
21 way make the State, or the political subdivision thereof
22 entering into such contract, as the case may be, liable to
23 such sub-contractor, materialman or laborer to any greater
24 extent than it was liable under the law as it stood before
25 the adoption of this Act. Provided, however, that any person
26 having a claim for labor, and material as aforesaid shall
27 have no such right of action unless he shall have filed a
28 verified notice of said claim with the officer, board, bureau
29 or department awarding the contract, within 180 days after
30 the date of the last item of work or the furnishing of the
31 last item of materials, and shall have furnished a copy of

1 such verified notice to the contractor within 10 days of the
2 filing of the notice with the agency awarding the contract.

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

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

20 Provided, further, that no action shall be brought until
21 the expiration of 120 days after the date of the last item of
22 work or the furnishing of the last item of materials, except
23 in cases where the final settlement between the officer,
24 board, bureau or department of municipal corporation and the
25 contractor shall have been made prior to the expiration of
26 the 120 day period, in which case action may be taken
27 immediately following such final settlement; nor shall any
28 action of any kind be brought later than 6 months after the
29 acceptance by the State or political subdivision thereof of
30 the building project or work. Such action shall be brought
31 only in the circuit court of this State in the judicial
32 circuit in which the contract is to be performed.

33 The remedy provided in this Section is in addition to and
34 independent of any other rights and remedies provided at law

1 or in equity. A waiver of rights under the Mechanics Lien Act
2 shall not constitute a waiver of rights under this Section
3 unless specifically stated in the waiver.

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

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.