

HB0236



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0236

Introduced 1/20/2009, by Rep. Kathleen A. Ryg

SYNOPSIS AS INTRODUCED:

770 ILCS 60/1

from Ch. 82, par. 1

Amends the Mechanics Lien Act. Requires that a contractor for improvements of an owner-occupied single-family residence give the owner written notice before filing a lien against any property of the owner. Effective immediately.

LRB096 03053 AJ0 13068 b

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

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 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
17 adjacent lots or tracts of land of such owner constituting the
18 same premises and occupied or used in connection with such lot
19 or tract of land as a place of residence or business; and in
20 case the contract relates to 2 or more buildings, on 2 or more
21 lots or tracts of land, upon all such lots and tracts of land
22 and improvements thereon for the amount due to him or her for
23 the material, fixtures, apparatus, machinery, services or

1 labor, and interest at the rate of 10% per annum from the date
2 the same is due. This lien extends to an estate in fee, for
3 life, for years, or any other estate or any right of redemption
4 or other interest that the owner may have in the lot or tract
5 of land at the time of making such contract or may subsequently
6 acquire and this lien attaches as of the date of the contract.

7 (b) As used in subsection (a) of this Section, "improve"
8 means to furnish labor, services, material, fixtures,
9 apparatus or machinery, forms or form work in the process of
10 construction where cement, concrete or like material is used
11 for the purpose of or in the building, altering, repairing or
12 ornamenting any house or other building, walk or sidewalk,
13 whether the walk or sidewalk is on the land or bordering
14 thereon, driveway, fence or improvement or appurtenances to the
15 lot or tract of land or connected therewith, and upon, over or
16 under a sidewalk, street or alley adjoining; or fill, sod or
17 excavate such lot or tract of land, or do landscape work
18 thereon or therefor; or raise or lower any house thereon or
19 remove any house thereto, or remove any house or other
20 structure therefrom, or perform any services or incur any
21 expense as an architect, structural engineer, professional
22 engineer, land surveyor or property manager in, for or on a lot
23 or tract of land for any such purpose; or drill any water well
24 thereon; or furnish or perform labor or services as
25 superintendent, time keeper, mechanic, laborer or otherwise,
26 in the building, altering, repairing or ornamenting of the

1 same; or furnish material, fixtures, apparatus, machinery,
2 labor or services, forms or form work used in the process of
3 construction where concrete, cement or like material is used,
4 or drill any water well on the order of his agent, architect,
5 structural engineer or superintendent having charge of the
6 improvements, building, altering, repairing or ornamenting the
7 same.

8 (c) The taking of additional security by the contractor or
9 sub-contractor is not a waiver of any right of lien which he
10 may have by virtue of this Act, unless made a waiver by express
11 agreement of the parties and the waiver is not prohibited by
12 this Act.

13 (d) An agreement to waive any right to enforce or claim any
14 lien under this Act where the agreement is in anticipation of
15 and in consideration for the awarding of a contract or
16 subcontract, either express or implied, to perform work or
17 supply materials for an improvement upon real property is
18 against public policy and unenforceable. This Section does not
19 prohibit release of lien under subsection (b) of Section 35 of
20 this Act or prohibit subordination of the lien, except as
21 provided in Section 21.

22 (e) A contractor for improvements of an owner-occupied
23 single-family residence must give the owner written notice
24 before filing a lien against any property of the owner.

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

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.