

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Vehicle Code is amended by adding
5 Article 4-4 as follows:

6 (625 ILCS 5/Art. 4-4 heading new)

7 ARTICLE 4-4. MECHANIC'S LIENS AGAINST VEHICLES

8 (625 ILCS 5/4-400 new)

9 Sec. 4-400. Applicability. This Article applies to any
10 person or entity providing labor, services, material, or
11 storage for any vehicle at the request of the vehicle owner or
12 authorized agent of the owner.

13 (625 ILCS 5/4-401 new)

14 Sec. 4-401. Creation of lien. Any person or entity
15 providing labor, services, material, or storage for any vehicle
16 with the consent of the vehicle owner or authorized agent of
17 the owner shall be entitled to have a lien upon the vehicle for
18 the contracted price of the services provided. Any charges
19 incurred as a result of enforcing a mechanic's lien shall not
20 be added to the contracted price of the services originally
21 provided to the vehicle owner.

1 (625 ILCS 5/4-402 new)

2 Sec. 4-402. Consent of vehicle owner.

3 (a) In order to establish a lien under this Article, the
4 claimant must provide proof of consent by the vehicle owner of
5 the contracted services. The vehicle owner's consent shall be
6 demonstrated by a signed work order or estimate. If the vehicle
7 owner's consent is oral, the claimant must provide the work
8 order or estimate that contains the date, time, name of person
9 authorizing the services, the name of the employee who spoke to
10 the person authorizing the services, and the telephone number
11 of the claimant, if any. If the service provided is for storage
12 of a vehicle, the claimant must provide a formal storage
13 agreement, signed by the vehicle owner, setting forth the
14 storage charge.

15 (b) Any vehicle for which the claimant has possession but
16 cannot provide proof of consent of the vehicle owner for labor,
17 services, material, or storage shall be deemed an abandoned
18 vehicle and disposal of the vehicle shall be governed by
19 Chapter 4, Article II of this Code.

20 (625 ILCS 5/4-403 new)

21 Sec. 4-403. Foreclosing mechanic's liens.

22 (a) If the vehicle is not redeemed by the owner 30 days
23 after completion of the contracted services or 30 days after
24 the date agreed upon by the parties, whichever is later, the

1 claimant may begin to enforce a mechanic's lien.

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

8 (1) using the vehicle identification number to conduct
9 a search through a commercial, nation-wide motor vehicle
10 information service; and

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

13 If evidence of the state of registration is found by these
14 means, the motor vehicle department of that particular state
15 shall be contacted and requested to perform a record search for
16 the name and address of any owner or lienholder.

17 (c) The claimant shall send notice by certified mail, no
18 less than 30 days prior to the sale, to the owner of the
19 vehicle and any lienholder. The notice, in addition to being
20 mailed to the addresses provided on the record search, shall
21 also be sent to any secondary address provided to the claimant
22 by the vehicle owner. The notice shall include the name,
23 address and telephone number of the claimant, the hours of
24 operation, the total amount owed, and the time and place of the
25 sale. The sale must be held at the business location of the
26 claimant.

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

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

9 (2) the name of the vehicle owner, a description of the
10 vehicle, including a vehicle identification number, make,
11 model, year of manufacture, and the amount owed; and

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

14 (e) The second notice shall contain the same information as
15 the first notice and shall be published no less than 2 days
16 prior to the sale.

17 (f) The owner or lienholder of the vehicle may redeem the
18 vehicle at any time prior to the date of the sale. If the
19 vehicle is not redeemed prior to the sale, the claimant may
20 sell the vehicle at the time and place specified in the notice
21 to satisfy the lien amount. The proceeds of the sale of the
22 vehicle in excess of the charges of the claimant shall be
23 deposited with the county treasurer where the services of the
24 claimant were provided. If the excess proceeds are not
25 reclaimed by the vehicle owner or lienholder within a period of
26 6 months, the excess proceeds shall be deposited by the county

1 treasurer to the general revenue fund of the county.

2 (g) After the sale of the vehicle, the entity or individual
3 purchasing the vehicle at sale shall apply for a certificate of
4 title, salvage certificate, or junking certificate for the
5 purchased vehicle as required by law.

6 (h) The entity or individual who purchased the vehicle at
7 sale shall submit a title application along with the following
8 documentation to the Secretary of State:

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

12 (2) pictures of the vehicle;

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

15 (4) proof of a title record search;

16 (5) proof of certified mail notification to the owner
17 and lienholder;

18 (6) proof of published notices; and

19 (7) any other information as required by the Secretary
20 of State.

21 (i) The Secretary of State may adopt rules to implement
22 this Article.

23 Section 10. The Labor and Storage Lien Act is amended by
24 changing Section 1 as follows:

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

2 Sec. 1. Every person, firm or corporation who has expended
3 labor, skill or materials upon any chattel, or has furnished
4 storage for said chattel, at the request of its owner, reputed
5 owner, or authorized agent of the owner, or lawful possessor
6 thereof, shall have a lien upon such chattel beginning on the
7 date of the commencement of such expenditure of labor, skill
8 and materials or of such storage for the contract price for all
9 such expenditure of labor, skill or materials, or for all such
10 storage, or in the absence of such contract price, for the
11 reasonable worth of such expenditure of labor, skill and
12 materials, or of such storage, for a period of one year from
13 and after the completion of such expenditure of labor, skill or
14 materials, or of such storage, notwithstanding the fact that
15 the possession of such chattel has been surrendered to the
16 owner, or lawful possessor thereof. The lien established in
17 this Section shall not apply to labor, services, skill, or
18 material upon or furnishing storage for motor vehicles. The
19 provisions of the Illinois Vehicle Code shall apply for labor,
20 services, skill, or materials provided for motor vehicles.

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

22 Section 15. The Labor and Storage Lien (Small Amount) Act
23 is amended by changing Section 1 as follows:

24 (770 ILCS 50/1) (from Ch. 82, par. 47a)

1 Sec. 1. Every person expending labor, services, skill or
2 material upon or furnishing storage for any chattel at the
3 request of or with the consent of its owner, authorized agent
4 of the owner, or lawful possessor thereof, in the amount of
5 \$2,000 or less, shall have a lien upon such chattel beginning
6 upon the date of commencement of such expenditure of labor,
7 services, skill, or materials or furnishing of storage, for the
8 contract price for all such expenditure of labor, services,
9 skill, or material, until the possession of such chattel is
10 voluntarily relinquished to such owner or authorized agent, or
11 to one entitled to the possession thereof.

12 For the purposes of this Act, a person, other than a driver
13 or a person otherwise in control of a fire, police, emergency
14 or public utility vehicle on official business, consents to
15 removal by towing of his or her vehicle when he or she without
16 authorization parks such vehicle upon private property while
17 having notice that unauthorized vehicles will be towed from
18 such property by the owner of such property, or agent thereof,
19 at the vehicle owner's expense, where such notice is provided
20 pursuant to State law, local ordinances or regulation by any
21 state or local agency. Such notice must include a sign of at
22 least 24 inches in height by 36 inches in width posted in a
23 conspicuous place in the affected area at least 4 feet from the
24 ground but not more than 8 feet from the ground. Such sign
25 shall be either illuminated or painted with reflective paint,
26 or both and shall state the amount of towing charges to which

1 the person may be subjected. However, the requirement of the
2 sign provided for in this section shall not apply to
3 residential property which, paying due regard to the
4 circumstances and the surrounding area, is clearly reserved or
5 intended exclusively for the use or occupation of residents or
6 their vehicles.

7 The lien established herein shall not ~~also~~ apply to labor,
8 services, skills or material upon or furnishing storage for
9 motor towed vehicles performed by any relocater or any other
10 ~~towing service pursuant to the order of a law enforcement~~
11 ~~official or agency in accordance with Sections 4-201 through~~
12 ~~4-214 of The Illinois Vehicle Code. The provisions of the~~
13 ~~Illinois Vehicle Code shall apply for labor, services, skill,~~
14 ~~or materials provided for motor vehicles. The lien created~~
15 ~~herein shall be valid even though the towing and storage is~~
16 ~~performed without the vehicle owner's consent.~~

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