

1 AN ACT concerning regulation.

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

4 Section 5. The Regulatory Sunset Act is amended by changing
5 Section 4.32 as follows:

6 (5 ILCS 80/4.32)

7 Sec. 4.32. Acts repealed on January 1, 2022. The following
8 Acts are repealed on January 1, 2022:

9 The Boxing and Full-contact Martial Arts Act.

10 The Collateral Recovery Act.

11 The Detection of Deception Examiners Act.

12 The Home Inspector License Act.

13 The Registered Interior Designers ~~Design Title~~ Act.

14 The Massage Licensing Act.

15 The Petroleum Equipment Contractors Licensing Act.

16 The Real Estate Appraiser Licensing Act of 2002.

17 The Water Well and Pump Installation Contractor's License
18 Act.

19 (Source: P.A. 97-24, eff. 6-28-11; 97-119, eff. 7-14-11;
20 97-168, eff. 7-22-11; 97-226, eff. 7-28-11; 97-428, eff.
21 8-16-11; 97-514, eff. 8-23-11; 97-576, eff. 7-1-12; 97-598,
22 eff. 8-26-11; 97-602, eff. 8-26-11; 97-813, eff. 7-13-12.)

1 Section 10. The Interior Design Title Act is amended by
2 changing Sections 1, 2, 3, 5, 8, 9, 10, and 13 as follows:

3 (225 ILCS 310/1) (from Ch. 111, par. 8201)

4 (Section scheduled to be repealed on January 1, 2022)

5 Sec. 1. Short title. This Act may be cited as the
6 Registered Interior Designers ~~Design Title~~ Act.

7 (Source: P.A. 92-104, eff. 7-20-01.)

8 (225 ILCS 310/2) (from Ch. 111, par. 8202)

9 (Section scheduled to be repealed on January 1, 2022)

10 Sec. 2. Public policy. Interior design in the State of
11 Illinois is hereby declared to affect the public health,
12 safety, and welfare and to be subject to regulation and control
13 in the public interest. It is further declared to be a matter
14 of public interest and concern that the interior design
15 profession ~~professions~~ merit and receive the confidence of the
16 public and that only qualified persons be permitted to use the
17 title of registered interior designer in the State of Illinois.
18 This Act shall be liberally construed to carry out these
19 objectives and purposes.

20 (Source: P.A. 95-1023, eff. 6-1-09; 96-1334, eff. 7-27-10.)

21 (225 ILCS 310/3) (from Ch. 111, par. 8203)

22 (Section scheduled to be repealed on January 1, 2022)

23 Sec. 3. Definitions. As used in this Act:

1 ~~"Department" means the Department of Financial and~~
2 ~~Professional Regulation.~~

3 ~~"Secretary" means the Secretary of Financial and~~
4 ~~Professional Regulation.~~

5 "Board" means the Board of Registered Interior Design
6 Professionals established under Section 6 of this Act.

7 "Department" means the Department of Financial and
8 Professional Regulation.

9 "The profession of interior design", within the meaning and
10 intent of this Act, refers to persons qualified by education,
11 experience, and examination, who administer contracts for
12 fabrication, procurement, or installation in the
13 implementation of designs, drawings, and specifications for
14 any interior design project and offer or furnish professional
15 services, such as consultations, studies, drawings, and
16 specifications in connection with the location of lighting
17 fixtures, lamps and specifications of ceiling finishes as shown
18 in reflected ceiling plans, space planning, furnishings, or the
19 fabrication of non-loadbearing structural elements within and
20 surrounding interior spaces of buildings but specifically
21 excluding mechanical and electrical systems, except for
22 specifications of fixtures and their location within interior
23 spaces.

24 "Public member" means a person who is not an interior
25 designer, educator in the field, architect, structural
26 engineer, or professional engineer. For purposes of board

1 membership, any person with a significant financial interest in
2 the design or construction service or profession is not a
3 public member.

4 "Registered interior designer" means a person who has
5 received registration under Section 8 of this Act. A person
6 represents himself or herself to be a "registered interior
7 designer" within the meaning of this Act if he or she holds
8 himself or herself out to the public by any title incorporating
9 the words "registered interior designer" or any title that
10 includes the words "registered interior design".

11 "Secretary" means the Secretary of Financial and
12 Professional Regulation.

13 ~~"The profession of interior design", within the meaning and~~
14 ~~intent of this Act, refers to persons qualified by education,~~
15 ~~experience, and examination, who administer contracts for~~
16 ~~fabrication, procurement, or installation in the~~
17 ~~implementation of designs, drawings, and specifications for~~
18 ~~any interior design project and offer or furnish professional~~
19 ~~services, such as consultations, studies, drawings, and~~
20 ~~specifications in connection with the location of lighting~~
21 ~~fixtures, lamps and specifications of ceiling finishes as shown~~
22 ~~in reflected ceiling plans, space planning, furnishings, or the~~
23 ~~fabrication of non-loadbearing structural elements within and~~
24 ~~surrounding interior spaces of buildings but specifically~~
25 ~~excluding mechanical and electrical systems, except for~~
26 ~~specifications of fixtures and their location within interior~~

1 ~~spaces.~~

2 ~~A person represents himself or herself to be a "registered~~
3 ~~interior designer" within the meaning of this Act if he or she~~
4 ~~holds himself or herself out to the public by any title~~
5 ~~incorporating the words "registered interior designer" or any~~
6 ~~title that includes the words "registered interior design".~~

7 (Source: P.A. 95-1023, eff. 6-1-09; 96-1334, eff. 7-27-10.)

8 (225 ILCS 310/5) (from Ch. 111, par. 8205)

9 (Section scheduled to be repealed on January 1, 2022)

10 Sec. 5. Powers and duties of the Department. Subject to the
11 provisions of this Act, the Department shall exercise the
12 following functions, powers, and duties:

13 (a) To conduct or authorize examinations to ascertain
14 the fitness and qualifications of applicants for
15 registration and issue certificates of registration to
16 those who are found to be fit and qualified.

17 (b) To prescribe rules and regulations for a method of
18 examination of candidates. The Department shall designate
19 as its examination for registered interior designers the
20 National Council for Interior Design Qualification
21 examination.

22 (c) To adopt as its own rules relating to education
23 requirements, those guidelines published from time to time
24 by the Council for Interior Design Accreditation
25 ~~Foundation for Interior Design Education Research~~ or its

1 successor entity ~~equivalent~~.

2 (d) To conduct hearings on proceedings to revoke,
3 suspend, or refuse to issue certificates of registration.

4 (e) To promulgate rules and regulations required for
5 the administration of this Act.

6 (Source: P.A. 95-1023, eff. 6-1-09; 96-1334, eff. 7-27-10.)

7 (225 ILCS 310/8) (from Ch. 111, par. 8208)

8 (Section scheduled to be repealed on January 1, 2022)

9 Sec. 8. Requirements for registration.

10 (a) Each applicant for registration shall apply to the
11 Department in writing on a form provided by the Department.
12 Except as otherwise provided in this Act, each applicant shall
13 take and pass the examination approved by the Department. Prior
14 to registration, the applicant shall provide substantial
15 evidence to the Board that the applicant:

16 (1) is a graduate of a 5-year ~~5-year~~ interior design
17 program from an accredited institution and has completed at
18 least 2 years of full-time ~~full-time~~ diversified interior
19 design experience;

20 (2) is a graduate of a 4-year ~~4-year~~ interior design
21 program from an accredited institution and has completed at
22 least 2 years of full-time ~~full-time~~ diversified interior
23 design experience;

24 (3) has completed at least 3 years of interior design
25 curriculum from an accredited institution and has

1 completed 3 years of full-time ~~full-time~~ diversified
2 interior design experience;

3 (4) is a graduate of a 2-year ~~2-year~~ interior design
4 program from an accredited institution and has completed 4
5 years of full-time ~~full-time~~ diversified interior design
6 experience; or

7 (5) (blank).

8 (b) In addition to providing evidence of meeting the
9 requirements of subsection (a), each: ~~(1) Each~~ applicant for
10 registration as a registered interior designer shall provide
11 substantial evidence that he or she has successfully completed
12 the examination administered by the National Council for
13 Interior Design Qualifications.

14 ~~(2) (Blank).~~

15 Examinations for applicants under this Act may be held at
16 the direction of the Department from time to time but not less
17 than once each year. The scope and form of the examination
18 shall conform to the National Council for Interior Design
19 Qualification examination for interior designers.

20 (b-5) Each applicant for registration ~~who possesses the~~
21 ~~necessary qualifications~~ shall pay to the Department the
22 required registration fee, which is not refundable, at the time
23 of filing his or her application.

24 (c) An individual may apply ~~applying~~ for original
25 registration prior to passing the examination. He or she shall
26 have 2 years after ~~3 years from~~ the date of filing an

1 application to pass the examination ~~complete the application~~
2 ~~process~~. If evidence and documentation of passing the
3 examination is received by the Department later than 2 years
4 after the individual's filing ~~the process has not been~~
5 ~~completed in 3 years~~, the application shall be denied and the
6 fee forfeited. The applicant may reapply at any time, but shall
7 meet the requirements in effect at the time of reapplication.

8 ~~(c) (Blank)~~.

9 ~~(c-5) (Blank)~~.

10 (d) Upon payment of the required fee, which shall be
11 determined by rule, an applicant who is an architect licensed
12 under the laws of this State may, without examination, be
13 granted registration as a registered interior designer by the
14 Department provided the applicant submits proof of an active
15 architectural license in Illinois.

16 ~~(c) (Blank)~~.

17 (Source: P.A. 95-1023, eff. 6-1-09; 96-1334, eff. 7-27-10.)

18 (225 ILCS 310/9) (from Ch. 111, par. 8209)

19 (Section scheduled to be repealed on January 1, 2022)

20 Sec. 9. Expiration; renewal; restoration.

21 (a) The expiration date and renewal period for each
22 certificate of registration issued under this Act shall be set
23 by rule. A registrant may renew such registration during the
24 month preceding its expiration date by paying the required
25 renewal fee.

1 (b) Inactive status.

2 (1) Any registrant who notifies the Department in
3 writing on forms prescribed by the Department may elect to
4 place his or her certificate of registration on an inactive
5 status and shall, subject to rules of the Department, be
6 excused from payment of renewal fees until he or she
7 notifies the Department in writing of his or her desire to
8 resume active status.

9 (2) Any registrant requesting restoration from
10 inactive status shall be required to pay the current
11 renewal fee and shall be required to restore his or her
12 registration.

13 (3) Any registrant whose registration is on inactive
14 status shall not use the title "registered interior
15 designer" in the State of Illinois.

16 (4) Any registrant who uses the title "registered
17 interior designer" while his or her certificate of
18 registration is lapsed or inactive shall be considered to
19 be using the title without a registration which shall be
20 grounds for discipline under Section 13 of this Act.

21 (c) Any registrant whose registration has expired may have
22 his or her certificate of registration restored at any time
23 within 5 years after its expiration, upon payment of the
24 required fee.

25 (d) Any person whose registration has been expired for more
26 than 5 years may have his or her registration restored by

1 making application to the Department and filing proof
2 acceptable to the Department of his or her fitness to have his
3 or her registration restored, including sworn evidence
4 certifying to active lawful practice in another jurisdiction,
5 and by paying the required restoration fee. A person using the
6 title "registered interior designer" on an expired
7 registration is deemed to be in violation of this Act.

8 (e) If a person whose certificate of registration has
9 expired has not maintained active status in another
10 jurisdiction, the Department shall determine, by an evaluation
11 process established by rule, his or her fitness to resume
12 active status and may require the person to complete a period
13 of evaluated practical experience, and may require successful
14 completion of an examination.

15 (f) Any person whose certificate of registration has
16 expired while he or she has been engaged (1) in federal or
17 State service active duty, or (2) in training or education
18 under the supervision of the United States preliminary to
19 induction into the military service, may have his or her
20 registration restored without paying any lapsed renewal or
21 restoration fee if, within 2 years after termination of such
22 service, training or education, he or she furnishes the
23 Department with satisfactory proof that he or she has been so
24 engaged and that his or her service, training, or education has
25 been so terminated.

26 (g) An individual applying for restoration of a

1 registration shall have 3 years from the date of application to
2 complete the application process. If the process has not been
3 completed in 3 years, the application shall be denied and the
4 fee forfeited. The applicant may reapply at any time, ~~but shall~~
5 ~~meet the requirement in effect at the time of reapplication.~~

6 (Source: P.A. 95-1023, eff. 6-1-09; 96-1334, eff. 7-27-10.)

7 (225 ILCS 310/10) (from Ch. 111, par. 8210)

8 (Section scheduled to be repealed on January 1, 2022)

9 Sec. 10. Foreign applicants. Upon payment of the required
10 fee, an applicant who is an interior designer currently
11 registered, certified, or licensed under the laws of another
12 state or territory of the United States or a foreign country or
13 province shall, without further examination, be granted
14 registration as an interior designer, ~~as the case may be,~~ by
15 the Department: ~~(a)~~ whenever the requirements of such state or
16 territory of the United States or a foreign country or province
17 were, at the date of registration, certification, or licensure,
18 substantially equal to or greater than the requirements then in
19 force in this State. ~~or~~

20 ~~(b) whenever such requirements of another state or~~
21 ~~territory of the United States or a foreign country or~~
22 ~~province together with educational and professional~~
23 ~~qualifications, as distinguished from practical~~
24 ~~experience, of the applicant since obtaining a license as~~
25 ~~an interior designer in such state or territory of the~~

1 ~~United States are substantially equal to the requirements~~
2 ~~in force in Illinois at the time of application for~~
3 ~~registration.~~

4 (Source: P.A. 96-1334, eff. 7-27-10.)

5 (225 ILCS 310/13) (from Ch. 111, par. 8213)

6 (Section scheduled to be repealed on January 1, 2022)

7 Sec. 13. Refusal, revocation or suspension of
8 registration. The Department may refuse to issue, renew, or
9 restore or may revoke, suspend, place on probation, reprimand
10 or take other disciplinary action as the Department may deem
11 proper, including fines not to exceed \$5,000 for each
12 violation, with regard to any registration for any one or
13 combination of the following causes:

14 (a) Fraud in procuring the certificate of
15 registration.

16 (b) Habitual intoxication or addiction to the use of
17 drugs.

18 (c) Making any misrepresentations or false promises,
19 directly or indirectly, to influence, persuade, or induce
20 patronage.

21 (d) Professional connection or association with, or
22 lending his or her name, to another for illegal use of the
23 title "registered interior designer", or professional
24 connection or association with any person, firm, or
25 corporation holding itself out in any manner contrary to

1 this Act.

2 (e) Obtaining or seeking to obtain checks, money, or
3 any other items of value by false or fraudulent
4 representations.

5 (f) Use of the title under a name other than his or her
6 own.

7 (g) Improper, unprofessional, or dishonorable conduct
8 of a character likely to deceive, defraud, or harm the
9 public.

10 (h) Conviction in this or another state, or federal
11 court, of any crime which is a felony, if the Department
12 determines, after investigation, that such person has not
13 been sufficiently rehabilitated to warrant the public
14 trust.

15 (i) A violation of any provision of this Act or its
16 rules.

17 (j) Revocation by another state, the District of
18 Columbia, territory, or foreign nation of an interior
19 design or residential interior design license,
20 certification, or registration if at least one of the
21 grounds for that revocation is the same as or the
22 equivalent of one of the grounds for revocation set forth
23 in this Act.

24 (k) Mental incompetence as declared by a court of
25 competent jurisdiction.

26 (l) Being named as a perpetrator in an indicated report

1 by the Department of Children and Family Services pursuant
2 to the Abused and Neglected Child Reporting Act, and upon
3 proof by clear and convincing evidence that the registrant
4 has caused a child to be an abused child or neglected child
5 as defined in the Abused and Neglected Child Reporting Act.

6 (m) Aiding or assisting another person in violating any
7 provision of this Act or its rules.

8 (n) Failure to provide information in response to a
9 written request made by the Department within 30 days after
10 receipt of the written request.

11 (o) Physical illness, including, but not limited to,
12 deterioration through the aging process or loss of motor
13 skill that results in the inability to practice interior
14 design with reasonable judgment, skill, or safety.

15 The Department shall deny a registration or renewal
16 authorized by this Act to any person who has defaulted on an
17 educational loan guaranteed by the Illinois Student Assistance
18 Commission; however, the Department may issue a certificate of
19 registration or renewal if such person has established a
20 satisfactory repayment record as determined by the Illinois
21 Student Assistance Commission.

22 The Department may refuse to issue or may suspend the
23 registration of any person who fails to file a return, or to
24 pay the tax, penalty, or interest showing in a filed return, or
25 to pay any final assessment of tax, penalty, or interest, as
26 required by any tax Act administered by the Illinois Department

1 of Revenue, until such time as the requirements of any such tax
2 Act are satisfied.

3 The entry of a decree by any circuit court establishing
4 that any person holding a certificate of registration under
5 this Act is a person subject to involuntary admission under the
6 Mental Health and Developmental Disabilities Code shall
7 operate as a suspension of that registration. That person may
8 resume using the title "registered interior designer" only upon
9 a finding by the Board that he or she has been determined to be
10 no longer subject to involuntary admission by the court and
11 upon the Board's recommendation to the Director that he or she
12 be permitted to resume using the title "registered interior
13 designer".

14 (Source: P.A. 95-1023, eff. 6-1-09; 96-1334, eff. 7-27-10.)

15 Section 15. The Unified Code of Corrections is amended by
16 changing Section 5-5-5 as follows:

17 (730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)

18 Sec. 5-5-5. Loss and Restoration of Rights.

19 (a) Conviction and disposition shall not entail the loss by
20 the defendant of any civil rights, except under this Section
21 and Sections 29-6 and 29-10 of The Election Code, as now or
22 hereafter amended.

23 (b) A person convicted of a felony shall be ineligible to
24 hold an office created by the Constitution of this State until

1 the completion of his sentence.

2 (c) A person sentenced to imprisonment shall lose his right
3 to vote until released from imprisonment.

4 (d) On completion of sentence of imprisonment or upon
5 discharge from probation, conditional discharge or periodic
6 imprisonment, or at any time thereafter, all license rights and
7 privileges granted under the authority of this State which have
8 been revoked or suspended because of conviction of an offense
9 shall be restored unless the authority having jurisdiction of
10 such license rights finds after investigation and hearing that
11 restoration is not in the public interest. This paragraph (d)
12 shall not apply to the suspension or revocation of a license to
13 operate a motor vehicle under the Illinois Vehicle Code.

14 (e) Upon a person's discharge from incarceration or parole,
15 or upon a person's discharge from probation or at any time
16 thereafter, the committing court may enter an order certifying
17 that the sentence has been satisfactorily completed when the
18 court believes it would assist in the rehabilitation of the
19 person and be consistent with the public welfare. Such order
20 may be entered upon the motion of the defendant or the State or
21 upon the court's own motion.

22 (f) Upon entry of the order, the court shall issue to the
23 person in whose favor the order has been entered a certificate
24 stating that his behavior after conviction has warranted the
25 issuance of the order.

26 (g) This Section shall not affect the right of a defendant

1 to collaterally attack his conviction or to rely on it in bar
2 of subsequent proceedings for the same offense.

3 (h) No application for any license specified in subsection
4 (i) of this Section granted under the authority of this State
5 shall be denied by reason of an eligible offender who has
6 obtained a certificate of relief from disabilities, as defined
7 in Article 5.5 of this Chapter, having been previously
8 convicted of one or more criminal offenses, or by reason of a
9 finding of lack of "good moral character" when the finding is
10 based upon the fact that the applicant has previously been
11 convicted of one or more criminal offenses, unless:

12 (1) there is a direct relationship between one or more
13 of the previous criminal offenses and the specific license
14 sought; or

15 (2) the issuance of the license would involve an
16 unreasonable risk to property or to the safety or welfare
17 of specific individuals or the general public.

18 In making such a determination, the licensing agency shall
19 consider the following factors:

20 (1) the public policy of this State, as expressed in
21 Article 5.5 of this Chapter, to encourage the licensure and
22 employment of persons previously convicted of one or more
23 criminal offenses;

24 (2) the specific duties and responsibilities
25 necessarily related to the license being sought;

26 (3) the bearing, if any, the criminal offenses or

1 offenses for which the person was previously convicted will
2 have on his or her fitness or ability to perform one or
3 more such duties and responsibilities;

4 (4) the time which has elapsed since the occurrence of
5 the criminal offense or offenses;

6 (5) the age of the person at the time of occurrence of
7 the criminal offense or offenses;

8 (6) the seriousness of the offense or offenses;

9 (7) any information produced by the person or produced
10 on his or her behalf in regard to his or her rehabilitation
11 and good conduct, including a certificate of relief from
12 disabilities issued to the applicant, which certificate
13 shall create a presumption of rehabilitation in regard to
14 the offense or offenses specified in the certificate; and

15 (8) the legitimate interest of the licensing agency in
16 protecting property, and the safety and welfare of specific
17 individuals or the general public.

18 (i) A certificate of relief from disabilities shall be
19 issued only for a license or certification issued under the
20 following Acts:

21 (1) the Animal Welfare Act; except that a certificate
22 of relief from disabilities may not be granted to provide
23 for the issuance or restoration of a license under the
24 Animal Welfare Act for any person convicted of violating
25 Section 3, 3.01, 3.02, 3.03, 3.03-1, or 4.01 of the Humane
26 Care for Animals Act or Section 26-5 or 48-1 of the

1 Criminal Code of 1961 or the Criminal Code of 2012;

2 (2) the Illinois Athletic Trainers Practice Act;

3 (3) the Barber, Cosmetology, Esthetics, Hair Braiding,
4 and Nail Technology Act of 1985;

5 (4) the Boiler and Pressure Vessel Repairer Regulation
6 Act;

7 (5) the Boxing and Full-contact Martial Arts Act;

8 (6) the Illinois Certified Shorthand Reporters Act of
9 1984;

10 (7) the Illinois Farm Labor Contractor Certification
11 Act;

12 (8) the Registered Interior Designers ~~Design Title~~
13 Act;

14 (9) the Illinois Professional Land Surveyor Act of
15 1989;

16 (10) the Illinois Landscape Architecture Act of 1989;

17 (11) the Marriage and Family Therapy Licensing Act;

18 (12) the Private Employment Agency Act;

19 (13) the Professional Counselor and Clinical
20 Professional Counselor Licensing and Practice Act;

21 (14) the Real Estate License Act of 2000;

22 (15) the Illinois Roofing Industry Licensing Act;

23 (16) the Professional Engineering Practice Act of
24 1989;

25 (17) the Water Well and Pump Installation Contractor's
26 License Act;

- 1 (18) the Electrologist Licensing Act;
- 2 (19) the Auction License Act;
- 3 (20) the Illinois Architecture Practice Act of 1989;
- 4 (21) the Dietitian Nutritionist Practice Act;
- 5 (22) the Environmental Health Practitioner Licensing
- 6 Act;
- 7 (23) the Funeral Directors and Embalmers Licensing
- 8 Code;
- 9 (24) (blank);
- 10 (25) the Professional Geologist Licensing Act;
- 11 (26) the Illinois Public Accounting Act; and
- 12 (27) the Structural Engineering Practice Act of 1989.
- 13 (Source: P.A. 100-534, eff. 9-22-17.)

14 Section 20. The Mechanics Lien Act is amended by changing

15 Section 1 as follows:

16 (770 ILCS 60/1) (from Ch. 82, par. 1)

17 Sec. 1. Contractor defined; amount of lien; waiver of lien;

18 attachment of lien; agreement to waive; when not enforceable.

19 (a) Any person who shall by any contract or contracts,

20 express or implied, or partly expressed or implied, with the

21 owner of a lot or tract of land, or with one whom the owner has

22 authorized or knowingly permitted to contract, to improve the

23 lot or tract of land or for the purpose of improving the tract

24 of land, or to manage a structure under construction thereon,

1 is known under this Act as a contractor and has a lien upon the
2 whole of such lot or tract of land and upon adjoining or
3 adjacent lots or tracts of land of such owner constituting the
4 same premises and occupied or used in connection with such lot
5 or tract of land as a place of residence or business; and in
6 case the contract relates to 2 or more buildings, on 2 or more
7 lots or tracts of land, upon all such lots and tracts of land
8 and improvements thereon for the amount due to him or her for
9 the material, fixtures, apparatus, machinery, services or
10 labor, and interest at the rate of 10% per annum from the date
11 the same is due. This lien extends to an estate in fee, for
12 life, for years, or any other estate or any right of redemption
13 or other interest that the owner may have in the lot or tract
14 of land at the time of making such contract or may subsequently
15 acquire and this lien attaches as of the date of the contract.

16 (b) As used in subsection (a) of this Section, "improve"
17 means to furnish labor, services, material, fixtures,
18 apparatus or machinery, forms or form work in the process of
19 construction where cement, concrete or like material is used
20 for the purpose of or in the building, altering, repairing or
21 ornamenting any house or other building, walk or sidewalk,
22 whether the walk or sidewalk is on the land or bordering
23 thereon, driveway, fence or improvement or appurtenances to the
24 lot or tract of land or connected therewith, and upon, over or
25 under a sidewalk, street or alley adjoining; or fill, sod or
26 excavate such lot or tract of land, or do landscape work

1 thereon or therefor; or raise or lower any house thereon or
2 remove any house thereto, or remove any house or other
3 structure therefrom, or perform any services or incur any
4 expense as an architect, structural engineer, professional
5 engineer, land surveyor, registered interior designer, or
6 property manager in, for, or on a lot or tract of land for any
7 such purpose; or drill any water well thereon; or furnish or
8 perform labor or services as superintendent, time keeper,
9 mechanic, laborer or otherwise, in the building, altering,
10 repairing or ornamenting of the same; or furnish material,
11 fixtures, apparatus, machinery, labor or services, forms or
12 form work used in the process of construction where concrete,
13 cement or like material is used, or drill any water well on the
14 order of his agent, architect, structural engineer, registered
15 interior designer, or superintendent having charge of the
16 improvements, building, altering, repairing, or ornamenting
17 the same.

18 (c) The taking of additional security by the contractor or
19 sub-contractor is not a waiver of any right of lien which he
20 may have by virtue of this Act, unless made a waiver by express
21 agreement of the parties and the waiver is not prohibited by
22 this Act.

23 (d) An agreement to waive any right to enforce or claim any
24 lien under this Act, or an agreement to subordinate the lien,
25 where the agreement is in anticipation of and in consideration
26 for the awarding of a contract or subcontract, either express

1 or implied, to perform work or supply materials for an
2 improvement upon real property is against public policy and
3 unenforceable. This Section does not prohibit release of lien
4 under subsection (b) of Section 35 of this Act, nor does it
5 prohibit an agreement to subordinate a mechanics lien to a
6 mortgage lien that secures a construction loan if that
7 agreement is made after more than 50% of the loan has been
8 disbursed to fund improvements to the property.

9 (Source: P.A. 98-764, eff. 7-16-14.)

10 Section 99. Effective date. This Act takes effect January
11 1, 2018.