



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4317

Introduced 1/16/2024, by Rep. Jay Hoffman

SYNOPSIS AS INTRODUCED:

770 ILCS 60/24

from Ch. 82, par. 24

Amends the Mechanics Lien Act. Requires a sub-contractor, or party furnishing labor, materials, fixtures, apparatus, machinery, or services, to cause a notice of his or her claim and the amount due or to become due to the owner of record or the owner of record's agent or architect, or the superintendent having charge of the building or improvement, and, to the lending agency, if known. Requires the written notice to be sent by: (i) registered or certified mail, with return receipt requested; (ii) a nationally recognized delivery company with tracking service; or (iii) personal service. Provides that notice is considered served at the time the written notice is placed with the delivery service or in the mail.

LRB103 35975 LNS 66062 b

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 24 as follows:

6 (770 ILCS 60/24) (from Ch. 82, par. 24)

7 Sec. 24. Written notice by sub-contractor; service; when
8 notice not necessary; form of notice.

9 (a) Sub-contractors, or parties furnishing labor,
10 materials, fixtures, apparatus, machinery, or services, may at
11 any time after making his or her contract with the contractor,
12 and shall within 90 days after the completion thereof, or, if
13 extra or additional work or material is delivered thereafter,
14 within 90 days after the date of completion of such extra or
15 additional work or final delivery of such extra or additional
16 material, cause a written notice of his or her claim and the
17 amount due or to become due thereunder, to be provided to the
18 owner of record or the owner of record's agent or architect, or
19 the superintendent having charge of the building or
20 improvement and to the lending agency, if known, with the
21 written notice to be sent by: (i) registered or certified
22 mail, with return receipt requested; (ii) a nationally
23 recognized delivery company with tracking service; or (iii)

1 personal service. Notice shall be considered served at the
2 time the written notice is placed with the delivery service or
3 in the mail. The , and delivery limited to addressee only, to
4 or personally served on the owner of record or his agent or
5 architect, or the superintendent having charge of the building
6 or improvement and to the lending agency, if known; and such
7 notice shall not be necessary when the sworn statement of the
8 contractor or subcontractor provided for herein shall serve to
9 give the owner notice of the amount due and to whom due, but
10 where such statement is incorrect as to the amount, the
11 subcontractor or material man named shall be protected to the
12 extent of the amount named therein as due or to become due to
13 him or her. ~~For purposes of this Section, notice by registered~~
14 ~~or certified mail is considered served at the time of its~~
15 ~~mailing.~~

16 The form of such notice may be as follows: To (name of
17 owner): You are hereby notified that I have been employed by
18 (the name of contractor) to (state here what was the contract
19 or what was done, or to be done, or what the claim is for)
20 under his or her contract with you, on your property at (here
21 give substantial description of the property) and that there
22 was due to me, or is to become due (as the case may be)
23 therefor, the sum of \$.....

24 Dated at this day of,

25 (Signature).....

26 (b) The serving of notice pursuant to subsection (a) of

1 this Section shall not constitute an admission by the lien
2 claimant that its status is that of subcontractor if it is
3 later determined that the party with whom the lien claimant
4 contracted was the owner or an agent of the owner.

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