

HB4863



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4863

by Rep. Kelly M. Burke

SYNOPSIS AS INTRODUCED:

770 ILCS 60/24

from Ch. 82, par. 24

Amends the Mechanics Lien Act. Deletes language providing that a subcontractor shall, within 90 days after the completion his or her obligations under the contract between the contractor and the subcontractor, or, if extra or additional work or material is delivered thereafter, within 90 days after the date of completion of such extra or additional work or final delivery of such extra or additional material, cause a written notice of his or her claim and the amount due. Provides instead that a subcontractor shall, within 90 days after the completion of the work or extra work or materials are furnished under the contractor's contract with the owner, cause a written notice of his or her claim and the amount due.

LRB100 17318 HEP 32479 b

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 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 of the work or
13 extra work or materials are furnished under the contractor's
14 contract with the owner thereof, or, if extra or additional
15 work or material is delivered thereafter, within 90 days after
16 the date of completion of such extra or additional work or
17 final delivery of such extra or additional material, cause a
18 written notice of his or her claim and the amount due or to
19 become due thereunder, to be sent by registered or certified
20 mail, with return receipt requested, and delivery limited to
21 addressee only, to or personally served on the owner of record
22 or his agent or architect, or the superintendent having charge
23 of the building or improvement and to the lending agency, if

1 known; and such notice shall not be necessary when the sworn
2 statement of the contractor or subcontractor provided for
3 herein shall serve to give the owner notice of the amount due
4 and to whom due, but where such statement is incorrect as to
5 the amount, the subcontractor or material man named shall be
6 protected to the extent of the amount named therein as due or
7 to become due to him or her. For purposes of this Section,
8 notice by registered or certified mail is considered served at
9 the time of its mailing.

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

18 Dated at this day of,

19 (Signature).....

20 (b) The serving of notice pursuant to subsection (a) of
21 this Section shall not constitute an admission by the lien
22 claimant that its status is that of subcontractor if it is
23 later determined that the party with whom the lien claimant
24 contracted was the owner or an agent of the owner.

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