

SB1704



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1704

Introduced 2/8/2023, by Sen. Ram Villivalam

SYNOPSIS AS INTRODUCED:

770 ILCS 60/24

from Ch. 82, par. 24

Amends the Mechanics Lien Act. Provides that written notice of a claim and the amount due or to become due by a sub-contractor, or parties furnishing labor, materials, fixtures, apparatus, machinery, or services, shall be provided to the owner of record or his or her agent or architect, or the superintendent having charge of the building or improvement and, if known, to the project lender. Requires such notice to be sent by: registered or certified mail; nationally recognized overnight delivery service; any means that provides written, third-party verification of delivery; or personal service.

LRB103 27304 LNS 53675 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 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 his or her agent or architect, or the
19 superintendent having charge of the building or improvement
20 and, if known, to the project lender, said notice, to be sent
21 by: (i) registered or certified mail, with return receipt
22 requested; (ii) nationally recognized overnight delivery
23 service; (iii) any means that provides written, third-party

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

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

22 Dated at this day of,

23 (Signature).....

24 (b) The serving of notice pursuant to subsection (a) of
25 this Section shall not constitute an admission by the lien
26 claimant that its status is that of subcontractor if it is

1 later determined that the party with whom the lien claimant
2 contracted was the owner or an agent of the owner.

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