



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**  
**HB3994**

Introduced 1/9/2004, by Kathleen A. Ryg

**SYNOPSIS AS INTRODUCED:**

770 ILCS 60/1

from Ch. 82, par. 1

Amends the Mechanics Lien Act. Requires a contractor to give the owner notice before filing a lien against any property of the owner.

LRB093 14871 LCB 40437 b

1 AN ACT concerning mechanics liens.

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 1 as follows:

6 (770 ILCS 60/1) (from Ch. 82, par. 1)

7 Sec. 1. Any person who shall by any contract or contracts,  
8 express or implied, or partly expressed or implied, with the  
9 owner of a lot or tract of land, or with one whom the owner has  
10 authorized or knowingly permitted to contract, to improve the  
11 lot or tract of land or to manage a structure thereon, or to  
12 furnish material, fixtures, apparatus or machinery, forms or  
13 form work used in the process of construction where cement,  
14 concrete or like material is used for the purpose of or in the  
15 building, altering, repairing or ornamenting any house or other  
16 building, walk or sidewalk, whether the walk or sidewalk is on  
17 the land or bordering thereon, driveway, fence or improvement  
18 or appurtenances to the lot or tract of land or connected  
19 therewith, and upon, over or under a sidewalk, street or alley  
20 adjoining; or fill, sod or excavate such lot or tract of land,  
21 or do landscape work thereon or therefor; or raise or lower any  
22 house thereon or remove any house thereto, or remove any house  
23 or other structure therefrom, or perform any services or incur  
24 any expense as an architect, structural engineer, professional  
25 engineer, land surveyor or property manager in, for or on a lot  
26 or tract of land for any such purpose; or drill any water well  
27 thereon; or furnish or perform labor or services as  
28 superintendent, time keeper, mechanic, laborer or otherwise,  
29 in the building, altering, repairing or ornamenting of the  
30 same; or furnish material, fixtures, apparatus, machinery,  
31 labor or services, forms or form work used in the process of  
32 construction where concrete, cement or like material is used,

1 or drill any water well on the order of his agent, architect,  
2 structural engineer or superintendent having charge of the  
3 improvements, building, altering, repairing or ornamenting the  
4 same, is known under this Act as a contractor, and has a lien  
5 upon the whole of such lot or tract of land and upon adjoining  
6 or adjacent lots or tracts of land of such owner constituting  
7 the same premises and occupied or used in connection with such  
8 lot or tract of land as a place of residence or business; and  
9 in case the contract relates to 2 or more buildings, on 2 or  
10 more lots or tracts of land, upon all such lots and tracts of  
11 land and improvements thereon for the amount due to him for  
12 such material, fixtures, apparatus, machinery, services or  
13 labor, and interest at the rate of 10% per annum from the date  
14 the same is due. This lien extends to an estate in fee, for  
15 life, for years, or any other estate or any right of  
16 redemption, or other interest which the owner may have in the  
17 lot or tract of land at the time of making such contract or may  
18 subsequently acquire. The taking of additional security by the  
19 contractor or sub-contractor is not a waiver of any right of  
20 lien which he may have by virtue of this Act, unless made a  
21 waiver by express agreement of the parties and the waiver is  
22 not prohibited by this Act. This lien attaches as of the date  
23 of the contract. A contractor must give the owner written  
24 notice before filing a lien against any property of the owner.

25 (Source: P.A. 86-807; 87-361.)