



Sen. John G. Mulroe

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LRB098 07980 MLW 41400 a

1 AMENDMENT TO SENATE BILL 1842

2 AMENDMENT NO. _____. Amend Senate Bill 1842 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by adding
5 Article 4-4 as follows:

6 (625 ILCS 5/Art. 4-4 heading new)

7 ARTICLE 4-4. MECHANIC'S LIENS AGAINST VEHICLES

8 (625 ILCS 5/4-400 new)

9 Sec. 4-400. Applicability. This Article applies to any
10 person or entity providing labor, services, material, or
11 storage for any vehicle at the request of the vehicle owner or
12 authorized agent of the owner.

13 (625 ILCS 5/4-401 new)

14 Sec. 4-401. Creation of lien. Any person or entity

1 providing labor, services, material, or storage for any vehicle
2 with the consent of the vehicle owner or authorized agent of
3 the owner shall be entitled to have a lien upon the vehicle for
4 the contracted price of the services provided. Any charges
5 incurred as a result of enforcing a mechanic's lien shall not
6 be added to the contracted price of the services originally
7 provided to the vehicle owner.

8 (625 ILCS 5/4-402 new)

9 Sec. 4-402. Consent of vehicle owner.

10 (a) In order to establish a lien under this Article, the
11 claimant must provide proof of consent by the vehicle owner of
12 the contracted services. The vehicle owner's consent shall be
13 demonstrated by a signed work order or estimate. If the vehicle
14 owner's consent is oral, the claimant must provide the work
15 order or estimate that contains the date, time, name of person
16 authorizing the services, the name of the employee who spoke to
17 the person authorizing the services, and the telephone number
18 of the claimant, if any. If the service provided is for storage
19 of a vehicle, the claimant must provide a formal storage
20 agreement, signed by the vehicle owner, setting forth the
21 storage charge.

22 (b) Any vehicle for which the claimant has possession but
23 cannot provide proof of consent of the vehicle owner for labor,
24 services, material, or storage shall be deemed an abandoned
25 vehicle and disposal of the vehicle shall be governed by

1 Chapter 4, Article II of this Code.

2 (625 ILCS 5/4-403 new)

3 Sec. 4-403. Foreclosing mechanic's liens.

4 (a) If the vehicle is not redeemed by the owner 30 days
5 after completion of the contracted services or 30 days after
6 the date agreed upon by the parties, whichever is later, the
7 claimant may begin to enforce a mechanic's lien.

8 (b) The sale of a vehicle shall occur only after providing
9 notice to the owner of the time and place of the sale. The
10 claimant shall request the title records of the vehicle from
11 the Secretary of State. If the Secretary of State cannot
12 provide ownership information, the following means shall be
13 used to identify the owner:

14 (1) using the vehicle identification number to conduct
15 a search through a commercial, nation-wide motor vehicle
16 information service; and

17 (2) inspecting the vehicle for any evidence of the name
18 or address of the owner or state of registration.

19 If evidence of the state of registration is found by these
20 means, the motor vehicle department of that particular state
21 shall be contacted and requested to perform a record search for
22 the name and address of any owner or lienholder.

23 (c) The claimant shall send notice by certified mail, no
24 less than 30 days prior to the sale, to the owner of the
25 vehicle and any lienholder. The notice, in addition to being

1 mailed to the addresses provided on the record search, shall
2 also be sent to any secondary address provided to the claimant
3 by the vehicle owner. The notice shall include the name,
4 address and telephone number of the claimant, the hours of
5 operation, the total amount owed, and the time and place of the
6 sale. The sale must be held at the business location of the
7 claimant.

8 (d) In addition to the certified notice under subsection
9 (c) of this Section, the claimant shall publish two notices of
10 the sale in a newspaper of general circulation in the city,
11 village, or township where the claimant provided services for
12 the vehicle. The first notice shall be published no less than
13 14 days prior to the date and time of the sale and shall set
14 forth:

15 (1) the date, time, and location of the sale;

16 (2) the name of the vehicle owner, a description of the
17 vehicle, including a vehicle identification number, make,
18 model, year of manufacture, and the amount owed; and

19 (3) a statement that unless the vehicle is redeemed
20 prior to the date of the sale, it will be sold at sale.

21 (e) The second notice shall contain the same information as
22 the first notice and shall be published no less than 2 days
23 prior to the sale.

24 (f) The owner or lienholder of the vehicle may redeem the
25 vehicle at any time prior to the date of the sale. If the
26 vehicle is not redeemed prior to the sale, the claimant may

1 sell the vehicle at the time and place specified in the notice
2 to satisfy the lien amount. The proceeds of the sale of the
3 vehicle in excess of the charges of the claimant shall be
4 deposited with the county treasurer where the services of the
5 claimant were provided. If the excess proceeds are not
6 reclaimed by the vehicle owner or lienholder within a period of
7 6 months, the excess proceeds shall be deposited by the county
8 treasurer to the general revenue fund of the county.

9 (g) After the sale of the vehicle, the entity or individual
10 purchasing the vehicle at sale shall apply for a certificate of
11 title, salvage certificate, or junking certificate for the
12 purchased vehicle as required by law.

13 (h) The entity or individual who purchased the vehicle at
14 sale shall submit a title application along with the following
15 documentation to the Secretary of State:

16 (1) a detailed, itemized estimate or invoice,
17 including labor and parts, as originally prepared by the
18 repairer, rebuilder or other entity;

19 (2) pictures of the vehicle;

20 (3) a mechanic's lien affirmation, completed by the
21 purchaser and the mechanic;

22 (4) proof of a title record search;

23 (5) proof of certified mail notification to the owner
24 and lienholder;

25 (6) proof of published notices; and

26 (7) any other information as required by the Secretary

1 of State.

2 (i) The Secretary of State may adopt rules to implement
3 this Article.

4 Section 10. The Labor and Storage Lien Act is amended by
5 changing Section 1 as follows:

6 (770 ILCS 45/1) (from Ch. 82, par. 40)

7 Sec. 1. Every person, firm or corporation who has expended
8 labor, skill or materials upon any chattel, or has furnished
9 storage for said chattel, at the request of its owner, reputed
10 owner, or authorized agent of the owner, or lawful possessor
11 thereof, shall have a lien upon such chattel beginning on the
12 date of the commencement of such expenditure of labor, skill
13 and materials or of such storage for the contract price for all
14 such expenditure of labor, skill or materials, or for all such
15 storage, or in the absence of such contract price, for the
16 reasonable worth of such expenditure of labor, skill and
17 materials, or of such storage, for a period of one year from
18 and after the completion of such expenditure of labor, skill or
19 materials, or of such storage, notwithstanding the fact that
20 the possession of such chattel has been surrendered to the
21 owner, or lawful possessor thereof. The lien established in
22 this Section shall not apply to labor, services, skill, or
23 material upon or furnishing storage for motor vehicles. The
24 provisions of the Illinois Vehicle Code shall apply for labor,

1 services, skill, or materials provided for motor vehicles.

2 (Source: Laws 1921, p. 508.)

3 Section 15. The Labor and Storage Lien (Small Amount) Act
4 is amended by changing Section 1 as follows:

5 (770 ILCS 50/1) (from Ch. 82, par. 47a)

6 Sec. 1. Every person expending labor, services, skill or
7 material upon or furnishing storage for any chattel at the
8 request of or with the consent of its owner, authorized agent
9 of the owner, or lawful possessor thereof, in the amount of
10 \$2,000 or less, shall have a lien upon such chattel beginning
11 upon the date of commencement of such expenditure of labor,
12 services, skill, or materials or furnishing of storage, for the
13 contract price for all such expenditure of labor, services,
14 skill, or material, until the possession of such chattel is
15 voluntarily relinquished to such owner or authorized agent, or
16 to one entitled to the possession thereof.

17 For the purposes of this Act, a person, other than a driver
18 or a person otherwise in control of a fire, police, emergency
19 or public utility vehicle on official business, consents to
20 removal by towing of his or her vehicle when he or she without
21 authorization parks such vehicle upon private property while
22 having notice that unauthorized vehicles will be towed from
23 such property by the owner of such property, or agent thereof,
24 at the vehicle owner's expense, where such notice is provided

1 pursuant to State law, local ordinances or regulation by any
2 state or local agency. Such notice must include a sign of at
3 least 24 inches in height by 36 inches in width posted in a
4 conspicuous place in the affected area at least 4 feet from the
5 ground but not more than 8 feet from the ground. Such sign
6 shall be either illuminated or painted with reflective paint,
7 or both and shall state the amount of towing charges to which
8 the person may be subjected. However, the requirement of the
9 sign provided for in this section shall not apply to
10 residential property which, paying due regard to the
11 circumstances and the surrounding area, is clearly reserved or
12 intended exclusively for the use or occupation of residents or
13 their vehicles.

14 The lien established herein shall not ~~also~~ apply to labor,
15 services, skills or material upon or furnishing storage for
16 motor towed vehicles performed by any relocater or any other
17 towing service pursuant to the order of a law enforcement
18 official or agency in accordance with Sections 4-201 through
19 4-214 of The Illinois Vehicle Code. The provisions of the
20 Illinois Vehicle Code shall apply for labor, services, skill,
21 or materials provided for motor vehicles. The lien created
22 herein shall be valid even though the towing and storage is
23 performed without the vehicle owner's consent.

24 (Source: P.A. 85-1283.)".