



Sen. Michael Noland

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LRB099 07440 HEP 32322 a

1 AMENDMENT TO SENATE BILL 682

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 682 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. 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

1 materials, or of such storage, for a period of one year from  
2 and after the completion of such expenditure of labor, skill or  
3 materials, or of such storage, notwithstanding the fact that  
4 the possession of such chattel has been surrendered to the  
5 owner, or lawful possessor thereof. The specific procedures for  
6 obtaining liens on unclaimed motor vehicles for labor, storage,  
7 and materials under this Act shall be those set forth in  
8 Section 77 of the Automotive Repair Act and Section 67 of the  
9 Automotive Collision Repair Act.

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

11 Section 10. The Labor and Storage Lien (Small Amount) Act  
12 is amended by changing Section 1 as follows:

13 (770 ILCS 50/1) (from Ch. 82, par. 47a)

14 Sec. 1. Every person expending labor, services, skill or  
15 material upon or furnishing storage for any chattel at the  
16 request of or with the consent of its owner, authorized agent  
17 of the owner, or lawful possessor thereof, in the amount of  
18 \$2,000 or less, shall have a lien upon such chattel beginning  
19 upon the date of commencement of such expenditure of labor,  
20 services, skill, or materials or furnishing of storage, for the  
21 contract price for all such expenditure of labor, services,  
22 skill, or material, until the possession of such chattel is  
23 voluntarily relinquished to such owner or authorized agent, or  
24 to one entitled to the possession thereof. The specific

1 procedures for obtaining liens on unclaimed motor vehicles for  
2 labor, storage, and materials under this Act shall be those set  
3 forth in Section 77 of the Automotive Repair Act and Section 67  
4 of the Automotive Collision Repair Act.

5 For the purposes of this Act, a person, other than a driver  
6 or a person otherwise in control of a fire, police, emergency  
7 or public utility vehicle on official business, consents to  
8 removal by towing of his or her vehicle when he or she without  
9 authorization parks such vehicle upon private property while  
10 having notice that unauthorized vehicles will be towed from  
11 such property by the owner of such property, or agent thereof,  
12 at the vehicle owner's expense, where such notice is provided  
13 pursuant to State law, local ordinances or regulation by any  
14 state or local agency. Such notice must include a sign of at  
15 least 24 inches in height by 36 inches in width posted in a  
16 conspicuous place in the affected area at least 4 feet from the  
17 ground but not more than 8 feet from the ground. Such sign  
18 shall be either illuminated or painted with reflective paint,  
19 or both and shall state the amount of towing charges to which  
20 the person may be subjected. However, the requirement of the  
21 sign provided for in this section shall not apply to  
22 residential property which, paying due regard to the  
23 circumstances and the surrounding area, is clearly reserved or  
24 intended exclusively for the use or occupation of residents or  
25 their vehicles.

26 The lien established herein shall also apply to labor,

1 services, skills or material upon or furnishing storage for  
2 towed vehicles performed by any relocater or any other towing  
3 service pursuant to the order of a law enforcement official or  
4 agency in accordance with Sections 4-201 through 4-214 of The  
5 Illinois Vehicle Code. The lien created herein shall be valid  
6 even though the towing and storage is performed without the  
7 vehicle owner's consent.

8 (Source: P.A. 85-1283.)

9 Section 15. The Automotive Repair Act is amended by  
10 changing Section 10 and by adding Section 77 as follows:

11 (815 ILCS 306/10)

12 Sec. 10. Definitions. In this Act:

13 "Automotive repair" includes, but is not limited to:

14 (1) All repairs to motor vehicles that are commonly  
15 performed in a motor vehicle repair facility by a motor  
16 vehicle technician, including the diagnosis, installation,  
17 exchange, or repair of mechanical or electrical parts or  
18 units for any vehicle, the performance of any electrical or  
19 mechanical adjustment to any vehicle, or the performance of  
20 any service work required for routine maintenance or repair  
21 of any vehicle. The term does not include commercial fleet  
22 repair or maintenance transactions involving 2 or more  
23 vehicles or ongoing service or maintenance contracts  
24 involving vehicles used primarily for business purposes.

1           (2) All repair work in motor vehicle repair facilities  
2           that perform one or more specialties within the automotive  
3           repair service industry, including, but not limited to,  
4           refinishing, brake, electrical, exhaust repair or  
5           installation, front-end, radiators, tires, transmission,  
6           tune-up, and windshield. However, transactions involving  
7           the retail purchase of merchandise when a facility installs  
8           the merchandise as part of the transaction at the  
9           discretion of the customer for a firm price are not  
10          included. These transactions shall include but not be  
11          limited to tires, batteries, oil, and lube jobs.

12          "Automotive repair facility" or "motor vehicle repair  
13          facility" means any person, firm, association, or corporation  
14          that for compensation engages in the business of automotive  
15          repair or diagnosis, or both, of malfunctions of motor  
16          vehicles.

17          "Owner" includes the person who holds the legal title to  
18          the vehicle or the customer who relinquished the vehicle to the  
19          claimant for repair.

20          A "used" part consists of a used assembly removed from a  
21          vehicle and installed on a vehicle undergoing repair without  
22          the benefit of being rebuilt or remanufactured.

23          (Source: P.A. 90-426, eff. 1-1-98.)

24                 (815 ILCS 306/77 new)

25                 Sec. 77. Foreclosing possessory liens.

1       (a) If a vehicle is not redeemed by the owner within 30  
2 days after completion of the requested services or 30 days  
3 after the date agreed upon by the parties, whichever is later,  
4 the vehicle shall be considered unclaimed and the claimant may  
5 begin to enforce a possessory lien. If no repairs were made,  
6 the claimant may enforce a possessory lien for storage services  
7 30 days after the claimant provided an estimate to the owner.

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

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

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

19       If evidence of the state of registration is found, the  
20 motor vehicle department of the particular state shall be  
21 contacted and requested to perform a record search for the name  
22 and address of any owner or lienholder. In lieu of contacting a  
23 motor vehicle department, the request for the name and address  
24 of any owner or lienholder may be made to any private entity  
25 approved by the Secretary of State for this purpose.

26       (c) The claimant shall send notice by certified mail no

1 less than 30 days prior to the sale to the owner of the vehicle  
2 and any lienholder. The notice sent to a lienholder shall be  
3 sent return receipt requested. The notice, in addition to being  
4 mailed to the addresses provided on the record search, shall  
5 also be sent to any secondary address provided to the claimant  
6 by the vehicle owner. The notice shall include the name,  
7 address, and telephone number of the claimant, the hours of  
8 operation, the total amount owed, and the time and place of the  
9 sale. The sale must be held at the business location of the  
10 claimant.

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

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

19 (2) the name of the vehicle owner and a description of  
20 the vehicle including the vehicle identification number,  
21 make, model, and year of manufacture;

22 (3) the amount owed; and

23 (4) a statement that, unless the vehicle is redeemed  
24 prior to the date of the sale, it will be sold at sale.

25 (e) The owner or lienholder of the vehicle may redeem the  
26 vehicle any time during normal business hours prior to the date

1 of the sale. If the vehicle is not redeemed prior to the sale,  
2 the claimant may sell the vehicle at the time and place  
3 specified in the notice to satisfy the lien amount.

4 (f) After the sale of the vehicle, the entity or individual  
5 purchasing the vehicle at sale shall apply for a certificate of  
6 title, salvage certificate, or junking certificate for the  
7 purchased vehicle as required by law. The entity or individual  
8 shall submit a title application along with the following  
9 documentation to the Secretary of State:

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

13 (2) pictures of the vehicle;

14 (3) a possessory lien affirmation, completed by the  
15 purchaser and the mechanic;

16 (4) proof of a title record search;

17 (5) proof of certified mail notification to the owner  
18 and proof of a signed return receipt from the lienholder;

19 and

20 (6) proof of published notice (not required for a  
21 junking certificate).

22 Section 20. The Automotive Collision Repair Act is amended  
23 by changing Section 10 and by adding Section 67 as follows:

24 (815 ILCS 308/10)



1           Sec. 10. Definitions. As used in this Act:

2           "Automotive collision and body repair" means all repairs  
3 that are commonly performed by a body repair technician to  
4 restore a motor vehicle damaged in an accident or collision to  
5 a condition similar to the motor vehicle condition prior to the  
6 damage or deterioration including, but not limited to, the  
7 diagnosis, installation, exchange, repair, or refinishing of  
8 exterior body panels, trim, lighting, and structural chassis.  
9 The term does not include commercial fleet repair or  
10 maintenance transactions involving 2 or more motor vehicles or  
11 ongoing service or maintenance contracts involving motor  
12 vehicles used primarily for business purposes.

13           "Automotive collision and body repair facility" means a  
14 person, firm, association, or corporation that for  
15 compensation engages in the business of cosmetic repair,  
16 structural repair, or refinishing of motor vehicles with defect  
17 related to accident or collision.

18           "New part" means a part or component manufactured or  
19 supplied by the original motor vehicle manufacturer in an  
20 unused condition.

21           "Owner" includes the person who holds the legal title to  
22 the vehicle or the customer who relinquished the vehicle to the  
23 claimant for repair.

24           "Used part" means an original motor vehicle manufacturer  
25 part or component removed from a motor vehicle of similar make,  
26 model, and condition without the benefit of being rebuilt or

1 remanufactured.

2 "Rebuilt part" or "reconditioned part" means a used part  
3 that has been inspected and remanufactured to restore  
4 functionality and performance.

5 "Aftermarket part" means a new part that is not  
6 manufactured or supplied by the original motor vehicle  
7 manufacturer for addition to, or replacement of, exterior body  
8 panel or trim.

9 (Source: P.A. 93-565, eff. 1-1-04.)

10 (815 ILCS 308/67 new)

11 Sec. 67. Foreclosing possessory liens.

12 (a) If a vehicle is not redeemed by the owner within 30  
13 days after completion of the requested services or 30 days  
14 after the date agreed upon by the parties, whichever is later,  
15 the vehicle shall be considered unclaimed and the claimant may  
16 begin to enforce a possessory lien. If no repairs were made,  
17 the claimant may enforce a possessory lien for storage services  
18 30 days after the claimant provided an estimate to the owner.

19 (b) The sale of the vehicle shall occur only after  
20 providing notice to the lienholder and owner of the time and  
21 place of the sale. The claimant shall request the title records  
22 of the vehicle from the Secretary of State. If the Secretary of  
23 State cannot provide ownership information, the following  
24 means shall be used to identify the owner:

25 (1) using the vehicle identification number to conduct

1 a search through a commercial, nationwide motor vehicle  
2 information service; and

3 (2) inspecting the vehicle for evidence of the name or  
4 address of the owner or state of registration.

5 If evidence of the state of registration is found, the  
6 motor vehicle department of the particular state shall be  
7 contacted and requested to perform a record search for the name  
8 and address of any owner or lienholder. In lieu of contacting a  
9 motor vehicle department, the request for the name and address  
10 of any owner or lienholder may be made to any private entity  
11 approved by the Secretary of State for this purpose.

12 (c) The claimant shall send notice by certified mail no  
13 less than 30 days prior to the sale to the owner of the vehicle  
14 and any lienholder. The notice sent to a lienholder shall be  
15 sent return receipt requested. The notice, in addition to being  
16 mailed to the addresses provided on the record search, shall  
17 also be sent to any secondary address provided to the claimant  
18 by the vehicle owner. The notice shall include the name,  
19 address, and telephone number of the claimant, the hours of  
20 operation, the total amount owed, and the time and place of the  
21 sale. The sale must be held at the business location of the  
22 claimant.

23 (d) In addition to the certified notice required under  
24 subsection (c) of this Section, the claimant shall publish one  
25 notice of the sale in a newspaper of general circulation in the  
26 city, county, village, municipality, or township where the

1 claimant provided services for the vehicle. The notice shall be  
2 published no less than 14 days prior to the date and time of  
3 the sale and shall set forth:

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

5 (2) the name of the vehicle owner and a description of  
6 the vehicle including the vehicle identification number,  
7 make, model, and year of manufacture;

8 (3) the amount owed; and

9 (4) a statement that, unless the vehicle is redeemed  
10 prior to the date of the sale, it will be sold at sale.

11 (e) The owner or lienholder of the vehicle may redeem the  
12 vehicle any time during normal business hours prior to the date  
13 of the sale. If the vehicle is not redeemed prior to the sale,  
14 the claimant may sell the vehicle at the time and place  
15 specified in the notice to satisfy the lien amount.

16 (f) After the sale of the vehicle, the entity or individual  
17 purchasing the vehicle at sale shall apply for a certificate of  
18 title, salvage certificate, or junking certificate for the  
19 purchased vehicle as required by law. The entity or individual  
20 shall submit a title application along with the following  
21 documentation to the Secretary of State:

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

25 (2) pictures of the vehicle;

26 (3) a possessory lien affirmation, completed by the

1 purchaser and the mechanic;

2 (4) proof of a title record search;

3 (5) proof of certified mail notification to the owner

4 and proof of a signed return receipt from the lienholder;

5 and

6 (6) proof of published notice (not required for a

7 junking certificate).".