



Sen. Don Harmon

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1 AMENDMENT TO SENATE BILL 335

2 AMENDMENT NO. _____. Amend Senate Bill 335 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Regulatory Sunset Act is amended by
5 changing Section 4.32 as follows:

6 (5 ILCS 80/4.32)

7 Sec. 4.32. Acts repealed on January 1, 2022. The following
8 Acts are repealed on January 1, 2022:

9 The Boxing and Full-contact Martial Arts Act.

10 The Collateral Recovery Act.

11 The Detection of Deception Examiners Act.

12 The Home Inspector License Act.

13 The Registered Interior Designers ~~Design Title~~ Act.

14 The Massage Licensing Act.

15 The Petroleum Equipment Contractors Licensing Act.

16 The Real Estate Appraiser Licensing Act of 2002.

1 The Water Well and Pump Installation Contractor's License
2 Act.

3 (Source: P.A. 97-24, eff. 6-28-11; 97-119, eff. 7-14-11;
4 97-168, eff. 7-22-11; 97-226, eff. 7-28-11; 97-428, eff.
5 8-16-11; 97-514, eff. 8-23-11; 97-576, eff. 7-1-12; 97-598,
6 eff. 8-26-11; 97-602, eff. 8-26-11; 97-813, eff. 7-13-12.)

7 Section 10. The Interior Design Title Act is amended by
8 changing Sections 1, 2, 3, 5, 8, 9, 10, and 13 as follows:

9 (225 ILCS 310/1) (from Ch. 111, par. 8201)

10 (Section scheduled to be repealed on January 1, 2022)

11 Sec. 1. Short title. This Act may be cited as the
12 Registered Interior Designers ~~Design Title~~ Act.

13 (Source: P.A. 92-104, eff. 7-20-01.)

14 (225 ILCS 310/2) (from Ch. 111, par. 8202)

15 (Section scheduled to be repealed on January 1, 2022)

16 Sec. 2. Public policy. Interior design in the State of
17 Illinois is hereby declared to affect the public health,
18 safety, and welfare and to be subject to regulation and control
19 in the public interest. It is further declared to be a matter
20 of public interest and concern that the interior design
21 profession ~~professions~~ merit and receive the confidence of the
22 public and that only qualified persons be permitted to use the
23 title of registered interior designer in the State of Illinois.

1 This Act shall be liberally construed to carry out these
2 objectives and purposes.

3 (Source: P.A. 95-1023, eff. 6-1-09; 96-1334, eff. 7-27-10.)

4 (225 ILCS 310/3) (from Ch. 111, par. 8203)

5 (Section scheduled to be repealed on January 1, 2022)

6 Sec. 3. Definitions. As used in this Act:

7 ~~"Department" means the Department of Financial and~~
8 ~~Professional Regulation.~~

9 ~~"Secretary" means the Secretary of Financial and~~
10 ~~Professional Regulation.~~

11 "Board" means the Board of Registered Interior Design
12 Professionals established under Section 6 of this Act.

13 "Department" means the Department of Financial and
14 Professional Regulation.

15 "The profession of interior design", within the meaning and
16 intent of this Act, refers to persons qualified by education,
17 experience, and examination, who administer contracts for
18 fabrication, procurement, or installation in the
19 implementation of designs, drawings, and specifications for
20 any interior design project and offer or furnish professional
21 services, such as consultations, studies, drawings, and
22 specifications in connection with the location of lighting
23 fixtures, lamps and specifications of ceiling finishes as shown
24 in reflected ceiling plans, space planning, furnishings, or the
25 fabrication of non-loadbearing structural elements within and

1 surrounding interior spaces of buildings but specifically
2 excluding mechanical and electrical systems, except for
3 specifications of fixtures and their location within interior
4 spaces.

5 "Public member" means a person who is not an interior
6 designer, educator in the field, architect, structural
7 engineer, or professional engineer. For purposes of board
8 membership, any person with a significant financial interest in
9 the design or construction service or profession is not a
10 public member.

11 "Registered interior designer" means a person who has
12 received registration under Section 8 of this Act. A person
13 represents himself or herself to be a "registered interior
14 designer" within the meaning of this Act if he or she holds
15 himself or herself out to the public by any title incorporating
16 the words "registered interior designer" or any title that
17 includes the words "registered interior design".

18 "Secretary" means the Secretary of Financial and
19 Professional Regulation.

20 ~~"The profession of interior design", within the meaning and~~
21 ~~intent of this Act, refers to persons qualified by education,~~
22 ~~experience, and examination, who administer contracts for~~
23 ~~fabrication, procurement, or installation in the~~
24 ~~implementation of designs, drawings, and specifications for~~
25 ~~any interior design project and offer or furnish professional~~
26 ~~services, such as consultations, studies, drawings, and~~

1 ~~specifications in connection with the location of lighting~~
2 ~~fixtures, lamps and specifications of ceiling finishes as shown~~
3 ~~in reflected ceiling plans, space planning, furnishings, or the~~
4 ~~fabrication of non-loadbearing structural elements within and~~
5 ~~surrounding interior spaces of buildings but specifically~~
6 ~~excluding mechanical and electrical systems, except for~~
7 ~~specifications of fixtures and their location within interior~~
8 ~~spaces.~~

9 ~~A person represents himself or herself to be a "registered~~
10 ~~interior designer" within the meaning of this Act if he or she~~
11 ~~holds himself or herself out to the public by any title~~
12 ~~incorporating the words "registered interior designer" or any~~
13 ~~title that includes the words "registered interior design".~~

14 (Source: P.A. 95-1023, eff. 6-1-09; 96-1334, eff. 7-27-10.)

15 (225 ILCS 310/5) (from Ch. 111, par. 8205)

16 (Section scheduled to be repealed on January 1, 2022)

17 Sec. 5. Powers and duties of the Department. Subject to the
18 provisions of this Act, the Department shall exercise the
19 following functions, powers, and duties:

20 (a) To conduct or authorize examinations to ascertain
21 the fitness and qualifications of applicants for
22 registration and issue certificates of registration to
23 those who are found to be fit and qualified.

24 (b) To prescribe rules and regulations for a method of
25 examination of candidates. The Department shall designate

1 as its examination for registered interior designers the
2 National Council for Interior Design Qualification
3 examination.

4 (c) To adopt as its own rules relating to education
5 requirements, those guidelines published from time to time
6 by the Council for Interior Design Accreditation
7 ~~Foundation for Interior Design Education Research~~ or its
8 successor entity equivalent.

9 (d) To conduct hearings on proceedings to revoke,
10 suspend, or refuse to issue certificates of registration.

11 (e) To promulgate rules and regulations required for
12 the administration of this Act.

13 (Source: P.A. 95-1023, eff. 6-1-09; 96-1334, eff. 7-27-10.)

14 (225 ILCS 310/8) (from Ch. 111, par. 8208)

15 (Section scheduled to be repealed on January 1, 2022)

16 Sec. 8. Requirements for registration.

17 (a) Each applicant for registration shall apply to the
18 Department in writing on a form provided by the Department.
19 Except as otherwise provided in this Act, each applicant shall
20 take and pass the examination approved by the Department. Prior
21 to registration, the applicant shall provide substantial
22 evidence to the Board that the applicant:

23 (1) is a graduate of a 5-year ~~5-year~~ interior design
24 program from an accredited institution and has completed at
25 least 2 years of full-time ~~full-time~~ diversified interior

1 design experience;

2 (2) is a graduate of a 4-year ~~4-year~~ interior design
3 program from an accredited institution and has completed at
4 least 2 years of full-time ~~full-time~~ diversified interior
5 design experience;

6 (3) has completed at least 3 years of interior design
7 curriculum from an accredited institution and has
8 completed 3 years of full-time ~~full-time~~ diversified
9 interior design experience;

10 (4) is a graduate of a 2-year ~~2-year~~ interior design
11 program from an accredited institution and has completed 4
12 years of full-time ~~full-time~~ diversified interior design
13 experience; or

14 (5) (blank).

15 (b) In addition to providing evidence of meeting the
16 requirements of subsection (a), each: ~~(1) Each~~ applicant for
17 registration as a registered interior designer shall provide
18 substantial evidence that he or she has successfully completed
19 the examination administered by the National Council for
20 Interior Design Qualifications.

21 ~~(2) (Blank).~~

22 Examinations for applicants under this Act may be held at
23 the direction of the Department from time to time but not less
24 than once each year. The scope and form of the examination
25 shall conform to the National Council for Interior Design
26 Qualification examination for interior designers.

1 (b-5) Each applicant for registration ~~who possesses the~~
2 ~~necessary qualifications~~ shall pay to the Department the
3 required registration fee, which is not refundable, at the time
4 of filing his or her application.

5 (c) An individual may apply ~~applying~~ for original
6 registration prior to passing the examination. He or she shall
7 have 2 years after ~~3 years from~~ the date of filing an
8 application to pass the examination ~~complete the application~~
9 ~~process.~~ If evidence and documentation of passing the
10 examination is received by the Department later than 2 years
11 after the individual's filing ~~the process has not been~~
12 ~~completed in 3 years,~~ the application shall be denied and the
13 fee forfeited. The applicant may reapply at any time, but shall
14 meet the requirements in effect at the time of reapplication.

15 ~~(c) (Blank).~~

16 ~~(c-5) (Blank).~~

17 (d) Upon payment of the required fee, which shall be
18 determined by rule, an applicant who is an architect licensed
19 under the laws of this State may, without examination, be
20 granted registration as a registered interior designer by the
21 Department provided the applicant submits proof of an active
22 architectural license in Illinois.

23 ~~(c) (Blank).~~

24 (Source: P.A. 95-1023, eff. 6-1-09; 96-1334, eff. 7-27-10.)

1 (Section scheduled to be repealed on January 1, 2022)

2 Sec. 9. Expiration; renewal; restoration.

3 (a) The expiration date and renewal period for each
4 certificate of registration issued under this Act shall be set
5 by rule. A registrant may renew such registration during the
6 month preceding its expiration date by paying the required
7 renewal fee.

8 (b) Inactive status.

9 (1) Any registrant who notifies the Department in
10 writing on forms prescribed by the Department may elect to
11 place his or her certificate of registration on an inactive
12 status and shall, subject to rules of the Department, be
13 excused from payment of renewal fees until he or she
14 notifies the Department in writing of his or her desire to
15 resume active status.

16 (2) Any registrant requesting restoration from
17 inactive status shall be required to pay the current
18 renewal fee and shall be required to restore his or her
19 registration.

20 (3) Any registrant whose registration is on inactive
21 status shall not use the title "registered interior
22 designer" in the State of Illinois.

23 (4) Any registrant who uses the title "registered
24 interior designer" while his or her certificate of
25 registration is lapsed or inactive shall be considered to
26 be using the title without a registration which shall be

1 grounds for discipline under Section 13 of this Act.

2 (c) Any registrant whose registration has expired may have
3 his or her certificate of registration restored at any time
4 within 5 years after its expiration, upon payment of the
5 required fee.

6 (d) Any person whose registration has been expired for more
7 than 5 years may have his or her registration restored by
8 making application to the Department and filing proof
9 acceptable to the Department of his or her fitness to have his
10 or her registration restored, including sworn evidence
11 certifying to active lawful practice in another jurisdiction,
12 and by paying the required restoration fee. A person using the
13 title "registered interior designer" on an expired
14 registration is deemed to be in violation of this Act.

15 (e) If a person whose certificate of registration has
16 expired has not maintained active status in another
17 jurisdiction, the Department shall determine, by an evaluation
18 process established by rule, his or her fitness to resume
19 active status and may require the person to complete a period
20 of evaluated practical experience, and may require successful
21 completion of an examination.

22 (f) Any person whose certificate of registration has
23 expired while he or she has been engaged (1) in federal or
24 State service active duty, or (2) in training or education
25 under the supervision of the United States preliminary to
26 induction into the military service, may have his or her

1 registration restored without paying any lapsed renewal or
2 restoration fee if, within 2 years after termination of such
3 service, training or education, he or she furnishes the
4 Department with satisfactory proof that he or she has been so
5 engaged and that his or her service, training, or education has
6 been so terminated.

7 (g) An individual applying for restoration of a
8 registration shall have 3 years from the date of application to
9 complete the application process. If the process has not been
10 completed in 3 years, the application shall be denied and the
11 fee forfeited. The applicant may reapply at any time, ~~but shall~~
12 ~~meet the requirement in effect at the time of reapplication.~~

13 (Source: P.A. 95-1023, eff. 6-1-09; 96-1334, eff. 7-27-10.)

14 (225 ILCS 310/10) (from Ch. 111, par. 8210)

15 (Section scheduled to be repealed on January 1, 2022)

16 Sec. 10. Foreign applicants. Upon payment of the required
17 fee, an applicant who is an interior designer currently
18 registered, certified, or licensed under the laws of another
19 state or territory of the United States or a foreign country or
20 province shall, without further examination, be granted
21 registration as an interior designer, ~~as the case may be,~~ by
22 the Department: ~~(a)~~ whenever the requirements of such state or
23 territory of the United States or a foreign country or province
24 were, at the date of registration, certification, or licensure,
25 substantially equal to or greater than the requirements then in

1 force in this State. ~~or~~

2 ~~(b) whenever such requirements of another state or~~
3 ~~territory of the United States or a foreign country or~~
4 ~~province together with educational and professional~~
5 ~~qualifications, as distinguished from practical~~
6 ~~experience, of the applicant since obtaining a license as~~
7 ~~an interior designer in such state or territory of the~~
8 ~~United States are substantially equal to the requirements~~
9 ~~in force in Illinois at the time of application for~~
10 ~~registration.~~

11 (Source: P.A. 96-1334, eff. 7-27-10.)

12 (225 ILCS 310/13) (from Ch. 111, par. 8213)

13 (Section scheduled to be repealed on January 1, 2022)

14 Sec. 13. Refusal, revocation or suspension of
15 registration. The Department may refuse to issue, renew, or
16 restore or may revoke, suspend, place on probation, reprimand
17 or take other disciplinary action as the Department may deem
18 proper, including fines not to exceed \$5,000 for each
19 violation, with regard to any registration for any one or
20 combination of the following causes:

21 (a) Fraud in procuring the certificate of
22 registration.

23 (b) Habitual intoxication or addiction to the use of
24 drugs.

25 (c) Making any misrepresentations or false promises,

1 directly or indirectly, to influence, persuade, or induce
2 patronage.

3 (d) Professional connection or association with, or
4 lending his or her name, to another for illegal use of the
5 title "registered interior designer", or professional
6 connection or association with any person, firm, or
7 corporation holding itself out in any manner contrary to
8 this Act.

9 (e) Obtaining or seeking to obtain checks, money, or
10 any other items of value by false or fraudulent
11 representations.

12 (f) Use of the title under a name other than his or her
13 own.

14 (g) Improper, unprofessional, or dishonorable conduct
15 of a character likely to deceive, defraud, or harm the
16 public.

17 (h) Conviction in this or another state, or federal
18 court, of any crime which is a felony, if the Department
19 determines, after investigation, that such person has not
20 been sufficiently rehabilitated to warrant the public
21 trust.

22 (i) A violation of any provision of this Act or its
23 rules.

24 (j) Revocation by another state, the District of
25 Columbia, territory, or foreign nation of an interior
26 design or residential interior design license,

1 certification, or registration if at least one of the
2 grounds for that revocation is the same as or the
3 equivalent of one of the grounds for revocation set forth
4 in this Act.

5 (k) Mental incompetence as declared by a court of
6 competent jurisdiction.

7 (l) Being named as a perpetrator in an indicated report
8 by the Department of Children and Family Services pursuant
9 to the Abused and Neglected Child Reporting Act, and upon
10 proof by clear and convincing evidence that the registrant
11 has caused a child to be an abused child or neglected child
12 as defined in the Abused and Neglected Child Reporting Act.

13 (m) Aiding or assisting another person in violating any
14 provision of this Act or its rules.

15 (n) Failure to provide information in response to a
16 written request made by the Department within 30 days after
17 receipt of the written request.

18 (o) Physical illness, including, but not limited to,
19 deterioration through the aging process or loss of motor
20 skill that results in the inability to practice interior
21 design with reasonable judgment, skill, or safety.

22 The Department shall deny a registration or renewal
23 authorized by this Act to any person who has defaulted on an
24 educational loan guaranteed by the Illinois Student Assistance
25 Commission; however, the Department may issue a certificate of
26 registration or renewal if such person has established a

1 satisfactory repayment record as determined by the Illinois
2 Student Assistance Commission.

3 The Department may refuse to issue or may suspend the
4 registration of any person who fails to file a return, or to
5 pay the tax, penalty, or interest showing in a filed return, or
6 to pay any final assessment of tax, penalty, or interest, as
7 required by any tax Act administered by the Illinois Department
8 of Revenue, until such time as the requirements of any such tax
9 Act are satisfied.

10 The entry of a decree by any circuit court establishing
11 that any person holding a certificate of registration under
12 this Act is a person subject to involuntary admission under the
13 Mental Health and Developmental Disabilities Code shall
14 operate as a suspension of that registration. That person may
15 resume using the title "registered interior designer" only upon
16 a finding by the Board that he or she has been determined to be
17 no longer subject to involuntary admission by the court and
18 upon the Board's recommendation to the Director that he or she
19 be permitted to resume using the title "registered interior
20 designer".

21 (Source: P.A. 95-1023, eff. 6-1-09; 96-1334, eff. 7-27-10.)

22 Section 15. The Unified Code of Corrections is amended by
23 changing Section 5-5-5 as follows:

24 (730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)

1 Sec. 5-5-5. Loss and Restoration of Rights.

2 (a) Conviction and disposition shall not entail the loss by
3 the defendant of any civil rights, except under this Section
4 and Sections 29-6 and 29-10 of The Election Code, as now or
5 hereafter amended.

6 (b) A person convicted of a felony shall be ineligible to
7 hold an office created by the Constitution of this State until
8 the completion of his sentence.

9 (c) A person sentenced to imprisonment shall lose his right
10 to vote until released from imprisonment.

11 (d) On completion of sentence of imprisonment or upon
12 discharge from probation, conditional discharge or periodic
13 imprisonment, or at any time thereafter, all license rights and
14 privileges granted under the authority of this State which have
15 been revoked or suspended because of conviction of an offense
16 shall be restored unless the authority having jurisdiction of
17 such license rights finds after investigation and hearing that
18 restoration is not in the public interest. This paragraph (d)
19 shall not apply to the suspension or revocation of a license to
20 operate a motor vehicle under the Illinois Vehicle Code.

21 (e) Upon a person's discharge from incarceration or parole,
22 or upon a person's discharge from probation or at any time
23 thereafter, the committing court may enter an order certifying
24 that the sentence has been satisfactorily completed when the
25 court believes it would assist in the rehabilitation of the
26 person and be consistent with the public welfare. Such order

1 may be entered upon the motion of the defendant or the State or
2 upon the court's own motion.

3 (f) Upon entry of the order, the court shall issue to the
4 person in whose favor the order has been entered a certificate
5 stating that his behavior after conviction has warranted the
6 issuance of the order.

7 (g) This Section shall not affect the right of a defendant
8 to collaterally attack his conviction or to rely on it in bar
9 of subsequent proceedings for the same offense.

10 (h) No application for any license specified in subsection
11 (i) of this Section granted under the authority of this State
12 shall be denied by reason of an eligible offender who has
13 obtained a certificate of relief from disabilities, as defined
14 in Article 5.5 of this Chapter, having been previously
15 convicted of one or more criminal offenses, or by reason of a
16 finding of lack of "good moral character" when the finding is
17 based upon the fact that the applicant has previously been
18 convicted of one or more criminal offenses, unless:

19 (1) there is a direct relationship between one or more
20 of the previous criminal offenses and the specific license
21 sought; or

22 (2) the issuance of the license would involve an
23 unreasonable risk to property or to the safety or welfare
24 of specific individuals or the general public.

25 In making such a determination, the licensing agency shall
26 consider the following factors:

1 (1) the public policy of this State, as expressed in
2 Article 5.5 of this Chapter, to encourage the licensure and
3 employment of persons previously convicted of one or more
4 criminal offenses;

5 (2) the specific duties and responsibilities
6 necessarily related to the license being sought;

7 (3) the bearing, if any, the criminal offenses or
8 offenses for which the person was previously convicted will
9 have on his or her fitness or ability to perform one or
10 more such duties and responsibilities;

11 (4) the time which has elapsed since the occurrence of
12 the criminal offense or offenses;

13 (5) the age of the person at the time of occurrence of
14 the criminal offense or offenses;

15 (6) the seriousness of the offense or offenses;

16 (7) any information produced by the person or produced
17 on his or her behalf in regard to his or her rehabilitation
18 and good conduct, including a certificate of relief from
19 disabilities issued to the applicant, which certificate
20 shall create a presumption of rehabilitation in regard to
21 the offense or offenses specified in the certificate; and

22 (8) the legitimate interest of the licensing agency in
23 protecting property, and the safety and welfare of specific
24 individuals or the general public.

25 (i) A certificate of relief from disabilities shall be
26 issued only for a license or certification issued under the

1 following Acts:

2 (1) the Animal Welfare Act; except that a certificate
3 of relief from disabilities may not be granted to provide
4 for the issuance or restoration of a license under the
5 Animal Welfare Act for any person convicted of violating
6 Section 3, 3.01, 3.02, 3.03, 3.03-1, or 4.01 of the Humane
7 Care for Animals Act or Section 26-5 or 48-1 of the
8 Criminal Code of 1961 or the Criminal Code of 2012;

9 (2) the Illinois Athletic Trainers Practice Act;

10 (3) the Barber, Cosmetology, Esthetics, Hair Braiding,
11 and Nail Technology Act of 1985;

12 (4) the Boiler and Pressure Vessel Repairer Regulation
13 Act;

14 (5) the Boxing and Full-contact Martial Arts Act;

15 (6) the Illinois Certified Shorthand Reporters Act of
16 1984;

17 (7) the Illinois Farm Labor Contractor Certification
18 Act;

19 (8) the Registered Interior Designers ~~Design Title~~
20 Act;

21 (9) the Illinois Professional Land Surveyor Act of
22 1989;

23 (10) the Illinois Landscape Architecture Act of 1989;

24 (11) the Marriage and Family Therapy Licensing Act;

25 (12) the Private Employment Agency Act;

26 (13) the Professional Counselor and Clinical

1 Professional Counselor Licensing and Practice Act;

2 (14) the Real Estate License Act of 2000;

3 (15) the Illinois Roofing Industry Licensing Act;

4 (16) the Professional Engineering Practice Act of
5 1989;

6 (17) the Water Well and Pump Installation Contractor's
7 License Act;

8 (18) the Electrologist Licensing Act;

9 (19) the Auction License Act;

10 (20) the Illinois Architecture Practice Act of 1989;

11 (21) the Dietitian Nutritionist Practice Act;

12 (22) the Environmental Health Practitioner Licensing
13 Act;

14 (23) the Funeral Directors and Embalmers Licensing
15 Code;

16 (24) (blank);

17 (25) the Professional Geologist Licensing Act;

18 (26) the Illinois Public Accounting Act; and

19 (27) the Structural Engineering Practice Act of 1989.

20 (Source: P.A. 100-534, eff. 9-22-17.)

21 Section 20. The Mechanics Lien Act is amended by changing
22 Section 1 as follows:

23 (770 ILCS 60/1) (from Ch. 82, par. 1)

24 Sec. 1. Contractor defined; amount of lien; waiver of lien;

1 attachment of lien; agreement to waive; when not enforceable.

2 (a) Any person who shall by any contract or contracts,
3 express or implied, or partly expressed or implied, with the
4 owner of a lot or tract of land, or with one whom the owner has
5 authorized or knowingly permitted to contract, to improve the
6 lot or tract of land or for the purpose of improving the tract
7 of land, or to manage a structure under construction thereon,
8 is known under this Act as a contractor and has a lien upon the
9 whole of such lot or tract of land and upon adjoining or
10 adjacent lots or tracts of land of such owner constituting the
11 same premises and occupied or used in connection with such lot
12 or tract of land as a place of residence or business; and in
13 case the contract relates to 2 or more buildings, on 2 or more
14 lots or tracts of land, upon all such lots and tracts of land
15 and improvements thereon for the amount due to him or her for
16 the material, fixtures, apparatus, machinery, services or
17 labor, and interest at the rate of 10% per annum from the date
18 the same is due. This lien extends to an estate in fee, for
19 life, for years, or any other estate or any right of redemption
20 or other interest that the owner may have in the lot or tract
21 of land at the time of making such contract or may subsequently
22 acquire and this lien attaches as of the date of the contract.

23 (b) As used in subsection (a) of this Section, "improve"
24 means to furnish labor, services, material, fixtures,
25 apparatus or machinery, forms or form work in the process of
26 construction where cement, concrete or like material is used

1 for the purpose of or in the building, altering, repairing or
2 ornamenting any house or other building, walk or sidewalk,
3 whether the walk or sidewalk is on the land or bordering
4 thereon, driveway, fence or improvement or appurtenances to the
5 lot or tract of land or connected therewith, and upon, over or
6 under a sidewalk, street or alley adjoining; or fill, sod or
7 excavate such lot or tract of land, or do landscape work
8 thereon or therefor; or raise or lower any house thereon or
9 remove any house thereto, or remove any house or other
10 structure therefrom, or perform any services or incur any
11 expense as an architect, structural engineer, professional
12 engineer, land surveyor, registered interior designer, or
13 property manager in, for, or on a lot or tract of land for any
14 such purpose; or drill any water well thereon; or furnish or
15 perform labor or services as superintendent, time keeper,
16 mechanic, laborer or otherwise, in the building, altering,
17 repairing or ornamenting of the same; or furnish material,
18 fixtures, apparatus, machinery, labor or services, forms or
19 form work used in the process of construction where concrete,
20 cement or like material is used, or drill any water well on the
21 order of his agent, architect, structural engineer, registered
22 interior designer, or superintendent having charge of the
23 improvements, building, altering, repairing, or ornamenting
24 the same.

25 (c) The taking of additional security by the contractor or
26 sub-contractor is not a waiver of any right of lien which he

1 may have by virtue of this Act, unless made a waiver by express
2 agreement of the parties and the waiver is not prohibited by
3 this Act.

4 (d) An agreement to waive any right to enforce or claim any
5 lien under this Act, or an agreement to subordinate the lien,
6 where the agreement is in anticipation of and in consideration
7 for the awarding of a contract or subcontract, either express
8 or implied, to perform work or supply materials for an
9 improvement upon real property is against public policy and
10 unenforceable. This Section does not prohibit release of lien
11 under subsection (b) of Section 35 of this Act, nor does it
12 prohibit an agreement to subordinate a mechanics lien to a
13 mortgage lien that secures a construction loan if that
14 agreement is made after more than 50% of the loan has been
15 disbursed to fund improvements to the property.

16 (Source: P.A. 98-764, eff. 7-16-14.)

17 Section 99. Effective date. This Act takes effect January
18 1, 2018."