

HB1197



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB1197

by Rep. Michael J. Madigan

SYNOPSIS AS INTRODUCED:

735 ILCS 5/9-316

from Ch. 110, par. 9-316

Amends the Code of Civil Procedure. Makes a technical change in a Section concerning a lien on crops.

LRB099 05064 HEP 25093 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 Code of Civil Procedure is amended by
5 changing Section 9-316 as follows:

6 (735 ILCS 5/9-316) (from Ch. 110, par. 9-316)

7 Sec. 9-316. Lien upon crops. Every landlord shall have a
8 lien upon the ~~the~~ crops grown or growing upon the demised
9 premises for the rent thereof, whether the same is payable
10 wholly or in part in money or specific articles of property or
11 products of the premises, or labor, and also for the faithful
12 performance of the terms of the lease. Such lien shall continue
13 for the period of 6 months after the expiration of the term for
14 which the premises are demised, and may be enforced by
15 distraint as provided in Part 3 of Article IX of this Act.

16 A good faith purchaser shall, however, take such crops free
17 of any landlord's lien unless, within 6 months prior to the
18 purchase, the landlord provides written notice of his lien to
19 the purchaser by registered or certified mail. Such notice
20 shall contain the names and addresses of the landlord and
21 tenant, and clearly identify the leased property.

22 A landlord may require that, prior to his tenant's selling
23 any crops grown on the demised premises, the tenant disclose

1 the name of the person to whom the tenant intends to sell those
2 crops. Where such a requirement has been imposed, the tenant
3 shall not sell the crops to any person other than a person who
4 has been disclosed to the landlord as a potential buyer of the
5 crops.

6 A lien arising under this Section shall have priority over
7 any agricultural lien as defined in, and over any security
8 interest arising under, provisions of Article 9 of the Uniform
9 Commercial Code.

10 (Source: P.A. 91-893, eff. 7-1-01; 92-819, eff. 8-21-02.)