



# IMSCA

Illinois Mechanical & Specialty Contractors Association

inside cover



# WHAT IS IMSCA?

The **Illinois Mechanical & Specialty Contractors Association** is the principal voice for subcontractors in Illinois. IMSCA has successfully advocated on behalf of the subcontracting industry since 1967 by effectively influencing legislation and regulations, educating its members and fostering cooperation within the industry. IMSCA is well known by Illinois legislators as a knowledgeable and trusted source of industry views and a positive force for the Illinois construction industry. IMSCA's legislative representation is led by a team of experienced lobbyists who identify and review legislation potentially affecting subcontractors, discussing the bills with IMSCA members and advising members of the Illinois General Assembly about the concerns and perspectives of IMSCA's member associations and their members. IMSCA also monitors actions and proposed changes by Illinois government agencies that impact construction, such as the Illinois Capital Development Board. IMSCA also serves its members by providing useful information and providing practical education for subcontractors.



519 South Grand Avenue, Springfield, IL 62704  
Phone: (217) 523-4361 Fax: (217) 679-4657  
[imsca.org](http://imsca.org)

# HOW DO I BENEFIT AS A MEMBER OF IMSCA?

*As a member of IMSCA, you will receive legislative representation on issues affecting your business as a subcontractor. IMSCA's legislative accomplishments include:*



- **PASSED** legislation that made contracts waiving mechanics lien rights unenforceable in Illinois.
- **PASSED** legislation that awards attorneys' fees to subcontractors who recover payment for mechanics lien claims when pay is withheld for no just cause.
- **PASSED** legislation that overturned an Illinois Supreme Court Ruling known as "Cypress Creek" that would have given bank mortgages priority over mechanics lien claims.
- **PASSED** legislation preventing the subordination of mechanics liens to a construction lenders mortgage.
- **STOPPED** legislation requiring 10% of man hours performing construction services be performed by individuals who reside in areas of poverty.
- **DEFEATED** attempts to abolish the multiple prime contracting system in Illinois.
- **PASSED** legislation amending the Public Construction Bond Act to require sureties to meet certain qualifications including: bonds MUST have a certificate of authority from the Department of Insurance, and the company must have a financial rating of at least an A-.
- **SUCCESSFULLY NEGOTIATED** legislation that permits a bonding over of mechanics liens to require that the bond be 175% of the lien claim and that lien claimants be paid attorneys' fees when they sue to get paid.
- **AMENDED** the Condominium Property Act to permit easier perfection of mechanics lien claims.
- **STOPPED** legislation that would have REQUIRED a written and executed contract in order for you to file a mechanics lien.
- **PASSED** legislation extending the time a commercial construction project may last and still permit the filing of a mechanics lien from 3 to 5 years.
- **STOPPED** legislation that would have allowed out-of-state contractors to enter Illinois during a state of emergency to provide disaster relief services WITHOUT meeting licensing requirements, or register, file or remit state and local taxes on disaster related work.
- **SUCCESSFULLY NEGOTIATED** amendments to minimize bid-shopping under Design Build laws.
- **STOPPED** legislation requiring contractors to obtain an Equal Pay certificate as a condition of entering into a contract on a public works project.
- **STOPPED** legislation seeking to allow employees to file liens on their employers' personal property if the employer failed to pay the employee wages or other compensation.
- **SUCCESSFULLY NEGOTIATED** amendments to the Home Repair and Remodeling Act to ensure contractors still get paid – even if there is technical non-compliance with the Act.
- **AMENDED** Illinois Mechanics Lien Act to permit liens on rental equipment and enacted a provision that a "pay-if-paid" clause in a contract does not defeat a lien claim.

IMSCA  
is also  
responsible  
for:



*IMSCA  
consistently fights  
for our members  
on these issues and  
many more each  
legislative session.*

- Creating the **Contractors Prompt Payment Act**. To promote faster payment of contractors and subcontractors pay requests, IMSCA introduced and passed legislation that required payment within 15 days after invoice approval. It obligated owners to notify contractors within 25 days of receiving a pay request or, it is presumed the invoice is approved and it must be paid within 15 days. The law contains interest as a penalty for slow pay, and the contractor is permitted to cease work for a violation by the owner. **IMSCA is also responsible for strengthening the Public Construction Prompt Payment Act.**
- **Repeal of the Structural Work Act**. IMSCA worked with other interest groups in securing the repeal of the Structural Work Act. Since that time, we have continued to work successfully in defeating all attempts to re-establish a Structural Work Act in Illinois; which would drastically increase the liability of construction companies even when they are found not negligent.
- **Workers' Compensation**. IMSCA took the lead in securing the ability of the construction industry to take part in negotiations on Workers' Compensation issues. Because of IMSCA's leadership, the construction industry now has a voice, and a seat at the table to participate in all negotiations for changes to Workers' Compensation that affect the construction industry.
- IMSCA led the effort to establish Illinois jurisdiction and mandated the application of Illinois laws in disputes arising from contracts for construction of Illinois real estate. In an effort to ease difficulty for Illinois contractors, **IMSCA introduced and passed legislation that resolved the jurisdiction issue in favor of Illinois contractors**, providing substantial cost savings and increasing uniformity in decisions involving Illinois construction law.

*“As a plumbing contractor and small business owner, I know that having a voice in Springfield through the legislative and lobbying efforts of IMSCA can positively impact my business in terms of protecting our state licensing laws, ensuring our mechanics lien rights, and advising all of us to take action on proposed bills affecting our industry. I witnessed first-hand the difference it makes walking into an elected official’s office with the trusted reputation and collective strength of IMSCA behind me. I’m extremely pleased that the PCA Midwest supports IMSCA and I would encourage all of our other industry partners to do the same.”*

*~Rick Kuhn*  
PCA Midwest Contractor,  
R.J. Kuhn Plumbing, Heating & Cooling, Inc.

## WHAT IS IMSCA-PAC?



In addition to providing legislative representation to our members, **IMSCA** also has a **Political Action Committee**: IMSCA-PAC. The IMSCA-PAC equips your IMSCA lobbying team with the necessary tools to fight for issues that are important to you as a sub-contractor. IMSCA-PAC is funded by voluntary contributions from our members. IMSCA-PAC is bi-partisan and makes financial contributions to candidates and elected officials on the state level who are receptive to the concerns of the Illinois construction industry. IMSCA-PAC allows Illinois contractors to speak as one collective voice in Springfield. IMSCA staff works in conjunction with IMSCA members to make support and endorsement decisions to candidates – giving you a say in how IMSCA-PAC dollars are spent.

# ARE THERE ADDITIONAL MEMBER BENEFITS?

IMSCA staff provides members with up-to-date information on legislation that may impact the Illinois construction industry. Members are provided Legislative Updates throughout the legislative session keeping you aware of bills that are introduced in the General Assembly and the status of each bill.

In addition, IMSCA members receive a twice yearly online magazine, **SubStance**; which features articles written by industry experts on important issues facing contractors and small business owners. SubStance also includes news and updates from IMSCA staff.

IMSCA members also have unique opportunities to meet their legislators and other Illinois leaders through IMSCA events. Each year IMSCA hosts an annual **Lobby Day** event giving IMSCA members the opportunity to learn first-hand what is happening in Springfield. You also have the opportunity to meet privately with your elected officials to make your voice heard on issues affecting your business.

IMSCA members are also represented at the **Capital Development Board Advisory Committee** meetings. The CDB Advisory



Committee meets quarterly and provides the construction industry with a unique opportunity to hear directly from CDB staff the current status on state construction projects. IMSCA's participation at these meetings has been particularly helpful to IMSCA members during the 2015 and 2017 stop work orders that were issued. IMSCA staff was able to assist IMSCA members in understanding the process of getting many of these jobs re-started.

IMSCA monitors lawsuits of particular concern to the contracting industry, such as the recent successful action to force the **Illinois Department of Labor** to publish the updated prevailing wage rates for Illinois.



*“In the past few years of my involvement in IMSCA, I have realized that IMSCA carries a lot of weight and influence in Springfield on behalf of Illinois subcontractors. IMSCA protects my business interests, livelihood and makes my job easier as a contractor. I have a partner and legislative watchdog through IMSCA. I am glad that IMSCA is in my corner ready to lead and present my needs as a contractor to legislators in Springfield.”*

*~ Dave Nelson*  
Nelson Piping Co., MCA Chicago/Rock River MCA

# THANK You

*Thank you to all IMSCA members for your ongoing support and assistance. IMSCA staff depends on you for your expertise and participation in the legislative process. Your support and interest in IMSCA's mission is appreciated. We are confident that by working alongside our members, IMSCA will remain a powerful voice representing the Illinois sub-contracting industry.*

*“As the CEO of an electrical contracting firm in Southwestern Illinois and an Illinois Chapter NECA member, I can attest to the value of IMSCA. IMSCA is the voice of the Illinois construction industry in Springfield. IMSCA advances legislation and regulatory policies that impact the construction industry and keeps us informed of current issues affecting our industry and businesses. I appreciate being notified of upcoming votes in the Illinois legislature and have witnessed the success of IMSCA's Calls to Action to contact our legislators before those votes”.*

*~ Ken Keeney  
CEO, Pyramid Electrical Contractors, Inc.*



# CURRENT IMSCA MEMBERS

To view a full list of current IMSCA members, please visit [IMSCA.org](http://IMSCA.org)

back cover



519 South Grand Avenue, Springfield, IL 62704  
Phone: (217) 523-4361 Fax: (217) 679-4657  
[imsca.org](http://imsca.org)