



Rep. Lawrence Walsh, Jr.

Filed: 3/28/2017

10000HB3036ham001

LRB100 08471 AWJ 24132 a

1 AMENDMENT TO HOUSE BILL 3036

2 AMENDMENT NO. _____. Amend House Bill 3036 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Counties Code is amended by changing
5 Section 3-5018 and by adding Section 3-5018.1 as follows:

6 (55 ILCS 5/3-5018) (from Ch. 34, par. 3-5018)

7 Sec. 3-5018. Traditional fee schedule Fees. Except as
8 provided for in Section 3-5018.1, the ~~The~~ recorder elected as
9 provided for in this Division shall receive such fees as are or
10 may be provided for him or her by law, in case of provision
11 therefor: otherwise he or she shall receive the same fees as
12 are or may be provided in this Section, except when increased
13 by county ordinance or resolution pursuant to the provisions of
14 this Section, to be paid to the county clerk for his or her
15 services in the office of recorder for like services.

16 For recording deeds or other instruments, \$12 for the first

1 4 pages thereof, plus \$1 for each additional page thereof, plus
2 \$1 for each additional document number therein noted. The
3 aggregate minimum fee for recording any one instrument shall
4 not be less than \$12.

5 For recording deeds or other instruments wherein the
6 premises affected thereby are referred to by document number
7 and not by legal description, a fee of \$1 in addition to that
8 hereinabove referred to for each document number therein noted.

9 For recording assignments of mortgages, leases or liens,
10 \$12 for the first 4 pages thereof, plus \$1 for each additional
11 page thereof. However, except for leases and liens pertaining
12 to oil, gas and other minerals, whenever a mortgage, lease or
13 lien assignment assigns more than one mortgage, lease or lien
14 document, a \$7 fee shall be charged for the recording of each
15 such mortgage, lease or lien document after the first one.

16 For recording any document that affects an interest in real
17 property other than documents which solely affect or relate to
18 an easement for water, sewer, electricity, gas, telephone or
19 other public service, the recorder shall charge a fee of \$1 per
20 document to all filers of documents not filed by any State
21 agency, any unit of local government, or any school district.
22 Fifty cents of the \$1 fee hereby established shall be deposited
23 into the County General Revenue Fund. The remaining \$0.50 shall
24 be deposited into the Recorder's Automation Fund and may not be
25 appropriated or expended for any other purpose. The additional
26 amounts available to the recorder for expenditure from the

1 Recorder's Automation Fund shall not offset or reduce any other
2 county appropriations or funding for the office of the
3 recorder.

4 For recording maps or plats of additions or subdivisions
5 approved by the county or municipality (including the spreading
6 of the same of record in map case or other proper books) or
7 plats of condominiums, \$50 for the first page, plus \$1 for each
8 additional page thereof except that in the case of recording a
9 single page, legal size 8 1/2 x 14, plat of survey in which
10 there are no more than two lots or parcels of land, the fee
11 shall be \$12. In each county where such maps or plats are to be
12 recorded, the recorder may require the same to be accompanied
13 by such number of exact, true and legible copies thereof as the
14 recorder deems necessary for the efficient conduct and
15 operation of his or her office.

16 For non-certified copies of records, an amount not to
17 exceed one-half of the amount provided in this Section for
18 certified copies, according to a standard scale of fees,
19 established by county ordinance or resolution and made public.
20 The provisions of this paragraph shall not be applicable to any
21 person or entity who obtains non-certified copies of records in
22 the following manner: (i) in bulk for all documents recorded on
23 any given day in an electronic or paper format for a negotiated
24 amount less than the amount provided for in this paragraph for
25 non-certified copies, (ii) under a contractual relationship
26 with the recorder for a negotiated amount less than the amount

1 provided for in this paragraph for non-certified copies,
2 or (iii) by means of Internet access pursuant to Section
3 5-1106.1.

4 For certified copies of records, the same fees as for
5 recording, but in no case shall the fee for a certified copy of
6 a map or plat of an addition, subdivision or otherwise exceed
7 \$10.

8 Each certificate of such recorder of the recording of the
9 deed or other writing and of the date of recording the same
10 signed by such recorder, shall be sufficient evidence of the
11 recording thereof, and such certificate including the indexing
12 of record, shall be furnished upon the payment of the fee for
13 recording the instrument, and no additional fee shall be
14 allowed for the certificate or indexing.

15 The recorder shall charge an additional fee, in an amount
16 equal to the fee otherwise provided by law, for recording a
17 document (other than a document filed under the Plat Act or the
18 Uniform Commercial Code) that does not conform to the following
19 standards:

20 (1) The document shall consist of one or more
21 individual sheets measuring 8.5 inches by 11 inches, not
22 permanently bound and not a continuous form. Graphic
23 displays accompanying a document to be recorded that
24 measure up to 11 inches by 17 inches shall be recorded
25 without charging an additional fee.

26 (2) The document shall be legibly printed in black ink,

1 by hand, type, or computer. Signatures and dates may be in
2 contrasting colors if they will reproduce clearly.

3 (3) The document shall be on white paper of not less
4 than 20-pound weight and shall have a clean margin of at
5 least one-half inch on the top, the bottom, and each side.
6 Margins may be used for non-essential notations that will
7 not affect the validity of the document, including but not
8 limited to form numbers, page numbers, and customer
9 notations.

10 (4) The first page of the document shall contain a
11 blank space, measuring at least 3 inches by 5 inches, from
12 the upper right corner.

13 (5) The document shall not have any attachment stapled
14 or otherwise affixed to any page.

15 A document that does not conform to these standards shall not
16 be recorded except upon payment of the additional fee required
17 under this paragraph. This paragraph, as amended by this
18 amendatory Act of 1995, applies only to documents dated after
19 the effective date of this amendatory Act of 1995.

20 The county board of any county may provide for an
21 additional charge of \$3 for filing every instrument, paper, or
22 notice for record, (1) in order to defray the cost of
23 converting the county recorder's document storage system to
24 computers or micrographics and (2) in order to defray the cost
25 of providing access to records through the global information
26 system known as the Internet.

1 A special fund shall be set up by the treasurer of the
2 county and such funds collected pursuant to Public Act 83-1321
3 shall be used (1) for a document storage system to provide the
4 equipment, materials and necessary expenses incurred to help
5 defray the costs of implementing and maintaining such a
6 document records system and (2) for a system to provide
7 electronic access to those records.

8 The county board of any county that provides and maintains
9 a countywide map through a Geographic Information System (GIS)
10 may provide for an additional charge of \$3 for filing every
11 instrument, paper, or notice for record (1) in order to defray
12 the cost of implementing or maintaining the county's Geographic
13 Information System and (2) in order to defray the cost of
14 providing electronic or automated access to the county's
15 Geographic Information System or property records. Of that
16 amount, \$2 must be deposited into a special fund set up by the
17 treasurer of the county, and any moneys collected pursuant to
18 this amendatory Act of the 91st General Assembly and deposited
19 into that fund must be used solely for the equipment,
20 materials, and necessary expenses incurred in implementing and
21 maintaining a Geographic Information System and in order to
22 defray the cost of providing electronic access to the county's
23 Geographic Information System records. The remaining \$1 must be
24 deposited into the recorder's special funds created under
25 Section 3-5005.4. The recorder may, in his or her discretion,
26 use moneys in the funds created under Section 3-5005.4 to

1 defray the cost of implementing or maintaining the county's
2 Geographic Information System and to defray the cost of
3 providing electronic access to the county's Geographic
4 Information System records.

5 The recorder shall collect a \$9 Rental Housing Support
6 Program State surcharge for the recordation of any real
7 estate-related document. Payment of the Rental Housing Support
8 Program State surcharge shall be evidenced by a receipt that
9 shall be marked upon or otherwise affixed to the real
10 estate-related document by the recorder. The form of this
11 receipt shall be prescribed by the Department of Revenue and
12 the receipts shall be issued by the Department of Revenue to
13 each county recorder.

14 The recorder shall not collect the Rental Housing Support
15 Program State surcharge from any State agency, any unit of
16 local government or any school district.

17 On the 15th day of each month, each county recorder shall
18 report to the Department of Revenue, on a form prescribed by
19 the Department, the number of real estate-related documents
20 recorded for which the Rental Housing Support Program State
21 surcharge was collected. Each recorder shall submit \$9 of each
22 surcharge collected in the preceding month to the Department of
23 Revenue and the Department shall deposit these amounts in the
24 Rental Housing Support Program Fund. Subject to appropriation,
25 amounts in the Fund may be expended only for the purpose of
26 funding and administering the Rental Housing Support Program.

1 For purposes of this Section, "real estate-related
2 document" means that term as it is defined in Section 7 of the
3 Rental Housing Support Program Act.

4 The foregoing fees allowed by this Section are the maximum
5 fees that may be collected from any officer, agency, department
6 or other instrumentality of the State. The county board may,
7 however, by ordinance or resolution, increase the fees allowed
8 by this Section and collect such increased fees from all
9 persons and entities other than officers, agencies,
10 departments and other instrumentalities of the State if the
11 increase is justified by an acceptable cost study showing that
12 the fees allowed by this Section are not sufficient to cover
13 the cost of providing the service. Regardless of any other
14 provision in this Section, the maximum fee that may be
15 collected from the Department of Revenue for filing or indexing
16 a lien, certificate of lien release or subordination, or any
17 other type of notice or other documentation affecting or
18 concerning a lien is \$5. Regardless of any other provision in
19 this Section, the maximum fee that may be collected from the
20 Department of Revenue for indexing each additional name in
21 excess of one for any lien, certificate of lien release or
22 subordination, or any other type of notice or other
23 documentation affecting or concerning a lien is \$1.

24 A statement of the costs of providing each service, program
25 and activity shall be prepared by the county board. All
26 supporting documents shall be public record and subject to

1 public examination and audit. All direct and indirect costs, as
2 defined in the United States Office of Management and Budget
3 Circular A-87, may be included in the determination of the
4 costs of each service, program and activity.

5 (Source: P.A. 98-5, eff. 3-22-13; 98-217, eff. 8-9-13; 98-756,
6 eff. 7-16-14.)

7 (55 ILCS 5/3-5018.1 new)

8 Sec. 3-5018.1. Predictable fee schedule.

9 (a) As used in this Section:

10 "Nonstandard document" means:

11 (1) a document that creates a division of a then active
12 existing tax parcel identification number;

13 (2) a document recorded pursuant to the Uniform
14 Commercial Code;

15 (3) a document which is non-conforming, as described in
16 paragraphs (1) through (5) of Section 3-5018;

17 (4) a State lien or a federal lien;

18 (5) a document making specific reference to more than 5
19 tax parcel identification numbers in the county in which it
20 is presented for recording; or

21 (6) a document making specific reference to more than 5
22 other document numbers recorded in the county in which it
23 is presented for recording.

24 "Standard document" means any document other than a
25 nonstandard document.

1 (b) On or before January 1, 2019, a county shall adopt and
2 implement, by ordinance or resolution, a predictable fee
3 schedule that eliminates surcharges or fees based on the
4 individual attributes of a standard document to be recorded.
5 The initial predictable fee schedule approved by a county board
6 shall be set only as allowed under subsections (c) and (d) and
7 any subsequent predictable fee schedule approved by a county
8 board shall be set only as allowed under subsection (e). Except
9 as to the recording of standard documents, the fees imposed by
10 Section 3-5018 shall remain in effect. Under a predictable fee
11 schedule, no charge shall be based on: page count; number,
12 length, or type of legal descriptions; number of tax
13 identification or other parcel identifying code numbers;
14 number of common addresses; number of references contained as
15 to other recorded documents or document numbers; or any other
16 individual attribute of the document except as expressly
17 provided in this Section. The fee charged under this Section
18 shall be inclusive of all county and State fees that the county
19 may elect or is required to impose or adjust, including, but
20 not limited to, GIS fees, automation fees, document storage
21 fees, and the Rental Housing Support Program State surcharge.

22 A predictable fee schedule ordinance or resolution adopted
23 under this Section shall list standard document fees, including
24 document class flat fees as required by subsection (c), and
25 non-standard document fees.

26 Before approval of an ordinance or resolution under this

1 Section, the recorder or county clerk shall post a notice in
2 their office at least 2 weeks prior, but not more than 4 weeks
3 prior, to the public meeting at which the ordinance or
4 resolution may be adopted. The notice shall contain the
5 proposed ordinance or resolution number, if any, the proposed
6 document class flat fees for each classification, and a
7 reference to this Section or this amendatory Act of the 100th
8 General Assembly.

9 A predictable fee schedule takes effect 60 days after an
10 ordinance or resolution is adopted.

11 (c) Pursuant to an ordinance or resolution adopted under
12 subsection (b), the recorder elected as provided for in this
13 Division shall receive such fees as are or may be provided for
14 him or her by law, in case of provision thereof: otherwise he
15 or she shall receive the same fees as are or may be provided in
16 this Section except when increased by county ordinance or
17 resolution pursuant to the provisions of this Section, to be
18 paid to the county clerk for his or her services in the office
19 of recorder for like services. For the purposes of the fee
20 charged, the ordinance or resolution shall divide standard
21 documents into the following classifications and shall
22 establish a single, all inclusive, county and State-imposed
23 aggregate fee charged for each such classification of document
24 at the time of recording for that document, which is called the
25 document class flat fee. A standard document is not subject to
26 more than one classification at the time of recording for the

1 purposes of imposing any fee. Each standard document shall fall
2 within one of the following document class flat fee
3 classifications and fees for each document class shall be
4 charged only as allowed by this subsection (c) and subsection
5 (d):

6 (1) Deeds. The aggregate fee for recording deeds shall
7 not be less than \$21 (being a minimum \$12 county fee plus
8 \$9 for the Rental Housing Support Program State surcharge).
9 Inclusion of language in the deed as to any restriction;
10 covenant; lien; oil, gas, or other mineral interest;
11 easement; lease; or a mortgage shall not alter the
12 classification of a document as a deed.

13 (2) Leases, lease amendments, and similar transfer of
14 interest documents. The aggregate fee for recording
15 leases, lease amendments, and similar transfers of
16 interest documents shall not be less than \$21 (being a
17 minimum \$12 county fee plus \$9 for the Rental Housing
18 Support Program State surcharge).

19 (3) Mortgages. The aggregate fee for recording
20 mortgages, including assignments, extensions, amendments,
21 subordinations, and mortgage releases shall not be less
22 than \$21 (being a minimum \$12 county fee plus \$9 for the
23 Rental Housing Support Program State surcharge).

24 (4) Easements not otherwise part of another
25 classification. The aggregate fee for recording easements
26 not otherwise part of another classification, including

1 assignments, extensions, amendments, and easement releases
2 not filed by a State agency, unit of local government, or
3 school district shall not be less than \$21 (being a minimum
4 \$12 county fee plus \$9 for the Rental Housing Support
5 Program State surcharge).

6 (5) Miscellaneous. The aggregate fee for recording
7 documents not otherwise falling within classifications set
8 forth in paragraphs (1) through (4) and are not nonstandard
9 documents shall not be less than \$21 (being a minimum \$12
10 county fee plus \$9 for the Rental Housing Support Program
11 State surcharge). Nothing in this subsection shall
12 preclude an alternate predictable fee schedule for
13 electronic recording within each of the classifications
14 set forth in this subsection (c). If the Rental Housing
15 Support Program State surcharge is amended and the
16 surcharge is increased or lowered, the aggregate amount of
17 the document flat fee attributable to the surcharge in the
18 document may be changed accordingly.

19 (d) If an ordinance or resolution establishing a
20 predictable fee schedule is adopted pursuant to subsection (b)
21 and any document class flat fee exceeds \$21, the county board
22 shall:

23 (1) obtain from the clerk or recorder an analysis of
24 the average fees collected for the recording of each of the
25 classifications under subsection (c) based on the 3
26 previous years of recording data, and, if a cost study has

1 not been performed, set respective document class flat fees
2 for each of the 5 document classifications at the average
3 for that class rounded upward to the next whole dollar
4 amount; or

5 (2) if a cost study has been completed within the last
6 3 years that shows \$21 is not sufficient to cover the costs
7 of providing the services related to each document class,
8 obtain from the clerk or recorder an analysis of the
9 average fees collected for the recording of each of the
10 document classifications under subsection (c) from the
11 date of the cost study and set respective document class
12 flat fees for each of the 5 document classifications at the
13 average for that document class rounded upward to the next
14 whole dollar amount.

15 (e) After a document class flat fee is approved by a county
16 board under subsection (b), the county board may, by ordinance
17 or resolution, increase the document class flat fee and collect
18 the increased fees only if the increase is justified by a cost
19 study that shows that the fees allowed by subsections (c) and
20 (d) are not sufficient to cover the cost of providing the
21 service related to the document class for which the fee is to
22 be increased. A statement of the costs of providing each
23 service, program, and activity shall be prepared by the county
24 board. All supporting documents shall be public record and
25 subject to public examination and audit. All direct and
26 indirect costs, as defined in the United States Office of

1 Management and Budget Circular A-87, may be included in the
2 determination of the costs of each service, program, and
3 activity.

4 Nothing in this Section precludes a county board from
5 adjusting amounts or allocations within a given document class
6 flat fee as long as the document class flat fee is not
7 increased.

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.".