

**SB2278**



**96TH GENERAL ASSEMBLY**

**State of Illinois**

**2009 and 2010**

**SB2278**

Introduced 2/20/2009, by Sen. Linda Holmes

**SYNOPSIS AS INTRODUCED:**

55 ILCS 5/3-5018

from Ch. 34, par. 3-5018

Amends the Counties Code. Makes a technical change to a Section concerning the county recorder's fee.

LRB096 11592 RLJ 22080 b

**A BILL FOR**

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

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

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

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

15 For recording deeds or other instruments \$12 for the first  
16 4 pages thereof, plus \$1 for each additional page thereof, plus  
17 \$1 for each additional document number therein noted. The  
18 aggregate minimum fee for recording any one instrument shall  
19 not be less than \$12.

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

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

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

20 For certified copies of records the same fees as for  
21 recording, but in no case shall the fee for a certified copy of  
22 a map or plat of an addition, subdivision or otherwise exceed  
23 \$10.

24 Each certificate of such recorder of the recording of the  
25 deed or other writing and of the date of recording the same  
26 signed by such recorder, shall be sufficient evidence of the

1 recording thereof, and such certificate including the indexing  
2 of record, shall be furnished upon the payment of the fee for  
3 recording the instrument, and no additional fee shall be  
4 allowed for the certificate or indexing.

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

10 (1) The document shall consist of one or more  
11 individual sheets measuring 8.5 inches by 11 inches, not  
12 permanently bound and not a continuous form. Graphic  
13 displays accompanying a document to be recorded that  
14 measure up to 11 inches by 17 inches shall be recorded  
15 without charging an additional fee.

16 (2) The document shall be legibly printed in black ink,  
17 by hand, type, or computer. Signatures and dates may be in  
18 contrasting colors if they will reproduce clearly.

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

26 (4) The first page of the document shall contain a

1 blank space, measuring at least 3 inches by 5 inches, from  
2 the upper right corner.

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

5 A document that does not conform to these standards shall not  
6 be recorded except upon payment of the additional fee required  
7 under this paragraph. This paragraph, as amended by this  
8 amendatory Act of 1995, applies only to documents dated after  
9 the effective date of this amendatory Act of 1995.

10 The county board of any county may provide for an  
11 additional charge of \$3 for filing every instrument, paper, or  
12 notice for record, (1) in order to defray the cost of  
13 converting the county recorder's document storage system to  
14 computers or micrographics and (2) in order to defray the cost  
15 of providing access to records through the global information  
16 system known as the Internet.

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

24 The county board of any county that provides and maintains  
25 a countywide map through a Geographic Information System (GIS)  
26 may provide for an additional charge of \$3 for filing every

1 instrument, paper, or notice for record (1) in order to defray  
2 the cost of implementing or maintaining the county's Geographic  
3 Information System and (2) in order to defray the cost of  
4 providing electronic access to the county's Geographic  
5 Information System records. Of that amount, \$2 must be  
6 deposited into a special fund set up by the treasurer of the  
7 county, and any moneys collected pursuant to this amendatory  
8 Act of the 91st General Assembly and deposited into that fund  
9 must be used solely for the equipment, materials, and necessary  
10 expenses incurred in implementing and maintaining a Geographic  
11 Information System and in order to defray the cost of providing  
12 electronic access to the county's Geographic Information  
13 System records. The remaining \$1 must be deposited into the  
14 recorder's special funds created under Section 3-5005.4. The  
15 recorder may, in his or her discretion, use moneys in the funds  
16 created under Section 3-5005.4 to defray the cost of  
17 implementing or maintaining the county's Geographic  
18 Information System and to defray the cost of providing  
19 electronic access to the county's Geographic Information  
20 System records.

21 The recorder shall collect a \$10 Rental Housing Support  
22 Program State surcharge for the recordation of any real  
23 estate-related document. Payment of the Rental Housing Support  
24 Program State surcharge shall be evidenced by a receipt that  
25 shall be marked upon or otherwise affixed to the real  
26 estate-related document by the recorder. The form of this

1 receipt shall be prescribed by the Department of Revenue and  
2 the receipts shall be issued by the Department of Revenue to  
3 each county recorder.

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

7 One dollar of each surcharge shall be retained by the  
8 county in which it was collected. This dollar shall be  
9 deposited into the county's general revenue fund. Fifty cents  
10 of that amount shall be used for the costs of administering the  
11 Rental Housing Support Program State surcharge and any other  
12 lawful expenditures for the operation of the office of the  
13 recorder and may not be appropriated or expended for any other  
14 purpose. The amounts available to the recorder for expenditure  
15 from the surcharge shall not offset or reduce any other county  
16 appropriations or funding for the office of the recorder.

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

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



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

4 (Source: P.A. 93-256, eff. 7-22-03; 94-118, eff. 7-5-05.)