

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 adding Section
5 3-5010.10 as follows:

6 (55 ILCS 5/3-5010.10 new)

7 Sec. 3-5010.10. Property fraud alert system; registration
8 by property owners and real estate professionals.

9 (a) As used in this Section:

10 "Property fraud alert system" means any electronic or
11 automated alert system run by a county or by a third-party
12 vendor, by whatever name, that informs a property owner by
13 e-mail, telephone, or mail when a document is recorded with the
14 county recorder that relates to a registered property.

15 "Real estate professional" means a licensed real estate
16 agent, attorney, closing agent, or agent of a title insurance
17 company.

18 (b) In a county that has a property fraud alert system, a
19 recorder may create a registration form for a real estate
20 professional to file with the recorder on behalf of a property
21 owner to register the property owner in the county's property
22 fraud alert system. The registration form must contain the
23 following minimum information:

1 (1) A notice on the top of the form that property
2 owners are not required to register with the county's
3 property fraud alert system.

4 (2) A description of the county's property fraud alert
5 system; the name of the third-party vendor, if any, who
6 operates the property fraud alert system; and the cost, if
7 any, to the property owner of the property fraud alert
8 system;

9 (3) A portion to be completed by a property owner and
10 real estate professional containing:

11 (i) the property owner's name and mailing address;

12 (ii) the Property Index Number (PIN) or unique
13 parcel identification code of the property for which an
14 alert will be created;

15 (iii) the e-mail, telephone number, or mailing
16 address the property owner would like to receive the
17 alert;

18 (iv) any information a third-party vendor who
19 operates a county's property fraud alert system
20 requires to register a property owner;

21 (v) if required, payment method and billing
22 information;

23 (vi) a clear and conspicuous notice, immediately
24 before the signatures, stating that the property owner
25 understands that neither the recorder, nor a
26 third-party vendor operating a county's property fraud

1 alert system, nor a real estate professional, nor any
2 employees thereof shall be liable to the property owner
3 should the property fraud alert system fail to alert
4 the property owner of any document being recorded and
5 that it is the property owner's responsibility to
6 verify the information he or she has provided is
7 correct and that he or she is registered with the
8 property fraud alert system;

9 (vii) a place for the property owner's signature;

10 (viii) a place for the real estate professional's
11 signature, if applicable, along with a statement
12 indicating that the real estate professional is
13 registered with the recorder and is allowed to file the
14 registration form with the recorder; and

15 (ix) a place to list up to 3 other persons to
16 receive a property fraud alert, including each
17 person's e-mail, telephone number, or address where he
18 or she will receive the alert.

19 (c) A property owner or real estate professional may file a
20 completed and signed registration form with the recorder. When
21 a recorder receives such a completed and signed registration
22 form, the recorder shall complete the registration process for
23 the property owner listed on the registration form by entering
24 the information from the registration form into the property
25 fraud alert system.

26 (d) A real estate professional that wishes to file

1 registration forms with the recorder on behalf of property
2 owners must first register with the recorder by verifying they
3 are a licensed real estate agent, attorney, closing agent, or
4 agent of a title insurance company. The recorder shall keep a
5 list of all registered real estate professionals.

6 (e) No county, recorder, third-party vendor operating a
7 county's property fraud alert system, real estate
8 professional, or any employees thereof shall be subject to
9 liability, except for willful and wanton misconduct, for any
10 error or omission in registering a property owner pursuant to
11 this Section or for any damages caused by the failure of the
12 property owner to be alerted of any document that was recorded
13 that relates to a property registered under the owner's name.

14 (f) A home rule unit shall not use or create a registration
15 form for use by a real estate professional to register a
16 property owner on the county's property fraud alert system that
17 conflicts with this Section. This Section is a limitation under
18 subsection (i) of Section 6 of Article VII of the Illinois
19 Constitution on the concurrent exercise by home rule units of
20 powers and functions exercised by the State. However, nothing
21 in this Section shall prevent any person from signing up for a
22 property fraud alert system by other means than those provided
23 for in this Section, including, but not limited to, on a
24 county's website or a third-party vendor's website that hosts a
25 property fraud alert system.