

1 AN ACT concerning local governments.

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

4 Section 3. The Local Government Acceptance of Credit
5 Cards Act is amended by changing Section 25 as follows:

6 (50 ILCS 345/25)

7 Sec. 25. Payment of fees by cardholders.

8 (a) The governing body of a local governmental entity
9 authorizing acceptance of payment by credit card may, but is
10 not required to, impose a convenience fee or surcharge upon a
11 cardholder making payment by credit card in an amount to
12 wholly or partially offset, but in no event exceed, the
13 amount of any discount or processing fee incurred by the
14 local governmental entity. This convenience fee or surcharge
15 may be applied only when allowed under the operating rules
16 and regulations of the credit card involved. When a
17 cardholder elects to make a payment by credit card to a local
18 governmental entity and a convenience fee or surcharge is
19 imposed, the payment of the convenience fee or surcharge
20 shall be deemed voluntary by the person and shall not be
21 refundable.

22 (b) No fee, or accumulation of fees, that exceeds the
23 lesser of \$20 or 5% of the principal amount charged may be
24 imposed in connection with the issuance of any license,
25 sticker, or permit, or with respect to any other similar
26 transaction. No fee, or accumulation of fees, that exceeds
27 the lesser of \$5 or 5% of the transaction involved may be
28 imposed in connection with the payment of any fine. No fee,
29 or accumulation of fees, in excess of the lesser of \$40 or 3%
30 of the principal amount charged may be imposed in connection
31 with the payment of any real estate or other tax.

1 (c) Notwithstanding the provisions of subsection (b), a
2 minimum fee of \$1 may be imposed with respect to any
3 transaction.

4 Notwithstanding the provisions of subsection (b), a fee
5 in excess of the limits in subsection (b) may be imposed by a
6 local governmental entity on a transaction if (i) the fee
7 imposed by the local governmental entity is no greater than a
8 fee charged by the financial institution or service provider
9 accepting and processing credit card payments on behalf of
10 the local governmental entity; (ii) the financial institution
11 or service provider accepting and processing the credit card
12 payments was selected by competitive bid and, when
13 applicable, in accordance with the provisions of the Illinois
14 Procurement Code; and (iii) the local governmental entity
15 fully discloses the amount of the fee to the cardholder.

16 (Source: P.A. 90-518, eff. 8-22-97.)

17 Section 5. The Clerks of Courts Act is amended by
18 changing Sections 27.1 and 27.3 as follows:

19 (705 ILCS 105/27.1) (from Ch. 25, par. 27.1)

20 Sec. 27.1. The fees of the Clerk of the Circuit Court in
21 all counties having a population of 180,000 inhabitants or
22 less shall be paid in advance, except as otherwise provided,
23 and shall be as follows:

24 (a) Civil Cases.

- 25 (1) All civil cases except as otherwise
- 26 provided..... \$40
- 27 (2) Judicial Sales (except Probate)..... \$40

28 (b) Family.

- 29 (1) Commitment petitions under the Mental
- 30 Health and Developmental Disabilities Code, filing
- 31 transcript of commitment proceedings held in
- 32 another county, and cases under the Juvenile Court

1	Act of 1987.....	\$25
2	(2) Petition for Marriage Licenses.....	\$10
3	(3) Marriages in Court.....	\$10
4	(4) Paternity.....	\$40
5	(c) Criminal and Quasi-Criminal_	
6	(1) Each person convicted of a felony.....	\$40
7	(2) Each person convicted of a misdemeanor,	
8	leaving scene of an accident, driving while	
9	intoxicated, reckless driving or drag racing,	
10	driving when license revoked or suspended,	
11	overweight, or no interstate commerce certificate,	
12	or when the disposition is court supervision.....	\$25
13	(3) Each person convicted of a business	
14	offense.....	\$25
15	(4) Each person convicted of a petty offense.	\$25
16	(5) Minor traffic, conservation, or	
17	ordinance violation, including	
18	without limitation when the disposition is	
19	court supervision:	
20	(i) For each offense.....	\$10
21	(ii) For each notice sent to the	
22	defendant's last known address pursuant to	
23	subsection (c) of Section 6-306.4 of the Illinois	
24	Vehicle Code.....	\$2
25	(iii) For each notice sent to the	
26	Secretary of State pursuant to subsection (c) of	
27	Section 6-306.4 of the Illinois Vehicle Code.....	\$2
28	(6) When Court Appearance required.....	\$15
29	(7) Motions to vacate or amend final orders..	\$10
30	(8) In ordinance violation cases punishable	
31	by fine only, the clerk of the circuit court shall	
32	be entitled to receive, unless the fee is excused	
33	upon a finding by the court that the defendant is	
34	indigent, in addition to other fees or costs	

1 allowed or imposed by law, the sum of \$62.50 as a
 2 fee for the services of a jury. The jury fee shall
 3 be paid by the defendant at the time of filing his
 4 or her jury demand. If the fee is not so paid by
 5 the defendant, no jury shall be called, and the
 6 case shall be tried by the court without a jury.

7 (d) Other Civil Cases.

8 (1) Money or personal property claimed does
 9 not exceed \$500..... \$10

10 (2) Exceeds \$500 but not more than \$10,000... \$25

11 (3) Exceeds \$10,000, when relief in addition
 12 to or supplemental to recovery of money alone is
 13 sought in an action to recover personal property
 14 taxes or retailers occupational tax regardless of
 15 amount claimed..... \$45

16 (4) The Clerk of the Circuit Court shall be
 17 entitled to receive, in addition to other fees
 18 allowed by law, the sum of \$62.50, as a fee for the
 19 services of a jury in every civil action not
 20 quasi-criminal in its nature and not a proceeding
 21 for the exercise of the right of eminent domain,
 22 and in every equitable action wherein the right of
 23 trial by jury is or may be given by law. The jury
 24 fee shall be paid by the party demanding a jury at
 25 the time of filing his jury demand. If such a fee
 26 is not paid by either party, no jury shall be
 27 called in the action, suit, or proceeding, and the
 28 same shall be tried by the court without a jury.

29 (e) Confession of judgment and answer.

30 (1) When the amount does not exceed \$1,000... \$20

31 (2) Exceeds \$1,000..... \$40

32 (f) Auxiliary Proceedings.

33 Any auxiliary proceeding relating to the
 34 collection of a money judgment, including

1 garnishment, citation, or wage deduction action.... \$5

2 (g) Forcible entry and detainer.

3 (1) For possession only or possession and

4 rent not in excess of \$10,000..... \$10

5 (2) For possession and rent in excess of

6 \$10,000..... \$40

7 (h) Eminent Domain.

8 (1) Exercise of Eminent Domain..... \$45

9 (2) For each and every lot or tract of land

10 or right or interest therein subject to be

11 condemned, the damages in respect to which shall

12 require separate assessments by a jury..... \$45

13 (i) Reinstatement.

14 Each case including petition for modification

15 of a judgment or order of Court if filed later than

16 30 days after the entry of a judgment or order,

17 except in forcible entry and detainer cases and

18 small claims and except a petition to modify,

19 terminate, or enforce a judgement or order for

20 child or spousal support or to modify, suspend, or

21 terminate an order for withholding, petition to

22 vacate judgment of dismissal for want of

23 prosecution whenever filed, petition to reopen an

24 estate, or redocketing of any cause..... \$20

25 (j) Probate.

26 (1) Administration of decedent's estates,

27 whether testate or intestate, guardianships of the

28 person or estate or both of a person under legal

29 disability, guardianships of the person or estate

30 or both of a minor or minors, or petitions to sell

31 real estate in the administration of any estate.... \$50

32 (2) Small estates in cases where the real and

33 personal property of an estate does not exceed

34 \$5,000..... \$25

1 (3) At any time during the administration of
 2 the estate, however, at the request of the Clerk,
 3 the Court shall examine the record of the estate
 4 and the personal representative to determine the
 5 total value of the real and personal property of
 6 the estate, and if such value exceeds \$5,000 shall
 7 order the payment of an additional fee in the
 8 amount of..... \$40

9 (4) Inheritance tax proceedings..... \$15

10 (5) Issuing letters only for a certain
 11 specific reason other than the administration of an
 12 estate, including but not limited to the release of
 13 mortgage; the issue of letters of guardianship in
 14 order that consent to marriage may be granted or
 15 for some other specific reason other than for the
 16 care of property or person; proof of heirship
 17 without administration; or when a will is to be
 18 admitted to probate, but the estate is to be
 19 settled without administration..... \$10

20 (6) When a separate complaint relating to any
 21 matter other than a routine claim is filed in an
 22 estate, the required additional fee shall be
 23 charged for such filing..... \$45

24 (k) Change of Venue.

25 From a court, the charge is the same amount as
 26 the original filing fee; however, the fee for
 27 preparation and certification of record on change
 28 of venue, when original documents or copies are
 29 forwarded..... \$10

30 (l) Answer, adverse pleading, or appearance.

31 In civil cases..... \$15

32 With the following exceptions:

33 (1) When the amount does not exceed \$500..... \$5

34 (2) When amount exceeds \$500 but not \$10,000. \$10

1	(3) When amount exceeds \$10,000.....	\$15
2	(4) Court appeals when documents are	
3	forwarded, over 200 pages, additional fee per page	
4	over 200.....	10¢
5	(m) Tax objection complaints.	
6	For each tax objection complaint containing	
7	one or more tax objections, regardless of the	
8	number of parcels involved or the number of	
9	taxpayers joining the complaint.....	\$10
10	(n) Tax deed.	
11	(1) Petition for tax deed, if only one parcel	
12	is involved.....	\$45
13	(2) For each additional parcel involved, an	
14	additional fee of.....	\$10
15	(o) Mailing Notices and Processes.	
16	(1) All notices that the clerk is required to	
17	mail as first class mail.....	\$2
18	(2) For all processes or notices the Clerk is	
19	required to mail by certified or registered mail,	
20	the fee will be \$2 plus cost of postage.	
21	(p) Certification or Authentication.	
22	(1) Each certification or authentication for	
23	taking the acknowledgement of a deed or other	
24	instrument in writing with seal of office.....	\$2
25	(2) Court appeals when original documents are	
26	forwarded, 100 pages or under, plus delivery costs.	\$25
27	(3) Court appeals when original documents are	
28	forwarded, over 100 pages, plus delivery costs.....	\$60
29	(4) Court appeals when original documents are	
30	forwarded, over 200 pages, additional fee per page	
31	over 200.....	10¢
32	(q) Reproductions.	
33	Each record of proceedings and judgment,	
34	whether on appeal, change of venue, certified	

1 copies of orders and judgments, and all other
2 instruments, documents, records, or papers:

- 3 (1) First page..... \$1
- 4 (2) Next 19 pages, per page..... 50¢
- 5 (3) All remaining pages, per page..... 25¢

6 (r) Counterclaim.

7 When any defendant files a counterclaim as
8 part of his or her answer or otherwise, or joins
9 another party as a third party defendant, or both,
10 he or she shall pay a fee for each such
11 counterclaim or third party action in an amount
12 equal to the fee he or she would have had to pay
13 had he or she brought a separate action for the
14 relief sought in the counterclaim or against the
15 third party defendant, less the amount of the
16 appearance fee, if that has been paid.

17 (s) Transcript of Judgment.

18 From a court, the same fee as if case
19 originally filed.

20 (t) Publications.

21 The cost of publication shall be paid directly
22 to the publisher by the person seeking the
23 publication, whether the clerk is required by law
24 to publish, or the parties to the action.

25 (u) Collections.

26 (1) For all collections made for others,
27 except the State and County and except in
28 maintenance or child support cases, a sum equal to
29 2% of the amount collected and turned over.

30 (2) In any cases remanded to the Circuit
31 Court from the Supreme Court or the Appellate
32 Court, the Clerk shall file the remanding order and
33 reinstate the case with either its original number
34 or a new number. The Clerk shall not charge any

1 new or additional fee for the reinstatement. Upon
2 reinstatement the Clerk shall advise the parties of
3 the reinstatement. A party shall have the same
4 right to a jury trial on remand and reinstatement
5 as he or she had before the appeal, and no
6 additional or new fee or charge shall be made for a
7 jury trial after remand.

8 (3) In maintenance and child support matters,
9 the Clerk may deduct from each payment an amount
10 equal to the United States postage to be used in
11 mailing the maintenance or child support check to
12 the recipient. In such cases, the Clerk shall
13 collect an annual fee of up to \$36 from the person
14 making such payment for maintaining child support
15 records and the processing of support orders to the
16 State of Illinois KIDS system and the recording of
17 payments issued by the State Disbursement Unit for
18 the official record of the Court. Such sum shall be
19 in addition to and separate from amounts ordered to
20 be paid as maintenance or child support and shall
21 be deposited in a separate Maintenance and Child
22 Support Collection Fund of which the Clerk shall be
23 the custodian, ex officio, to be used by the Clerk
24 to maintain child support orders and record all
25 payments issued by the State Disbursement Unit for
26 the official record of the Court. Unless paid in
27 cash or pursuant to an order for withholding, the
28 payment of the fee shall be by a separate
29 instrument from the support payment and shall be
30 made to the order of the Clerk. The Clerk may
31 recover from the person making the maintenance or
32 child support payment any additional cost incurred
33 in the collection of this annual fee.

34 (4) Interest earned on any funds held by the

1 clerk shall be turned over to the county general
2 fund as an earning of the office.

3 The Clerk shall also be entitled to a fee of
4 \$5 for certifications made to the Secretary of
5 State as provided in Section 7-703 of the Family
6 Financial Responsibility Law and these fees shall
7 also be deposited into the Separate Maintenance and
8 Child Support Collection Fund.

9 (v) Correction of Cases.

10 For correcting the case number or case title
11 on any document filed in his office, to be charged
12 against the party that filed the document..... \$10

13 (w) Record Search.

14 For searching a record, per year searched..... \$4

15 (x) Printed Output.

16 For each page of hard copy print output, when
17 case records are maintained on an automated medium. \$2

18 (y) Alias Summons.

19 For each alias summons issued..... \$2

20 (z) Expungement of Records.

21 For each expungement petition filed..... \$15

22 (aa) Other Fees.

23 Any fees not covered by this Section shall be set by
24 rule or administrative order of the Circuit Court, with
25 the approval of the Supreme Court.

26 (bb) Exemptions.

27 No fee provided for herein shall be charged to any
28 unit of State or local government or school district
29 unless the Court orders another party to pay such fee on
30 its behalf. The fee requirements of this Section shall
31 not apply to police departments or other law enforcement
32 agencies. In this Section, "law enforcement agency"
33 means an agency of the State or a unit of local
34 government that is vested by law or ordinance with the

1 duty to maintain public order and to enforce criminal
 2 laws and ordinances. The fee requirements of this Section
 3 shall not apply to any action instituted under subsection
 4 (b) of Section 11-31-1 of the Illinois Municipal Code by
 5 a private owner or tenant of real property within 1200
 6 feet of a dangerous or unsafe building seeking an order
 7 compelling the owner or owners of the building to take
 8 any of the actions authorized under that subsection.

9 (cc) Adoptions.

- 10 (1) For an adoption.....\$65
- 11 (2) Upon good cause shown, the court may waive the
- 12 adoption filing fee in a special needs adoption. The
- 13 term "special needs adoption" shall have the meaning
- 14 ascribed to it by the Illinois Department of Children and
- 15 Family Services.

16 (dd) Adoption exemptions.

17 No fee other than that set forth in subsection (cc)
 18 shall be charged to any person in connection with an
 19 adoption proceeding.

20 (ee) Additional Services.

21 Beginning July 1, 1993, the clerk of the circuit
 22 court may provide such additional services for which
 23 there is no fee specified by statute in connection with
 24 the operation of the clerk's office as may be requested
 25 by the public and agreed to by the public and by the
 26 clerk and approved by the chief judge of the circuit
 27 court. Any charges for additional services shall be as
 28 agreed to between the clerk and the party making the
 29 request and approved by the chief judge of the circuit
 30 court. Nothing in this subsection shall be construed to
 31 require any clerk to provide any service not otherwise
 32 required by law.

33 (ff) Returned checks.

34 For each check delivered to the clerk that is not

1 honored on 2 occasions by the financial institution upon
 2 which it is drawn because of insufficient funds in the
 3 account, because the account is closed, because there is
 4 no account, or because a stop payment has been placed on
 5 the check, in addition to the amount already owed....\$25.

6 (Source: P.A. 90-466, eff. 8-17-97; 90-796, eff. 12-15-98;
 7 91-165, eff. 7-16-99; 91-321, eff. 1-1-00; 91-357, eff.
 8 7-29-99; 91-612, eff. 10-1-99; revised 10-26-99.)

9 (705 ILCS 105/27.3) (from Ch. 25, par. 27.3)

10 Sec. 27.3. Compensation.

11 (a) The county board shall provide the compensation of
 12 Clerks of the Circuit Court, and the amount necessary for
 13 clerk hire, stationery, fuel and other expenses. Beginning
 14 December 1, 1989, the compensation per annum for Clerks of
 15 the Circuit Court shall be as follows:

16 In counties where the population is:

17 Less than 14,000.....	at least \$13,500
18 14,001-30,000.....	at least \$14,500
19 30,001-60,000.....	at least \$15,000
20 60,001-100,000.....	at least \$15,000
21 100,001-200,000.....	at least \$16,500
22 200,001-300,000.....	at least \$18,000
23 300,001- 3,000,000.....	at least \$20,000
24 Over 3,000,000.....	at least \$55,000

25 (b) In counties in which the population is 3,000,000 or
 26 less, "base salary" is the compensation paid for each Clerk
 27 of the Circuit Court, respectively, before July 1, 1989.

28 (c) The Clerks of the Circuit Court, in counties in
 29 which the population is 3,000,000 or less, shall be
 30 compensated as follows:

31 (1) Beginning December 1, 1989, base salary plus at
 32 least 3% of base salary.

33 (2) Beginning December 1, 1990, base salary plus at

1 least 6% of base salary.

2 (3) Beginning December 1, 1991, base salary plus at
3 least 9% of base salary.

4 (4) Beginning December 1, 1992, base salary plus at
5 least 12% of base salary.

6 (d) In addition to the compensation provided by the
7 county board, each Clerk of the Circuit Court shall receive
8 an award from the State for the additional duties imposed by
9 Sections 5-9-1 and 5-9-1.2 of the Unified Code of
10 Corrections, Section 10 of the Violent Crime Victims
11 Assistance Act, Section 16-104a of the Illinois Vehicle Code,
12 and other laws, in the following amount:

13 (1) \$3,500 per year before January 1, 1997.

14 (2) \$4,500 per year beginning January 1, 1997.

15 (3) \$5,500 per year beginning January 1, 1998.

16 (4) \$6,500 per year beginning January 1, 1999.

17 The total amount required for such awards shall be
18 appropriated each year by the General Assembly to the Supreme
19 Court, which shall distribute such awards in annual lump sum
20 payments to the Clerks of the Circuit Court in all counties.
21 This annual award, and any other award or stipend paid out of
22 State funds to the Clerks of the Circuit Court, shall not
23 affect any other compensation provided by law to be paid to
24 Clerks of the Circuit Court.

25 (e) Also in addition to the compensation provided by the
26 county board, Clerks of the Circuit Court in counties in
27 which one or more State correctional institutions are located
28 shall receive a minimum reimbursement in the amount of \$2,500
29 \$10,000 per year for administrative assistance ~~one--employee~~
30 to perform services in connection with the State correctional
31 institution, payable monthly from the State Treasury to the
32 treasurer of the county in which the additional staff is
33 employed. Counties whose State correctional institution
34 inmate population exceeds 250 shall receive reimbursement in

1 the amount of \$2,500 per 250 inmates. This subsection (e)
2 shall not apply to staff added before November 29, 1990.

3 For purposes of this subsection (e), "State correctional
4 institution" means any facility of the Department of
5 Corrections, including without limitation adult facilities,
6 juvenile facilities, pre-release centers, community
7 correction centers, and work camps.

8 (f) No county board may reduce or otherwise impair the
9 compensation payable from county funds to a Clerk of the
10 Circuit Court if the reduction or impairment is the result of
11 the Clerk of the Circuit Court receiving an award or stipend
12 payable from State funds.

13 (Source: P.A. 90-95, eff. 7-11-97.)