

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
5 Section 3-5018.2 as follows:

6 (55 ILCS 5/3-5018.2)

7 Sec. 3-5018.2. Predictable fee schedule for recordings in
8 first and second class counties.

9 (a) The fees of the recorder in counties of the first and
10 second class for recording deeds or other instruments in
11 writing and maps of plats of additions, subdivisions, or
12 otherwise and for certifying copies of records shall be paid
13 in advance and shall conform to this Section. The fees or
14 surcharges shall not, unless otherwise provided in this
15 Section, be based on the individual attributes of a document
16 to be recorded, including, but not limited to, page count;
17 number, length, or type of legal descriptions; number of tax
18 identification or other parcel-identifying code numbers;
19 units; number of common addresses; number of references
20 contained as to other recorded documents or document numbers;
21 or any other individual attribute of the document. The fees
22 charged under this Section shall be inclusive of all county
23 and State fees that the county may elect or is required to

1 impose or adjust, including, but not limited to, GIS fees,
2 automation fees, document storage fees, and the Rental Housing
3 Support Program State and county surcharges.

4 (b) A county of the first or second class shall adopt and
5 implement, by ordinance or resolution, a predictable fee
6 schedule as provided in subsection (c) that eliminates
7 surcharges or fees based on the individual attributes of a
8 document to be recorded. If a county has previously adopted an
9 ordinance or resolution adopting a predictable fee schedule,
10 the county must adopt an ordinance or resolution revising that
11 predictable fee schedule to be consistent with this Section.
12 After a document class predictable fee is approved by a county
13 board consistent with this Section, the county board may, by
14 ordinance or resolution, increase the document class
15 predictable fee and collect the increased fees if the
16 established fees are not sufficient to cover the costs of
17 providing the services related to the document class for which
18 the fee is to be increased.

19 For the purposes of the fee charged, the ordinance or
20 resolution shall divide documents into the classifications
21 specified in subsection (c), and shall establish a single,
22 all-inclusive county and State-imposed aggregate predictable
23 fee charged for each classification of document at the time of
24 recording for that document. Each document, unless otherwise
25 provided in this Section, shall fall within one of the
26 document class predictable fee classifications set by

1 subsection (c), and fees for each document class shall be
2 charged only as allowed by this Section.

3 Before approval of an ordinance or resolution under this
4 subsection that creates or modifies a predictable fee
5 schedule, the recorder or county clerk shall post a notice in
6 the recorder's or clerk's office at least 2 weeks prior, but
7 not more than 4 weeks prior, to the public meeting at which the
8 ordinance or resolution may be adopted. The notice shall
9 contain the proposed ordinance or resolution number, if any,
10 the proposed document class predictable fees for each
11 classification, and a reference to this Section and this
12 amendatory Act of the 103rd General Assembly. A predictable
13 fee schedule takes effect 60 days after an ordinance or
14 resolution is adopted, unless the fee schedule was previously
15 created and the ordinance or resolution is a modification
16 allowed under this Section.

17 Nothing in this Section precludes a county board from
18 adjusting amounts or allocations within a given document class
19 predictable fee when the document class predictable fee is not
20 increased or precludes an alternate predictable fee schedule
21 for electronic recording within each of the classifications
22 under subsection (c).

23 The county board may, by ordinance or resolution, increase
24 the fees allowed in the predictable fee schedule if the
25 increase is justified by an acceptable cost study or internal
26 analysis of a minimum of 3 years showing that the fees allowed

1 by this Section are not sufficient to cover the cost of
2 providing the service.

3 A statement of the cost of providing each service,
4 program, and activity shall be prepared by the county board.
5 All supporting documents to the statement are public records
6 and subject to public examination and audit. All direct and
7 indirect costs, as defined in the United States Office of
8 Management and Budget Circular A-87, may be included in the
9 determination of the costs of each service, program, and
10 activity.

11 If the Rental Housing Support Program State surcharge is
12 amended and the surcharge is increased or lowered, the
13 aggregate amount of the document predictable fee attributable
14 to the surcharge in the document may be changed accordingly.
15 If any fee or surcharge is changed by State statute, the county
16 may increase the document class fees by the same amount
17 without any cost study.

18 (c) A predictable fee schedule ordinance or resolution
19 adopted under this Section shall list document fees, including
20 document class predictable fees. The document classes shall be
21 as follows:

22 (1) Deeds. The aggregate fee for recording deeds shall
23 not be less than \$31 (being a minimum \$13 county fee plus
24 \$18 for the Rental Housing Support Program State
25 surcharge). Inclusion of language in the deed as to any
26 restriction; covenant; lien; oil, gas, or other mineral

1 interest; easement; lease; or a mortgage shall not alter
2 the classification of a document as a deed.

3 (2) Leases, lease amendments, and similar transfer of
4 interest documents. The aggregate fee for recording
5 leases, lease amendments, and similar transfers of
6 interest documents shall not be less than \$31 (being a
7 minimum \$13 county fee plus \$18 for the Rental Housing
8 Support Program State surcharge).

9 (3) Mortgages. The aggregate fee for recording
10 mortgages, including assignments, extensions, amendments,
11 subordinations, and mortgage releases shall not be less
12 than \$31 (being a minimum \$13 county fee plus \$18 for the
13 Rental Housing Support Program State surcharge).

14 (4) Easements not otherwise part of another
15 classification. The aggregate fee for recording easements
16 not otherwise part of another classification, including
17 assignments, extensions, amendments, and easement releases
18 not filed by a State agency, unit of local government, or
19 school district, shall not be less than \$31 (being a
20 minimum \$13 county fee plus \$18 for the Rental Housing
21 Support Program State surcharge).

22 (5) Nonstandard documents. Any document presented that
23 does not conform to the following standards, even if it
24 may qualify for another document class, may be recorded
25 under this document class (5) if the nonstandard document
26 allows a legible reproduction of the document presented:

1 (A) The document shall consist of one or more
2 individual sheets measuring 8.5 inches by 11 inches,
3 not permanently bound, and not a continuous form.
4 Graphic displays accompanying a document to be
5 recorded that measure up to 11 inches by 17 inches
6 shall be recorded without charging an additional fee.

7 (B) The document shall be legibly printed in black
8 ink by hand, type, or computer. Signatures and dates
9 may be in contrasting colors if they will reproduce
10 clearly.

11 (C) The document shall be on white paper of not
12 less than 20-pound weight and shall have a clean
13 margin of at least one-half inch on the top, the
14 bottom, and each side. Margins may be used only for
15 non-essential notations that will not affect the
16 validity of the document, including, but not limited
17 to, form numbers, page numbers, and customer
18 notations.

19 (D) The first page of the document shall contain a
20 blank space, measuring at least 3 inches by 5 inches,
21 from the upper right corner.

22 (E) The document shall not have any attachment
23 stapled or otherwise affixed to any page.

24 (F) The document makes specific reference to 5 or
25 fewer tax parcels, units, property identification
26 numbers, or document numbers.

1 The aggregate fee for recording a nonstandard document
2 shall not be less than \$31 (being a minimum \$13 county fee
3 plus \$18 for the Rental Housing Support Program State
4 surcharge). A county may adopt by ordinance and publish
5 with its fee schedule an additional fee or formula for a
6 document that makes specific reference to more than 5 tax
7 parcels, units, property identification numbers, or
8 document numbers.

9 (6) (Blank).

10 (7) Miscellaneous. The aggregate fee for recording
11 documents that do not otherwise fall within
12 classifications under paragraphs (1) through (6) or
13 paragraph (8) or (9) and that are not otherwise exempted
14 documents shall not be less than \$31 (being a minimum \$13
15 county fee plus \$18 for the Rental Housing Support Program
16 State surcharge).

17 (8) Maps or plats of additions, subdivisions, or
18 otherwise. For recording maps or plats of additions,
19 subdivisions, or otherwise, the minimum fee shall be \$50.

20 (9) Other. Documents presented that meet the following
21 criteria shall be charged as follows, notwithstanding
22 document classes (1) through (8):

23 (A) A document recorded pursuant to the Uniform
24 Commercial Code shall be charged as provided in the
25 Uniform Commercial Code or as otherwise by law.

26 (B) A State tax lien or a federal tax lien shall be

1 charged as otherwise provided by law or ordinance,
2 except that the minimum fee that shall be collected
3 from the Department of Revenue for filing or indexing
4 a tax lien, certificate of lien release or
5 subordination, or any other type of notice or other
6 documentation affecting or concerning a tax lien is
7 \$11, and the minimum fee that shall be collected from
8 the Department of Revenue or Internal Revenue Service
9 for indexing each additional name in excess of one for
10 any lien, certificate of lien release or
11 subordination, or any other type of notice or other
12 documentation affecting or concerning a lien is \$1.

13 (C) A document recorded by a unit of local
14 government, State agency, or public utility, as that
15 term is defined in Section 3-105 of the Public
16 Utilities Act, may be charged a minimum fee for any
17 instrument presented for recording that falls under
18 the guideline of the predictable fee schedule as
19 follows: a \$12 county fee, a \$3 GIS fee, and a \$3
20 automation fee, document storage fee, or both. Fees
21 under this subparagraph may be increased on an annual
22 basis or any other applicable fee may be imposed if
23 adopted by a county board resolution or ordinance and
24 justified by an acceptable cost study showing that the
25 fees allowed by this subparagraph are not sufficient
26 to cover the cost of providing the service.

1 (D) For recording any document that affects an
2 interest in real property, other than documents which
3 solely affect or relate to an easement for water,
4 sewer, electricity, gas, telephone, or other public
5 service, the recorder shall charge a minimum fee of \$1
6 per document to all filers of documents not filed by
7 any State agency, any unit of local government, any
8 public utility, as that term is defined in Section
9 3-105 of the Public Utilities Act, or any school
10 district. Half of the fee shall be deposited into the
11 county general revenue fund. The remaining half shall
12 be deposited into the County Recorder Document Storage
13 System Fund and may not be appropriated or expended
14 for any other purpose. The additional amounts
15 available to the recorder for expenditure from the
16 County Recorder Document Storage System Fund shall not
17 offset or reduce any other county appropriations or
18 funding for the office of the recorder.

19 (d) For certified and non-certified copies of records, the
20 recorder and county may set a predictable fee for all copies
21 that does not exceed the highest total recording fee in any
22 established document classes, unless the copy fee is otherwise
23 provided in statute or ordinance. The total fee for a
24 certified copy of a map or plat of an addition, subdivision, or
25 otherwise may not exceed \$200.

26 The fees allowed under this subsection apply to all

1 records, regardless of when they were recorded, based on
2 current recording fees. These predictable fees for certified
3 and non-certified copies shall apply to portions of documents
4 and to copies provided in any format, including paper,
5 microfilm, or electronic. A county may adopt a per-line
6 pricing structure for copies of information in database
7 format.

8 (e) As provided under subsection (c), the recorder shall
9 collect an \$18 Rental Housing Support Program State surcharge
10 for the recordation of any real estate-related document.
11 Payment of the Rental Housing Support Program State surcharge
12 shall be evidenced by a receipt that shall be marked upon or
13 otherwise affixed to the real estate-related document by the
14 recorder. The form of this receipt shall be prescribed by the
15 Department of Revenue and the receipts shall be issued by the
16 Department of Revenue to each county recorder.

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

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

1 amounts in the Rental Housing Support Program Fund. Subject to
2 appropriation, amounts in the Fund may be expended only for
3 the purpose of funding and administering the Rental Housing
4 Support Program.

5 As used in this subsection, "real estate-related document"
6 means that term as it is defined in Section 7 of the Rental
7 Housing Support Program Act.

8 (f) A county board in counties of the first and second
9 class may allow, by ordinance, a recorder to charge the
10 following fees in addition to those fees otherwise allowed
11 under this Section:

12 (1) Automation fee. A minimum automation fee of \$3 may
13 be charged for filing every instrument, paper, or notice
14 for record in order to defray the cost of converting the
15 recorder's document storage system to computers or
16 micrographics and in order to defray the cost of providing
17 access to records through the Internet. A special fund
18 shall be established by the treasurer of a county, and the
19 moneys collected through the automation fee shall be
20 deposited into the special fund and used for a document
21 storage system to provide the equipment, materials, and
22 necessary expenses incurred to help defray the costs of
23 implementing and maintaining the document record system
24 and for a system to provide electronic access to those
25 records.

26 (2) GIS fee. In a county that provides and maintains a

1 countywide map through a geographic information system, a
2 minimum GIS fee of \$3 may be charged for filing every
3 instrument, paper, or notice for record in order to defray
4 the cost of implementing or maintaining the county's
5 geographic information system and in order to defray the
6 cost of providing electronic or automated access to the
7 county's geographic information system or property
8 records. Of that amount, a minimum of \$2 must be deposited
9 into a special fund established by the treasurer of the
10 county, and any moneys collected through the GIS fee shall
11 be deposited into that special fund and used for the
12 equipment, materials, and necessary expenses incurred in
13 implementing and maintaining the geographic information
14 system and to defray the cost of providing electronic
15 access to the county geographic information system
16 records. The remaining \$1 must be deposited into the
17 recorder's special funds created under Section 3-5005.4.
18 The recorder may, at the recorder's discretion, use moneys
19 in the funds created under Section 3-5005.4 to defray the
20 cost of implementing or maintaining the county's
21 geographic information system and to defray the cost of
22 providing electronic access to the county's geographic
23 information system records.

24 (Source: P.A. 103-400, eff. 1-1-24; 103-884, eff. 1-1-25.)