



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4765

by Rep. Arthur Turner

SYNOPSIS AS INTRODUCED:

55 ILCS 5/3-5018	from Ch. 34, par. 3-5018
55 ILCS 5/4-12002	from Ch. 34, par. 4-12002
55 ILCS 5/4-12002.1 new	

Amends the Counties Code. Provides that on and after January 1, 2020, counties of the third class (counties with a population of greater than 1,000,000) shall adopt and implement a predictable fee schedule for standard documents that eliminates surcharges or fees based upon the individual attributes of documents to be recorded with the county recorder. Provides for notice and a public hearing prior to approval of the predictable fee schedule. Provides that each standard document shall fall within one of 5 document class flat fee classifications and the fees are inclusive of county and State fees required for each recorded document. Provides that the county board may increase the document flat fees by ordinance or resolution if the established fees are not sufficient to cover the costs of providing the services related to the document class. Makes conforming changes.

LRB100 18026 AWJ 33214 b

FISCAL NOTE ACT
MAY APPLY

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
5 Sections 3-5018 and 4-12002 and by adding Section 4-12002.1 as
6 follows:

7 (55 ILCS 5/3-5018) (from Ch. 34, par. 3-5018)

8 Sec. 3-5018. Traditional fee schedule. Except as provided
9 for in Sections ~~Section~~ 3-5018.1, 4-12002, and 4-12002.1, the
10 recorder elected as provided for in this Division shall receive
11 such fees as are or may be provided for him or her by law, in
12 case of provision therefor: otherwise he or she shall receive
13 the same fees as are or may be provided in this Section, except
14 when increased by county ordinance or resolution pursuant to
15 the provisions of this Section, to be paid to the county clerk
16 for his or her services in the office of recorder for like
17 services.

18 For recording deeds or other instruments, \$12 for the first
19 4 pages thereof, plus \$1 for each additional page thereof, plus
20 \$1 for each additional document number therein noted. The
21 aggregate minimum fee for recording any one instrument shall
22 not be less than \$12.

23 For recording deeds or other instruments wherein the

1 premises affected thereby are referred to by document number
2 and not by legal description, a fee of \$1 in addition to that
3 hereinabove referred to for each document number therein noted.

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

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

25 For recording maps or plats of additions or subdivisions
26 approved by the county or municipality (including the spreading

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

11 For non-certified copies of records, an amount not to
12 exceed one-half of the amount provided in this Section for
13 certified copies, according to a standard scale of fees,
14 established by county ordinance or resolution and made public.
15 The provisions of this paragraph shall not be applicable to any
16 person or entity who obtains non-certified copies of records in
17 the following manner: (i) in bulk for all documents recorded on
18 any given day in an electronic or paper format for a negotiated
19 amount less than the amount provided for in this paragraph for
20 non-certified copies, (ii) under a contractual relationship
21 with the recorder for a negotiated amount less than the amount
22 provided for in this paragraph for non-certified copies,
23 or (iii) by means of Internet access pursuant to Section
24 5-1106.1.

25 For certified copies of records, the same fees as for
26 recording, but in no case shall the fee for a certified copy of

1 a map or plat of an addition, subdivision or otherwise exceed
2 \$10.

3 Each certificate of such recorder of the recording of the
4 deed or other writing and of the date of recording the same
5 signed by such recorder, shall be sufficient evidence of the
6 recording thereof, and such certificate including the indexing
7 of record, shall be furnished upon the payment of the fee for
8 recording the instrument, and no additional fee shall be
9 allowed for the certificate or indexing.

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

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

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

24 (3) The document shall be on white paper of not less
25 than 20-pound weight and shall have a clean margin of at
26 least one-half inch on the top, the bottom, and each side.

1 Margins may be used for non-essential notations that will
2 not affect the validity of the document, including but not
3 limited to form numbers, page numbers, and customer
4 notations.

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

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

10 A document that does not conform to these standards shall not
11 be recorded except upon payment of the additional fee required
12 under this paragraph. This paragraph, as amended by this
13 amendatory Act of 1995, applies only to documents dated after
14 the effective date of this amendatory Act of 1995.

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

22 A special fund shall be set up by the treasurer of the
23 county and such funds collected pursuant to Public Act 83-1321
24 shall be used (1) for a document storage system to provide the
25 equipment, materials and necessary expenses incurred to help
26 defray the costs of implementing and maintaining such a

1 document records system and (2) for a system to provide
2 electronic access to those records.

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

26 The recorder shall collect a \$9 Rental Housing Support

1 Program State surcharge for the recordation of any real
2 estate-related document. Payment of the Rental Housing Support
3 Program State surcharge shall be evidenced by a receipt that
4 shall be marked upon or otherwise affixed to the real
5 estate-related document by the recorder. The form of this
6 receipt shall be prescribed by the Department of Revenue and
7 the receipts shall be issued by the Department of Revenue to
8 each county recorder.

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

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

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

25 The foregoing fees allowed by this Section are the maximum
26 fees that may be collected from any officer, agency, department

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

19 A statement of the costs of providing each service, program
20 and activity shall be prepared by the county board. All
21 supporting documents shall be public record and subject to
22 public examination and audit. All direct and indirect costs, as
23 defined in the United States Office of Management and Budget
24 Circular A-87, may be included in the determination of the
25 costs of each service, program and activity.

26 (Source: P.A. 100-271, eff. 8-22-17.)

1 (55 ILCS 5/4-12002) (from Ch. 34, par. 4-12002)

2 Sec. 4-12002. Fees of recorder in third class counties.
3 Except as provided for in Section 4-12002.1, the ~~The~~ fees of
4 the recorder in counties of the third class for recording deeds
5 or other instruments in writing and maps of plats of additions,
6 subdivisions or otherwise, and for certifying copies of
7 records, shall be paid in advance and shall be as follows:

8 For recording deeds or other instruments \$20 for the first
9 2 pages thereof, plus \$2 for each additional page thereof. The
10 aggregate minimum fee for recording any one instrument shall
11 not be less than \$20.

12 For recording deeds or other instruments wherein the
13 premises affected thereby are referred to by document number
14 and not by legal description the recorder shall charge a fee of
15 \$4 in addition to that hereinabove referred to for each
16 document number therein noted.

17 For recording deeds or other instruments wherein more than
18 one tract, parcel or lot is described and such additional
19 tract, or tracts, parcel or parcels, lot or lots is or are
20 described therein as falling in a separate or different
21 addition or subdivision the recorder shall charge as an
22 additional fee, to that herein provided, the sum of \$2 for each
23 additional addition or subdivision referred to in such deed or
24 instrument.

25 For recording any document that affects an interest in real

1 property other than documents which solely affect or relate to
2 an easement for water, sewer, electricity, gas, telephone or
3 other public service, the recorder shall charge a fee of \$1 per
4 document to all filers of documents not filed by any State
5 agency, any unit of local government, or any school district.
6 Fifty cents of the \$1 fee hereby established shall be deposited
7 into the County General Revenue Fund. The remaining \$0.50 shall
8 be deposited into the County Recorder Document Storage System
9 Fund and may not be appropriated or expended for any other
10 purpose. The additional amounts available to the recorder for
11 expenditure from the County Recorder Document Storage System
12 Fund shall not offset or reduce any other county appropriations
13 or funding for the office of the recorder.

14 For recording maps or plats of additions, subdivisions or
15 otherwise (including the spreading of the same of record in
16 well bound books) \$100 plus \$2 for each tract, parcel or lot
17 contained therein.

18 For certified copies of records the same fees as for
19 recording, but in no case shall the fee for a certified copy of
20 a map or plat of an addition, subdivision or otherwise exceed
21 \$200.

22 For non-certified copies of records, an amount not to
23 exceed one half of the amount provided herein for certified
24 copies, according to a standard scale of fees, established by
25 county ordinance and made public.

26 For filing of each release of any chattel mortgage or trust

1 deed which has been filed but not recorded and for indexing the
2 same in the book to be kept for that purpose \$10.

3 For processing the sworn or affirmed statement required for
4 filing a deed or assignment of a beneficial interest in a land
5 trust in accordance with Section 3-5020 of this Code, \$2.

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

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

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

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

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

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

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

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

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

23 On the 15th day of each month, each county recorder shall
24 report to the Department of Revenue, on a form prescribed by
25 the Department, the number of real estate-related documents
26 recorded for which the Rental Housing Support Program State

1 surcharge was collected. Each recorder shall submit \$9 of each
2 surcharge collected in the preceding month to the Department of
3 Revenue and the Department shall deposit these amounts in the
4 Rental Housing Support Program Fund. Subject to appropriation,
5 amounts in the Fund may be expended only for the purpose of
6 funding and administering the Rental Housing Support Program.

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

10 The fee requirements of this Section apply to units of
11 local government and school districts.

12 Regardless of any other provision in this Section, the
13 maximum fee that may be collected from the Department of
14 Revenue for filing or indexing a lien, certificate of lien
15 release or subordination, or any other type of notice or other
16 documentation affecting or concerning a lien is \$5. Regardless
17 of any other provision in this Section, the maximum fee that
18 may be collected from the Department of Revenue for indexing
19 each additional name in excess of one for any lien, certificate
20 of lien release or subordination, or any other type of notice
21 or other documentation affecting or concerning a lien is \$1.

22 (Source: P.A. 98-5, eff. 3-22-13.)

23 (55 ILCS 5/4-12002.1 new)

24 Sec. 4-12002.1. Predictable fee schedule for recordings in
25 third class counties.

1 (a) As used in this Section:

2 "Nonstandard document" means:

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

5 (2) a document recorded pursuant to the Uniform
6 Commercial Code;

7 (3) a document which is non-conforming, as described in
8 paragraphs (1) through (5) of Section 4-12002;

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

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

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

16 "Standard document" means any document other than a
17 nonstandard document.

18 (b) On or before January 1, 2020, a county shall adopt and
19 implement, by ordinance or resolution, a predictable fee
20 schedule that eliminates surcharges or fees based on the
21 individual attributes of a standard document to be recorded.
22 The initial predictable fee schedule approved by a county board
23 shall be set only as allowed under subsection (c) and any
24 subsequent predictable fee schedule approved by a county board
25 shall be set only as allowed under subsection (d). Except as to
26 the recording of standard documents, the fees imposed by

1 Section 4-12002 shall remain in effect. Under a predictable fee
2 schedule, which only applies to standard documents, no charge
3 shall be based on: page count; number, length, or type of legal
4 descriptions; number of tax identification or other parcel
5 identifying code numbers; number of common addresses; number of
6 references contained as to other recorded documents or document
7 numbers; or any other individual attribute of the document
8 except as expressly provided in this Section. The fee charged
9 under this Section shall be inclusive of all county and State
10 fees that the county may elect or is required to impose or
11 adjust, including, but not limited to, GIS fees, automation
12 fees, document storage fees, and the Rental Housing Support
13 Program State surcharge.

14 A predictable fee schedule ordinance or resolution adopted
15 under this Section shall list standard document fees, including
16 document class flat fees as required by subsection (c), and
17 nonstandard document fees.

18 Before approval of an ordinance or resolution under this
19 Section, the recorder or county clerk shall post a notice in
20 his or her office at least 2 weeks prior, but not more than 4
21 weeks prior, to the public meeting at which the ordinance or
22 resolution may be adopted. The notice shall contain the
23 proposed ordinance or resolution number, if any, the proposed
24 document class flat fees for each classification, and a
25 reference to this Section or this amendatory Act of the 100th
26 General Assembly.

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

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

24 (1) Deeds. The aggregate fee for recording deeds shall
25 not be less than \$29 (being a minimum \$20 county fee plus
26 \$9 for the Rental Housing Support Program State surcharge).

1 Inclusion of language in the deed as to any restriction;
2 covenant; lien; oil, gas, or other mineral interest;
3 easement; lease; or a mortgage shall not alter the
4 classification of a document as a deed.

5 (2) Leases, lease amendments, and similar transfer of
6 interest documents. The aggregate fee for recording
7 leases, lease amendments, and similar transfers of
8 interest documents shall not be less than \$29 (being a
9 minimum \$20 county fee plus \$9 for the Rental Housing
10 Support Program State surcharge).

11 (3) Mortgages. The aggregate fee for recording
12 mortgages, including assignments, extensions, amendments,
13 subordinations, and mortgage releases shall not be less
14 than \$29 (being a minimum \$20 county fee plus \$9 for the
15 Rental Housing Support Program State surcharge).

16 (4) Easements not otherwise part of another
17 classification. The aggregate fee for recording easements
18 not otherwise part of another classification, including
19 assignments, extensions, amendments, and easement releases
20 not filed by a State agency, unit of local government, or
21 school district shall not be less than \$29 (being a minimum
22 \$20 county fee plus \$9 for the Rental Housing Support
23 Program State surcharge).

24 (5) Miscellaneous. The aggregate fee for recording
25 documents not otherwise falling within classifications set
26 forth in paragraphs (1) through (4) and are not nonstandard

1 documents shall not be less than \$29 (being a minimum \$20
2 county fee plus \$9 for the Rental Housing Support Program
3 State surcharge). Nothing in this subsection shall
4 preclude an alternate predictable fee schedule for
5 electronic recording within each of the classifications
6 set forth in this subsection (c). If the Rental Housing
7 Support Program State surcharge is amended and the
8 surcharge is increased or lowered, the aggregate amount of
9 the document flat fee attributable to the surcharge in the
10 document may be changed accordingly.

11 (d) After a document class flat fee is approved by a county
12 board under subsection (b), the county board may, by ordinance
13 or resolution, increase the document class flat fee and collect
14 the increased fees if the established fees are not sufficient
15 to cover the costs of providing the services related to the
16 document class for which the fee is to be increased.

17 Nothing in this Section precludes a county board from
18 adjusting amounts or allocations within a given document class
19 flat fee when the document class flat fee is not increased.