



Rep. Sidney H. Mathias

Filed: 5/5/2010

09600SB0082ham002

LRB096 03320 RLJ 41187 a

1 AMENDMENT TO SENATE BILL 82

2 AMENDMENT NO. _____. Amend Senate Bill 82, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

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

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

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

16 For recording deeds or other instruments, \$12 for the first

1 4 pages thereof, plus \$1 for each additional page thereof, plus
2 \$1 for each additional document number therein noted. The
3 aggregate minimum fee for recording any one instrument shall
4 not be less than \$12.

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

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

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

1 operation of his or her office.

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

16 For certified copies of records, the same fees as for
17 recording, but in no case shall the fee for a certified copy of
18 a map or plat of an addition, subdivision or otherwise exceed
19 \$10.

20 Each certificate of such recorder of the recording of the
21 deed or other writing and of the date of recording the same
22 signed by such recorder, shall be sufficient evidence of the
23 recording thereof, and such certificate including the indexing
24 of record, shall be furnished upon the payment of the fee for
25 recording the instrument, and no additional fee shall be
26 allowed for the certificate or indexing.

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

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

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

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

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

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

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

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

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

20 The county board of any county that provides and maintains
21 a countywide map through a Geographic Information System (GIS)
22 may provide for an additional charge of \$3 for filing every
23 instrument, paper, or notice for record (1) in order to defray
24 the cost of implementing or maintaining the county's Geographic
25 Information System and (2) in order to defray the cost of
26 providing electronic access to the county's Geographic

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

17 The recorder shall collect a \$10 Rental Housing Support
18 Program State surcharge for the recordation of any real
19 estate-related document. Payment of the Rental Housing Support
20 Program State surcharge shall be evidenced by a receipt that
21 shall be marked upon or otherwise affixed to the real
22 estate-related document by the recorder. The form of this
23 receipt shall be prescribed by the Department of Revenue and
24 the receipts shall be issued by the Department of Revenue to
25 each county recorder.

26 The recorder shall not collect the Rental Housing Support

1 Program State surcharge from any State agency, any unit of
2 local government or any school district.

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

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

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

26 The foregoing fees allowed by this Section are the maximum

1 fees that may be collected from any officer, agency, department
2 or other instrumentality of the State. The county board may,
3 however, by ordinance, increase the fees allowed by this
4 Section and collect such increased fees from all persons and
5 entities other than officers, agencies, departments and other
6 instrumentalities of the State if the increase is justified by
7 an acceptable cost study showing that the fees allowed by this
8 Section are not sufficient to cover the cost of providing the
9 service. Regardless of any other provision in this Section, the
10 maximum fee that may be collected from the Department of
11 Revenue for filing or indexing a lien, certificate of lien
12 release or subordination, or any other type of notice or other
13 documentation affecting or concerning a lien is \$5. Regardless
14 of any other provision in this Section, the maximum fee that
15 may be collected from the Department of Revenue for indexing
16 each additional name in excess of one for any lien, certificate
17 of lien release or subordination, or any other type of notice
18 or other 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. 93-256, eff. 7-22-03; 94-118, eff. 7-5-05.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".