

# HB4532



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB4532

by Rep. Joe Sosnowski

#### SYNOPSIS AS INTRODUCED:

5 ILCS 140/6  
35 ILCS 200/9-20

from Ch. 116, par. 206

Amends the Property Tax Code. Authorizes the custodian of property record cards to levy a reasonable fee against any person who requests an electronic or microfiche copy of those cards for commercial purposes. Amends the Freedom of Information Act to make conforming changes. Effective immediately.

LRB098 13603 JDS 48128 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning government.

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

4 Section 5. The Freedom of Information Act is amended by  
5 changing Section 6 as follows:

6 (5 ILCS 140/6) (from Ch. 116, par. 206)

7 Sec. 6. Authority to charge fees.

8 (a) When a person requests a copy of a record maintained in  
9 an electronic format, the public body shall furnish it in the  
10 electronic format specified by the requester, if feasible. If  
11 it is not feasible to furnish the public records in the  
12 specified electronic format, then the public body shall furnish  
13 it in the format in which it is maintained by the public body,  
14 or in paper format at the option of the requester. A public  
15 body may charge the requester for the actual cost of purchasing  
16 the recording medium, whether disc, diskette, tape, or other  
17 medium. A public body may not charge the requester for the  
18 costs of any search for and review of the records or other  
19 personnel costs associated with reproducing the records,  
20 except for commercial requests as provided in subsection (f) of  
21 this Section. Except to the extent that the General Assembly  
22 expressly authorizes or provides, statutory fees applicable to  
23 copies of public records when furnished in a paper format shall

1 not be applicable to those records when furnished in an  
2 electronic format.

3 (b) Except when a fee is otherwise fixed by statute, each  
4 public body may charge fees reasonably calculated to reimburse  
5 its actual cost for reproducing and certifying public records  
6 and for the use, by any person, of the equipment of the public  
7 body to copy records. No fees shall be charged for the first 50  
8 pages of black and white, letter or legal sized copies  
9 requested by a requester. The fee for black and white, letter  
10 or legal sized copies shall not exceed 15 cents per page. If a  
11 public body provides copies in color or in a size other than  
12 letter or legal, the public body may not charge more than its  
13 actual cost for reproducing the records. In calculating its  
14 actual cost for reproducing records or for the use of the  
15 equipment of the public body to reproduce records, a public  
16 body shall not include the costs of any search for and review  
17 of the records or other personnel costs associated with  
18 reproducing the records, except for commercial requests as  
19 provided in subsection (f) of this Section. Such fees shall be  
20 imposed according to a standard scale of fees, established and  
21 made public by the body imposing them. The cost for certifying  
22 a record shall not exceed \$1.

23 (c) Documents shall be furnished without charge or at a  
24 reduced charge, as determined by the public body, if the person  
25 requesting the documents states the specific purpose for the  
26 request and indicates that a waiver or reduction of the fee is

1 in the public interest. Waiver or reduction of the fee is in  
2 the public interest if the principal purpose of the request is  
3 to access and disseminate information regarding the health,  
4 safety and welfare or the legal rights of the general public  
5 and is not for the principal purpose of personal or commercial  
6 benefit. For purposes of this subsection, "commercial benefit"  
7 shall not apply to requests made by news media when the  
8 principal purpose of the request is to access and disseminate  
9 information regarding the health, safety, and welfare or the  
10 legal rights of the general public. In setting the amount of  
11 the waiver or reduction, the public body may take into  
12 consideration the amount of materials requested and the cost of  
13 copying them.

14 (d) The imposition of a fee not consistent with subsections  
15 (6) (a) and (b) of this Act constitutes a denial of access to  
16 public records for the purposes of judicial review.

17 (e) The fee for each abstract of a driver's record shall be  
18 as provided in Section 6-118 of "The Illinois Vehicle Code",  
19 approved September 29, 1969, as amended, whether furnished as a  
20 paper copy or as an electronic copy.

21 (f) A public body may charge up to \$10 for each hour spent  
22 by personnel in searching for and retrieving a requested  
23 record. No fees shall be charged for the first 8 hours spent by  
24 personnel in searching for or retrieving a requested record. A  
25 public body may charge the actual cost of retrieving and  
26 transporting public records from an off-site storage facility

1 when the public records are maintained by a third-party storage  
2 company under contract with the public body. If a public body  
3 imposes a fee pursuant to this subsection (f), it must provide  
4 the requester with an accounting of all fees, costs, and  
5 personnel hours in connection with the request for public  
6 records. The provisions of this subsection (f) apply only to  
7 commercial requests.

8 (Source: P.A. 96-542, eff. 1-1-10; 96-1000, eff. 7-2-10;  
9 97-579, eff. 8-26-11.)

10 Section 10. The Property Tax Code is amended by changing  
11 Section 9-20 as follows:

12 (35 ILCS 200/9-20)

13 Sec. 9-20. Property record cards. In all counties, all  
14 property record cards maintained by a township assessor,  
15 multi-township assessor, or chief county assessment officer  
16 shall be public records, and shall be available for public  
17 inspection during business hours, subject to reasonable rules  
18 and regulations of the custodian of the records. Upon request  
19 and payment of such reasonable fee established by the  
20 custodian, a paper copy or printout of property record cards  
21 shall be provided to any person.

22 Property record cards may be established and maintained on  
23 electronic equipment or microfiche, and that system may be the  
24 exclusive record of property information. Upon request and

1 payment of such reasonable fee established by the custodian, an  
2 electronic or microfiche copy of property record cards shall be  
3 provided to any person who requests that copy for a commercial  
4 purpose, as defined under subsection (c-10) of Section 2 of the  
5 Freedom of Information Act. However, if a person requests an  
6 electronic or microfiche copy of property record cards for a  
7 purpose other than a commercial purpose, then the custodian may  
8 charge a fee only for the actual cost of purchasing the  
9 recording medium, whether disc, diskette, tape, microfiche, or  
10 other medium.

11 (Source: P.A. 83-1312; 88-455.)

12 Section 99. Effective date. This Act takes effect upon  
13 becoming law.