

# SB2495



## 99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB2495

Introduced 2/9/2016, by Sen. Melinda Bush

### SYNOPSIS AS INTRODUCED:

55 ILCS 5/3-5018

from Ch. 34, par. 3-5018

Amends the Counties Code. Makes a technical change to a Section concerning the county recorder's fee.

LRB099 18868 AWJ 43253 b

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 Section  
5 3-5018 as follows:

6 (55 ILCS 5/3-5018) (from Ch. 34, par. 3-5018)

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

15 For recording deeds or other instruments, \$12 for the first  
16 4 pages thereof, plus \$1 for each additional page thereof, plus  
17 \$1 for each additional document number therein noted. The  
18 aggregate minimum fee for recording any one instrument shall  
19 not be less than \$12.

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

1 For recording assignments of mortgages, leases or liens,  
2 \$12 for the first 4 pages thereof, plus \$1 for each additional  
3 page thereof. However, except for leases and liens pertaining  
4 to oil, gas and other minerals, whenever a mortgage, lease or  
5 lien assignment assigns more than one mortgage, lease or lien  
6 document, a \$7 fee shall be charged for the recording of each  
7 such mortgage, lease or lien document after the first one.

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

22 For recording maps or plats of additions or subdivisions  
23 approved by the county or municipality (including the spreading  
24 of the same of record in map case or other proper books) or  
25 plats of condominiums, \$50 for the first page, plus \$1 for each  
26 additional page thereof except that in the case of recording a

1 single page, legal size 8 1/2 x 14, plat of survey in which  
2 there are no more than two lots or parcels of land, the fee  
3 shall be \$12. In each county where such maps or plats are to be  
4 recorded, the recorder may require the same to be accompanied  
5 by such number of exact, true and legible copies thereof as the  
6 recorder deems necessary for the efficient conduct and  
7 operation of his or her office.

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

22 For certified copies of records, the same fees as for  
23 recording, but in no case shall the fee for a certified copy of  
24 a map or plat of an addition, subdivision or otherwise exceed  
25 \$10.

26 Each certificate of such recorder of the recording of the

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

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

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

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

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

1 notations.

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

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

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

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

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

26 The county board of any county that provides and maintains

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

23 The recorder shall collect a \$9 Rental Housing Support  
24 Program State surcharge for the recordation of any real  
25 estate-related document. Payment of the Rental Housing Support  
26 Program State surcharge shall be evidenced by a receipt that

1 shall be marked upon or otherwise affixed to the real  
2 estate-related document by the recorder. The form of this  
3 receipt shall be prescribed by the Department of Revenue and  
4 the receipts shall be issued by the Department of Revenue to  
5 each county recorder.

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

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

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

22 The foregoing fees allowed by this Section are the maximum  
23 fees that may be collected from any officer, agency, department  
24 or other instrumentality of the State. The county board may,  
25 however, by ordinance, increase the fees allowed by this  
26 Section and collect such increased fees from all persons and



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

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

22 (Source: P.A. 98-5, eff. 3-22-13; 98-217, eff. 8-9-13; 98-756,  
23 eff. 7-16-14.)