

SB3007



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3007

Introduced 2/5/2020, by Sen. Omar Aquino

SYNOPSIS AS INTRODUCED:

55 ILCS 5/4-12002
55 ILCS 5/4-12002.1

from Ch. 34, par. 4-12002

Amends the Illinois Municipal Code. Provides that, in counties with a population exceeding 1,000,000, fees for certified and non-certified copies of records apply to copies of records that are maintained in any format, or portions thereof, including microfilm, paper, electronic, database, or index. Provides that counties that have adopted a predictable recording fee schedule shall charge a standard copy fee as provided under the county's predictable fee schedule for certified copies.

LRB101 19854 AWJ 69374 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 4-12002 and 4-12002.1 as follows:

6 (55 ILCS 5/4-12002) (from Ch. 34, par. 4-12002)

7 Sec. 4-12002. Fees of recorder in third class counties.
8 Except as provided for in Section 4-12002.1, the fees of the
9 recorder in counties of the third class for recording deeds or
10 other instruments in writing and maps of plats of additions,
11 subdivisions or otherwise, and for certifying copies of
12 records, shall be paid in advance and shall be as follows:

13 For recording deeds or other instruments \$20 for the first
14 2 pages thereof, plus \$2 for each additional page thereof. The
15 aggregate minimum fee for recording any one instrument shall
16 not be less than \$20.

17 For recording deeds or other instruments wherein the
18 premises affected thereby are referred to by document number
19 and not by legal description the recorder shall charge a fee of
20 \$4 in addition to that hereinabove referred to for each
21 document number therein noted.

22 For recording deeds or other instruments wherein more than
23 one tract, parcel or lot is described and such additional

1 tract, or tracts, parcel or parcels, lot or lots is or are
2 described therein as falling in a separate or different
3 addition or subdivision the recorder shall charge as an
4 additional fee, to that herein provided, the sum of \$2 for each
5 additional addition or subdivision referred to in such deed or
6 instrument.

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

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

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 \$200. These fees, as provided under this Code and county
3 ordinance, apply to certified copies of records that are
4 maintained in any format, or portions thereof, including
5 microfilm, paper, electronic, database, or index.

6 For non-certified copies of records, an amount not to
7 exceed one half of the amount provided herein for certified
8 copies, according to a standard scale of fees, established by
9 county ordinance and made public. These fees, as provided under
10 this Code and county ordinance, apply to non-certified copies
11 of records that are maintained in any format, or portions
12 thereof, including microfilm, paper, electronic, database, or
13 index.

14 For filing of each release of any chattel mortgage or trust
15 deed which has been filed but not recorded and for indexing the
16 same in the book to be kept for that purpose \$10.

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

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

- 25 (1) The document shall consist of one or more
26 individual sheets measuring 8.5 inches by 11 inches, not

1 permanently bound and not a continuous form. Graphic
2 displays accompanying a document to be recorded that
3 measure up to 11 inches by 17 inches shall be recorded
4 without charging an additional fee.

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

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

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

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

20 A document that does not conform to these standards shall not
21 be recorded except upon payment of the additional fee required
22 under this paragraph. This paragraph, as amended by this
23 amendatory Act of 1995, applies only to documents dated after
24 the effective date of this amendatory Act of 1995.

25 The recorder shall collect a \$9 Rental Housing Support
26 Program State surcharge for the recordation of any real

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

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

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

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

24 The fee requirements of this Section apply to units of
25 local government and school districts.

26 Regardless of any other provision in this Section, the

1 maximum fee that may be collected from the Department of
2 Revenue for filing or indexing a lien, certificate of lien
3 release or subordination, or any other type of notice or other
4 documentation affecting or concerning a lien is \$5. Regardless
5 of any other provision in this Section, the maximum fee that
6 may be collected from the Department of Revenue for indexing
7 each additional name in excess of one for any lien, certificate
8 of lien release or subordination, or any other type of notice
9 or other documentation affecting or concerning a lien is \$1.

10 (Source: P.A. 100-1034, eff. 1-1-19.)

11 (55 ILCS 5/4-12002.1)

12 Sec. 4-12002.1. Predictable fee schedule for recordings in
13 third class counties.

14 (a) As used in this Section:

15 "Nonstandard document" means:

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

18 (2) a document recorded pursuant to the Uniform
19 Commercial Code;

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

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

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

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

4 "Standard document" means any document other than a
5 nonstandard document.

6 (b) On or before January 1, 2020, a county shall adopt and
7 implement, by ordinance or resolution, a predictable fee
8 schedule that eliminates surcharges or fees based on the
9 individual attributes of a standard document to be recorded.
10 The initial predictable fee schedule approved by a county board
11 shall be set only as allowed under subsection (c) and any
12 subsequent predictable fee schedule approved by a county board
13 shall be set only as allowed under subsection (d). Except as to
14 the recording of standard documents, the fees imposed by
15 Section 4-12002 shall remain in effect. Under a predictable fee
16 schedule, which only applies to standard documents, no charge
17 shall be based on: page count; number, length, or type of legal
18 descriptions; number of tax identification or other parcel
19 identifying code numbers; number of common addresses; number of
20 references contained as to other recorded documents or document
21 numbers; or any other individual attribute of the document
22 except as expressly provided in this Section. The fee charged
23 under this Section shall be inclusive of all county and State
24 fees that the county may elect or is required to impose or
25 adjust, including, but not limited to, GIS fees, automation
26 fees, document storage fees, and the Rental Housing Support

1 Program State surcharge.

2 A predictable fee schedule ordinance or resolution adopted
3 under this Section shall list standard document fees, including
4 document class flat fees as required by subsection (c), and
5 nonstandard document fees.

6 Before approval of an ordinance or resolution under this
7 Section, the recorder or county clerk shall post a notice in
8 his or her office at least 2 weeks prior, but not more than 4
9 weeks prior, to the public meeting at which the ordinance or
10 resolution may be adopted. The notice shall contain the
11 proposed ordinance or resolution number, if any, the proposed
12 document class flat fees for each classification, and a
13 reference to this Section or this amendatory Act of the 100th
14 General Assembly.

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

17 (c) Pursuant to an ordinance or resolution adopted under
18 subsection (b), the recorder elected as provided for in this
19 Division shall receive such fees as are or may be provided for
20 him or her by law, in case of provision thereof: otherwise he
21 or she shall receive the same fees as are or may be provided in
22 this Section except when increased by county ordinance or
23 resolution pursuant to the provisions of this Section, to be
24 paid to the county clerk for his or her services in the office
25 of recorder for like services. For the purposes of the fee
26 charged, the ordinance or resolution shall divide standard

1 documents into the following classifications and shall
2 establish a single, all-inclusive, county and State-imposed
3 aggregate fee charged for each such classification of document
4 at the time of recording for that document, which is called the
5 document class flat fee. A standard document is not subject to
6 more than one classification at the time of recording for the
7 purposes of imposing any fee. Each standard document shall fall
8 within one of the following document class flat fee
9 classifications and fees for each document class shall be
10 charged only as allowed by this subsection (c) and subsection
11 (d):

12 (1) Deeds. The aggregate fee for recording deeds shall
13 not be less than \$29 (being a minimum \$20 county fee plus
14 \$9 for the Rental Housing Support Program State surcharge).
15 Inclusion of language in the deed as to any restriction;
16 covenant; lien; oil, gas, or other mineral interest;
17 easement; lease; or a mortgage shall not alter the
18 classification of a document as a deed.

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

25 (3) Mortgages. The aggregate fee for recording
26 mortgages, including assignments, extensions, amendments,

1 subordinations, and mortgage releases shall not be less
2 than \$29 (being a minimum \$20 county fee plus \$9 for the
3 Rental Housing Support Program State surcharge).

4 (4) Easements not otherwise part of another
5 classification. The aggregate fee for recording easements
6 not otherwise part of another classification, including
7 assignments, extensions, amendments, and easement releases
8 not filed by a State agency, unit of local government, or
9 school district shall not be less than \$29 (being a minimum
10 \$20 county fee plus \$9 for the Rental Housing Support
11 Program State surcharge).

12 (5) Miscellaneous. The aggregate fee for recording
13 documents not otherwise falling within classifications set
14 forth in paragraphs (1) through (4) and are not nonstandard
15 documents shall not be less than \$29 (being a minimum \$20
16 county fee plus \$9 for the Rental Housing Support Program
17 State surcharge). Nothing in this subsection shall
18 preclude an alternate predictable fee schedule for
19 electronic recording within each of the classifications
20 set forth in this subsection (c). If the Rental Housing
21 Support Program State surcharge is amended and the
22 surcharge is increased or lowered, the aggregate amount of
23 the document flat fee attributable to the surcharge in the
24 document may be changed accordingly.

25 (d) After a document class flat fee is approved by a county
26 board under subsection (b), the county board may, by ordinance

1 or resolution, increase the document class flat fee and collect
2 the increased fees if the established fees are not sufficient
3 to cover the costs of providing the services related to the
4 document class for which the fee is to be increased.

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

8 (e) Notwithstanding any other provision of law, counties
9 that have adopted a predictable recording fee schedule under
10 this Section shall charge a standard copy fee as provided under
11 the county's predictable fee schedule for certified copies. The
12 fees shall be applicable to any format, or portions thereof,
13 that the record is maintained, including paper, microfilm,
14 electronic format, or database.

15 (Source: P.A. 100-1034, eff. 1-1-19.)