



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3036

by Rep. Lawrence Walsh, Jr.

SYNOPSIS AS INTRODUCED:

55 ILCS 5/3-5018

from Ch. 34, par. 3-5018

55 ILCS 5/3-5018.1 new

Amends the Counties Code. Provides that on and after January 1, 2019, a county shall adopt and implement a predictable fee schedule that eliminates surcharges or fees based upon the individual attributes of documents to be recorded with the county recorder. Provides that fees for standard documents are divided into 5 classifications of document class flat fees, which are inclusive of county and State fees required for each recorded document. Provides for methods that the non-predictable fees may be increased prior to adopting document class flat fees. Provides that prior to increasing a document class flat fee, a cost study must be completed showing that the increase is needed because the document class flat fees are not sufficient to cover the cost of providing the service. Defines "standard document" and "nonstandard document". Effective immediately.

LRB100 08471 AWJ 18590 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 Section
5 3-5018 and by adding Section 3-5018.1 as follows:

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

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

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

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

1 hereinabove referred to for each document number therein noted.

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

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

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

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

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

23 For certified copies of records, the same fees as for
24 recording, but in no case shall the fee for a certified copy of
25 a map or plat of an addition, subdivision or otherwise exceed
26 \$10.

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

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

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

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

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

1 limited to form numbers, page numbers, and customer
2 notations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (55 ILCS 5/3-5018.1 new)

2 Sec. 3-5018.1. Predictable fee schedule.

3 (a) As used in this Section:

4 "Nonstandard document" means:

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

7 (2) a document recorded pursuant to the Uniform
8 Commercial Code;

9 (3) a document which is non-conforming, as described in
10 paragraphs (1) through (5) of Section 3-5018;

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

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

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

18 "Standard document" means any document other than a
19 nonstandard document.

20 (b) On or before January 1, 2019, a county shall adopt and
21 implement, by ordinance or resolution, a predictable fee
22 schedule that eliminates surcharges or fees based on the
23 individual attributes of a standard document to be recorded.
24 Except as to the recording of standard documents, the fees
25 imposed by Section 3-5018 shall remain in effect. Under a
26 predictable fee schedule, fees shall be charged only as

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

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

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

26 A predictable fee schedule takes effect 60 days after an

1 ordinance or resolution is adopted.

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

21 (1) Deeds. The aggregate fee for recording deeds shall
22 not be less than \$21 (being a minimum \$12 county fee plus
23 \$9 for the Rental Housing Support Program State surcharge).
24 Inclusion of language in the deed as to any restriction;
25 covenant; lien; oil, gas, or other mineral interest;
26 easement; lease; or a mortgage shall not alter the

1 classification of a document as a deed.

2 (2) Leases, lease amendments, and similar transfer of
3 interest documents. The aggregate fee for recording
4 leases, lease amendments, and similar transfers of
5 interest documents shall not be less than \$21 (being a
6 minimum \$12 county fee plus \$9 for the Rental Housing
7 Support Program State surcharge).

8 (3) Mortgages. The aggregate fee for recording
9 mortgages, including assignments, extensions, amendments,
10 subordinations, and mortgage releases shall not be less
11 than \$21 (being a minimum \$12 county fee plus \$9 for the
12 Rental Housing Support Program State surcharge).

13 (4) Easements not otherwise part of another
14 classification. The aggregate fee for recording easements
15 not otherwise part of another classification, including
16 assignments, extensions, amendments, and easement releases
17 not filed by a State agency, unit of local government, or
18 school district shall not be less than \$21 (being a minimum
19 \$12 county fee plus \$9 for the Rental Housing Support
20 Program State surcharge).

21 (5) Miscellaneous. The aggregate fee for recording
22 documents not otherwise falling within classifications set
23 forth in paragraphs (1) through (4) and are not nonstandard
24 documents shall not be less than \$21 (being a minimum \$12
25 county fee plus \$9 for the Rental Housing Support Program
26 State surcharge).

1 Nothing in this subsection shall preclude an alternate
2 predictable fee schedule for electronic recording within each
3 of the classifications set forth in this subsection (c). If the
4 Rental Housing Support Program State surcharge is amended and
5 the surcharge is increased or lowered, the aggregate amount of
6 the document flat fee attributable to the surcharge in the
7 document may be changed accordingly.

8 (d) The county board may, by ordinance or resolution,
9 increase the document class flat fees under subsection (c) and
10 collect the increased fees if the increase is justified by a
11 cost study that shows that the fees allowed by subsection (c)
12 are not sufficient to cover the cost of providing the service.
13 A statement of the costs of providing each service, program,
14 and activity shall be prepared by the county board. All
15 supporting documents shall be public record and subject to
16 public examination and audit. All direct and indirect costs, as
17 defined in the United States Office of Management and Budget
18 Circular A-87, may be included in the determination of the
19 costs of each service, program, and activity.

20 Nothing in this Section precludes a county board from
21 adjusting amounts or allocations within a given document class
22 flat fee as long as the document class flat fee is not
23 increased.

24 (e) A county board that is in the process of transitioning
25 into the predictable fee schedule under this Section, but has
26 not yet approved the document class flat fees under subsection

1 (c), may increase or lower fees under Section 3-5018 or may
2 instead:

3 (1) obtain from the clerk or recorder an analysis of
4 the average fees collected for the recording of each of the
5 classifications under subsection (c) based on the 3
6 previous years of recording data, and, without a cost
7 study, set a document class flat fee for each of the 5
8 document classifications at an average rounded upward to
9 the next whole dollar amount; or

10 (2) obtain from the clerk or recorder, if a cost study
11 has been completed within the last 3 years, an analysis of
12 the average fees collected for the recording of each of the
13 classifications under subsection (c) from the date of the
14 cost study, and set a document class flat fee for each of
15 the 5 document classifications at an average rounded upward
16 to the next whole dollar amount.

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.