



Sen. Omar Aquino

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LRB100 05027 AWJ 36315 a

1 AMENDMENT TO SENATE BILL 426

2 AMENDMENT NO. _____. Amend Senate Bill 426 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Counties Code is amended by changing
5 Sections 3-5018 and 4-12002 and by adding Section 4-12002.1 as
6 follows:

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

8 Sec. 3-5018. Traditional fee schedule. Except as provided
9 for in Sections ~~Section~~ 3-5018.1, 4-12002, and 4-12002.1, the
10 recorder elected as provided for in this Division shall receive
11 such fees as are or may be provided for him or her by law, in
12 case of provision therefor: otherwise he or she shall receive
13 the same fees as are or may be provided in this Section, except
14 when increased by county ordinance or resolution pursuant to
15 the provisions of this Section, to be paid to the county clerk
16 for his or her services in the office of recorder for like

1 services.

2 For recording deeds or other instruments, \$12 for the first
3 4 pages thereof, plus \$1 for each additional page thereof, plus
4 \$1 for each additional document number therein noted. The
5 aggregate minimum fee for recording any one instrument shall
6 not be less than \$12.

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

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

18 For recording any document that affects an interest in real
19 property other than documents which solely affect or relate to
20 an easement for water, sewer, electricity, gas, telephone or
21 other public service, the recorder shall charge a fee of \$1 per
22 document to all filers of documents not filed by any State
23 agency, any unit of local government, or any school district.
24 Fifty cents of the \$1 fee hereby established shall be deposited
25 into the County General Revenue Fund. The remaining \$0.50 shall
26 be deposited into the Recorder's Automation Fund and may not be

1 appropriated or expended for any other purpose. The additional
2 amounts available to the recorder for expenditure from the
3 Recorder's Automation Fund shall not offset or reduce any other
4 county appropriations or funding for the office of the
5 recorder.

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

18 For non-certified copies of records, an amount not to
19 exceed one-half of the amount provided in this Section for
20 certified copies, according to a standard scale of fees,
21 established by county ordinance or resolution and made public.
22 The provisions of this paragraph shall not be applicable to any
23 person or entity who obtains non-certified copies of records in
24 the following manner: (i) in bulk for all documents recorded on
25 any given day in an electronic or paper format for a negotiated
26 amount less than the amount provided for in this paragraph for

1 non-certified copies, (ii) under a contractual relationship
2 with the recorder for a negotiated amount less than the amount
3 provided for in this paragraph for non-certified copies,
4 or (iii) by means of Internet access pursuant to Section
5 5-1106.1.

6 For certified copies of records, the same fees as for
7 recording, but in no case shall the fee for a certified copy of
8 a map or plat of an addition, subdivision or otherwise exceed
9 \$10.

10 Each certificate of such recorder of the recording of the
11 deed or other writing and of the date of recording the same
12 signed by such recorder, shall be sufficient evidence of the
13 recording thereof, and such certificate including the indexing
14 of record, shall be furnished upon the payment of the fee for
15 recording the instrument, and no additional fee shall be
16 allowed for the certificate or indexing.

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

22 (1) The document shall consist of one or more
23 individual sheets measuring 8.5 inches by 11 inches, not
24 permanently bound and not a continuous form. Graphic
25 displays accompanying a document to be recorded that
26 measure up to 11 inches by 17 inches shall be recorded

1 without charging an additional fee.

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

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

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

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

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

22 The county board of any county may provide for an
23 additional charge of \$3 for filing every instrument, paper, or
24 notice for record, (1) in order to defray the cost of
25 converting the county recorder's document storage system to
26 computers or micrographics and (2) in order to defray the cost

1 of providing access to records through the global information
2 system known as the Internet.

3 A special fund shall be set up by the treasurer of the
4 county and such funds collected pursuant to Public Act 83-1321
5 shall be used (1) for a document storage system to provide the
6 equipment, materials and necessary expenses incurred to help
7 defray the costs of implementing and maintaining such a
8 document records system and (2) for a system to provide
9 electronic access to those records.

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

1 Section 3-5005.4. The recorder may, in his or her discretion,
2 use moneys in the funds created under Section 3-5005.4 to
3 defray the cost of implementing or maintaining the county's
4 Geographic Information System and to defray the cost of
5 providing electronic access to the county's Geographic
6 Information System records.

7 The recorder shall collect a \$9 Rental Housing Support
8 Program State surcharge for the recordation of any real
9 estate-related document. Payment of the Rental Housing Support
10 Program State surcharge shall be evidenced by a receipt that
11 shall be marked upon or otherwise affixed to the real
12 estate-related document by the recorder. The form of this
13 receipt shall be prescribed by the Department of Revenue and
14 the receipts shall be issued by the Department of Revenue to
15 each county recorder.

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

19 On the 15th day of each month, each county recorder shall
20 report to the Department of Revenue, on a form prescribed by
21 the Department, the number of real estate-related documents
22 recorded for which the Rental Housing Support Program State
23 surcharge was collected. Each recorder shall submit \$9 of each
24 surcharge collected in the preceding month to the Department of
25 Revenue and the Department shall deposit these amounts in the
26 Rental Housing Support Program Fund. Subject to appropriation,

1 amounts in the Fund may be expended only for the purpose of
2 funding and administering the Rental Housing Support Program.

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

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

26 A statement of the costs of providing each service, program

1 and activity shall be prepared by the county board. All
2 supporting documents shall be public record and subject to
3 public examination and audit. All direct and indirect costs, as
4 defined in the United States Office of Management and Budget
5 Circular A-87, may be included in the determination of the
6 costs of each service, program and activity.

7 (Source: P.A. 100-271, eff. 8-22-17.)

8 (55 ILCS 5/4-12002) (from Ch. 34, par. 4-12002)

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

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

19 For recording deeds or other instruments wherein the
20 premises affected thereby are referred to by document number
21 and not by legal description the recorder shall charge a fee of
22 \$4 in addition to that hereinabove referred to for each
23 document number therein noted.

24 For recording deeds or other instruments wherein more than
25 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.

3 For non-certified copies of records, an amount not to
4 exceed one half of the amount provided herein for certified
5 copies, according to a standard scale of fees, established by
6 county ordinance and made public.

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

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

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

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

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

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

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

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

13 A document that does not conform to these standards shall not
14 be recorded except upon payment of the additional fee required
15 under this paragraph. This paragraph, as amended by this
16 amendatory Act of 1995, applies only to documents dated after
17 the effective date of this amendatory Act of 1995.

18 The recorder shall collect a \$9 Rental Housing Support
19 Program State surcharge for the recordation of any real
20 estate-related document. Payment of the Rental Housing Support
21 Program State surcharge shall be evidenced by a receipt that
22 shall be marked upon or otherwise affixed to the real
23 estate-related document by the recorder. The form of this
24 receipt shall be prescribed by the Department of Revenue and
25 the receipts shall be issued by the Department of Revenue to
26 each county recorder.

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

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

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

17 The fee requirements of this Section apply to units of
18 local government and school districts.

19 Regardless of any other provision in this Section, the
20 maximum fee that may be collected from the Department of
21 Revenue for filing or indexing a lien, certificate of lien
22 release or subordination, or any other type of notice or other
23 documentation affecting or concerning a lien is \$5. Regardless
24 of any other provision in this Section, the maximum fee that
25 may be collected from the Department of Revenue for indexing
26 each additional name in excess of one for any lien, certificate

1 of lien release or subordination, or any other type of notice
2 or other documentation affecting or concerning a lien is \$1.

3 (Source: P.A. 98-5, eff. 3-22-13.)

4 (55 ILCS 5/4-12002.1 new)

5 Sec. 4-12002.1. Predictable fee schedule for recordings in
6 third class counties.

7 (a) As used in this Section:

8 "Nonstandard document" means:

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

11 (2) a document recorded pursuant to the Uniform
12 Commercial Code;

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

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

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

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

22 "Standard document" means any document other than a
23 nonstandard document.

24 (b) On or before January 1, 2020, a county shall adopt and
25 implement, by ordinance or resolution, a predictable fee

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

21 A predictable fee schedule ordinance or resolution adopted
22 under this Section shall list standard document fees, including
23 document class flat fees as required by subsection (c), and
24 nonstandard document fees.

25 Before approval of an ordinance or resolution under this
26 Section, the recorder or county clerk shall post a notice in

1 his or her office at least 2 weeks prior, but not more than 4
2 weeks prior, to the public meeting at which the ordinance or
3 resolution may be adopted. The notice shall contain the
4 proposed ordinance or resolution number, if any, the proposed
5 document class flat fees for each classification, and a
6 reference to this Section or this amendatory Act of the 100th
7 General Assembly.

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

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

1 within one of the following document class flat fee
2 classifications and fees for each document class shall be
3 charged only as allowed by this subsection (c) and subsection
4 (d):

5 (1) Deeds. The aggregate fee for recording deeds shall
6 not be less than \$29 (being a minimum \$20 county fee plus
7 \$9 for the Rental Housing Support Program State surcharge).
8 Inclusion of language in the deed as to any restriction;
9 covenant; lien; oil, gas, or other mineral interest;
10 easement; lease; or a mortgage shall not alter the
11 classification of a document as a deed.

12 (2) Leases, lease amendments, and similar transfer of
13 interest documents. The aggregate fee for recording
14 leases, lease amendments, and similar transfers of
15 interest documents shall not be less than \$29 (being a
16 minimum \$20 county fee plus \$9 for the Rental Housing
17 Support Program State surcharge).

18 (3) Mortgages. The aggregate fee for recording
19 mortgages, including assignments, extensions, amendments,
20 subordinations, and mortgage releases shall not be less
21 than \$29 (being a minimum \$20 county fee plus \$9 for the
22 Rental Housing Support Program State surcharge).

23 (4) Easements not otherwise part of another
24 classification. The aggregate fee for recording easements
25 not otherwise part of another classification, including
26 assignments, extensions, amendments, and easement releases

1 not filed by a State agency, unit of local government, or
2 school district shall not be less than \$29 (being a minimum
3 \$20 county fee plus \$9 for the Rental Housing Support
4 Program State surcharge).

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

18 (d) After a document class flat fee is approved by a county
19 board under subsection (b), the county board may, by ordinance
20 or resolution, increase the document class flat fee and collect
21 the increased fees if the established fees are not sufficient
22 to cover the costs of providing the services related to the
23 document class for which the fee is to be increased.

24 Nothing in this Section precludes a county board from
25 adjusting amounts or allocations within a given document class
26 flat fee when the document class flat fee is not increased."