



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB4821

Introduced 2/18/2020, by Rep. Tom Demmer

#### SYNOPSIS AS INTRODUCED:

55 ILCS 5/3-5018.1

Amends the Recorder Division of the Counties Code. Provides that a "nonstandard document" in a predictable fee schedule includes a document relating to timeshare property making specific reference to more than 20 units. Provides that the fee for recording a document relating to timeshare property making specific reference to more than 20 units shall be \$66.50 for the first 4 pages, \$1 for each additional page, and, in addition to the page fees, \$19.00 for each specifically-referenced unit in excess of 20. Limits home rule powers. Effective immediately.

LRB101 19086 AWJ 68546 b

FISCAL NOTE ACT  
MAY APPLY

HOME RULE NOTE  
ACT MAY APPLY

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 3-5018.1 as follows:

6 (55 ILCS 5/3-5018.1)

7 Sec. 3-5018.1. Predictable fee schedule.

8 (a) As used in this Section:

9 "Nonstandard document" means:

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

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

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

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

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

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

23 (7) a document relating to timeshare property making

1           specific reference to more than 20 units.

2           "Standard document" means any document other than a  
3 nonstandard document.

4           (b) On or before January 1, 2019, a county shall adopt and  
5 implement, by ordinance or resolution, a predictable fee  
6 schedule that eliminates surcharges or fees based on the  
7 individual attributes of a standard document to be recorded.  
8 The initial predictable fee schedule approved by a county board  
9 shall be set only as allowed under subsections (c) and (d) and  
10 any subsequent predictable fee schedule approved by a county  
11 board shall be set only as allowed under subsection (e). Except  
12 as to the recording of standard documents, the fees imposed by  
13 Section 3-5018 shall remain in effect. Under a predictable fee  
14 schedule, no charge shall be based on: page count; number,  
15 length, or type of legal descriptions; number of tax  
16 identification or other parcel identifying code numbers;  
17 number of common addresses; number of references contained as  
18 to other recorded documents or document numbers; or any other  
19 individual attribute of the document except as expressly  
20 provided in this Section. The fee charged under this Section  
21 shall be inclusive of all county and State fees that the county  
22 may elect or is required to impose or adjust, including, but  
23 not limited to, GIS fees, automation fees, document storage  
24 fees, and the Rental Housing Support Program State surcharge.

25           A predictable fee schedule ordinance or resolution adopted  
26 under this Section shall list standard document fees, including

1 document class flat fees as required by subsection (c), and  
2 non-standard document fees.

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

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

14 (c) Pursuant to an ordinance or resolution adopted under  
15 subsection (b), the recorder elected as provided for in this  
16 Division shall receive such fees as are or may be provided for  
17 him or her by law, in case of provision thereof: otherwise he  
18 or she shall receive the same fees as are or may be provided in  
19 this Section except when increased by county ordinance or  
20 resolution pursuant to the provisions of this Section, to be  
21 paid to the county clerk for his or her services in the office  
22 of recorder for like services. For the purposes of the fee  
23 charged, the ordinance or resolution shall divide standard  
24 documents into the following classifications and shall  
25 establish a single, all inclusive, county and State-imposed  
26 aggregate fee charged for each such classification of document

1 at the time of recording for that document, which is called the  
2 document class flat fee. A standard document is not subject to  
3 more than one classification at the time of recording for the  
4 purposes of imposing any fee. Each standard document shall fall  
5 within one of the following document class flat fee  
6 classifications and fees for each document class shall be  
7 charged only as allowed by this subsection (c) and subsection  
8 (d):

9 (1) Deeds. The aggregate fee for recording deeds shall  
10 not be less than \$21 (being a minimum \$12 county fee plus  
11 \$9 for the Rental Housing Support Program State surcharge).  
12 Inclusion of language in the deed as to any restriction;  
13 covenant; lien; oil, gas, or other mineral interest;  
14 easement; lease; or a mortgage shall not alter the  
15 classification of a document as a deed.

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

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

1           (4) Easements not otherwise part of another  
2 classification. The aggregate fee for recording easements  
3 not otherwise part of another classification, including  
4 assignments, extensions, amendments, and easement releases  
5 not filed by a State agency, unit of local government, or  
6 school district shall not be less than \$21 (being a minimum  
7 \$12 county fee plus \$9 for the Rental Housing Support  
8 Program State surcharge).

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

22           (d) If an ordinance or resolution establishing a  
23 predictable fee schedule is adopted pursuant to subsection (b)  
24 and any document class flat fee exceeds \$21, the county board  
25 shall:

26           (1) obtain from the clerk or recorder an analysis of

1 the average fees collected for the recording of each of the  
2 classifications under subsection (c) based on the 3  
3 previous years of recording data, and, if a cost study has  
4 not been performed, set respective document class flat fees  
5 for each of the 5 document classifications at the average  
6 for that class rounded upward to the next whole dollar  
7 amount; or

8 (2) if a cost study has been completed within the last  
9 3 years that shows \$21 is not sufficient to cover the costs  
10 of providing the services related to each document class,  
11 obtain from the clerk or recorder an analysis of the  
12 average fees collected for the recording of each of the  
13 document classifications under subsection (c) from the  
14 date of the cost study and set respective document class  
15 flat fees for each of the 5 document classifications at the  
16 average for that document class rounded upward to the next  
17 whole dollar amount.

18 (e) 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 only if the increase is justified by a cost  
22 study that shows that the fees allowed by subsections (c) and  
23 (d) are not sufficient to cover the cost of providing the  
24 service related to the document class for which the fee is to  
25 be increased. A statement of the costs of providing each  
26 service, program, and activity shall be prepared by the county

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

7 Nothing in this Section precludes a county board from  
8 adjusting amounts or allocations within a given document class  
9 flat fee as long as the document class flat fee is not  
10 increased.

11 (f) The fee for recording a document relating to timeshare  
12 property making specific reference to more than 20 units shall  
13 be \$66.50 for the first 4 pages, \$1 for each additional page,  
14 and, in addition to the page fees, \$19.00 for each  
15 specifically-referenced unit in excess of 20.

16 A home rule county may not set fees for a document relating  
17 to timeshare property making specific reference to more than 20  
18 units in a manner inconsistent with this subsection. This  
19 subsection is a limitation under subsection (i) of Section 6 of  
20 Article VII of the Illinois Constitution on the concurrent  
21 exercise by home rule units of powers and functions exercised  
22 by the State.

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

24 Section 99. Effective date. This Act takes effect upon  
25 becoming law.