

SB3187



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB3187

Introduced 1/13/2022, by Sen. Linda Holmes

SYNOPSIS AS INTRODUCED:

55 ILCS 5/3-5018
55 ILCS 5/3-5024

from Ch. 34, par. 3-5018
from Ch. 34, par. 3-5024

Amends the Counties Code. Provides that a physical or electronic image of the recorder's stamp satisfies the signature requirement for recorded instruments prior to, on, and after the effective date of the amendatory Act. Makes corresponding changes. Effective immediately.

LRB102 22807 AWJ 31957 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
5 Sections 3-5018 and 3-5024 as follows:

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

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

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

22 For recording deeds or other instruments wherein the
23 premises affected thereby are referred to by document number

1 and not by legal description, a fee of \$1 in addition to that
2 hereinabove referred to for each document number therein
3 noted.

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

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

25 For recording maps or plats of additions or subdivisions
26 approved by the county or municipality (including the

1 spreading of the same of record in map case or other proper
2 books) or plats of condominiums, \$50 for the first page, plus
3 \$1 for each additional page thereof except that in the case of
4 recording a single page, legal size 8 1/2 x 14, plat of survey
5 in which there are no more than two lots or parcels of land,
6 the fee shall be \$12. In each county where such maps or plats
7 are to be recorded, the recorder may require the same to be
8 accompanied by such number of exact, true and legible copies
9 thereof as the recorder deems necessary for the efficient
10 conduct and operation of his or her office.

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

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 \$10.

3 Each certificate of such recorder of the recording of the
4 deed or other writing and of the date of recording the same
5 signed by such recorder, shall be sufficient evidence of the
6 recording thereof, and such certificate including the indexing
7 of record, shall be furnished upon the payment of the fee for
8 recording the instrument, and no additional fee shall be
9 allowed for the certificate or indexing. A physical or
10 electronic image of the recorder's stamp satisfies the
11 signature requirement for recorded instruments prior to, on,
12 and after the effective date of this amendatory Act of the
13 102nd General Assembly.

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

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

25 (2) The document shall be legibly printed in black
26 ink, by hand, type, or computer. Signatures and dates may

1 be in contrasting colors if they will reproduce clearly.

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

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

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

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

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

26 A special fund shall be set up by the treasurer of the

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

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

1 maintaining the county's Geographic Information System and to
2 defray the cost of providing electronic access to the county's
3 Geographic Information System records.

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

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

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

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

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

24 A statement of the costs of providing each service,
25 program and activity shall be prepared by the county board.
26 All supporting documents shall be public record and subject to

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

5 (Source: P.A. 100-271, eff. 8-22-17; 100-1034, eff. 1-1-19.)

6 (55 ILCS 5/3-5024) (from Ch. 34, par. 3-5024)

7 Sec. 3-5024. Certificate of time of filing. When any
8 instrument in writing is recorded in the recorder's office,
9 the recorder shall indorse upon such instrument a certificate
10 of the time (including the hour of the day) when the same was
11 received for recordation (which shall be considered the time
12 of recording the same), and the book and page in which the same
13 is recorded. The recorder shall sign the certificate or shall
14 affix his facsimile signature thereto. A physical or
15 electronic image of the recorder's stamp satisfies the
16 signature requirement for recorded instruments prior to, on,
17 and after the effective date of this amendatory Act of the
18 102nd General Assembly.

19 The certificate, when signed by the recorder, or to which
20 he has affixed his facsimile signature or a physical or
21 electronic image of the recorder's stamp, shall be evidence of
22 the facts therein stated.

23 (Source: P.A. 86-962.)

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