



Sen. Linda Holmes

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LRB103 03147 AWJ 72355 a

1 AMENDMENT TO SENATE BILL 694

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 694 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Counties Code is amended by changing  
5 Sections 3-5010 and 3-5018.2 as follows:

6 (55 ILCS 5/3-5010) (from Ch. 34, par. 3-5010)

7 Sec. 3-5010. Duties of recorder. Every recorder shall, as  
8 soon as practicable after the receipt of any instrument in  
9 writing in the office, entitled to be recorded, record the  
10 same at length in the order of time of its reception, in well  
11 bound books or computer databases to be provided for that  
12 purpose. In counties of 500,000 or more inhabitants, the  
13 recorder may microphotograph or otherwise reproduce on film or  
14 store electronically any of such instruments in the manner  
15 provided by law. In counties of less than 500,000 inhabitants,  
16 the recorder may cause to be microphotographed or otherwise

1 reproduced on film any of such instruments or electronic  
2 method of storage. When any such instrument is reproduced on  
3 film or electronic method of storage, the film or electronic  
4 method of storage shall comply with the minimum standards of  
5 quality approved for records of the State Records Commission  
6 and the device used to reproduce the records on the film or  
7 electronic method of storage shall be one which accurately  
8 reproduces the contents of the original.

9 (Source: P.A. 103-400, eff. 1-1-24.)

10 (55 ILCS 5/3-5018.2)

11 Sec. 3-5018.2. Predictable fee schedule for recordings in  
12 first and second class counties.

13 (a) The fees of the recorder in counties of the first and  
14 second class for recording deeds or other instruments in  
15 writing and maps of plats of additions, subdivisions, or  
16 otherwise and for certifying copies of records shall be paid  
17 in advance and shall conform to this Section. The fees or  
18 surcharges shall not, unless otherwise provided in this  
19 Section, be based on the individual attributes of a document  
20 to be recorded, including, but not limited to, page count;  
21 number, length, or type of legal descriptions; number of tax  
22 identification or other parcel-identifying code numbers;  
23 units; number of common addresses; number of references  
24 contained as to other recorded documents or document numbers;  
25 or any other individual attribute of the document. The fees

1 charged under this Section shall be inclusive of all county  
2 and State fees that the county may elect or is required to  
3 impose or adjust, including, but not limited to, GIS fees,  
4 automation fees, document storage fees, and the Rental Housing  
5 Support Program State and county surcharges.

6 (b) A county of the first or second class shall adopt and  
7 implement, by ordinance or resolution, a predictable fee  
8 schedule as provided in subsection (c) that eliminates  
9 surcharges or fees based on the individual attributes of a  
10 document to be recorded. If a county has previously adopted an  
11 ordinance or resolution adopting a predictable fee schedule,  
12 the county must adopt an ordinance or resolution revising that  
13 predictable fee schedule to be consistent with this Section.  
14 After a document class predictable fee is approved by a county  
15 board consistent with this Section, the county board may, by  
16 ordinance or resolution, increase the document class  
17 predictable fee and collect the increased fees if the  
18 established fees are not sufficient to cover the costs of  
19 providing the services related to the document class for which  
20 the fee is to be increased.

21 For the purposes of the fee charged, the ordinance or  
22 resolution shall divide documents into the classifications  
23 specified in subsection (c), and shall establish a single,  
24 all-inclusive county and State-imposed aggregate predictable  
25 fee charged for each classification of document at the time of  
26 recording for that document. Each document, unless otherwise

1 provided in this Section, shall fall within one of the  
2 document class predictable fee classifications set by  
3 subsection (c), and fees for each document class shall be  
4 charged only as allowed by this Section.

5 Before approval of an ordinance or resolution under this  
6 subsection that creates or modifies a predictable fee  
7 schedule, the recorder or county clerk shall post a notice in  
8 the recorder's or clerk's office at least 2 weeks prior, but  
9 not more than 4 weeks prior, to the public meeting at which the  
10 ordinance or resolution may be adopted. The notice shall  
11 contain the proposed ordinance or resolution number, if any,  
12 the proposed document class predictable fees for each  
13 classification, and a reference to this Section and this  
14 amendatory Act of the 103rd General Assembly. A predictable  
15 fee schedule takes effect 60 days after an ordinance or  
16 resolution is adopted, unless the fee schedule was previously  
17 created and the ordinance or resolution is a modification  
18 allowed under this Section.

19 Nothing in this Section precludes a county board from  
20 adjusting amounts or allocations within a given document class  
21 predictable fee when the document class predictable fee is not  
22 increased or precludes an alternate predictable fee schedule  
23 for electronic recording within each of the classifications  
24 under subsection (c).

25 The county board may, by ordinance or resolution, increase  
26 the fees allowed in the predictable fee schedule if the

1 increase is justified by an acceptable cost study or internal  
2 analysis of a minimum of 3 years showing that the fees allowed  
3 by this Section are not sufficient to cover the cost of  
4 providing the service.

5 A statement of the cost of providing each service,  
6 program, and activity shall be prepared by the county board.  
7 All supporting documents to the statement are public records  
8 and subject to public examination and audit. All direct and  
9 indirect costs, as defined in the United States Office of  
10 Management and Budget Circular A-87, may be included in the  
11 determination of the costs of each service, program, and  
12 activity.

13 If the Rental Housing Support Program State surcharge is  
14 amended and the surcharge is increased or lowered, the  
15 aggregate amount of the document predictable fee attributable  
16 to the surcharge in the document may be changed accordingly.  
17 If any fee or surcharge is changed by State statute, the county  
18 may increase the document class fees by the same amount  
19 without any cost study.

20 (c) A predictable fee schedule ordinance or resolution  
21 adopted under this Section shall list document fees, including  
22 document class predictable fees. The document classes shall be  
23 as follows:

24 (1) Deeds. The aggregate fee for recording deeds shall  
25 not be less than \$31 (being a minimum \$13 county fee plus  
26 \$18 for the Rental Housing Support Program State

1 surcharge). Inclusion of language in the deed as to any  
2 restriction; covenant; lien; oil, gas, or other mineral  
3 interest; easement; lease; or a mortgage shall not alter  
4 the classification of a document as a deed.

5 (2) Leases, lease amendments, and similar transfer of  
6 interest documents. The aggregate fee for recording  
7 leases, lease amendments, and similar transfers of  
8 interest documents shall not be less than \$31 (being a  
9 minimum \$13 county fee plus \$18 for the Rental Housing  
10 Support Program State surcharge).

11 (3) Mortgages. The aggregate fee for recording  
12 mortgages, including assignments, extensions, amendments,  
13 subordinations, and mortgage releases shall not be less  
14 than \$31 (being a minimum \$13 county fee plus \$18 for the  
15 Rental Housing Support Program State surcharge).

16 (4) Easements not otherwise part of another  
17 classification. The aggregate fee for recording easements  
18 not otherwise part of another classification, including  
19 assignments, extensions, amendments, and easement releases  
20 not filed by a State agency, unit of local government, or  
21 school district, shall not be less than \$31 (being a  
22 minimum \$13 county fee plus \$18 for the Rental Housing  
23 Support Program State surcharge).

24 (5) Nonstandard ~~Irregular~~ documents. Any document  
25 presented that does not conform to the following  
26 standards, even if it may qualify for another document

1 class, may be recorded under this document class (5) if  
2 the nonstandard document irregularity allows a legible  
3 reproduction of the document presented:

4 (A) The document shall consist of one or more  
5 individual sheets measuring 8.5 inches by 11 inches,  
6 not permanently bound, and not a continuous form.  
7 Graphic displays accompanying a document to be  
8 recorded that measure up to 11 inches by 17 inches  
9 shall be recorded without charging an additional fee.

10 (B) The document shall be legibly printed in black  
11 ink by hand, type, or computer. Signatures and dates  
12 may be in contrasting colors if they will reproduce  
13 clearly.

14 (C) The document shall be on white paper of not  
15 less than 20-pound weight and shall have a clean  
16 margin of at least one-half inch on the top, the  
17 bottom, and each side. Margins may be used only for  
18 non-essential notations that will not affect the  
19 validity of the document, including, but not limited  
20 to, form numbers, page numbers, and customer  
21 notations.

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

25 (E) The document shall not have any attachment  
26 stapled or otherwise affixed to any page.

1           (F) The document makes specific reference to 5 or  
2           fewer tax parcels, units, property identification  
3           numbers, or document numbers.

4           The aggregate fee for recording a nonstandard ~~an~~  
5           ~~irregular~~ document shall not be less than \$31 (being a  
6           minimum \$13 county fee plus \$18 for the Rental Housing  
7           Support Program State surcharge). A county may adopt by  
8           ordinance and publish with its fee schedule an additional  
9           fee or formula for a document that makes specific  
10           reference to more than 5 tax parcels, units, property  
11           identification numbers, or document numbers.

12           (6) (Blank). ~~Blanket recordings. For any document that~~  
13           ~~makes specific reference to more than 5 tax parcels or~~  
14           ~~property identification numbers, or makes reference to 5~~  
15           ~~or more document numbers, the aggregate fee shall be not~~  
16           ~~less than \$31 (being a minimum \$13 county fee plus \$18 for~~  
17           ~~the Rental Housing Support Program State surcharge). A~~  
18           ~~county may adopt by ordinance and publish with its fee~~  
19           ~~schedule an additional fee or formula for each parcel,~~  
20           ~~property identification number, or document reference,~~  
21           ~~above 5, contained in an accepted document.~~

22           (7) Miscellaneous. The aggregate fee for recording  
23           documents that do not otherwise fall ~~falling~~ within  
24           classifications under paragraphs (1) through (6) or  
25           paragraph (8) or (9) and that are not otherwise exempted  
26           documents shall not be less than \$31 (being a minimum \$13



1 county fee plus \$18 for the Rental Housing Support Program  
2 State surcharge).

3 (8) Maps or plats of additions, subdivisions, or  
4 otherwise. ~~(d)~~ For recording maps or plats of additions,  
5 subdivisions, or otherwise, the minimum fee shall be \$50  
6 ~~(including the spreading of the same of record in well~~  
7 ~~bound books), \$100 plus \$2 for each tract, parcel, or lot~~  
8 ~~contained in the map or plat.~~

9 (9) Other. ~~(e)~~ Documents presented that meet the  
10 following criteria shall be charged as follows,  
11 notwithstanding document classes (1) through (8) otherwise  
12 provided by law or ordinance:

13 (A) A ~~(1)~~ a document recorded pursuant to the  
14 Uniform Commercial Code shall be charged as provided  
15 in the Uniform Commercial Code or as otherwise by law.

16 ~~or~~

17 (B) A ~~(2)~~ a State tax lien or a federal tax lien  
18 shall be charged as otherwise provided by law or  
19 ordinance, except that. ~~Notwithstanding any other~~  
20 ~~provision in this Section:~~ (i) the minimum ~~maximum~~ fee  
21 that shall ~~may~~ be collected from the Department of  
22 Revenue for filing or indexing a tax lien, certificate  
23 of lien release or subordination, or any other type of  
24 notice or other documentation affecting or concerning  
25 a tax lien is \$11, and \$5, and (ii) the minimum ~~maximum~~  
26 fee that shall ~~may~~ be collected from the Department of

1 Revenue or Internal Revenue Service for indexing each  
2 additional name in excess of one for any lien,  
3 certificate of lien release or subordination, or any  
4 other type of notice or other documentation affecting  
5 or concerning a lien is \$1.

6 (C) A document recorded by a unit of local  
7 government, State agency, or public utility, as that  
8 term is defined in Section 3-105 of the Public  
9 Utilities Act, may be charged a minimum fee for any  
10 instrument presented for recording that falls under  
11 the guideline of the predictable fee schedule as  
12 follows: a \$12 county fee, a \$3 GIS fee, and a \$3  
13 automation fee, document storage fee, or both. Fees  
14 under this subparagraph may be increased or any other  
15 applicable fee may be imposed if adopted by a county  
16 board resolution or ordinance and justified by an  
17 acceptable cost study showing that the fees allowed by  
18 this subparagraph are not sufficient to cover the cost  
19 of providing the service.

20 (D) ~~(f)~~ For recording any document that affects an  
21 interest in real property, other than documents which  
22 solely affect or relate to an easement for water,  
23 sewer, electricity, gas, telephone, or other public  
24 service, the recorder shall charge a minimum fee of \$1  
25 per document to all filers of documents not filed by  
26 any State agency, any unit of local government, any

1           public utility, as that term is defined in Section  
2           3-105 of the Public Utilities Act, or any school  
3           district. Half of the fee shall be deposited into the  
4           county general revenue fund. The remaining half shall  
5           be deposited into the County Recorder Document Storage  
6           System Fund and may not be appropriated or expended  
7           for any other purpose. The additional amounts  
8           available to the recorder for expenditure from the  
9           County Recorder Document Storage System Fund shall not  
10          offset or reduce any other county appropriations or  
11          funding for the office of the recorder.

12          (d) ~~(g)~~ For certified and non-certified copies of records,  
13          the recorder and county may set a predictable fee for all  
14          copies that does not exceed the highest total recording fee in  
15          any established document classes, unless the copy fee is  
16          otherwise provided in statute or ordinance. The total fee for  
17          a certified copy of a map or plat of an addition, subdivision,  
18          or otherwise may not exceed \$200.

19          The fees allowed under this subsection apply to all  
20          records, regardless of when they were recorded, based on  
21          current recording fees. These predictable fees for certified  
22          and non-certified copies shall apply to portions of documents  
23          and to copies provided in any format, including paper,  
24          microfilm, or electronic. A county may adopt a per-line  
25          pricing structure for copies of information in database  
26          format.

1        (e) ~~(h)~~ As provided under subsection (c), the recorder  
2 shall collect an \$18 Rental Housing Support Program State  
3 surcharge for the recordation of any real estate-related  
4 document. Payment of the Rental Housing Support Program State  
5 surcharge shall be evidenced by a receipt that shall be marked  
6 upon or otherwise affixed to the real estate-related document  
7 by the recorder. The form of this receipt shall be prescribed  
8 by the Department of Revenue and the receipts shall be issued  
9 by the Department of Revenue to each county recorder.

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

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

24        As used in this subsection, "real estate-related document"  
25 means that term as it is defined in Section 7 of the Rental  
26 Housing Support Program Act.

1       (f) A county board in counties of the first and second  
2 class may allow, by ordinance, a recorder to charge the  
3 following fees in addition to those fees otherwise allowed  
4 under this Section:

5           (1) Automation fee. A minimum automation fee of \$3 may  
6 be charged for filing every instrument, paper, or notice  
7 for record in order to defray the cost of converting the  
8 recorder's document storage system to computers or  
9 micrographics and in order to defray the cost of providing  
10 access to records through the Internet. A special fund  
11 shall be established by the treasurer of a county, and the  
12 moneys collected through the automation fee shall be  
13 deposited into the special fund and used for a document  
14 storage system to provide the equipment, materials, and  
15 necessary expenses incurred to help defray the costs of  
16 implementing and maintaining the document record system  
17 and for a system to provide electronic access to those  
18 records.

19           (2) GIS fee. In a county that provides and maintains a  
20 countywide map through a geographic information system, a  
21 minimum GIS fee of \$3 may be charged for filing every  
22 instrument, paper, or notice for record in order to defray  
23 the cost of implementing or maintaining the county's  
24 geographic information system and in order to defray the  
25 cost of providing electronic or automated access to the  
26 county's geographic information system or property

1       records. Of that amount, a minimum of \$2 must be deposited  
2       into a special fund established by the treasurer of the  
3       county, and any moneys collected through the GIS fee shall  
4       be deposited into that special fund and used for the  
5       equipment, materials, and necessary expenses incurred in  
6       implementing and maintaining the geographic information  
7       system and to defray the cost of providing electronic  
8       access to the county geographic information system  
9       records. The remaining \$1 must be deposited into the  
10      recorder's special funds created under Section 3-5005.4.  
11      The recorder may, at the recorder's discretion, use moneys  
12      in the funds created under Section 3-5005.4 to defray the  
13      cost of implementing or maintaining the county's  
14      geographic information system and to defray the cost of  
15      providing electronic access to the county's geographic  
16      information system records.

17      (Source: P.A. 103-400, eff. 1-1-24.)"