



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB1768

Introduced 2/15/2013, by Sen. Kwame Raoul

SYNOPSIS AS INTRODUCED:

705 ILCS 25/3	from Ch. 37, par. 27
705 ILCS 105/28	
705 ILCS 105/29	
805 ILCS 10/12	from Ch. 32, par. 415-12
805 ILCS 180/50-45	
805 ILCS 305/10	from Ch. 106 1/2, par. 110

Amends the Appellate Court Act and the Clerks of Courts Act. Provides that the amount of certain court fees may be set by Supreme Court rule, except that the fee amounts shall remain as set by statute until the Supreme Court adopts rules specifying a higher or lower fee amount. Creates the Reviewing Court Case Management System Fund, a non-appropriated trust fund held separate and apart from State moneys. Provides that court fees collected under the new provisions shall be deposited into the Reviewing Court Case Management System Fund and used by the Supreme Court and the appellate courts for costs associated with electronic filing and case management systems. Amends the Professional Service Corporation Act, the Limited Liability Company Act, and the Professional Association Act. Provides that certificate of registration fees collected in connection with the practice of law may be set by Supreme Court rule, except that the fee amounts shall remain as set by statute until the Supreme Court adopts rules specifying a higher or lower fee amount. Creates the Supreme Court Committees and Commissions Fund, a non-appropriated trust fund held separate and apart from State moneys. Provides that moneys collected under the new provisions shall be deposited into the Supreme Court Committees and Commissions Fund and used for costs associated with the operation of committees and commissions created by the Supreme Court.

LRB098 08161 HEP 40842 b

1 AN ACT concerning fees.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Appellate Court Act is amended by changing
5 Section 3 as follows:

6 (705 ILCS 25/3) (from Ch. 37, par. 27)

7 Sec. 3. Clerk's salary - destruction of records.

8 (a) The ordinary and contingent expenses of operating the
9 offices of the clerks of the branches of the Appellate Court,
10 including salaries, shall be determined by the Supreme Court
11 and paid from the State Treasury on the warrant of the
12 Comptroller out of appropriations made for that purpose by the
13 General Assembly. The clerk of each branch of the appellate
14 court shall perform the duties usually devolving upon clerks of
15 courts in this State, and shall provide books, stationery and
16 seals for the appellate courts, and shall be entitled to
17 receive the same fees for services in each branch of the
18 appellate court as are allowed for like services in the Supreme
19 Court. All fees paid to or received by any such clerk shall be
20 paid into the State treasury as required by Section 2 of "An
21 Act in relation to the payment and disposition of moneys
22 received by officers and employees of the State of Illinois by
23 virtue of their office or employment", approved June 9, 1911,

1 as amended, except that:

2 (1) any filing fees designated by Supreme Court Rule
3 for alternative dispute resolution programs in the
4 reviewing courts as provided in the Reviewing Court
5 Alternative Dispute Resolution Act shall, within one month
6 after receipt, be remitted to the State Treasurer for
7 deposit in the Mandatory Arbitration Fund; and

8 (2) any fees identified and collected under Section 28
9 of the Clerks of Courts Act shall be disposed of in
10 accordance with that Section.

11 (b) The clerks shall, on the order and under the direction
12 of the court, destroy any or all the records certified by the
13 clerk (or a judge) of a trial court in cases finally decided
14 more than 21 years prior to the entry of the order.

15 (Source: P.A. 96-302, eff. 1-1-10.)

16 Section 10. The Clerks of Courts Act is amended by changing
17 Sections 28 and 29 as follows:

18 (705 ILCS 105/28)

19 Sec. 28. Supreme Court Clerk; fees. At the time of filing a
20 petition or record, the petitioner or appellant shall pay to
21 the Clerk of the Supreme Court the sum of \$25. That sum shall
22 be in full payment of all services of the clerk on behalf of
23 the petitioner or appellant, except the making of a complete
24 record, or copies of records, papers, or orders. The respondent

1 or appellee, before entering an appearance or filing any paper,
2 shall pay to the Clerk of the Supreme Court the sum of \$15,
3 which sum shall be in full payment of all services of the clerk
4 on behalf of the respondent or appellee, except the making of a
5 complete record, or copies of records, papers, or orders.

6 The fee for each official certificate and seal is \$1.

7 The fee for making a complete record, copy of a record, or
8 other papers in this office is a reasonable fee per page as
9 established by the Supreme Court, except that the clerk shall
10 furnish without cost, to parties in interest or their attorneys
11 of record, copies of opinions or orders. In furtherance of the
12 public interest, the clerk may furnish copies of opinions or
13 orders without cost to other individuals or entities.

14 The fee for preparing a law license, certifying it with the
15 seal, administering the oath, and transcribing the name on the
16 roll of attorneys is \$5.

17 ~~In no event shall the clerk charge or receive any other or~~
18 ~~different fees than those specified in this Section, except as~~
19 ~~otherwise authorized by statute.~~

20 After the effective date of this amendatory Act of the 98th
21 General Assembly, the amount of any fee collected under this
22 Section may be set by Supreme Court rule, except that the
23 amount of the fees collected under this Section shall remain as
24 set by statute until the Supreme Court adopts rules specifying
25 a higher or lower fee amount.

26 There is created the Reviewing Court Case Management System

1 Fund, a non-appropriated trust fund held separate and apart
2 from State moneys. Moneys collected under this Section shall be
3 deposited into the Reviewing Court Case Management System Fund,
4 to be used by the Supreme Court and the appellate courts for
5 costs associated with electronic filing and case management
6 systems.

7 (Source: P.A. 88-691; 89-233, eff. 1-1-96; 89-626, eff. 8-9-96;
8 89-686, eff. 12-31-96.)

9 (705 ILCS 105/29)

10 Sec. 29. Salary; disposition of fees; expenditures. The
11 ordinary and contingent expenses of operating the Office of the
12 Clerk of the Supreme Court, including salaries, shall be
13 determined by the Supreme Court and paid from the State
14 treasury on the warrant of the Comptroller out of
15 appropriations made for that purpose by the General Assembly.

16 Except as specified under Section 28 of this Act, Section
17 12 of the Professional Service Corporation Act, Section 50-45
18 of the Limited Liability Company Act, and Section 10 of the
19 Professional Association Act, all ~~All~~ fees and costs paid to or
20 received by the Clerk of the Supreme Court shall be paid into
21 the State Treasury.

22 (Source: P.A. 89-233, eff. 1-1-96.)

23 Section 15. The Professional Service Corporation Act is
24 amended by changing Section 12 as follows:

1 (805 ILCS 10/12) (from Ch. 32, par. 415-12)

2 Sec. 12.

3 (a) No corporation shall open, operate or maintain an
4 establishment for any of the purposes for which a corporation
5 may be organized under this Act without a certificate of
6 registration from the regulating authority authorized by law to
7 license individuals to engage in the profession or related
8 professions concerned. Application for such registration shall
9 be made in writing, and shall contain the name and address of
10 the corporation, and such other information as may be required
11 by the regulating authority. Upon receipt of such application,
12 the regulating authority, or some administrative agency of
13 government designated by it, shall make an investigation of the
14 corporation. If the regulating authority is the Supreme Court
15 it may designate the bar or legal association which
16 investigates and prefers charges against lawyers to it for
17 disciplining. If such authority finds that the incorporators,
18 officers, directors and shareholders are each licensed
19 pursuant to the laws of Illinois to engage in the particular
20 profession or related professions involved (except that the
21 secretary of the corporation need not be so licensed), and if
22 no disciplinary action is pending before it against any of
23 them, and if it appears that the corporation will be conducted
24 in compliance with the law and the regulations and rules of the
25 regulating authority, such authority, shall issue, upon

1 payment of a registration fee of \$50, a certificate of
2 registration.

3 Upon written application of the holder, the regulating
4 authority which originally issued the certificate of
5 registration shall renew the certificate if it finds that the
6 corporation has complied with its regulations and the
7 provisions of this Act.

8 The fee for the renewal of a certificate of registration
9 shall be calculated at the rate of \$40 per year.

10 The certificate of registration shall be conspicuously
11 posted upon the premises to which it is applicable, and the
12 professional corporation shall have only those offices which
13 are designated by street address in the articles of
14 incorporation, or as changed by amendment of such articles. No
15 certificate of registration shall be assignable.

16 (b) There is created the Supreme Court Committees and
17 Commissions Fund, a non-appropriated trust fund held separate
18 and apart from State moneys. Moneys in the Supreme Court
19 Committees and Commissions Fund shall be used exclusively for
20 costs associated with the operation of committees and
21 commissions created by the Supreme Court. Moneys collected
22 under this Section from a professional corporation organized to
23 practice law shall be deposited into the Supreme Court
24 Committees and Commissions Fund.

25 (c) After the effective date of this amendatory Act of the
26 98th General Assembly, the amount of any fee collected under

1 this Section from a professional corporation organized to
2 practice law may be set by Supreme Court rule, except that the
3 amount of the fees shall remain as set by statute until the
4 Supreme Court adopts rules specifying a higher or lower fee
5 amount.

6 (Source: P.A. 83-863.)

7 Section 20. The Limited Liability Company Act is amended by
8 changing Section 50-45 as follows:

9 (805 ILCS 180/50-45)

10 Sec. 50-45. Certificate of registration; attorneys at law.

11 (a) A limited liability company that is organized to
12 practice law may not engage in the practice of law without a
13 certificate of registration from the Supreme Court of Illinois.
14 Application for registration shall be made in writing and shall
15 contain the name and address of the limited liability company
16 and such other information as may be required by the Supreme
17 Court. Upon receipt of the application, if the Supreme Court
18 finds that the organizers, members, and managers are each
19 licensed to practice law, no disciplinary action is pending
20 against any of them, and it appears that the limited liability
21 company will be conducted in compliance with the law and the
22 rules of the Supreme Court, the Supreme Court may issue, upon
23 payment of a registration fee of \$50, a certificate of
24 registration.

1 Upon written application of the certificate holder and upon
2 completion of a form prescribed by the Supreme Court, the
3 Supreme Court may renew the certificate if it finds that the
4 limited liability company has complied with the Supreme Court's
5 rules and the provisions of this Act. The fee for the renewal
6 of a certificate of registration is \$40 per year.

7 The applications submitted and fees payable to the Supreme
8 Court shall be in addition to the documents, amendments, and
9 reports filed with and the fees and penalties charged by the
10 Secretary of State.

11 The certificate of registration shall be conspicuously
12 posted upon the premises to which it is applicable, and the
13 limited liability company may have only those offices that are
14 designated by street address in the articles of organization or
15 as changed by amendment of those articles. A certificate of
16 registration is not assignable.

17 (b) Moneys collected under this Section shall be deposited
18 into the Supreme Court Committees and Commissions Fund.

19 (c) After the effective date of this amendatory Act of the
20 98th General Assembly, the amount of any fee collected under
21 this Section may be set by Supreme Court rule, except that the
22 amount of the fees shall remain as set by statute until the
23 Supreme Court adopts rules specifying a higher or lower fee
24 amount.

25 (Source: P.A. 89-686, eff. 12-31-96.)

1 Section 25. The Professional Association Act is amended by
2 changing Section 10 as follows:

3 (805 ILCS 305/10) (from Ch. 106 1/2, par. 110)

4 Sec. 10. Regulation of practice of law.

5 (a) The manner in which lawyers practice law under this Act
6 is subject to the powers of the Supreme Court to regulate the
7 practice of law.

8 (b) A professional association that is organized to
9 practice law may not engage in the practice of law without a
10 certificate of registration from the Supreme Court of Illinois.
11 Application for registration shall be made in writing and shall
12 contain the name and address of the professional association
13 and such other information as may be required by the Supreme
14 Court. Upon receipt of the application, if the Supreme Court
15 finds that the members and shareholders are each licensed to
16 practice law, no disciplinary action is pending against any of
17 them, and it appears that the professional association will be
18 conducted in compliance with the law and the rules of the
19 Supreme Court, the Supreme Court may issue, upon payment of a
20 registration fee of \$50, a certificate of registration.

21 Upon written application of the certificate holder and upon
22 completion of a form prescribed by the Supreme Court, the
23 Supreme Court may renew the certificate if it finds that the
24 professional association has complied with the Supreme Court's
25 rules and the provisions of this Act. The fee for the renewal

1 of a certificate of registration is \$40 per year.

2 The certificate of registration shall be conspicuously
3 posted upon the premises to which it is applicable, and the
4 professional association may have only those offices that are
5 designated by street address in the articles of association or
6 as changed by amendment of those articles. A certificate of
7 registration is not assignable.

8 (c) Moneys collected under this Section shall be deposited
9 into the Supreme Court Committees and Commissions Fund.

10 (d) After the effective date of this amendatory Act of the
11 98th General Assembly, the amount of any fee collected under
12 this Section may be set by Supreme Court rule, except that the
13 amount of the fees shall remain as set by statute until the
14 Supreme Court adopts rules specifying a higher or lower fee
15 amount.

16 (Source: P.A. 89-686, eff. 12-31-96.)