



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB3672

by Rep. Greg Harris

#### SYNOPSIS AS INTRODUCED:

55 ILCS 5/3-5010.10 new

Amends the Counties Code. Provides that in a county that has a property fraud alert system, a county recorder may create a registration form to register a property owner on the county's property fraud alert system that a real estate professional may file with the recorder on behalf of a property owner. Provides that real estate professionals must register with the county recorder prior to filing the registration forms on behalf of property owners. Limits liability for those assisting a property owner with registering for the property fraud alert system. Limits home rule powers.

LRB099 11124 AWJ 31568 b

HOME RULE NOTE  
ACT MAY APPLY

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 adding Section  
5 3-5010.10 as follows:

6 (55 ILCS 5/3-5010.10 new)

7 Sec. 3-5010.10. Property fraud alert system; registration  
8 by property owners and real estate professionals.

9 (a) As used in this Section:

10 "Property fraud alert system" means any electronic or  
11 automated alert system run by a county or by a third-party  
12 vendor, by whatever name, that informs a property owner by  
13 e-mail, telephone, or mail when a document is recorded with the  
14 county recorder that relates to a registered property.

15 "Real estate professional" means a licensed real estate  
16 agent, attorney, closing agent, or agent of a title insurance  
17 company.

18 (b) In a county that has a property fraud alert system, a  
19 recorder may create a registration form for a real estate  
20 professional to file with the recorder on behalf of a property  
21 owner to register the property owner in the county's property  
22 fraud alert system. The registration form must contain the  
23 following minimum information:

1           (1) A notice on the top of the form that property  
2           owners are not required to register with the county's  
3           property fraud alert system.

4           (2) A description of the county's property fraud alert  
5           system; the name of the third-party vendor, if any, who  
6           operates the property fraud alert system; and the cost, if  
7           any, to the property owner of the property fraud alert  
8           system;

9           (3) A portion to be completed by a property owner and  
10           real estate professional containing:

11                   (i) the property owner's name and mailing address;

12                   (ii) the Property Index Number (PIN) or unique  
13                   parcel identification code of the property for which an  
14                   alert will be created;

15                   (iii) the e-mail, telephone number, or mailing  
16                   address the property owner would like to receive the  
17                   alert;

18                   (iv) any information a third-party vendor who  
19                   operates a county's property fraud alert system  
20                   requires to register a property owner;

21                   (v) if required, payment method and billing  
22                   information;

23                   (vi) a clear and conspicuous notice, immediately  
24                   before the signatures, stating that the property owner  
25                   understands that neither the recorder, nor a  
26                   third-party vendor operating a county's property fraud

1 alert system, nor a real estate professional, nor any  
2 employees thereof shall be liable to the property owner  
3 should the property fraud alert system fail to alert  
4 the property owner of any document being recorded and  
5 that it is the property owner's responsibility to  
6 verify the information he or she has provided is  
7 correct and that he or she is registered with the  
8 property fraud alert system;

9 (vii) a place for the property owner's signature;

10 and

11 (viii) a place for the real estate professional's  
12 signature, if applicable, along with a statement  
13 indicating that the real estate professional is  
14 registered with the recorder and is allowed to file the  
15 registration form with the recorder.

16 (c) A property owner or real estate professional may file a  
17 completed and signed registration form with the recorder. When  
18 a recorder receives such a completed and signed registration  
19 form, the recorder shall complete the registration process for  
20 the property owner listed on the registration form by entering  
21 the information from the registration form into the property  
22 fraud alert system.

23 (d) A real estate professional that wishes to file  
24 registration forms with the recorder on behalf of property  
25 owners must first register with the recorder by verifying they  
26 are a licensed real estate agent, attorney, closing agent, or

1 agent of a title insurance company. The recorder shall keep a  
2 list of all registered real estate professionals.

3 (e) No county, recorder, third-party vendor operating a  
4 county's property fraud alert system, real estate  
5 professional, or any employees thereof shall be subject to  
6 liability for any error or omission in registering a property  
7 owner pursuant to this Section or for any damages caused by the  
8 failure of the property owner to be alerted of any document  
9 that was recorded that relates to a property registered under  
10 the owner's name.

11 (f) A home rule unit shall not use or create a registration  
12 form for use by a real estate professional to register a  
13 property owner on the county's property fraud alert system that  
14 conflicts with this Section. This Section is a limitation under  
15 subsection (i) of Section 6 of Article VII of the Illinois  
16 Constitution on the concurrent exercise by home rule units of  
17 powers and functions exercised by the State. However, nothing  
18 in this Section shall prevent any person from signing up for a  
19 property fraud alert system by other means than those provided  
20 for in this Section, including, but not limited to, on a  
21 county's website or a third-party vendor's website that hosts a  
22 property fraud alert system.