



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB6311

Introduced 2/11/2016, by Rep. Michael W. Tryon

SYNOPSIS AS INTRODUCED:

35 ILCS 200/21-245
35 ILCS 200/21-295
35 ILCS 200/21-330

Amends the Property Tax Code. Provides that each tax purchaser shall pay to the county collector an automation fee set by the county board of not more than \$10 for each item purchased (currently, each county collector may assess such a fee). Provides that the indemnity fee in counties with less than 3,000,000 inhabitants shall be not more than \$20 (currently, the fee is \$20). Makes changes concerning the fee imposed by the county board on each person purchasing property at a sale under the Code for payment of interest and costs.

LRB099 16527 HLH 40863 b

FISCAL NOTE ACT
MAY APPLY

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning revenue.

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

4 Section 5. The Property Tax Code is amended by changing
5 Sections 21-245, 21-295, and 21-330 as follows:

6 (35 ILCS 200/21-245)

7 Sec. 21-245. Automation fee. In all counties, each person
8 purchasing any property at a sale under this Code, shall pay to
9 the county collector, prior to the issuance of any tax
10 certificate, an automation fee set by the county board of not
11 more than \$10 for each item purchased. A like sum shall be paid
12 for each year that all or a portion of the subsequent taxes are
13 paid by a tax purchaser and posted to the tax judgment, sale,
14 redemption and forfeiture record where the underlying
15 certificate is recorded. ~~The county collector in all counties~~
16 ~~may assess to the purchaser of property for delinquent taxes an~~
17 ~~automation fee of not more than \$10 per parcel.~~ In counties
18 with less than 3,000,000 inhabitants:

19 (a) The fee shall be paid at the time of the purchase if
20 the record keeping system used for processing the delinquent
21 property tax sales is automated or has been approved for
22 automation by the county board. The fee shall be collected in
23 the same manner as other fees or costs.

1 (b) Fees collected under this Section shall be retained by
2 the county treasurer in a fund designated as the Tax Sale
3 Automation Fund. The fund shall be audited by the county
4 auditor. The county board, with the approval of the county
5 treasurer, shall make expenditures from the fund (1) to pay any
6 costs related to the automation of property tax collections and
7 delinquent property tax sales, including the cost of hardware,
8 software, research and development, and personnel and (2) to
9 defray the cost of providing electronic access to property tax
10 collection records and delinquent tax sale records.

11 (Source: P.A. 93-415, eff. 8-5-03.)

12 (35 ILCS 200/21-295)

13 Sec. 21-295. Creation of indemnity fund.

14 (a) In counties of less than 3,000,000 inhabitants, each
15 person purchasing any property at a sale under this Code shall
16 pay to the County Collector, prior to the issuance of any
17 certificate of purchase, an indemnity ~~a~~ fee set by the county
18 board of not more than \$20 for each item purchased. A like sum
19 shall be paid for each year that all or a portion of subsequent
20 taxes are paid by the tax purchaser and posted to the tax
21 judgment, sale, redemption and forfeiture record where the
22 underlying certificate of purchase is recorded.

23 (a-5) In counties of 3,000,000 or more inhabitants, each
24 person purchasing property at a sale under this Code shall pay
25 to the County Collector a fee of \$80 for each item purchased

1 plus an additional sum equal to 5% of taxes, interest, and
2 penalties paid by the purchaser, including the taxes, interest,
3 and penalties paid under Section 21-240. In these counties, the
4 certificate holder shall also pay to the County Collector a fee
5 of \$80 for each year that all or a portion of subsequent taxes
6 are paid by the tax purchaser and posted to the tax judgment,
7 sale, redemption, and forfeiture record, plus an additional sum
8 equal to 5% of all subsequent taxes, interest, and penalties.
9 The additional 5% fees are not required after December 31,
10 2006. The changes to this subsection made by this amendatory
11 Act of the 91st General Assembly are not a new enactment, but
12 declaratory of existing law.

13 (b) The amount paid prior to issuance of the certificate of
14 purchase pursuant to subsection (a) or (a-5) shall be included
15 in the purchase price of the property in the certificate of
16 purchase and all amounts paid under this Section shall be
17 included in the amount required to redeem under Section 21-355.
18 Except as otherwise provided in subsection (b) of Section
19 21-300, all money received under subsection (a) or (a-5) shall
20 be paid by the Collector to the County Treasurer of the County
21 in which the land is situated, for the purpose of an indemnity
22 fund. The County Treasurer, as trustee of that fund, shall
23 invest all of that fund, principal and income, in his or her
24 hands from time to time, if not immediately required for
25 payments of indemnities under subsection (a) of Section 21-305,
26 in investments permitted by the Illinois State Board of

1 Investment under Article 22A of the Illinois Pension Code. The
2 county collector shall report annually to the county clerk on
3 the condition and income of the fund. The indemnity fund shall
4 be held to satisfy judgments obtained against the County
5 Treasurer, as trustee of the fund. No payment shall be made
6 from the fund, except upon a judgment of the court which
7 ordered the issuance of a tax deed.

8 (Source: P.A. 94-412, eff. 8-2-05.)

9 (35 ILCS 200/21-330)

10 Sec. 21-330. Fund for payment of interest. In all counties
11 of less than 3,000,000 inhabitants, the county board, by
12 resolution, may impose a fee for payment of interest and costs.
13 Each person purchasing any property at a sale under this Code,
14 shall pay to the county collector, prior to the issuance of any
15 certificate of purchase, a fee of up to \$60 for each item
16 purchased. In counties of under 3,000,000 inhabitants, the
17 county board may impose a fee of up to \$60, which shall be paid
18 to the county collector, upon each person purchasing any
19 property at a sale held under this Code, prior to the issuance
20 of any certificate of purchase. Each person purchasing any
21 property at a sale held under this Code in a county with
22 3,000,000 or more inhabitants shall pay to the county
23 collector, prior to the issuance of any certificate of
24 purchase, a fee of \$100 for each item purchased. That amount
25 shall be included in the price paid for the certificate of

1 purchase and the amount required to redeem under Section
2 21-355.

3 All sums of money received under this Section shall be paid
4 by the collector to the county treasurer of the county in which
5 the property is situated for deposit into a special fund. It
6 shall be the duty of the county treasurer, as trustee of the
7 fund, to invest the principal and income of the fund from time
8 to time, if not immediately required for payments under this
9 Section, in investments as are authorized by Sections 3-10009
10 and 3-11002 of the Counties Code. The fund shall be held to pay
11 interest and costs by the county treasurer as trustee of the
12 fund. No payment shall be made from the fund except by order of
13 the court declaring a sale in error under Section 21-310,
14 22-35, or 22-50 or by declaration of the county collector under
15 subsection (c) of Section 21-310. Any moneys accumulated in the
16 fund by the county treasurer in excess of (i) \$100,000 in
17 counties with 250,000 or less inhabitants or (ii) \$500,000 in
18 counties with more than 250,000 inhabitants shall be paid each
19 year prior to the commencement of the annual tax sale, first to
20 satisfy any existing unpaid judgments entered pursuant to
21 Section 21-295, and any funds remaining thereafter shall be
22 paid to the general fund of the county.

23 (Source: P.A. 94-362, eff. 7-29-05.)