

AN ACT concerning local government.

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

Section 5. The Counties Code is amended by changing Section 3-5018 and by adding Section 3-5018.1 as follows:

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

Sec. 3-5018. Traditional fee schedule Fees. Except as provided for in Section 3-5018.1, the ~~The~~ recorder elected as provided for in this Division shall receive such fees as are or may be provided for him or her by law, in case of provision therefor: otherwise he or she shall receive the same fees as are or may be provided in this Section, except when increased by county ordinance or resolution pursuant to the provisions of this Section, to be paid to the county clerk for his or her services in the office of recorder for like services.

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

For recording deeds or other instruments wherein the premises affected thereby are referred to by document number and not by legal description, a fee of \$1 in addition to that

hereinabove referred to for each document number therein noted.

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

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

For recording maps or plats of additions or subdivisions approved by the county or municipality (including the spreading of the same of record in map case or other proper books) or plats of condominiums, \$50 for the first page, plus \$1 for each

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

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

For certified copies of records, the same fees as for recording, but in no case shall the fee for a certified copy of a map or plat of an addition, subdivision or otherwise exceed \$10.

Each certificate of such recorder of the recording of the deed or other writing and of the date of recording the same signed by such recorder, shall be sufficient evidence of the recording thereof, and such certificate including the indexing of record, shall be furnished upon the payment of the fee for recording the instrument, and no additional fee shall be allowed for the certificate or indexing.

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

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

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

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

limited to form numbers, page numbers, and customer notations.

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

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

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

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

A special fund shall be set up by the treasurer of the county and such funds collected pursuant to Public Act 83-1321 shall be used (1) for a document storage system to provide the equipment, materials and necessary expenses incurred to help defray the costs of implementing and maintaining such a document records system and (2) for a system to provide electronic access to those records.

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

The recorder shall collect a \$9 Rental Housing Support Program State surcharge for the recordation of any real estate-related document. Payment of the Rental Housing Support

Program State surcharge shall be evidenced by a receipt that shall be marked upon or otherwise affixed to the real estate-related document by the recorder. The form of this receipt shall be prescribed by the Department of Revenue and the receipts shall be issued by the Department of Revenue to each county recorder.

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

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

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

The foregoing fees allowed by this Section are the maximum fees that may be collected from any officer, agency, department or other instrumentality of the State. The county board may, however, by ordinance or resolution, increase the fees allowed

by this Section and collect such increased fees from all persons and entities other than officers, agencies, departments and other instrumentalities of the State if the increase is justified by an acceptable cost study showing that the fees allowed by this Section are not sufficient to cover the cost of providing the service. Regardless of any other provision in this Section, the maximum fee that may be collected from the Department of Revenue for filing or indexing a lien, certificate of lien release or subordination, or any other type of notice or other documentation affecting or concerning a lien is \$5. Regardless of any other provision in this Section, the maximum fee that may be collected from the Department of Revenue for indexing each additional name in excess of one for any lien, certificate of lien release or subordination, or any other type of notice or other documentation affecting or concerning a lien is \$1.

A statement of the costs of providing each service, program and activity shall be prepared by the county board. All supporting documents shall be public record and subject to public examination and audit. All direct and indirect costs, as defined in the United States Office of Management and Budget Circular A-87, may be included in the determination of the costs of each service, program and activity.

(Source: P.A. 98-5, eff. 3-22-13; 98-217, eff. 8-9-13; 98-756, eff. 7-16-14.)

(55 ILCS 5/3-5018.1 new)

Sec. 3-5018.1. Predictable fee schedule.

(a) As used in this Section:

"Nonstandard document" means:

(1) a document that creates a division of a then active existing tax parcel identification number;

(2) a document recorded pursuant to the Uniform Commercial Code;

(3) a document which is non-conforming, as described in paragraphs (1) through (5) of Section 3-5018;

(4) a State lien or a federal lien;

(5) a document making specific reference to more than 5 tax parcel identification numbers in the county in which it is presented for recording; or

(6) a document making specific reference to more than 5 other document numbers recorded in the county in which it is presented for recording.

"Standard document" means any document other than a nonstandard document.

(b) On or before January 1, 2019, a county shall adopt and implement, by ordinance or resolution, a predictable fee schedule that eliminates surcharges or fees based on the individual attributes of a standard document to be recorded. The initial predictable fee schedule approved by a county board shall be set only as allowed under subsections (c) and (d) and any subsequent predictable fee schedule approved by a county

board shall be set only as allowed under subsection (e). Except as to the recording of standard documents, the fees imposed by Section 3-5018 shall remain in effect. Under a predictable fee schedule, no charge shall be based on: page count; number, length, or type of legal descriptions; number of tax identification or other parcel identifying code numbers; number of common addresses; number of references contained as to other recorded documents or document numbers; or any other individual attribute of the document except as expressly provided in this Section. The fee charged under this Section shall be inclusive of all county and State fees that the county may elect or is required to impose or adjust, including, but not limited to, GIS fees, automation fees, document storage fees, and the Rental Housing Support Program State surcharge.

A predictable fee schedule ordinance or resolution adopted under this Section shall list standard document fees, including document class flat fees as required by subsection (c), and non-standard document fees.

Before approval of an ordinance or resolution under this Section, the recorder or county clerk shall post a notice in their office at least 2 weeks prior, but not more than 4 weeks prior, to the public meeting at which the ordinance or resolution may be adopted. The notice shall contain the proposed ordinance or resolution number, if any, the proposed document class flat fees for each classification, and a reference to this Section or this amendatory Act of the 100th

General Assembly.

A predictable fee schedule takes effect 60 days after an ordinance or resolution is adopted.

(c) Pursuant to an ordinance or resolution adopted under subsection (b), the recorder elected as provided for in this Division shall receive such fees as are or may be provided for him or her by law, in case of provision thereof: otherwise he or she shall receive the same fees as are or may be provided in this Section except when increased by county ordinance or resolution pursuant to the provisions of this Section, to be paid to the county clerk for his or her services in the office of recorder for like services. For the purposes of the fee charged, the ordinance or resolution shall divide standard documents into the following classifications and shall establish a single, all inclusive, county and State-imposed aggregate fee charged for each such classification of document at the time of recording for that document, which is called the document class flat fee. A standard document is not subject to more than one classification at the time of recording for the purposes of imposing any fee. Each standard document shall fall within one of the following document class flat fee classifications and fees for each document class shall be charged only as allowed by this subsection (c) and subsection (d):

(1) Deeds. The aggregate fee for recording deeds shall not be less than \$21 (being a minimum \$12 county fee plus

\$9 for the Rental Housing Support Program State surcharge).
Inclusion of language in the deed as to any restriction;
covenant; lien; oil, gas, or other mineral interest;
easement; lease; or a mortgage shall not alter the
classification of a document as a deed.

(2) Leases, lease amendments, and similar transfer of
interest documents. The aggregate fee for recording
leases, lease amendments, and similar transfers of
interest documents shall not be less than \$21 (being a
minimum \$12 county fee plus \$9 for the Rental Housing
Support Program State surcharge).

(3) Mortgages. The aggregate fee for recording
mortgages, including assignments, extensions, amendments,
subordinations, and mortgage releases shall not be less
than \$21 (being a minimum \$12 county fee plus \$9 for the
Rental Housing Support Program State surcharge).

(4) Easements not otherwise part of another
classification. The aggregate fee for recording easements
not otherwise part of another classification, including
assignments, extensions, amendments, and easement releases
not filed by a State agency, unit of local government, or
school district shall not be less than \$21 (being a minimum
\$12 county fee plus \$9 for the Rental Housing Support
Program State surcharge).

(5) Miscellaneous. The aggregate fee for recording
documents not otherwise falling within classifications set

forth in paragraphs (1) through (4) and are not nonstandard documents shall not be less than \$21 (being a minimum \$12 county fee plus \$9 for the Rental Housing Support Program State surcharge). Nothing in this subsection shall preclude an alternate predictable fee schedule for electronic recording within each of the classifications set forth in this subsection (c). If the Rental Housing Support Program State surcharge is amended and the surcharge is increased or lowered, the aggregate amount of the document flat fee attributable to the surcharge in the document may be changed accordingly.

(d) If an ordinance or resolution establishing a predictable fee schedule is adopted pursuant to subsection (b) and any document class flat fee exceeds \$21, the county board shall:

(1) obtain from the clerk or recorder an analysis of the average fees collected for the recording of each of the classifications under subsection (c) based on the 3 previous years of recording data, and, if a cost study has not been performed, set respective document class flat fees for each of the 5 document classifications at the average for that class rounded upward to the next whole dollar amount; or

(2) if a cost study has been completed within the last 3 years that shows \$21 is not sufficient to cover the costs of providing the services related to each document class,

obtain from the clerk or recorder an analysis of the average fees collected for the recording of each of the document classifications under subsection (c) from the date of the cost study and set respective document class flat fees for each of the 5 document classifications at the average for that document class rounded upward to the next whole dollar amount.

(e) After a document class flat fee is approved by a county board under subsection (b), the county board may, by ordinance or resolution, increase the document class flat fee and collect the increased fees only if the increase is justified by a cost study that shows that the fees allowed by subsections (c) and (d) are not sufficient to cover the cost of providing the service related to the document class for which the fee is to be increased. A statement of the costs of providing each service, program, and activity shall be prepared by the county board. All supporting documents shall be public record and subject to public examination and audit. All direct and indirect costs, as defined in the United States Office of Management and Budget Circular A-87, may be included in the determination of the costs of each service, program, and activity.

Nothing in this Section precludes a county board from adjusting amounts or allocations within a given document class flat fee as long as the document class flat fee is not increased.

Public Act 100-0271

HB3036 Enrolled

LRB100 08471 AWJ 18590 b

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