

SB2021



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2021

Introduced 2/26/2021, by Sen. Antonio Muñoz

SYNOPSIS AS INTRODUCED:

55 ILCS 5/4-12002
55 ILCS 5/4-12002.1

from Ch. 34, par. 4-12002

Amends the Counties Code. In provisions relating to specified recorder fees in counties of the third class, provides that the fees apply to certified copies of records that are maintained in any format, or portions thereof, including microfilm, paper, electronic, database, or index. Provides that the recorder in counties that adopted a predictable recording fee schedule may, after the effective date of the amendatory Act, charge a standard fee for non-standard documents, except for specified documents, and charge a penalty for any non-conforming documents and a standard document copy fee as provided under a county's predictable fee schedule for all copies; and provides that the copying fees shall be applicable to any format, or portions thereof, that the record is maintained, including paper, microfilm, electronic format, or database.

LRB102 14779 AWJ 20132 b

FISCAL 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 changing
5 Sections 4-12002 and 4-12002.1 as follows:

6 (55 ILCS 5/4-12002) (from Ch. 34, par. 4-12002)

7 Sec. 4-12002. Fees of recorder in third class counties.
8 Except as provided for in Section 4-12002.1, the fees of the
9 recorder in counties of the third class for recording deeds or
10 other instruments in writing and maps of plats of additions,
11 subdivisions or otherwise, and for certifying copies of
12 records, shall be paid in advance and shall be as follows:

13 For recording deeds or other instruments \$20 for the first
14 2 pages thereof, plus \$2 for each additional page thereof. The
15 aggregate minimum fee for recording any one instrument shall
16 not be less than \$20.

17 For recording deeds or other instruments wherein the
18 premises affected thereby are referred to by document number
19 and not by legal description the recorder shall charge a fee of
20 \$4 in addition to that hereinabove referred to for each
21 document number therein noted.

22 For recording deeds or other instruments wherein more than
23 one tract, parcel or lot is described and such additional

1 tract, or tracts, parcel or parcels, lot or lots is or are
2 described therein as falling in a separate or different
3 addition or subdivision the recorder shall charge as an
4 additional fee, to that herein provided, the sum of \$2 for each
5 additional addition or subdivision referred to in such deed or
6 instrument.

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

22 For recording maps or plats of additions, subdivisions or
23 otherwise (including the spreading of the same of record in
24 well bound books) \$100 plus \$2 for each tract, parcel or lot
25 contained therein.

26 For certified copies of records the same fees as for

1 recording, but in no case shall the fee for a certified copy of
2 a map or plat of an addition, subdivision or otherwise exceed
3 \$200. These fees, as provided under this Code and a county's
4 ordinance, apply to certified copies of records that are
5 maintained in any format, or portions thereof, including
6 microfilm, paper, electronic, database, or index.

7 For non-certified copies of records, an amount not to
8 exceed one half of the amount provided herein for certified
9 copies, according to a standard scale of fees, established by
10 county ordinance and made public. These fees, as provided
11 under this Code and a county's ordinance, apply to
12 non-certified copies of records that are maintained in any
13 format, or portions thereof, including microfilm, paper,
14 electronic, database, or index.

15 For filing of each release of any chattel mortgage or
16 trust deed which has been filed but not recorded and for
17 indexing the same in the book to be kept for that purpose \$10.

18 For processing the sworn or affirmed statement required
19 for filing a deed or assignment of a beneficial interest in a
20 land trust in accordance with Section 3-5020 of this Code, \$2.

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

- 26 (1) The document shall consist of one or more

1 individual sheets measuring 8.5 inches by 11 inches, not
2 permanently bound and not a continuous form. Graphic
3 displays accompanying a document to be recorded that
4 measure up to 11 inches by 17 inches shall be recorded
5 without charging an additional fee.

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

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

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

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

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

26 The recorder shall collect a \$9 Rental Housing Support

1 Program State surcharge for the recordation of any real
2 estate-related document. Payment of the Rental Housing Support
3 Program State surcharge shall be evidenced by a receipt that
4 shall be marked upon or otherwise affixed to the real
5 estate-related document by the recorder. The form of this
6 receipt shall be prescribed by the Department of Revenue and
7 the receipts shall be issued by the Department of Revenue to
8 each county recorder.

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

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

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

26 The fee requirements of this Section apply to units of

1 local government and school districts.

2 Regardless of any other provision in this Section, the
3 maximum fee that may be collected from the Department of
4 Revenue for filing or indexing a lien, certificate of lien
5 release or subordination, or any other type of notice or other
6 documentation affecting or concerning a lien is \$5. Regardless
7 of any other provision in this Section, the maximum fee that
8 may be collected from the Department of Revenue for indexing
9 each additional name in excess of one for any lien,
10 certificate of lien release or subordination, or any other
11 type of notice or other documentation affecting or concerning
12 a lien is \$1.

13 (Source: P.A. 100-1034, eff. 1-1-19.)

14 (55 ILCS 5/4-12002.1)

15 Sec. 4-12002.1. Predictable fee schedule for recordings in
16 third class counties.

17 (a) As used in this Section:

18 "Nonstandard document" means:

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

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

23 (3) a document which is non-conforming, as described
24 in paragraphs (1) through (5) of Section 4-12002;

25 (4) a State lien or a federal lien;

1 (5) a document making specific reference to more than
2 5 tax parcel identification numbers in the county in which
3 it is presented for recording; or

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

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

9 (b) On or before January 1, 2020, a county shall adopt and
10 implement, by ordinance or resolution, a predictable fee
11 schedule that eliminates surcharges or fees based on the
12 individual attributes of a standard document to be recorded.
13 The initial predictable fee schedule approved by a county
14 board shall be set only as allowed under subsection (c) and any
15 subsequent predictable fee schedule approved by a county board
16 shall be set only as allowed under subsection (d). Except as to
17 the recording of standard documents, the fees imposed by
18 Section 4-12002 shall remain in effect. Under a predictable
19 fee schedule, which only applies to standard documents, no
20 charge shall be based on: page count; number, length, or type
21 of legal descriptions; number of tax identification or other
22 parcel identifying code numbers; number of common addresses;
23 number of references contained as to other recorded documents
24 or document numbers; or any other individual attribute of the
25 document except as expressly provided in this Section. The fee
26 charged under this Section shall be inclusive of all county

1 and State fees that the county may elect or is required to
2 impose or adjust, including, but not limited to, GIS fees,
3 automation fees, document storage fees, and the Rental Housing
4 Support Program State surcharge.

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

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

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

20 (c) Pursuant to an ordinance or resolution adopted under
21 subsection (b), the recorder elected as provided for in this
22 Division shall receive such fees as are or may be provided for
23 him or her by law, in case of provision thereof: otherwise he
24 or she shall receive the same fees as are or may be provided in
25 this Section except when increased by county ordinance or
26 resolution pursuant to the provisions of this Section, to be

1 paid to the county clerk for his or her services in the office
2 of recorder for like services. For the purposes of the fee
3 charged, the ordinance or resolution shall divide standard
4 documents into the following classifications and shall
5 establish a single, all-inclusive, county and State-imposed
6 aggregate fee charged for each such classification of document
7 at the time of recording for that document, which is called the
8 document class flat fee. A standard document is not subject to
9 more than one classification at the time of recording for the
10 purposes of imposing any fee. Each standard document shall
11 fall within one of the following document class flat fee
12 classifications and fees for each document class shall be
13 charged only as allowed by this subsection (c) and subsection
14 (d):

15 (1) Deeds. The aggregate fee for recording deeds shall
16 not be less than \$29 (being a minimum \$20 county fee plus
17 \$9 for the Rental Housing Support Program State
18 surcharge). Inclusion of language in the deed as to any
19 restriction; covenant; lien; oil, gas, or other mineral
20 interest; easement; lease; or a mortgage shall not alter
21 the classification of a document as a deed.

22 (2) Leases, lease amendments, and similar transfer of
23 interest documents. The aggregate fee for recording
24 leases, lease amendments, and similar transfers of
25 interest documents shall not be less than \$29 (being a
26 minimum \$20 county fee plus \$9 for the Rental Housing

1 Support Program State surcharge).

2 (3) Mortgages. The aggregate fee for recording
3 mortgages, including assignments, extensions, amendments,
4 subordinations, and mortgage releases shall not be less
5 than \$29 (being a minimum \$20 county fee plus \$9 for the
6 Rental Housing Support Program State surcharge).

7 (4) Easements not otherwise part of another
8 classification. The aggregate fee for recording easements
9 not otherwise part of another classification, including
10 assignments, extensions, amendments, and easement releases
11 not filed by a State agency, unit of local government, or
12 school district shall not be less than \$29 (being a
13 minimum \$20 county fee plus \$9 for the Rental Housing
14 Support Program State surcharge).

15 (5) Miscellaneous. The aggregate fee for recording
16 documents not otherwise falling within classifications set
17 forth in paragraphs (1) through (4) and are not
18 nonstandard documents shall not be less than \$29 (being a
19 minimum \$20 county fee plus \$9 for the Rental Housing
20 Support Program State surcharge). Nothing in this
21 subsection shall preclude an alternate predictable fee
22 schedule for electronic recording within each of the
23 classifications set forth in this subsection (c). If the
24 Rental Housing Support Program State surcharge is amended
25 and the surcharge is increased or lowered, the aggregate
26 amount of the document flat fee attributable to the

1 surcharge in the document may be changed accordingly.

2 (d) After a document class flat fee is approved by a county
3 board under subsection (b), the county board may, by ordinance
4 or resolution, increase the document class flat fee and
5 collect the increased fees if the established fees are not
6 sufficient to cover the costs of providing the services
7 related to the document class for which the fee is to be
8 increased.

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

12 (e) Notwithstanding any other provision of law, the
13 recorder in counties that adopted a predictable recording fee
14 schedule pursuant to this Section may, after the effective
15 date of this amendatory Act of the 102nd General Assembly,
16 charge a standard fee for non-standard documents, except for
17 documents listed in paragraphs (2) and (4) of subsection (a)
18 and plats, and charge a penalty for any non-conforming
19 documents and a standard document copy fee as provided under a
20 county's predictable fee schedule for all copies. The copying
21 fees shall be applicable to any format, or portions thereof,
22 that the record is maintained, including paper, microfilm,
23 electronic format, or database.

24 (Source: P.A. 100-1034, eff. 1-1-19.)