

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 3-5010 and 3-5018.2 as follows:

6 (55 ILCS 5/3-5010) (from Ch. 34, par. 3-5010)

7 Sec. 3-5010. Duties of recorder. Every recorder shall, as
8 soon as practicable after the receipt of any instrument in
9 writing in the office, entitled to be recorded, record the
10 same at length in the order of time of its reception, in well
11 bound books or computer databases to be provided for that
12 purpose. In counties of 500,000 or more inhabitants, the
13 recorder may microphotograph or otherwise reproduce on film or
14 store electronically any of such instruments in the manner
15 provided by law. In counties of less than 500,000 inhabitants,
16 the recorder may cause to be microphotographed or otherwise
17 reproduced on film any of such instruments or electronic
18 method of storage. When any such instrument is reproduced on
19 film or electronic method of storage, the film or electronic
20 method of storage shall comply with the minimum standards of
21 quality approved for records of the State Records Commission
22 and the device used to reproduce the records on the film or
23 electronic method of storage shall be one which accurately

1 reproduces the contents of the original.

2 (Source: P.A. 103-400, eff. 1-1-24.)

3 (55 ILCS 5/3-5018.2)

4 Sec. 3-5018.2. Predictable fee schedule for recordings in
5 first and second class counties.

6 (a) The fees of the recorder in counties of the first and
7 second class for recording deeds or other instruments in
8 writing and maps of plats of additions, subdivisions, or
9 otherwise and for certifying copies of records shall be paid
10 in advance and shall conform to this Section. The fees or
11 surcharges shall not, unless otherwise provided in this
12 Section, be based on the individual attributes of a document
13 to be recorded, including, but not limited to, page count;
14 number, length, or type of legal descriptions; number of tax
15 identification or other parcel-identifying code numbers;
16 units; number of common addresses; number of references
17 contained as to other recorded documents or document numbers;
18 or any other individual attribute of the document. The fees
19 charged under this Section shall be inclusive of all county
20 and State fees that the county may elect or is required to
21 impose or adjust, including, but not limited to, GIS fees,
22 automation fees, document storage fees, and the Rental Housing
23 Support Program State and county surcharges.

24 (b) A county of the first or second class shall adopt and
25 implement, by ordinance or resolution, a predictable fee

1 schedule as provided in subsection (c) that eliminates
2 surcharges or fees based on the individual attributes of a
3 document to be recorded. If a county has previously adopted an
4 ordinance or resolution adopting a predictable fee schedule,
5 the county must adopt an ordinance or resolution revising that
6 predictable fee schedule to be consistent with this Section.
7 After a document class predictable fee is approved by a county
8 board consistent with this Section, the county board may, by
9 ordinance or resolution, increase the document class
10 predictable fee and collect the increased fees if the
11 established fees are not sufficient to cover the costs of
12 providing the services related to the document class for which
13 the fee is to be increased.

14 For the purposes of the fee charged, the ordinance or
15 resolution shall divide documents into the classifications
16 specified in subsection (c), and shall establish a single,
17 all-inclusive county and State-imposed aggregate predictable
18 fee charged for each classification of document at the time of
19 recording for that document. Each document, unless otherwise
20 provided in this Section, shall fall within one of the
21 document class predictable fee classifications set by
22 subsection (c), and fees for each document class shall be
23 charged only as allowed by this Section.

24 Before approval of an ordinance or resolution under this
25 subsection that creates or modifies a predictable fee
26 schedule, the recorder or county clerk shall post a notice in

1 the recorder's or clerk's office at least 2 weeks prior, but
2 not more than 4 weeks prior, to the public meeting at which the
3 ordinance or resolution may be adopted. The notice shall
4 contain the proposed ordinance or resolution number, if any,
5 the proposed document class predictable fees for each
6 classification, and a reference to this Section and this
7 amendatory Act of the 103rd General Assembly. A predictable
8 fee schedule takes effect 60 days after an ordinance or
9 resolution is adopted, unless the fee schedule was previously
10 created and the ordinance or resolution is a modification
11 allowed under this Section.

12 Nothing in this Section precludes a county board from
13 adjusting amounts or allocations within a given document class
14 predictable fee when the document class predictable fee is not
15 increased or precludes an alternate predictable fee schedule
16 for electronic recording within each of the classifications
17 under subsection (c).

18 The county board may, by ordinance or resolution, increase
19 the fees allowed in the predictable fee schedule if the
20 increase is justified by an acceptable cost study or internal
21 analysis of a minimum of 3 years showing that the fees allowed
22 by this Section are not sufficient to cover the cost of
23 providing the service.

24 A statement of the cost of providing each service,
25 program, and activity shall be prepared by the county board.
26 All supporting documents to the statement are public records

1 and subject to public examination and audit. All direct and
2 indirect costs, as defined in the United States Office of
3 Management and Budget Circular A-87, may be included in the
4 determination of the costs of each service, program, and
5 activity.

6 If the Rental Housing Support Program State surcharge is
7 amended and the surcharge is increased or lowered, the
8 aggregate amount of the document predictable fee attributable
9 to the surcharge in the document may be changed accordingly.
10 If any fee or surcharge is changed by State statute, the county
11 may increase the document class fees by the same amount
12 without any cost study.

13 (c) A predictable fee schedule ordinance or resolution
14 adopted under this Section shall list document fees, including
15 document class predictable fees. The document classes shall be
16 as follows:

17 (1) Deeds. The aggregate fee for recording deeds shall
18 not be less than \$31 (being a minimum \$13 county fee plus
19 \$18 for the Rental Housing Support Program State
20 surcharge). Inclusion of language in the deed as to any
21 restriction; covenant; lien; oil, gas, or other mineral
22 interest; easement; lease; or a mortgage shall not alter
23 the classification of a document as a deed.

24 (2) Leases, lease amendments, and similar transfer of
25 interest documents. The aggregate fee for recording
26 leases, lease amendments, and similar transfers of

1 interest documents shall not be less than \$31 (being a
2 minimum \$13 county fee plus \$18 for the Rental Housing
3 Support Program State surcharge).

4 (3) Mortgages. The aggregate fee for recording
5 mortgages, including assignments, extensions, amendments,
6 subordinations, and mortgage releases shall not be less
7 than \$31 (being a minimum \$13 county fee plus \$18 for the
8 Rental Housing Support Program State surcharge).

9 (4) Easements not otherwise part of another
10 classification. The aggregate fee for recording easements
11 not otherwise part of another classification, including
12 assignments, extensions, amendments, and easement releases
13 not filed by a State agency, unit of local government, or
14 school district, shall not be less than \$31 (being a
15 minimum \$13 county fee plus \$18 for the Rental Housing
16 Support Program State surcharge).

17 (5) Nonstandard ~~Irregular~~ documents. Any document
18 presented that does not conform to the following
19 standards, even if it may qualify for another document
20 class, may be recorded under this document class (5) if
21 the nonstandard document irregularity allows a legible
22 reproduction of the document presented:

23 (A) The document shall consist of one or more
24 individual sheets measuring 8.5 inches by 11 inches,
25 not permanently bound, and not a continuous form.
26 Graphic displays accompanying a document to be

1 recorded that measure up to 11 inches by 17 inches
2 shall be recorded without charging an additional fee.

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

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

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

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

20 (F) The document makes specific reference to 5 or
21 fewer tax parcels, units, property identification
22 numbers, or document numbers.

23 The aggregate fee for recording a nonstandard ~~an~~
24 ~~irregular~~ document shall not be less than \$31 (being a
25 minimum \$13 county fee plus \$18 for the Rental Housing
26 Support Program State surcharge). A county may adopt by

1 ordinance and publish with its fee schedule an additional
2 fee or formula for a document that makes specific
3 reference to more than 5 tax parcels, units, property
4 identification numbers, or document numbers.

5 ~~(6) (Blank). Blanket recordings. For any document that~~
6 ~~makes specific reference to more than 5 tax parcels or~~
7 ~~property identification numbers, or makes reference to 5~~
8 ~~or more document numbers, the aggregate fee shall be not~~
9 ~~less than \$31 (being a minimum \$13 county fee plus \$18 for~~
10 ~~the Rental Housing Support Program State surcharge). A~~
11 ~~county may adopt by ordinance and publish with its fee~~
12 ~~schedule an additional fee or formula for each parcel,~~
13 ~~property identification number, or document reference,~~
14 ~~above 5, contained in an accepted document.~~

15 (7) Miscellaneous. The aggregate fee for recording
16 documents that do not otherwise fall ~~falling~~ within
17 classifications under paragraphs (1) through (6) or
18 paragraph (8) or (9) and that are not otherwise exempted
19 documents shall not be less than \$31 (being a minimum \$13
20 county fee plus \$18 for the Rental Housing Support Program
21 State surcharge).

22 (8) Maps or plats of additions, subdivisions, or
23 otherwise. ~~(d)~~ For recording maps or plats of additions,
24 subdivisions, or otherwise, the minimum fee shall be \$50
25 ~~(including the spreading of the same of record in well~~
26 ~~bound books), \$100 plus \$2 for each tract, parcel, or lot~~

1 ~~contained in the map or plat.~~

2 (9) Other. ~~(e)~~ Documents presented that meet the
3 following criteria shall be charged as follows,
4 notwithstanding document classes (1) through (8) otherwise
5 provided by law or ordinance:

6 (A) A ~~(1)~~ a document recorded pursuant to the
7 Uniform Commercial Code shall be charged as provided
8 in the Uniform Commercial Code or as otherwise by law.

9 ~~or~~

10 (B) A ~~(2)~~ a State tax lien or a federal tax lien
11 shall be charged as otherwise provided by law or
12 ordinance, except that. ~~Notwithstanding any other~~
13 ~~provision in this Section:~~ (i) the minimum ~~maximum~~ fee
14 that shall ~~may~~ be collected from the Department of
15 Revenue for filing or indexing a tax lien, certificate
16 of lien release or subordination, or any other type of
17 notice or other documentation affecting or concerning
18 a tax lien is \$11, and \$5, and (ii) the minimum ~~maximum~~
19 fee that shall ~~may~~ be collected from the Department of
20 Revenue or Internal Revenue Service for indexing each
21 additional name in excess of one for any lien,
22 certificate of lien release or subordination, or any
23 other type of notice or other documentation affecting
24 or concerning a lien is \$1.

25 (C) A document recorded by a unit of local
26 government, State agency, or public utility, as that

1 term is defined in Section 3-105 of the Public
2 Utilities Act, may be charged a minimum fee for any
3 instrument presented for recording that falls under
4 the guideline of the predictable fee schedule as
5 follows: a \$12 county fee, a \$3 GIS fee, and a \$3
6 automation fee, document storage fee, or both. Fees
7 under this subparagraph may be increased or any other
8 applicable fee may be imposed if adopted by a county
9 board resolution or ordinance and justified by an
10 acceptable cost study showing that the fees allowed by
11 this subparagraph are not sufficient to cover the cost
12 of providing the service.

13 (D) ~~(F)~~ For recording any document that affects an
14 interest in real property, other than documents which
15 solely affect or relate to an easement for water,
16 sewer, electricity, gas, telephone, or other public
17 service, the recorder shall charge a minimum fee of \$1
18 per document to all filers of documents not filed by
19 any State agency, any unit of local government, any
20 public utility, as that term is defined in Section
21 3-105 of the Public Utilities Act, or any school
22 district. Half of the fee shall be deposited into the
23 county general revenue fund. The remaining half shall
24 be deposited into the County Recorder Document Storage
25 System Fund and may not be appropriated or expended
26 for any other purpose. The additional amounts

1 available to the recorder for expenditure from the
2 County Recorder Document Storage System Fund shall not
3 offset or reduce any other county appropriations or
4 funding for the office of the recorder.

5 (d) ~~(g)~~ For certified and non-certified copies of records,
6 the recorder and county may set a predictable fee for all
7 copies that does not exceed the highest total recording fee in
8 any established document classes, unless the copy fee is
9 otherwise provided in statute or ordinance. The total fee for
10 a certified copy of a map or plat of an addition, subdivision,
11 or otherwise may not exceed \$200.

12 The fees allowed under this subsection apply to all
13 records, regardless of when they were recorded, based on
14 current recording fees. These predictable fees for certified
15 and non-certified copies shall apply to portions of documents
16 and to copies provided in any format, including paper,
17 microfilm, or electronic. A county may adopt a per-line
18 pricing structure for copies of information in database
19 format.

20 (e) ~~(h)~~ As provided under subsection (c), the recorder
21 shall collect an \$18 Rental Housing Support Program State
22 surcharge for the recordation of any real estate-related
23 document. Payment of the Rental Housing Support Program State
24 surcharge shall be evidenced by a receipt that shall be marked
25 upon or otherwise affixed to the real estate-related document
26 by the recorder. The form of this receipt shall be prescribed

1 by the Department of Revenue and the receipts shall be issued
2 by the Department of Revenue to each county recorder.

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

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

17 As used in this subsection, "real estate-related document"
18 means that term as it is defined in Section 7 of the Rental
19 Housing Support Program Act.

20 (f) A county board in counties of the first and second
21 class may allow, by ordinance, a recorder to charge the
22 following fees in addition to those fees otherwise allowed
23 under this Section:

24 (1) Automation fee. A minimum automation fee of \$3 may
25 be charged for filing every instrument, paper, or notice
26 for record in order to defray the cost of converting the

1 recorder's document storage system to computers or
2 micrographics and in order to defray the cost of providing
3 access to records through the Internet. A special fund
4 shall be established by the treasurer of a county, and the
5 moneys collected through the automation fee shall be
6 deposited into the special fund and used for a document
7 storage system to provide the equipment, materials, and
8 necessary expenses incurred to help defray the costs of
9 implementing and maintaining the document record system
10 and for a system to provide electronic access to those
11 records.

12 (2) GIS fee. In a county that provides and maintains a
13 countywide map through a geographic information system, a
14 minimum GIS fee of \$3 may be charged for filing every
15 instrument, paper, or notice for record in order to defray
16 the cost of implementing or maintaining the county's
17 geographic information system and in order to defray the
18 cost of providing electronic or automated access to the
19 county's geographic information system or property
20 records. Of that amount, a minimum of \$2 must be deposited
21 into a special fund established by the treasurer of the
22 county, and any moneys collected through the GIS fee shall
23 be deposited into that special fund and used for the
24 equipment, materials, and necessary expenses incurred in
25 implementing and maintaining the geographic information
26 system and to defray the cost of providing electronic

1 access to the county geographic information system
2 records. The remaining \$1 must be deposited into the
3 recorder's special funds created under Section 3-5005.4.
4 The recorder may, at the recorder's discretion, use moneys
5 in the funds created under Section 3-5005.4 to defray the
6 cost of implementing or maintaining the county's
7 geographic information system and to defray the cost of
8 providing electronic access to the county's geographic
9 information system records.

10 (Source: P.A. 103-400, eff. 1-1-24.)