



# COMMERCIAL BANKING, COLLECTIONS, AND BANKRUPTCY

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## Electronic filing fees may now be taxed as court costs (& more)!

By [Robert G. Markoff](#)

**Several counties throughout Illinois** have established electronic filing systems. Some mandatory, some not. However, in most cases, there are charges imposed for using the systems and for using a credit card for payment of the fees. Until the recent enactment of SB 2845, these charges could not be taxed as court costs as they were not authorized by state statute.

Generally, most taxable court costs are found in and authorized by the Clerks of Court Act, 705 ILCS 105/27. The Act allows a county board to pass an ordinance to establish the various fees in their county courts. Authorized court costs are also sprinkled throughout the Illinois Code of Civil Procedure.

Another recent enactment, P.A. 99-0859 authorized/requires all Illinois court clerks to collect an additional filing fee of \$9 to fund the Supreme Court's implementation of a state-wide electronic filing system. However, this Act does not address any user fees to be assessed for the use of the electronic system.

P.A. 99-0744, effective on August 5, 2016, addresses electronic user fees and states that they are court costs. A new Code section, 735 ILCS 5/5-127, Charges Relating to Electronic Filing, provides: "All charges related to electronic filing of cases and pleadings, imposed by the court, clerk of the court, county, or a person with whom the court, clerk, or any county may contract, are taxable as court costs."

The new section is very broad in its scope so as to include all possible filing charges from all possible sources. This includes convenience fees that are charged for using credit cards to pay the filing fees which in some counties are mandatory.

The new act has four additional provisions that update civil law and procedure.

The Revival of Judgment Act was amended to clarify that a petition to revive a judgment must be served and an order for revival entered in addition to filing the petition in order to complete the revival process. 735 ILCS 5/2-1602 (a)

The Attachment Act, 735 ILCS 5/4-107, was amended to provide that a bond shall be posted after, rather than before, the Attachment Order is entered.

A court now has discretion to vacate and dismiss a matter upon the filing of a Satisfaction of Judgment pursuant to 735 ILCS 5/12-183 (h). Prior to the amendment, the court was mandated to enter an order to vacate and dismiss the action. However, the old wording did not operate as intended to clear consumer credit reports of the judgments. Instead, it caused obscure issues with res judicata and double recovery of claims. The new wording follows Federal Rule of Civil Procedure 60.

Finally, obsolete code provisions dealing with Sheriff levies on corporate stock have been repealed. Modern methods of seizing interests and sales of corporate stock are accomplished through the use of the Citation Act, 735 ILCS 5/2-1402 and Uniform Commercial Code, 810 ILCS 5/. □

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