



Sen. Martin A. Sandoval

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1 AMENDMENT TO SENATE BILL 990

2 AMENDMENT NO. _____. Amend Senate Bill 990 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The State Finance Act is amended by adding
5 Sections 5.878, 5.879, 5.880, 6z-20.1, 6z-20.2, 6z-101, and
6 6z-102 as follows:

7 (30 ILCS 105/5.878 new)

8 Sec. 5.878. The State Aviation Program Fund.

9 (30 ILCS 105/5.879 new)

10 Sec. 5.879. The Local Government Aviation Trust Fund.

11 (30 ILCS 105/5.880 new)

12 Sec. 5.880. The Aviation Fuel Sales Tax Refund Fund.

13 (30 ILCS 105/6z-20.1 new)

1 Sec. 6z-20.1. The State Aviation Program Fund.

2 (a) The State Aviation Program Fund is created in the State
3 Treasury. Moneys in the Fund shall be used by the Department of
4 Transportation for the purposes of administering a State
5 Aviation Program. The moneys shall be used for the purpose of
6 (i) distributing grants to units of local government to be used
7 for airport-related purposes and (ii) by the State for
8 airport-related purposes.

9 (b) The provisions directing the distributions from the
10 State Aviation Program provided for in this Section shall
11 constitute an irrevocable and continuing appropriation of all
12 amounts as provided herein.

13 (c) For the purposes of this Section, "airport-related
14 purposes" means:

15 (1) the capital or operating costs of (i) an airport,
16 (ii) a local airport system, or (iii) any other local
17 facility that is owned or operated by the person or entity
18 that owns or operates the airport and is directly and
19 substantially related to the air transportation of
20 passengers or property as provided in 49 U.S.C. §47133;

21 (2) noise mitigation or abatement on or off of airport
22 property; and

23 (3) programs aimed at increasing diversity and
24 enhancing participation in all aspects of airport
25 operations and airport-related projects and contracting by
26 any company that has secured certification as (i) a

1 minority-owned business, female-owned business, or
2 business owned by a person with a disability under the
3 Business Enterprise for Minorities, Females, and Persons
4 with Disabilities Act or (ii) an airport concession
5 disadvantaged business entity under 49 C.F.R. Part 23 or
6 26, including programs for education, mentoring,
7 apprenticeships, job fairs, and community outreach.
8

9 (30 ILCS 105/6z-20.2 new)

10 Sec. 6z-20.2. The Local Government Aviation Trust Fund.

11 (a) The Local Government Aviation Trust Fund is created as
12 a trust fund in the State Treasury. Moneys in the Trust Fund
13 shall be used by units of local government for airport-related
14 purposes.

15 (b) Moneys in the Trust Fund are not subject to
16 appropriation and shall be used solely as provided in this
17 Section. All deposits into the Trust Fund shall be held in the
18 Trust Fund by the State Treasurer, ex officio, as trustee
19 separate and apart from all public moneys or funds of this
20 State.

21 (c) On or before the 25th day of each calendar month, the
22 Department shall prepare and certify to the Comptroller the
23 disbursement of stated sums of money to named units of local
24 government, the units of local government to be those from
25 which retailers or servicemen have paid tax or penalties to the

1 Department during the second preceding calendar month on sales
2 of aviation fuel. The amount to be paid to each unit of local
3 government shall be the amount (not including credit memoranda)
4 collected during the second preceding calendar month by the
5 Department and paid into the Local Government Aviation Trust
6 Fund, plus an amount the Department determines is necessary to
7 offset any amounts which were erroneously paid to a different
8 taxing body, and not including an amount equal to the amount of
9 refunds made during the second preceding calendar month by the
10 Department, and not including any amount which the Department
11 determines is necessary to offset any amounts which are payable
12 to a different taxing body but were erroneously paid to the
13 unit of local government. Within 10 days after receipt by the
14 Comptroller of the certification for disbursement to the units
15 of local government, provided for in this Section to be given
16 to the Comptroller by the Department, the Comptroller shall
17 cause the orders to be drawn for the respective amounts in
18 accordance with the directions contained in the certification.

19 When certifying the amount of the monthly disbursement to a
20 unit of local government under this Section, the Department
21 shall increase or decrease that amount by an amount necessary
22 to offset any misallocation of previous disbursements. The
23 offset amount shall be the amount erroneously disbursed within
24 the 6 months preceding the time a misallocation is discovered.

25 (d) For the purposes of this Section, "airport-related
26 purposes" means:

1 (1) the capital or operating costs of (i) an airport,
2 (ii) a local airport system, or (iii) any other local
3 facility that is owned or operated by the person or entity
4 that owns or operates the airport and is directly and
5 substantially related to the air transportation of
6 passengers or property as provided in 49 U.S.C. §47133;

7 (2) noise mitigation or abatement on or off of airport
8 property; and

9 (3) programs aimed at increasing diversity and
10 enhancing participation in all aspects of airport
11 operations and airport-related projects and contracting by
12 any company that has secured certification as (i) a
13 minority-owned business, female-owned business, or
14 business owned by a person with a disability under the
15 Business Enterprise for Minorities, Females, and Persons
16 with Disabilities Act or (ii) an airport concession
17 disadvantaged business entity under 49 C.F.R. Part 23 or
18 26, including programs for education, mentoring,
19 apprenticeships, job fairs, and community outreach.

20 (30 ILCS 105/6z-102 new)

21 Sec. 6z-102. The Aviation Fuel Sales Tax Refund Fund.

22 (a) The Aviation Fuel Sales Tax Refund Fund is hereby
23 created as a special fund in the State Treasury. Moneys in the
24 Aviation Fuel Sales Tax Refund Fund shall be used by the
25 Department of Revenue to pay refunds of Use Tax, Service Use

1 Tax, Service Occupation Tax, and Retailers' Occupation Tax paid
2 on aviation fuel in the manner provided in Section 19 of the
3 Use Tax Act, Section 17 of the Service Use Tax Act, Section 17
4 of the Service Occupation Tax Act, and Section 6 of the
5 Retailers' Occupation Tax Act.

6 (b) Moneys in the Aviation Fuel Sales Tax Refund Fund shall
7 be expended exclusively for the purpose of paying refunds
8 pursuant to this Section.

9 (c) The Director of Revenue shall order payment of refunds
10 under this Section from the Aviation Fuel Sales Tax Refund Fund
11 only to the extent that amounts collected pursuant to Section 3
12 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax
13 Act, Section 9 of the Service Occupation Tax Act, and Section 9
14 of the Service Use Tax Act on aviation fuel have been deposited
15 and retained in the Fund.

16 As soon as possible after the end of each fiscal year, the
17 Director of Revenue shall order transferred and the State
18 Treasurer and State Comptroller shall transfer from the
19 Aviation Fuel Sales Tax Refund Fund to the State Aviation
20 Program Fund 20% of any surplus remaining as of the end of such
21 fiscal year and shall transfer from the Aviation Fuel Sales Tax
22 Refund Fund to the General Revenue Fund 80% of any surplus
23 remaining as of the end of such fiscal year.

24 (d) This Section shall constitute an irrevocable and
25 continuing appropriation from the Aviation Fuel Sales Tax
26 Refund Fund for the purpose of paying refunds in accordance

1 with the provisions of this Section.

2 Section 7. The Business Enterprise for Minorities,
3 Females, and Persons with Disabilities Act is amended by
4 changing Section 2 as follows:

5 (30 ILCS 575/2)

6 (Section scheduled to be repealed on June 30, 2020)

7 Sec. 2. Definitions.

8 (A) For the purpose of this Act, the following terms shall
9 have the following definitions:

10 (1) "Minority person" shall mean a person who is a
11 citizen or lawful permanent resident of the United States
12 and who is any of the following:

13 (a) American Indian or Alaska Native (a person
14 having origins in any of the original peoples of North
15 and South America, including Central America, and who
16 maintains tribal affiliation or community attachment).

17 (b) Asian (a person having origins in any of the
18 original peoples of the Far East, Southeast Asia, or
19 the Indian subcontinent, including, but not limited
20 to, Cambodia, China, India, Japan, Korea, Malaysia,
21 Pakistan, the Philippine Islands, Thailand, and
22 Vietnam).

23 (c) Black or African American (a person having
24 origins in any of the black racial groups of Africa).

1 Terms such as "Haitian" or "Negro" can be used in
2 addition to "Black or African American".

3 (d) Hispanic or Latino (a person of Cuban, Mexican,
4 Puerto Rican, South or Central American, or other
5 Spanish culture or origin, regardless of race).

6 (e) Native Hawaiian or Other Pacific Islander (a
7 person having origins in any of the original peoples of
8 Hawaii, Guam, Samoa, or other Pacific Islands).

9 (2) "Female" shall mean a person who is a citizen or
10 lawful permanent resident of the United States and who is
11 of the female gender.

12 (2.05) "Person with a disability" means a person who is
13 a citizen or lawful resident of the United States and is a
14 person qualifying as a person with a disability under
15 subdivision (2.1) of this subsection (A).

16 (2.1) "Person with a disability" means a person with a
17 severe physical or mental disability that:

18 (a) results from:

19 amputation,

20 arthritis,

21 autism,

22 blindness,

23 burn injury,

24 cancer,

25 cerebral palsy,

26 Crohn's disease,

1 cystic fibrosis,
2 deafness,
3 head injury,
4 heart disease,
5 hemiplegia,
6 hemophilia,
7 respiratory or pulmonary dysfunction,
8 an intellectual disability,
9 mental illness,
10 multiple sclerosis,
11 muscular dystrophy,
12 musculoskeletal disorders,
13 neurological disorders, including stroke and
14 epilepsy,
15 paraplegia,
16 quadriplegia and other spinal cord conditions,
17 sickle cell anemia,
18 ulcerative colitis,
19 specific learning disabilities, or
20 end stage renal failure disease; and

21 (b) substantially limits one or more of the
22 person's major life activities.

23 Another disability or combination of disabilities may
24 also be considered as a severe disability for the purposes
25 of item (a) of this subdivision (2.1) if it is determined
26 by an evaluation of rehabilitation potential to cause a

1 comparable degree of substantial functional limitation
2 similar to the specific list of disabilities listed in item
3 (a) of this subdivision (2.1).

4 (3) "Minority owned business" means a business which is
5 at least 51% owned by one or more minority persons, or in
6 the case of a corporation, at least 51% of the stock in
7 which is owned by one or more minority persons; and the
8 management and daily business operations of which are
9 controlled by one or more of the minority individuals who
10 own it.

11 (4) "Female owned business" means a business which is
12 at least 51% owned by one or more females, or, in the case
13 of a corporation, at least 51% of the stock in which is
14 owned by one or more females; and the management and daily
15 business operations of which are controlled by one or more
16 of the females who own it.

17 (4.1) "Business owned by a person with a disability"
18 means a business that is at least 51% owned by one or more
19 persons with a disability and the management and daily
20 business operations of which are controlled by one or more
21 of the persons with disabilities who own it. A
22 not-for-profit agency for persons with disabilities that
23 is exempt from taxation under Section 501 of the Internal
24 Revenue Code of 1986 is also considered a "business owned
25 by a person with a disability".

26 (4.2) "Council" means the Business Enterprise Council

1 for Minorities, Females, and Persons with Disabilities
2 created under Section 5 of this Act.

3 (5) "State contracts" means all contracts entered into
4 by the State, any agency or department thereof, or any
5 public institution of higher education, including
6 community college districts, regardless of the source of
7 the funds with which the contracts are paid,including, but
8 not limited to, contracts paid from moneys available in the
9 State Aviation Program Fund, which are not subject to
10 federal reimbursement. "State contracts" does not include
11 contracts awarded by a retirement system, pension fund, or
12 investment board subject to Section 1-109.1 of the Illinois
13 Pension Code. This definition shall control over any
14 existing definition under this Act or applicable
15 administrative rule.

16 "State construction contracts" means all State
17 contracts entered into by a State agency or public
18 institution of higher education for the repair,
19 remodeling, renovation or construction of a building or
20 structure, or for the construction or maintenance of a
21 highway defined in Article 2 of the Illinois Highway Code.

22 (6) "State agencies" shall mean all departments,
23 officers, boards, commissions, institutions and bodies
24 politic and corporate of the State, but does not include
25 the Board of Trustees of the University of Illinois, the
26 Board of Trustees of Southern Illinois University, the

1 Board of Trustees of Chicago State University, the Board of
2 Trustees of Eastern Illinois University, the Board of
3 Trustees of Governors State University, the Board of
4 Trustees of Illinois State University, the Board of
5 Trustees of Northeastern Illinois University, the Board of
6 Trustees of Northern Illinois University, the Board of
7 Trustees of Western Illinois University, municipalities or
8 other local governmental units, or other State
9 constitutional officers.

10 (7) "Public institutions of higher education" means
11 the University of Illinois, Southern Illinois University,
12 Chicago State University, Eastern Illinois University,
13 Governors State University, Illinois State University,
14 Northeastern Illinois University, Northern Illinois
15 University, Western Illinois University, the public
16 community colleges of the State, and any other public
17 universities, colleges, and community colleges now or
18 hereafter established or authorized by the General
19 Assembly.

20 (8) "Certification" means a determination made by the
21 Council or by one delegated authority from the Council to
22 make certifications, or by a State agency with statutory
23 authority to make such a certification, that a business
24 entity is a business owned by a minority, female, or person
25 with a disability for whatever purpose. A business owned
26 and controlled by females shall be certified as a "female

1 owned business". A business owned and controlled by females
2 who are also minorities shall be certified as both a
3 "female owned business" and a "minority owned business".

4 (9) "Control" means the exclusive or ultimate and sole
5 control of the business including, but not limited to,
6 capital investment and all other financial matters,
7 property, acquisitions, contract negotiations, legal
8 matters, officer-director-employee selection and
9 comprehensive hiring, operating responsibilities,
10 cost-control matters, income and dividend matters,
11 financial transactions and rights of other shareholders or
12 joint partners. Control shall be real, substantial and
13 continuing, not pro forma. Control shall include the power
14 to direct or cause the direction of the management and
15 policies of the business and to make the day-to-day as well
16 as major decisions in matters of policy, management and
17 operations. Control shall be exemplified by possessing the
18 requisite knowledge and expertise to run the particular
19 business and control shall not include simple majority or
20 absentee ownership.

21 (10) "Business" means a business that has annual gross
22 sales of less than \$75,000,000 as evidenced by the federal
23 income tax return of the business. A firm with gross sales
24 in excess of this cap may apply to the Council for
25 certification for a particular contract if the firm can
26 demonstrate that the contract would have significant

1 impact on businesses owned by minorities, females, or
2 persons with disabilities as suppliers or subcontractors
3 or in employment of minorities, females, or persons with
4 disabilities.

5 (B) When a business is owned at least 51% by any
6 combination of minority persons, females, or persons with
7 disabilities, even though none of the 3 classes alone holds at
8 least a 51% interest, the ownership requirement for purposes of
9 this Act is considered to be met. The certification category
10 for the business is that of the class holding the largest
11 ownership interest in the business. If 2 or more classes have
12 equal ownership interests, the certification category shall be
13 determined by the business.

14 (Source: P.A. 98-95, eff. 7-17-13; 99-143, eff. 7-27-15;
15 99-462, eff. 8-25-15; 99-642, eff. 7-28-16.)

16 Section 10. The Use Tax Act is amended by changing Sections
17 9 and 19 as follows:

18 (35 ILCS 105/9) (from Ch. 120, par. 439.9)

19 Sec. 9. Except as to motor vehicles, watercraft, aircraft,
20 and trailers that are required to be registered with an agency
21 of this State, each retailer required or authorized to collect
22 the tax imposed by this Act shall pay to the Department the
23 amount of such tax (except as otherwise provided) at the time
24 when he is required to file his return for the period during

1 which such tax was collected, less a discount of 2.1% prior to
2 January 1, 1990, and 1.75% on and after January 1, 1990, or \$5
3 per calendar year, whichever is greater, which is allowed to
4 reimburse the retailer for expenses incurred in collecting the
5 tax, keeping records, preparing and filing returns, remitting
6 the tax and supplying data to the Department on request. The
7 discount under this Section is not allowed for taxes paid on
8 aviation fuel that are deposited into the State Aviation
9 Program Fund under this Act. In the case of retailers who
10 report and pay the tax on a transaction by transaction basis,
11 as provided in this Section, such discount shall be taken with
12 each such tax remittance instead of when such retailer files
13 his periodic return. The Department may disallow the discount
14 for retailers whose certificate of registration is revoked at
15 the time the return is filed, but only if the Department's
16 decision to revoke the certificate of registration has become
17 final. A retailer need not remit that part of any tax collected
18 by him to the extent that he is required to remit and does
19 remit the tax imposed by the Retailers' Occupation Tax Act,
20 with respect to the sale of the same property.

21 Where such tangible personal property is sold under a
22 conditional sales contract, or under any other form of sale
23 wherein the payment of the principal sum, or a part thereof, is
24 extended beyond the close of the period for which the return is
25 filed, the retailer, in collecting the tax (except as to motor
26 vehicles, watercraft, aircraft, and trailers that are required

1 to be registered with an agency of this State), may collect for
2 each tax return period, only the tax applicable to that part of
3 the selling price actually received during such tax return
4 period.

5 Except as provided in this Section, on or before the
6 twentieth day of each calendar month, such retailer shall file
7 a return for the preceding calendar month. Such return shall be
8 filed on forms prescribed by the Department and shall furnish
9 such information as the Department may reasonably require.

10 The Department may require returns to be filed on a
11 quarterly basis. If so required, a return for each calendar
12 quarter shall be filed on or before the twentieth day of the
13 calendar month following the end of such calendar quarter. The
14 taxpayer shall also file a return with the Department for each
15 of the first two months of each calendar quarter, on or before
16 the twentieth day of the following calendar month, stating:

- 17 1. The name of the seller;
- 18 2. The address of the principal place of business from
19 which he engages in the business of selling tangible
20 personal property at retail in this State;
- 21 3. The total amount of taxable receipts received by him
22 during the preceding calendar month from sales of tangible
23 personal property by him during such preceding calendar
24 month, including receipts from charge and time sales, but
25 less all deductions allowed by law;
- 26 4. The amount of credit provided in Section 2d of this

1 Act;

2 5. The amount of tax due;

3 5-5. The signature of the taxpayer; and

4 6. Such other reasonable information as the Department
5 may require.

6 Beginning on January 1, 2018, each retailer required or
7 authorized to collect the tax imposed by this Act on aviation
8 fuel sold at retail in this State during the preceding calendar
9 month shall, instead of reporting and paying tax on aviation
10 fuel as otherwise required by this Section, file and pay tax to
11 the Department on an aviation fuel tax return, on or before the
12 twentieth day of each calendar month. The requirements related
13 to the return shall be as otherwise provided in this Section.
14 Notwithstanding any other provisions of this Act to the
15 contrary, retailers collecting tax on aviation fuel shall file
16 all aviation fuel tax returns and shall make all aviation fuel
17 fee payments by electronic means in the manner and form
18 required by the Department. For purposes of this paragraph,
19 "aviation fuel" means a product that is intended for use or
20 offered for sale as fuel for an aircraft.

21 If a taxpayer fails to sign a return within 30 days after
22 the proper notice and demand for signature by the Department,
23 the return shall be considered valid and any amount shown to be
24 due on the return shall be deemed assessed.

25 Beginning October 1, 1993, a taxpayer who has an average
26 monthly tax liability of \$150,000 or more shall make all

1 payments required by rules of the Department by electronic
2 funds transfer. Beginning October 1, 1994, a taxpayer who has
3 an average monthly tax liability of \$100,000 or more shall make
4 all payments required by rules of the Department by electronic
5 funds transfer. Beginning October 1, 1995, a taxpayer who has
6 an average monthly tax liability of \$50,000 or more shall make
7 all payments required by rules of the Department by electronic
8 funds transfer. Beginning October 1, 2000, a taxpayer who has
9 an annual tax liability of \$200,000 or more shall make all
10 payments required by rules of the Department by electronic
11 funds transfer. The term "annual tax liability" shall be the
12 sum of the taxpayer's liabilities under this Act, and under all
13 other State and local occupation and use tax laws administered
14 by the Department, for the immediately preceding calendar year.
15 The term "average monthly tax liability" means the sum of the
16 taxpayer's liabilities under this Act, and under all other
17 State and local occupation and use tax laws administered by the
18 Department, for the immediately preceding calendar year
19 divided by 12. Beginning on October 1, 2002, a taxpayer who has
20 a tax liability in the amount set forth in subsection (b) of
21 Section 2505-210 of the Department of Revenue Law shall make
22 all payments required by rules of the Department by electronic
23 funds transfer.

24 Before August 1 of each year beginning in 1993, the
25 Department shall notify all taxpayers required to make payments
26 by electronic funds transfer. All taxpayers required to make

1 payments by electronic funds transfer shall make those payments
2 for a minimum of one year beginning on October 1.

3 Any taxpayer not required to make payments by electronic
4 funds transfer may make payments by electronic funds transfer
5 with the permission of the Department.

6 All taxpayers required to make payment by electronic funds
7 transfer and any taxpayers authorized to voluntarily make
8 payments by electronic funds transfer shall make those payments
9 in the manner authorized by the Department.

10 The Department shall adopt such rules as are necessary to
11 effectuate a program of electronic funds transfer and the
12 requirements of this Section.

13 Before October 1, 2000, if the taxpayer's average monthly
14 tax liability to the Department under this Act, the Retailers'
15 Occupation Tax Act, the Service Occupation Tax Act, the Service
16 Use Tax Act was \$10,000 or more during the preceding 4 complete
17 calendar quarters, he shall file a return with the Department
18 each month by the 20th day of the month next following the
19 month during which such tax liability is incurred and shall
20 make payments to the Department on or before the 7th, 15th,
21 22nd and last day of the month during which such liability is
22 incurred. On and after October 1, 2000, if the taxpayer's
23 average monthly tax liability to the Department under this Act,
24 the Retailers' Occupation Tax Act, the Service Occupation Tax
25 Act, and the Service Use Tax Act was \$20,000 or more during the
26 preceding 4 complete calendar quarters, he shall file a return

1 with the Department each month by the 20th day of the month
2 next following the month during which such tax liability is
3 incurred and shall make payment to the Department on or before
4 the 7th, 15th, 22nd and last day of the month during which such
5 liability is incurred. If the month during which such tax
6 liability is incurred began prior to January 1, 1985, each
7 payment shall be in an amount equal to 1/4 of the taxpayer's
8 actual liability for the month or an amount set by the
9 Department not to exceed 1/4 of the average monthly liability
10 of the taxpayer to the Department for the preceding 4 complete
11 calendar quarters (excluding the month of highest liability and
12 the month of lowest liability in such 4 quarter period). If the
13 month during which such tax liability is incurred begins on or
14 after January 1, 1985, and prior to January 1, 1987, each
15 payment shall be in an amount equal to 22.5% of the taxpayer's
16 actual liability for the month or 27.5% of the taxpayer's
17 liability for the same calendar month of the preceding year. If
18 the month during which such tax liability is incurred begins on
19 or after January 1, 1987, and prior to January 1, 1988, each
20 payment shall be in an amount equal to 22.5% of the taxpayer's
21 actual liability for the month or 26.25% of the taxpayer's
22 liability for the same calendar month of the preceding year. If
23 the month during which such tax liability is incurred begins on
24 or after January 1, 1988, and prior to January 1, 1989, or
25 begins on or after January 1, 1996, each payment shall be in an
26 amount equal to 22.5% of the taxpayer's actual liability for

1 the month or 25% of the taxpayer's liability for the same
2 calendar month of the preceding year. If the month during which
3 such tax liability is incurred begins on or after January 1,
4 1989, and prior to January 1, 1996, each payment shall be in an
5 amount equal to 22.5% of the taxpayer's actual liability for
6 the month or 25% of the taxpayer's liability for the same
7 calendar month of the preceding year or 100% of the taxpayer's
8 actual liability for the quarter monthly reporting period. The
9 amount of such quarter monthly payments shall be credited
10 against the final tax liability of the taxpayer's return for
11 that month. Before October 1, 2000, once applicable, the
12 requirement of the making of quarter monthly payments to the
13 Department shall continue until such taxpayer's average
14 monthly liability to the Department during the preceding 4
15 complete calendar quarters (excluding the month of highest
16 liability and the month of lowest liability) is less than
17 \$9,000, or until such taxpayer's average monthly liability to
18 the Department as computed for each calendar quarter of the 4
19 preceding complete calendar quarter period is less than
20 \$10,000. However, if a taxpayer can show the Department that a
21 substantial change in the taxpayer's business has occurred
22 which causes the taxpayer to anticipate that his average
23 monthly tax liability for the reasonably foreseeable future
24 will fall below the \$10,000 threshold stated above, then such
25 taxpayer may petition the Department for change in such
26 taxpayer's reporting status. On and after October 1, 2000, once

1 applicable, the requirement of the making of quarter monthly
2 payments to the Department shall continue until such taxpayer's
3 average monthly liability to the Department during the
4 preceding 4 complete calendar quarters (excluding the month of
5 highest liability and the month of lowest liability) is less
6 than \$19,000 or until such taxpayer's average monthly liability
7 to the Department as computed for each calendar quarter of the
8 4 preceding complete calendar quarter period is less than
9 \$20,000. However, if a taxpayer can show the Department that a
10 substantial change in the taxpayer's business has occurred
11 which causes the taxpayer to anticipate that his average
12 monthly tax liability for the reasonably foreseeable future
13 will fall below the \$20,000 threshold stated above, then such
14 taxpayer may petition the Department for a change in such
15 taxpayer's reporting status. The Department shall change such
16 taxpayer's reporting status unless it finds that such change is
17 seasonal in nature and not likely to be long term. If any such
18 quarter monthly payment is not paid at the time or in the
19 amount required by this Section, then the taxpayer shall be
20 liable for penalties and interest on the difference between the
21 minimum amount due and the amount of such quarter monthly
22 payment actually and timely paid, except insofar as the
23 taxpayer has previously made payments for that month to the
24 Department in excess of the minimum payments previously due as
25 provided in this Section. The Department shall make reasonable
26 rules and regulations to govern the quarter monthly payment

1 amount and quarter monthly payment dates for taxpayers who file
2 on other than a calendar monthly basis.

3 If any such payment provided for in this Section exceeds
4 the taxpayer's liabilities under this Act, the Retailers'
5 Occupation Tax Act, the Service Occupation Tax Act and the
6 Service Use Tax Act, as shown by an original monthly return,
7 the Department shall issue to the taxpayer a credit memorandum
8 no later than 30 days after the date of payment, which
9 memorandum may be submitted by the taxpayer to the Department
10 in payment of tax liability subsequently to be remitted by the
11 taxpayer to the Department or be assigned by the taxpayer to a
12 similar taxpayer under this Act, the Retailers' Occupation Tax
13 Act, the Service Occupation Tax Act or the Service Use Tax Act,
14 in accordance with reasonable rules and regulations to be
15 prescribed by the Department, except that if such excess
16 payment is shown on an original monthly return and is made
17 after December 31, 1986, no credit memorandum shall be issued,
18 unless requested by the taxpayer. If no such request is made,
19 the taxpayer may credit such excess payment against tax
20 liability subsequently to be remitted by the taxpayer to the
21 Department under this Act, the Retailers' Occupation Tax Act,
22 the Service Occupation Tax Act or the Service Use Tax Act, in
23 accordance with reasonable rules and regulations prescribed by
24 the Department. If the Department subsequently determines that
25 all or any part of the credit taken was not actually due to the
26 taxpayer, the taxpayer's 2.1% or 1.75% vendor's discount shall

1 be reduced by 2.1% or 1.75% of the difference between the
2 credit taken and that actually due, and the taxpayer shall be
3 liable for penalties and interest on such difference.

4 If the retailer is otherwise required to file a monthly
5 return and if the retailer's average monthly tax liability to
6 the Department does not exceed \$200, the Department may
7 authorize his returns to be filed on a quarter annual basis,
8 with the return for January, February, and March of a given
9 year being due by April 20 of such year; with the return for
10 April, May and June of a given year being due by July 20 of such
11 year; with the return for July, August and September of a given
12 year being due by October 20 of such year, and with the return
13 for October, November and December of a given year being due by
14 January 20 of the following year.

15 If the retailer is otherwise required to file a monthly or
16 quarterly return and if the retailer's average monthly tax
17 liability to the Department does not exceed \$50, the Department
18 may authorize his returns to be filed on an annual basis, with
19 the return for a given year being due by January 20 of the
20 following year.

21 Such quarter annual and annual returns, as to form and
22 substance, shall be subject to the same requirements as monthly
23 returns.

24 Notwithstanding any other provision in this Act concerning
25 the time within which a retailer may file his return, in the
26 case of any retailer who ceases to engage in a kind of business

1 which makes him responsible for filing returns under this Act,
2 such retailer shall file a final return under this Act with the
3 Department not more than one month after discontinuing such
4 business.

5 In addition, with respect to motor vehicles, watercraft,
6 aircraft, and trailers that are required to be registered with
7 an agency of this State, every retailer selling this kind of
8 tangible personal property shall file, with the Department,
9 upon a form to be prescribed and supplied by the Department, a
10 separate return for each such item of tangible personal
11 property which the retailer sells, except that if, in the same
12 transaction, (i) a retailer of aircraft, watercraft, motor
13 vehicles or trailers transfers more than one aircraft,
14 watercraft, motor vehicle or trailer to another aircraft,
15 watercraft, motor vehicle or trailer retailer for the purpose
16 of resale or (ii) a retailer of aircraft, watercraft, motor
17 vehicles, or trailers transfers more than one aircraft,
18 watercraft, motor vehicle, or trailer to a purchaser for use as
19 a qualifying rolling stock as provided in Section 3-55 of this
20 Act, then that seller may report the transfer of all the
21 aircraft, watercraft, motor vehicles or trailers involved in
22 that transaction to the Department on the same uniform
23 invoice-transaction reporting return form. For purposes of
24 this Section, "watercraft" means a Class 2, Class 3, or Class 4
25 watercraft as defined in Section 3-2 of the Boat Registration
26 and Safety Act, a personal watercraft, or any boat equipped

1 with an inboard motor.

2 The transaction reporting return in the case of motor
3 vehicles or trailers that are required to be registered with an
4 agency of this State, shall be the same document as the Uniform
5 Invoice referred to in Section 5-402 of the Illinois Vehicle
6 Code and must show the name and address of the seller; the name
7 and address of the purchaser; the amount of the selling price
8 including the amount allowed by the retailer for traded-in
9 property, if any; the amount allowed by the retailer for the
10 traded-in tangible personal property, if any, to the extent to
11 which Section 2 of this Act allows an exemption for the value
12 of traded-in property; the balance payable after deducting such
13 trade-in allowance from the total selling price; the amount of
14 tax due from the retailer with respect to such transaction; the
15 amount of tax collected from the purchaser by the retailer on
16 such transaction (or satisfactory evidence that such tax is not
17 due in that particular instance, if that is claimed to be the
18 fact); the place and date of the sale; a sufficient
19 identification of the property sold; such other information as
20 is required in Section 5-402 of the Illinois Vehicle Code, and
21 such other information as the Department may reasonably
22 require.

23 The transaction reporting return in the case of watercraft
24 and aircraft must show the name and address of the seller; the
25 name and address of the purchaser; the amount of the selling
26 price including the amount allowed by the retailer for

1 traded-in property, if any; the amount allowed by the retailer
2 for the traded-in tangible personal property, if any, to the
3 extent to which Section 2 of this Act allows an exemption for
4 the value of traded-in property; the balance payable after
5 deducting such trade-in allowance from the total selling price;
6 the amount of tax due from the retailer with respect to such
7 transaction; the amount of tax collected from the purchaser by
8 the retailer on such transaction (or satisfactory evidence that
9 such tax is not due in that particular instance, if that is
10 claimed to be the fact); the place and date of the sale, a
11 sufficient identification of the property sold, and such other
12 information as the Department may reasonably require.

13 Such transaction reporting return shall be filed not later
14 than 20 days after the date of delivery of the item that is
15 being sold, but may be filed by the retailer at any time sooner
16 than that if he chooses to do so. The transaction reporting
17 return and tax remittance or proof of exemption from the tax
18 that is imposed by this Act may be transmitted to the
19 Department by way of the State agency with which, or State
20 officer with whom, the tangible personal property must be
21 titled or registered (if titling or registration is required)
22 if the Department and such agency or State officer determine
23 that this procedure will expedite the processing of
24 applications for title or registration.

25 With each such transaction reporting return, the retailer
26 shall remit the proper amount of tax due (or shall submit

1 satisfactory evidence that the sale is not taxable if that is
2 the case), to the Department or its agents, whereupon the
3 Department shall issue, in the purchaser's name, a tax receipt
4 (or a certificate of exemption if the Department is satisfied
5 that the particular sale is tax exempt) which such purchaser
6 may submit to the agency with which, or State officer with
7 whom, he must title or register the tangible personal property
8 that is involved (if titling or registration is required) in
9 support of such purchaser's application for an Illinois
10 certificate or other evidence of title or registration to such
11 tangible personal property.

12 No retailer's failure or refusal to remit tax under this
13 Act precludes a user, who has paid the proper tax to the
14 retailer, from obtaining his certificate of title or other
15 evidence of title or registration (if titling or registration
16 is required) upon satisfying the Department that such user has
17 paid the proper tax (if tax is due) to the retailer. The
18 Department shall adopt appropriate rules to carry out the
19 mandate of this paragraph.

20 If the user who would otherwise pay tax to the retailer
21 wants the transaction reporting return filed and the payment of
22 tax or proof of exemption made to the Department before the
23 retailer is willing to take these actions and such user has not
24 paid the tax to the retailer, such user may certify to the fact
25 of such delay by the retailer, and may (upon the Department
26 being satisfied of the truth of such certification) transmit

1 the information required by the transaction reporting return
2 and the remittance for tax or proof of exemption directly to
3 the Department and obtain his tax receipt or exemption
4 determination, in which event the transaction reporting return
5 and tax remittance (if a tax payment was required) shall be
6 credited by the Department to the proper retailer's account
7 with the Department, but without the 2.1% or 1.75% discount
8 provided for in this Section being allowed. When the user pays
9 the tax directly to the Department, he shall pay the tax in the
10 same amount and in the same form in which it would be remitted
11 if the tax had been remitted to the Department by the retailer.

12 Where a retailer collects the tax with respect to the
13 selling price of tangible personal property which he sells and
14 the purchaser thereafter returns such tangible personal
15 property and the retailer refunds the selling price thereof to
16 the purchaser, such retailer shall also refund, to the
17 purchaser, the tax so collected from the purchaser. When filing
18 his return for the period in which he refunds such tax to the
19 purchaser, the retailer may deduct the amount of the tax so
20 refunded by him to the purchaser from any other use tax which
21 such retailer may be required to pay or remit to the
22 Department, as shown by such return, if the amount of the tax
23 to be deducted was previously remitted to the Department by
24 such retailer. If the retailer has not previously remitted the
25 amount of such tax to the Department, he is entitled to no
26 deduction under this Act upon refunding such tax to the

1 purchaser.

2 Any retailer filing a return under this Section shall also
3 include (for the purpose of paying tax thereon) the total tax
4 covered by such return upon the selling price of tangible
5 personal property purchased by him at retail from a retailer,
6 but as to which the tax imposed by this Act was not collected
7 from the retailer filing such return, and such retailer shall
8 remit the amount of such tax to the Department when filing such
9 return.

10 If experience indicates such action to be practicable, the
11 Department may prescribe and furnish a combination or joint
12 return which will enable retailers, who are required to file
13 returns hereunder and also under the Retailers' Occupation Tax
14 Act, to furnish all the return information required by both
15 Acts on the one form.

16 Where the retailer has more than one business registered
17 with the Department under separate registration under this Act,
18 such retailer may not file each return that is due as a single
19 return covering all such registered businesses, but shall file
20 separate returns for each such registered business.

21 Beginning January 1, 1990, each month the Department shall
22 pay into the State and Local Sales Tax Reform Fund, a special
23 fund in the State Treasury which is hereby created, the net
24 revenue realized for the preceding month from the 1% tax on
25 sales of food for human consumption which is to be consumed off
26 the premises where it is sold (other than alcoholic beverages,

1 soft drinks and food which has been prepared for immediate
2 consumption) and prescription and nonprescription medicines,
3 drugs, medical appliances, products classified as Class III
4 medical devices by the United States Food and Drug
5 Administration that are used for cancer treatment pursuant to a
6 prescription, as well as any accessories and components related
7 to those devices, and insulin, urine testing materials,
8 syringes and needles used by diabetics.

9 Beginning January 1, 1990, each month the Department shall
10 pay into the County and Mass Transit District Fund 4% of the
11 net revenue realized for the preceding month from the 6.25%
12 general rate on the selling price of tangible personal property
13 which is purchased outside Illinois at retail from a retailer
14 and which is titled or registered by an agency of this State's
15 government.

16 Beginning January 1, 1990, each month the Department shall
17 pay into the State and Local Sales Tax Reform Fund, a special
18 fund in the State Treasury, 20% of the net revenue realized for
19 the preceding month from the 6.25% general rate on the selling
20 price of tangible personal property, other than (i) tangible
21 personal property which is purchased outside Illinois at retail
22 from a retailer and which is titled or registered by an agency
23 of this State's government and (ii) aviation fuel sold on or
24 after December 1, 2017. This exception for aviation fuel only
25 applies for so long as the revenue use requirements of 49
26 U.S.C. §47107(b) and 49 U.S.C. §47133 are binding on the

1 State..

2 For aviation fuel sold on or after December 1, 2017, each
3 month the Department shall pay into the State Aviation Program
4 Fund 20% of the net revenue realized for the preceding month
5 from the 6.25% general rate on the selling price of aviation
6 fuel, less an amount estimated by the Department to be required
7 for refunds of the 20% portion of the tax on aviation fuel
8 under this Act, which amount shall be deposited into the
9 Aviation Fuel Sales Tax Refund Fund. The Department shall only
10 pay moneys into the State Aviation Program Fund and the
11 Aviation Fuels Sales Tax Refund Fund under this Act for so long
12 as the revenue use requirements of 49 U.S.C. §47107(b) and 49
13 U.S.C. §47133 are binding on the State.

14 Beginning August 1, 2000, each month the Department shall
15 pay into the State and Local Sales Tax Reform Fund 100% of the
16 net revenue realized for the preceding month from the 1.25%
17 rate on the selling price of motor fuel and gasohol. Beginning
18 September 1, 2010, each month the Department shall pay into the
19 State and Local Sales Tax Reform Fund 100% of the net revenue
20 realized for the preceding month from the 1.25% rate on the
21 selling price of sales tax holiday items.

22 Beginning January 1, 1990, each month the Department shall
23 pay into the Local Government Tax Fund 16% of the net revenue
24 realized for the preceding month from the 6.25% general rate on
25 the selling price of tangible personal property which is
26 purchased outside Illinois at retail from a retailer and which

1 is titled or registered by an agency of this State's
2 government.

3 Beginning October 1, 2009, each month the Department shall
4 pay into the Capital Projects Fund an amount that is equal to
5 an amount estimated by the Department to represent 80% of the
6 net revenue realized for the preceding month from the sale of
7 candy, grooming and hygiene products, and soft drinks that had
8 been taxed at a rate of 1% prior to September 1, 2009 but that
9 are now taxed at 6.25%.

10 Beginning July 1, 2011, each month the Department shall pay
11 into the Clean Air Act Permit Fund 80% of the net revenue
12 realized for the preceding month from the 6.25% general rate on
13 the selling price of sorbents used in Illinois in the process
14 of sorbent injection as used to comply with the Environmental
15 Protection Act or the federal Clean Air Act, but the total
16 payment into the Clean Air Act Permit Fund under this Act and
17 the Retailers' Occupation Tax Act shall not exceed \$2,000,000
18 in any fiscal year.

19 Beginning July 1, 2013, each month the Department shall pay
20 into the Underground Storage Tank Fund from the proceeds
21 collected under this Act, the Service Use Tax Act, the Service
22 Occupation Tax Act, and the Retailers' Occupation Tax Act an
23 amount equal to the average monthly deficit in the Underground
24 Storage Tank Fund during the prior year, as certified annually
25 by the Illinois Environmental Protection Agency, but the total
26 payment into the Underground Storage Tank Fund under this Act,

1 the Service Use Tax Act, the Service Occupation Tax Act, and
2 the Retailers' Occupation Tax Act shall not exceed \$18,000,000
3 in any State fiscal year. As used in this paragraph, the
4 "average monthly deficit" shall be equal to the difference
5 between the average monthly claims for payment by the fund and
6 the average monthly revenues deposited into the fund, excluding
7 payments made pursuant to this paragraph.

8 Beginning July 1, 2015, of the remainder of the moneys
9 received by the Department under this Act, the Service Use Tax
10 Act, the Service Occupation Tax Act, and the Retailers'
11 Occupation Tax Act, each month the Department shall deposit
12 \$500,000 into the State Crime Laboratory Fund.

13 Of the remainder of the moneys received by the Department
14 pursuant to this Act, (a) 1.75% thereof shall be paid into the
15 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on
16 and after July 1, 1989, 3.8% thereof shall be paid into the
17 Build Illinois Fund; provided, however, that if in any fiscal
18 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case
19 may be, of the moneys received by the Department and required
20 to be paid into the Build Illinois Fund pursuant to Section 3
21 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax
22 Act, Section 9 of the Service Use Tax Act, and Section 9 of the
23 Service Occupation Tax Act, such Acts being hereinafter called
24 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case
25 may be, of moneys being hereinafter called the "Tax Act
26 Amount", and (2) the amount transferred to the Build Illinois

1 Fund from the State and Local Sales Tax Reform Fund shall be
2 less than the Annual Specified Amount (as defined in Section 3
3 of the Retailers' Occupation Tax Act), an amount equal to the
4 difference shall be immediately paid into the Build Illinois
5 Fund from other moneys received by the Department pursuant to
6 the Tax Acts; and further provided, that if on the last
7 business day of any month the sum of (1) the Tax Act Amount
8 required to be deposited into the Build Illinois Bond Account
9 in the Build Illinois Fund during such month and (2) the amount
10 transferred during such month to the Build Illinois Fund from
11 the State and Local Sales Tax Reform Fund shall have been less
12 than 1/12 of the Annual Specified Amount, an amount equal to
13 the difference shall be immediately paid into the Build
14 Illinois Fund from other moneys received by the Department
15 pursuant to the Tax Acts; and, further provided, that in no
16 event shall the payments required under the preceding proviso
17 result in aggregate payments into the Build Illinois Fund
18 pursuant to this clause (b) for any fiscal year in excess of
19 the greater of (i) the Tax Act Amount or (ii) the Annual
20 Specified Amount for such fiscal year; and, further provided,
21 that the amounts payable into the Build Illinois Fund under
22 this clause (b) shall be payable only until such time as the
23 aggregate amount on deposit under each trust indenture securing
24 Bonds issued and outstanding pursuant to the Build Illinois
25 Bond Act is sufficient, taking into account any future
26 investment income, to fully provide, in accordance with such

1 indenture, for the defeasance of or the payment of the
2 principal of, premium, if any, and interest on the Bonds
3 secured by such indenture and on any Bonds expected to be
4 issued thereafter and all fees and costs payable with respect
5 thereto, all as certified by the Director of the Bureau of the
6 Budget (now Governor's Office of Management and Budget). If on
7 the last business day of any month in which Bonds are
8 outstanding pursuant to the Build Illinois Bond Act, the
9 aggregate of the moneys deposited in the Build Illinois Bond
10 Account in the Build Illinois Fund in such month shall be less
11 than the amount required to be transferred in such month from
12 the Build Illinois Bond Account to the Build Illinois Bond
13 Retirement and Interest Fund pursuant to Section 13 of the
14 Build Illinois Bond Act, an amount equal to such deficiency
15 shall be immediately paid from other moneys received by the
16 Department pursuant to the Tax Acts to the Build Illinois Fund;
17 provided, however, that any amounts paid to the Build Illinois
18 Fund in any fiscal year pursuant to this sentence shall be
19 deemed to constitute payments pursuant to clause (b) of the
20 preceding sentence and shall reduce the amount otherwise
21 payable for such fiscal year pursuant to clause (b) of the
22 preceding sentence. The moneys received by the Department
23 pursuant to this Act and required to be deposited into the
24 Build Illinois Fund are subject to the pledge, claim and charge
25 set forth in Section 12 of the Build Illinois Bond Act.

26 Subject to payment of amounts into the Build Illinois Fund

1 as provided in the preceding paragraph or in any amendment
2 thereto hereafter enacted, the following specified monthly
3 installment of the amount requested in the certificate of the
4 Chairman of the Metropolitan Pier and Exposition Authority
5 provided under Section 8.25f of the State Finance Act, but not
6 in excess of the sums designated as "Total Deposit", shall be
7 deposited in the aggregate from collections under Section 9 of
8 the Use Tax Act, Section 9 of the Service Use Tax Act, Section
9 9 of the Service Occupation Tax Act, and Section 3 of the
10 Retailers' Occupation Tax Act into the McCormick Place
11 Expansion Project Fund in the specified fiscal years.

| 12 | Fiscal Year | Total Deposit |
|----|-------------|---------------|
| 13 | 1993 | \$0 |
| 14 | 1994 | 53,000,000 |
| 15 | 1995 | 58,000,000 |
| 16 | 1996 | 61,000,000 |
| 17 | 1997 | 64,000,000 |
| 18 | 1998 | 68,000,000 |
| 19 | 1999 | 71,000,000 |
| 20 | 2000 | 75,000,000 |
| 21 | 2001 | 80,000,000 |
| 22 | 2002 | 93,000,000 |
| 23 | 2003 | 99,000,000 |
| 24 | 2004 | 103,000,000 |
| 25 | 2005 | 108,000,000 |
| 26 | 2006 | 113,000,000 |

| | | |
|----|------|-------------|
| 1 | 2007 | 119,000,000 |
| 2 | 2008 | 126,000,000 |
| 3 | 2009 | 132,000,000 |
| 4 | 2010 | 139,000,000 |
| 5 | 2011 | 146,000,000 |
| 6 | 2012 | 153,000,000 |
| 7 | 2013 | 161,000,000 |
| 8 | 2014 | 170,000,000 |
| 9 | 2015 | 179,000,000 |
| 10 | 2016 | 189,000,000 |
| 11 | 2017 | 199,000,000 |
| 12 | 2018 | 210,000,000 |
| 13 | 2019 | 221,000,000 |
| 14 | 2020 | 233,000,000 |
| 15 | 2021 | 246,000,000 |
| 16 | 2022 | 260,000,000 |
| 17 | 2023 | 275,000,000 |
| 18 | 2024 | 275,000,000 |
| 19 | 2025 | 275,000,000 |
| 20 | 2026 | 279,000,000 |
| 21 | 2027 | 292,000,000 |
| 22 | 2028 | 307,000,000 |
| 23 | 2029 | 322,000,000 |
| 24 | 2030 | 338,000,000 |
| 25 | 2031 | 350,000,000 |
| 26 | 2032 | 350,000,000 |

1 and
2 each fiscal year
3 thereafter that bonds
4 are outstanding under
5 Section 13.2 of the
6 Metropolitan Pier and
7 Exposition Authority Act,
8 but not after fiscal year 2060.

9 Beginning July 20, 1993 and in each month of each fiscal
10 year thereafter, one-eighth of the amount requested in the
11 certificate of the Chairman of the Metropolitan Pier and
12 Exposition Authority for that fiscal year, less the amount
13 deposited into the McCormick Place Expansion Project Fund by
14 the State Treasurer in the respective month under subsection
15 (g) of Section 13 of the Metropolitan Pier and Exposition
16 Authority Act, plus cumulative deficiencies in the deposits
17 required under this Section for previous months and years,
18 shall be deposited into the McCormick Place Expansion Project
19 Fund, until the full amount requested for the fiscal year, but
20 not in excess of the amount specified above as "Total Deposit",
21 has been deposited.

22 Subject to payment of amounts into the Capital Projects
23 Fund, the Clean Air Act (CAA) Permit Fund, the Build Illinois
24 Fund, and the McCormick Place Expansion Project Fund pursuant
25 to the preceding paragraphs or in any amendments thereto
26 hereafter enacted, the Department shall each month deposit into

1 the Aviation Fuel Sales Tax Refund Fund an amount estimated by
2 the Department to be required for refunds of the 80% portion of
3 the tax on aviation fuel under this Act.

4 Subject to payment of amounts into the Build Illinois Fund
5 and the McCormick Place Expansion Project Fund pursuant to the
6 preceding paragraphs or in any amendments thereto hereafter
7 enacted, beginning July 1, 1993 and ending on September 30,
8 2013, the Department shall each month pay into the Illinois Tax
9 Increment Fund 0.27% of 80% of the net revenue realized for the
10 preceding month from the 6.25% general rate on the selling
11 price of tangible personal property.

12 Subject to payment of amounts into the Build Illinois Fund
13 and the McCormick Place Expansion Project Fund pursuant to the
14 preceding paragraphs or in any amendments thereto hereafter
15 enacted, beginning with the receipt of the first report of
16 taxes paid by an eligible business and continuing for a 25-year
17 period, the Department shall each month pay into the Energy
18 Infrastructure Fund 80% of the net revenue realized from the
19 6.25% general rate on the selling price of Illinois-mined coal
20 that was sold to an eligible business. For purposes of this
21 paragraph, the term "eligible business" means a new electric
22 generating facility certified pursuant to Section 605-332 of
23 the Department of Commerce and Economic Opportunity Law of the
24 Civil Administrative Code of Illinois.

25 Subject to payment of amounts into the Build Illinois Fund,
26 the McCormick Place Expansion Project Fund, the Illinois Tax

1 Increment Fund, and the Energy Infrastructure Fund pursuant to
2 the preceding paragraphs or in any amendments to this Section
3 hereafter enacted, beginning on the first day of the first
4 calendar month to occur on or after August 26, 2014 (the
5 effective date of Public Act 98-1098) ~~this amendatory Act of~~
6 ~~the 98th General Assembly~~, each month, from the collections
7 made under Section 9 of the Use Tax Act, Section 9 of the
8 Service Use Tax Act, Section 9 of the Service Occupation Tax
9 Act, and Section 3 of the Retailers' Occupation Tax Act, the
10 Department shall pay into the Tax Compliance and Administration
11 Fund, to be used, subject to appropriation, to fund additional
12 auditors and compliance personnel at the Department of Revenue,
13 an amount equal to 1/12 of 5% of 80% of the cash receipts
14 collected during the preceding fiscal year by the Audit Bureau
15 of the Department under the Use Tax Act, the Service Use Tax
16 Act, the Service Occupation Tax Act, the Retailers' Occupation
17 Tax Act, and associated local occupation and use taxes
18 administered by the Department (except the amount collected on
19 aviation fuel sold on or after December 1, 2017).

20 Of the remainder of the moneys received by the Department
21 pursuant to this Act, 75% thereof shall be paid into the State
22 Treasury and 25% shall be reserved in a special account and
23 used only for the transfer to the Common School Fund as part of
24 the monthly transfer from the General Revenue Fund in
25 accordance with Section 8a of the State Finance Act.

26 As soon as possible after the first day of each month, upon

1 certification of the Department of Revenue, the Comptroller
2 shall order transferred and the Treasurer shall transfer from
3 the General Revenue Fund to the Motor Fuel Tax Fund an amount
4 equal to 1.7% of 80% of the net revenue realized under this Act
5 for the second preceding month. Beginning April 1, 2000, this
6 transfer is no longer required and shall not be made.

7 Net revenue realized for a month shall be the revenue
8 collected by the State pursuant to this Act, less the amount
9 paid out during that month as refunds to taxpayers for
10 overpayment of liability.

11 For greater simplicity of administration, manufacturers,
12 importers and wholesalers whose products are sold at retail in
13 Illinois by numerous retailers, and who wish to do so, may
14 assume the responsibility for accounting and paying to the
15 Department all tax accruing under this Act with respect to such
16 sales, if the retailers who are affected do not make written
17 objection to the Department to this arrangement.

18 (Source: P.A. 98-24, eff. 6-19-13; 98-109, eff. 7-25-13;
19 98-496, eff. 1-1-14; 98-756, eff. 7-16-14; 98-1098, eff.
20 8-26-14; 99-352, eff. 8-12-15; 99-858, eff. 8-19-16; 99-933,
21 eff. 1-27-17; revised 2-3-17.)

22 (35 ILCS 105/19) (from Ch. 120, par. 439.19)

23 Sec. 19. If it shall appear that an amount of tax or
24 penalty or interest has been paid in error hereunder to the
25 Department by a purchaser, as distinguished from the retailer,

1 whether such amount be paid through a mistake of fact or an
2 error of law, such purchaser may file a claim for credit or
3 refund with the Department in accordance with Sections 6, 6a,
4 6b, 6c, and 6d of the Retailers' Occupation Tax Act. If it
5 shall appear that an amount of tax or penalty or interest has
6 been paid in error to the Department hereunder by a retailer
7 who is required or authorized to collect and remit the use tax,
8 whether such amount be paid through a mistake of fact or an
9 error of law, such retailer may file a claim for credit or
10 refund with the Department in accordance with Sections 6, 6a,
11 6b, 6c, and 6d of the Retailers' Occupation Tax Act, provided
12 that no credit or refund shall be allowed for any amount paid
13 by any such retailer unless it shall appear that he bore the
14 burden of such amount and did not shift the burden thereof to
15 anyone else (as in the case of a duplicated tax payment which
16 the retailer made to the Department and did not collect from
17 anyone else), or unless it shall appear that he or she or his
18 or her legal representative has unconditionally repaid such
19 amount to his vendee (1) who bore the burden thereof and has
20 not shifted such burden directly or indirectly in any manner
21 whatsoever; (2) who, if he has shifted such burden, has repaid
22 unconditionally such amount to his or her own vendee, and (3)
23 who is not entitled to receive any reimbursement therefor from
24 any other source than from his vendor, nor to be relieved of
25 such burden in any other manner whatsoever. If it shall appear
26 that an amount of tax has been paid in error hereunder by the

1 purchaser to a retailer, who retained such tax as reimbursement
2 for his or her tax liability on the same sale under the
3 Retailers' Occupation Tax Act, and who remitted the amount
4 involved to the Department under the Retailers' Occupation Tax
5 Act, whether such amount be paid through a mistake of fact or
6 an error of law, the procedure for recovering such tax shall be
7 that prescribed in Sections 6, 6a, 6b and 6c of the Retailers'
8 Occupation Tax Act.

9 Any credit or refund that is allowed under this Section
10 shall bear interest at the rate and in the manner specified in
11 the Uniform Penalty and Interest Act.

12 Any claim filed hereunder shall be filed upon a form
13 prescribed and furnished by the Department. The claim shall be
14 signed by the claimant (or by the claimant's legal
15 representative if the claimant shall have died or become a
16 person under legal disability), or by a duly authorized agent
17 of the claimant or his or her legal representative.

18 A claim for credit or refund shall be considered to have
19 been filed with the Department on the date upon which it is
20 received by the Department. Upon receipt of any claim for
21 credit or refund filed under this Act, any officer or employee
22 of the Department, authorized in writing by the Director of
23 Revenue to acknowledge receipt of such claims on behalf of the
24 Department, shall execute on behalf of the Department, and
25 shall deliver or mail to the claimant or his duly authorized
26 agent, a written receipt, acknowledging that the claim has been

1 filed with the Department, describing the claim in sufficient
2 detail to identify it and stating the date upon which the claim
3 was received by the Department. Such written receipt shall be
4 prima facie evidence that the Department received the claim
5 described in such receipt and shall be prima facie evidence of
6 the date when such claim was received by the Department. In the
7 absence of such a written receipt, the records of the
8 Department as to when the claim was received by the Department,
9 or as to whether or not the claim was received at all by the
10 Department, shall be deemed to be prima facie correct upon
11 these questions in the event of any dispute between the
12 claimant (or his or her legal representative) and the
13 Department concerning these questions.

14 In case the Department determines that the claimant is
15 entitled to a refund, such refund shall be made only from the
16 Aviation Fuel Sales Tax Refund Fund or from such appropriation
17 as may be available for that purpose, as appropriate. If it
18 appears unlikely that the amount available ~~appropriated~~ would
19 permit everyone having a claim allowed during the period
20 covered by such appropriation or from the Aviation Fuel Sales
21 Tax Refund Fund, as appropriate, to elect to receive a cash
22 refund, the Department, by rule or regulation, shall provide
23 for the payment of refunds in hardship cases and shall define
24 what types of cases qualify as hardship cases.

25 If a retailer who has failed to pay use tax on gross
26 receipts from retail sales is required by the Department to pay

1 such tax, such retailer, without filing any formal claim with
2 the Department, shall be allowed to take credit against such
3 use tax liability to the extent, if any, to which such retailer
4 has paid an amount equivalent to retailers' occupation tax or
5 has paid use tax in error to his or her vendor or vendors of the
6 same tangible personal property which such retailer bought for
7 resale and did not first use before selling it, and no penalty
8 or interest shall be charged to such retailer on the amount of
9 such credit. However, when such credit is allowed to the
10 retailer by the Department, the vendor is precluded from
11 refunding any of that tax to the retailer and filing a claim
12 for credit or refund with respect thereto with the Department.
13 The provisions of this amendatory Act shall be applied
14 retroactively, regardless of the date of the transaction.

15 (Source: P.A. 99-217, eff. 7-31-15.)

16 Section 15. The Service Use Tax Act is amended by changing
17 Sections 9 and 17 as follows:

18 (35 ILCS 110/9) (from Ch. 120, par. 439.39)

19 Sec. 9. Each serviceman required or authorized to collect
20 the tax herein imposed shall pay to the Department the amount
21 of such tax (except as otherwise provided) at the time when he
22 is required to file his return for the period during which such
23 tax was collected, less a discount of 2.1% prior to January 1,
24 1990 and 1.75% on and after January 1, 1990, or \$5 per calendar

1 year, whichever is greater, which is allowed to reimburse the
2 serviceman for expenses incurred in collecting the tax, keeping
3 records, preparing and filing returns, remitting the tax and
4 supplying data to the Department on request. The discount under
5 this Section is not allowed for taxes paid on aviation fuel
6 that are deposited into the State Aviation Program Fund under
7 this Act. The Department may disallow the discount for
8 servicemen whose certificate of registration is revoked at the
9 time the return is filed, but only if the Department's decision
10 to revoke the certificate of registration has become final. A
11 serviceman need not remit that part of any tax collected by him
12 to the extent that he is required to pay and does pay the tax
13 imposed by the Service Occupation Tax Act with respect to his
14 sale of service involving the incidental transfer by him of the
15 same property.

16 Except as provided hereinafter in this Section, on or
17 before the twentieth day of each calendar month, such
18 serviceman shall file a return for the preceding calendar month
19 in accordance with reasonable Rules and Regulations to be
20 promulgated by the Department. Such return shall be filed on a
21 form prescribed by the Department and shall contain such
22 information as the Department may reasonably require.

23 The Department may require returns to be filed on a
24 quarterly basis. If so required, a return for each calendar
25 quarter shall be filed on or before the twentieth day of the
26 calendar month following the end of such calendar quarter. The

1 taxpayer shall also file a return with the Department for each
2 of the first two months of each calendar quarter, on or before
3 the twentieth day of the following calendar month, stating:

4 1. The name of the seller;

5 2. The address of the principal place of business from
6 which he engages in business as a serviceman in this State;

7 3. The total amount of taxable receipts received by him
8 during the preceding calendar month, including receipts
9 from charge and time sales, but less all deductions allowed
10 by law;

11 4. The amount of credit provided in Section 2d of this
12 Act;

13 5. The amount of tax due;

14 5-5. The signature of the taxpayer; and

15 6. Such other reasonable information as the Department
16 may require.

17 Beginning on January 1, 2018, each serviceman required or
18 authorized to collect the tax imposed by this Act on aviation
19 fuel transferred as an incident of a sale of service in this
20 State during the preceding calendar month shall, instead of
21 reporting and paying tax on aviation fuel as otherwise required
22 by this Section, report and pay the tax by filing an aviation
23 fuel tax return with the Department on or before the twentieth
24 day of each calendar month. The requirements related to the
25 return shall be as otherwise provided in this Section.
26 Notwithstanding any other provisions of this Act to the

1 contrary, servicemen collecting tax on aviation fuel shall file
2 all aviation fuel tax returns and shall make all aviation fuel
3 tax payments by electronic means in the manner and form
4 required by the Department. For purposes of this paragraph,
5 "aviation fuel" means a product that is intended for use or
6 offered for sale as fuel for an aircraft.

7 If a taxpayer fails to sign a return within 30 days after
8 the proper notice and demand for signature by the Department,
9 the return shall be considered valid and any amount shown to be
10 due on the return shall be deemed assessed.

11 Beginning October 1, 1993, a taxpayer who has an average
12 monthly tax liability of \$150,000 or more shall make all
13 payments required by rules of the Department by electronic
14 funds transfer. Beginning October 1, 1994, a taxpayer who has
15 an average monthly tax liability of \$100,000 or more shall make
16 all payments required by rules of the Department by electronic
17 funds transfer. Beginning October 1, 1995, a taxpayer who has
18 an average monthly tax liability of \$50,000 or more shall make
19 all payments required by rules of the Department by electronic
20 funds transfer. Beginning October 1, 2000, a taxpayer who has
21 an annual tax liability of \$200,000 or more shall make all
22 payments required by rules of the Department by electronic
23 funds transfer. The term "annual tax liability" shall be the
24 sum of the taxpayer's liabilities under this Act, and under all
25 other State and local occupation and use tax laws administered
26 by the Department, for the immediately preceding calendar year.

1 The term "average monthly tax liability" means the sum of the
2 taxpayer's liabilities under this Act, and under all other
3 State and local occupation and use tax laws administered by the
4 Department, for the immediately preceding calendar year
5 divided by 12. Beginning on October 1, 2002, a taxpayer who has
6 a tax liability in the amount set forth in subsection (b) of
7 Section 2505-210 of the Department of Revenue Law shall make
8 all payments required by rules of the Department by electronic
9 funds transfer.

10 Before August 1 of each year beginning in 1993, the
11 Department shall notify all taxpayers required to make payments
12 by electronic funds transfer. All taxpayers required to make
13 payments by electronic funds transfer shall make those payments
14 for a minimum of one year beginning on October 1.

15 Any taxpayer not required to make payments by electronic
16 funds transfer may make payments by electronic funds transfer
17 with the permission of the Department.

18 All taxpayers required to make payment by electronic funds
19 transfer and any taxpayers authorized to voluntarily make
20 payments by electronic funds transfer shall make those payments
21 in the manner authorized by the Department.

22 The Department shall adopt such rules as are necessary to
23 effectuate a program of electronic funds transfer and the
24 requirements of this Section.

25 If the serviceman is otherwise required to file a monthly
26 return and if the serviceman's average monthly tax liability to

1 the Department does not exceed \$200, the Department may
2 authorize his returns to be filed on a quarter annual basis,
3 with the return for January, February and March of a given year
4 being due by April 20 of such year; with the return for April,
5 May and June of a given year being due by July 20 of such year;
6 with the return for July, August and September of a given year
7 being due by October 20 of such year, and with the return for
8 October, November and December of a given year being due by
9 January 20 of the following year.

10 If the serviceman is otherwise required to file a monthly
11 or quarterly return and if the serviceman's average monthly tax
12 liability to the Department does not exceed \$50, the Department
13 may authorize his returns to be filed on an annual basis, with
14 the return for a given year being due by January 20 of the
15 following year.

16 Such quarter annual and annual returns, as to form and
17 substance, shall be subject to the same requirements as monthly
18 returns.

19 Notwithstanding any other provision in this Act concerning
20 the time within which a serviceman may file his return, in the
21 case of any serviceman who ceases to engage in a kind of
22 business which makes him responsible for filing returns under
23 this Act, such serviceman shall file a final return under this
24 Act with the Department not more than 1 month after
25 discontinuing such business.

26 Where a serviceman collects the tax with respect to the

1 selling price of property which he sells and the purchaser
2 thereafter returns such property and the serviceman refunds the
3 selling price thereof to the purchaser, such serviceman shall
4 also refund, to the purchaser, the tax so collected from the
5 purchaser. When filing his return for the period in which he
6 refunds such tax to the purchaser, the serviceman may deduct
7 the amount of the tax so refunded by him to the purchaser from
8 any other Service Use Tax, Service Occupation Tax, retailers'
9 occupation tax or use tax which such serviceman may be required
10 to pay or remit to the Department, as shown by such return,
11 provided that the amount of the tax to be deducted shall
12 previously have been remitted to the Department by such
13 serviceman. If the serviceman shall not previously have
14 remitted the amount of such tax to the Department, he shall be
15 entitled to no deduction hereunder upon refunding such tax to
16 the purchaser.

17 Any serviceman filing a return hereunder shall also include
18 the total tax upon the selling price of tangible personal
19 property purchased for use by him as an incident to a sale of
20 service, and such serviceman shall remit the amount of such tax
21 to the Department when filing such return.

22 If experience indicates such action to be practicable, the
23 Department may prescribe and furnish a combination or joint
24 return which will enable servicemen, who are required to file
25 returns hereunder and also under the Service Occupation Tax
26 Act, to furnish all the return information required by both

1 Acts on the one form.

2 Where the serviceman has more than one business registered
3 with the Department under separate registration hereunder,
4 such serviceman shall not file each return that is due as a
5 single return covering all such registered businesses, but
6 shall file separate returns for each such registered business.

7 Beginning January 1, 1990, each month the Department shall
8 pay into the State and Local Tax Reform Fund, a special fund in
9 the State Treasury, the net revenue realized for the preceding
10 month from the 1% tax on sales of food for human consumption
11 which is to be consumed off the premises where it is sold
12 (other than alcoholic beverages, soft drinks and food which has
13 been prepared for immediate consumption) and prescription and
14 nonprescription medicines, drugs, medical appliances, products
15 classified as Class III medical devices, by the United States
16 Food and Drug Administration that are used for cancer treatment
17 pursuant to a prescription, as well as any accessories and
18 components related to those devices, and insulin, urine testing
19 materials, syringes and needles used by diabetics.

20 Beginning January 1, 1990, each month the Department shall
21 pay into the State and Local Sales Tax Reform Fund 20% of the
22 net revenue realized for the preceding month from the 6.25%
23 general rate on transfers of tangible personal property, other
24 than (i) tangible personal property which is purchased outside
25 Illinois at retail from a retailer and which is titled or
26 registered by an agency of this State's government and (ii)

1 aviation fuel sold on or after December 1, 2017. This exception
2 for aviation fuel only applies for so long as the revenue use
3 requirements of 49 U.S.C. §47107(b) and 49 U.S.C. §47133 are
4 binding on the State.

5 For aviation fuel sold on or after December 1, 2017, each
6 month the Department shall pay into the State Aviation Program
7 Fund 20% of the net revenue realized for the preceding month
8 from the 6.25% general rate on the selling price of aviation
9 fuel, less an amount estimated by the Department to be required
10 for refunds of the 20% portion of the tax on aviation fuel
11 under this Act, which amount shall be deposited into the
12 Aviation fuel Sales Tax Refund Fund. The Department shall only
13 pay moneys into the State Aviation Program Fund and the
14 Aviation Fuel Sales Tax Refund Fund under this Act for so long
15 as the revenue use requirements of 49 U.S.C. §47107(b) and 49
16 U.S.C. §47133 are binding on the State.

17 Beginning August 1, 2000, each month the Department shall
18 pay into the State and Local Sales Tax Reform Fund 100% of the
19 net revenue realized for the preceding month from the 1.25%
20 rate on the selling price of motor fuel and gasohol.

21 Beginning October 1, 2009, each month the Department shall
22 pay into the Capital Projects Fund an amount that is equal to
23 an amount estimated by the Department to represent 80% of the
24 net revenue realized for the preceding month from the sale of
25 candy, grooming and hygiene products, and soft drinks that had
26 been taxed at a rate of 1% prior to September 1, 2009 but that

1 are now taxed at 6.25%.

2 Beginning July 1, 2013, each month the Department shall pay
3 into the Underground Storage Tank Fund from the proceeds
4 collected under this Act, the Use Tax Act, the Service
5 Occupation Tax Act, and the Retailers' Occupation Tax Act an
6 amount equal to the average monthly deficit in the Underground
7 Storage Tank Fund during the prior year, as certified annually
8 by the Illinois Environmental Protection Agency, but the total
9 payment into the Underground Storage Tank Fund under this Act,
10 the Use Tax Act, the Service Occupation Tax Act, and the
11 Retailers' Occupation Tax Act shall not exceed \$18,000,000 in
12 any State fiscal year. As used in this paragraph, the "average
13 monthly deficit" shall be equal to the difference between the
14 average monthly claims for payment by the fund and the average
15 monthly revenues deposited into the fund, excluding payments
16 made pursuant to this paragraph.

17 Beginning July 1, 2015, of the remainder of the moneys
18 received by the Department under the Use Tax Act, this Act, the
19 Service Occupation Tax Act, and the Retailers' Occupation Tax
20 Act, each month the Department shall deposit \$500,000 into the
21 State Crime Laboratory Fund.

22 Of the remainder of the moneys received by the Department
23 pursuant to this Act, (a) 1.75% thereof shall be paid into the
24 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on
25 and after July 1, 1989, 3.8% thereof shall be paid into the
26 Build Illinois Fund; provided, however, that if in any fiscal

1 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case
2 may be, of the moneys received by the Department and required
3 to be paid into the Build Illinois Fund pursuant to Section 3
4 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax
5 Act, Section 9 of the Service Use Tax Act, and Section 9 of the
6 Service Occupation Tax Act, such Acts being hereinafter called
7 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case
8 may be, of moneys being hereinafter called the "Tax Act
9 Amount", and (2) the amount transferred to the Build Illinois
10 Fund from the State and Local Sales Tax Reform Fund shall be
11 less than the Annual Specified Amount (as defined in Section 3
12 of the Retailers' Occupation Tax Act), an amount equal to the
13 difference shall be immediately paid into the Build Illinois
14 Fund from other moneys received by the Department pursuant to
15 the Tax Acts; and further provided, that if on the last
16 business day of any month the sum of (1) the Tax Act Amount
17 required to be deposited into the Build Illinois Bond Account
18 in the Build Illinois Fund during such month and (2) the amount
19 transferred during such month to the Build Illinois Fund from
20 the State and Local Sales Tax Reform Fund shall have been less
21 than 1/12 of the Annual Specified Amount, an amount equal to
22 the difference shall be immediately paid into the Build
23 Illinois Fund from other moneys received by the Department
24 pursuant to the Tax Acts; and, further provided, that in no
25 event shall the payments required under the preceding proviso
26 result in aggregate payments into the Build Illinois Fund

1 pursuant to this clause (b) for any fiscal year in excess of
2 the greater of (i) the Tax Act Amount or (ii) the Annual
3 Specified Amount for such fiscal year; and, further provided,
4 that the amounts payable into the Build Illinois Fund under
5 this clause (b) shall be payable only until such time as the
6 aggregate amount on deposit under each trust indenture securing
7 Bonds issued and outstanding pursuant to the Build Illinois
8 Bond Act is sufficient, taking into account any future
9 investment income, to fully provide, in accordance with such
10 indenture, for the defeasance of or the payment of the
11 principal of, premium, if any, and interest on the Bonds
12 secured by such indenture and on any Bonds expected to be
13 issued thereafter and all fees and costs payable with respect
14 thereto, all as certified by the Director of the Bureau of the
15 Budget (now Governor's Office of Management and Budget). If on
16 the last business day of any month in which Bonds are
17 outstanding pursuant to the Build Illinois Bond Act, the
18 aggregate of the moneys deposited in the Build Illinois Bond
19 Account in the Build Illinois Fund in such month shall be less
20 than the amount required to be transferred in such month from
21 the Build Illinois Bond Account to the Build Illinois Bond
22 Retirement and Interest Fund pursuant to Section 13 of the
23 Build Illinois Bond Act, an amount equal to such deficiency
24 shall be immediately paid from other moneys received by the
25 Department pursuant to the Tax Acts to the Build Illinois Fund;
26 provided, however, that any amounts paid to the Build Illinois

1 Fund in any fiscal year pursuant to this sentence shall be
 2 deemed to constitute payments pursuant to clause (b) of the
 3 preceding sentence and shall reduce the amount otherwise
 4 payable for such fiscal year pursuant to clause (b) of the
 5 preceding sentence. The moneys received by the Department
 6 pursuant to this Act and required to be deposited into the
 7 Build Illinois Fund are subject to the pledge, claim and charge
 8 set forth in Section 12 of the Build Illinois Bond Act.

9 Subject to payment of amounts into the Build Illinois Fund
 10 as provided in the preceding paragraph or in any amendment
 11 thereto hereafter enacted, the following specified monthly
 12 installment of the amount requested in the certificate of the
 13 Chairman of the Metropolitan Pier and Exposition Authority
 14 provided under Section 8.25f of the State Finance Act, but not
 15 in excess of the sums designated as "Total Deposit", shall be
 16 deposited in the aggregate from collections under Section 9 of
 17 the Use Tax Act, Section 9 of the Service Use Tax Act, Section
 18 9 of the Service Occupation Tax Act, and Section 3 of the
 19 Retailers' Occupation Tax Act into the McCormick Place
 20 Expansion Project Fund in the specified fiscal years.

| | | Total |
|----|-------------|------------|
| | Fiscal Year | Deposit |
| 21 | | |
| 22 | 1993 | \$0 |
| 23 | 1994 | 53,000,000 |
| 24 | 1995 | 58,000,000 |
| 25 | 1996 | 61,000,000 |

| | | |
|----|------|-------------|
| 1 | 1997 | 64,000,000 |
| 2 | 1998 | 68,000,000 |
| 3 | 1999 | 71,000,000 |
| 4 | 2000 | 75,000,000 |
| 5 | 2001 | 80,000,000 |
| 6 | 2002 | 93,000,000 |
| 7 | 2003 | 99,000,000 |
| 8 | 2004 | 103,000,000 |
| 9 | 2005 | 108,000,000 |
| 10 | 2006 | 113,000,000 |
| 11 | 2007 | 119,000,000 |
| 12 | 2008 | 126,000,000 |
| 13 | 2009 | 132,000,000 |
| 14 | 2010 | 139,000,000 |
| 15 | 2011 | 146,000,000 |
| 16 | 2012 | 153,000,000 |
| 17 | 2013 | 161,000,000 |
| 18 | 2014 | 170,000,000 |
| 19 | 2015 | 179,000,000 |
| 20 | 2016 | 189,000,000 |
| 21 | 2017 | 199,000,000 |
| 22 | 2018 | 210,000,000 |
| 23 | 2019 | 221,000,000 |
| 24 | 2020 | 233,000,000 |
| 25 | 2021 | 246,000,000 |
| 26 | 2022 | 260,000,000 |

| | | |
|----|------|-------------|
| 1 | 2023 | 275,000,000 |
| 2 | 2024 | 275,000,000 |
| 3 | 2025 | 275,000,000 |
| 4 | 2026 | 279,000,000 |
| 5 | 2027 | 292,000,000 |
| 6 | 2028 | 307,000,000 |
| 7 | 2029 | 322,000,000 |
| 8 | 2030 | 338,000,000 |
| 9 | 2031 | 350,000,000 |
| 10 | 2032 | 350,000,000 |

11 and

12 each fiscal year

13 thereafter that bonds

14 are outstanding under

15 Section 13.2 of the

16 Metropolitan Pier and

17 Exposition Authority Act,

18 but not after fiscal year 2060.

19 Beginning July 20, 1993 and in each month of each fiscal
20 year thereafter, one-eighth of the amount requested in the
21 certificate of the Chairman of the Metropolitan Pier and
22 Exposition Authority for that fiscal year, less the amount
23 deposited into the McCormick Place Expansion Project Fund by
24 the State Treasurer in the respective month under subsection
25 (g) of Section 13 of the Metropolitan Pier and Exposition
26 Authority Act, plus cumulative deficiencies in the deposits

1 required under this Section for previous months and years,
2 shall be deposited into the McCormick Place Expansion Project
3 Fund, until the full amount requested for the fiscal year, but
4 not in excess of the amount specified above as "Total Deposit",
5 has been deposited.

6 Subject to payment of amounts into the Capital Projects
7 Fund, the Clean Air Act (CAA) Permit Fund, the Build Illinois
8 Fund, and the McCormick Place Expansion Project Fund pursuant
9 to the preceding paragraphs or in any amendments thereto
10 hereafter enacted, the Department shall each month deposit into
11 the Aviation Fuel Sales Tax Refund Fund an amount estimated by
12 the Department to be required for refunds of the 80% portion of
13 the tax on aviation fuel under this Act.

14 Subject to payment of amounts into the Build Illinois Fund
15 and the McCormick Place Expansion Project Fund pursuant to the
16 preceding paragraphs or in any amendments thereto hereafter
17 enacted, beginning July 1, 1993 and ending on September 30,
18 2013, the Department shall each month pay into the Illinois Tax
19 Increment Fund 0.27% of 80% of the net revenue realized for the
20 preceding month from the 6.25% general rate on the selling
21 price of tangible personal property.

22 Subject to payment of amounts into the Build Illinois Fund
23 and the McCormick Place Expansion Project Fund pursuant to the
24 preceding paragraphs or in any amendments thereto hereafter
25 enacted, beginning with the receipt of the first report of
26 taxes paid by an eligible business and continuing for a 25-year

1 period, the Department shall each month pay into the Energy
2 Infrastructure Fund 80% of the net revenue realized from the
3 6.25% general rate on the selling price of Illinois-mined coal
4 that was sold to an eligible business. For purposes of this
5 paragraph, the term "eligible business" means a new electric
6 generating facility certified pursuant to Section 605-332 of
7 the Department of Commerce and Economic Opportunity Law of the
8 Civil Administrative Code of Illinois.

9 Subject to payment of amounts into the Build Illinois Fund,
10 the McCormick Place Expansion Project Fund, the Illinois Tax
11 Increment Fund, and the Energy Infrastructure Fund pursuant to
12 the preceding paragraphs or in any amendments to this Section
13 hereafter enacted, beginning on the first day of the first
14 calendar month to occur on or after the effective date of this
15 amendatory Act of the 98th General Assembly, each month, from
16 the collections made under Section 9 of the Use Tax Act,
17 Section 9 of the Service Use Tax Act, Section 9 of the Service
18 Occupation Tax Act, and Section 3 of the Retailers' Occupation
19 Tax Act, the Department shall pay into the Tax Compliance and
20 Administration Fund, to be used, subject to appropriation, to
21 fund additional auditors and compliance personnel at the
22 Department of Revenue, an amount equal to 1/12 of 5% of 80% of
23 the cash receipts collected during the preceding fiscal year by
24 the Audit Bureau of the Department under the Use Tax Act, the
25 Service Use Tax Act, the Service Occupation Tax Act, the
26 Retailers' Occupation Tax Act, and associated local occupation

1 and use taxes administered by the Department (except the amount
2 collected on aviation fuel sold on or after December 1, 2017).

3 Of the remainder of the moneys received by the Department
4 pursuant to this Act, 75% thereof shall be paid into the
5 General Revenue Fund of the State Treasury and 25% shall be
6 reserved in a special account and used only for the transfer to
7 the Common School Fund as part of the monthly transfer from the
8 General Revenue Fund in accordance with Section 8a of the State
9 Finance Act.

10 As soon as possible after the first day of each month, upon
11 certification of the Department of Revenue, the Comptroller
12 shall order transferred and the Treasurer shall transfer from
13 the General Revenue Fund to the Motor Fuel Tax Fund an amount
14 equal to 1.7% of 80% of the net revenue realized under this Act
15 for the second preceding month. Beginning April 1, 2000, this
16 transfer is no longer required and shall not be made.

17 Net revenue realized for a month shall be the revenue
18 collected by the State pursuant to this Act, less the amount
19 paid out during that month as refunds to taxpayers for
20 overpayment of liability.

21 (Source: P.A. 98-24, eff. 6-19-13; 98-109, eff. 7-25-13;
22 98-298, eff. 8-9-13; 98-496, eff. 1-1-14; 98-756, eff. 7-16-14;
23 98-1098, eff. 8-26-14; 99-352, eff. 8-12-15; 99-858, eff.
24 8-19-16.)

1 Sec. 17. If it shall appear that an amount of tax or
2 penalty or interest has been paid in error hereunder to the
3 Department by a purchaser, as distinguished from the
4 serviceman, whether such amount be paid through a mistake of
5 fact or an error of law, such purchaser may file a claim for
6 credit or refund with the Department. If it shall appear that
7 an amount of tax or penalty or interest has been paid in error
8 to the Department hereunder by a serviceman who is required or
9 authorized to collect and remit the Service Use Tax, whether
10 such amount be paid through a mistake of fact or an error of
11 law, such serviceman may file a claim for credit or refund with
12 the Department, provided that no credit shall be allowed or
13 refund made for any amount paid by any such serviceman unless
14 it shall appear that he bore the burden of such amount and did
15 not shift the burden thereof to anyone else (as in the case of
16 a duplicated tax payment which the serviceman made to the
17 Department and did not collect from anyone else), or unless it
18 shall appear that he or his legal representative has
19 unconditionally repaid such amount to his vendee (1) who bore
20 the burden thereof and has not shifted such burden directly or
21 indirectly in any manner whatsoever; (2) who, if he has shifted
22 such burden, has repaid unconditionally such amount to his own
23 vendee, and (3) who is not entitled to receive any
24 reimbursement therefor from any other source than from his
25 vendor, nor to be relieved of such burden in any other manner
26 whatsoever. If it shall appear that an amount of tax has been

1 paid in error hereunder by the purchaser to a serviceman, who
2 retained such tax as reimbursement for his tax liability on the
3 same sale of service under the Service Occupation Tax Act, and
4 who paid such tax as required by the Service Occupation Tax
5 Act, whether such amount be paid through a mistake of fact or
6 an error of law, the procedure for recovering such tax shall be
7 that prescribed in Sections 17, 18, 19 and 20 of the Service
8 Occupation Tax Act.

9 Any credit or refund that is allowed under this Section
10 shall bear interest at the rate and in the manner specified in
11 the Uniform Penalty and Interest Act.

12 Any claim filed hereunder shall be filed upon a form
13 prescribed and furnished by the Department. The claim shall be
14 signed by the claimant (or by the claimant's legal
15 representative if the claimant shall have died or become a
16 person under legal disability), or by a duly authorized agent
17 of the claimant or his or her legal representative.

18 A claim for credit or refund shall be considered to have
19 been filed with the Department on the date upon which it is
20 received by the Department. Upon receipt of any claim for
21 credit or refund filed under this Act, any officer or employee
22 of the Department, authorized in writing by the Director of
23 Revenue to acknowledge receipt of such claims on behalf of the
24 Department, shall execute on behalf of the Department, and
25 shall deliver or mail to the claimant or his duly authorized
26 agent, a written receipt, acknowledging that the claim has been

1 filed with the Department, describing the claim in sufficient
2 detail to identify it and stating the date upon which the claim
3 was received by the Department. Such written receipt shall be
4 prima facie evidence that the Department received the claim
5 described in such receipt and shall be prima facie evidence of
6 the date when such claim was received by the Department. In the
7 absence of such a written receipt, the records of the
8 Department as to when the claim was received by the Department,
9 or as to whether or not the claim was received at all by the
10 Department, shall be deemed to be prima facie correct upon
11 these questions in the event of any dispute between the
12 claimant (or his or her legal representative) and the
13 Department concerning these questions.

14 In case the Department determines that the claimant is
15 entitled to a refund, such refund shall be made only from the
16 Aviation Fuel Sales Tax Refund Fund or from such appropriation
17 as may be available for that purpose, as appropriate. If it
18 appears unlikely that the amount available ~~appropriated~~ would
19 permit everyone having a claim allowed during the period
20 covered by such appropriation or from the Aviation Fuel Sales
21 Tax Refund Fund, as appropriate, to elect to receive a cash
22 refund, the Department, by rule or regulation, shall provide
23 for the payment of refunds in hardship cases and shall define
24 what types of cases qualify as hardship cases.

25 (Source: P.A. 87-205.)

1 Section 20. The Service Occupation Tax Act is amended by
2 changing Sections 9 and 17 as follows:

3 (35 ILCS 115/9) (from Ch. 120, par. 439.109)

4 Sec. 9. Each serviceman required or authorized to collect
5 the tax herein imposed shall pay to the Department the amount
6 of such tax at the time when he is required to file his return
7 for the period during which such tax was collectible, less a
8 discount of 2.1% prior to January 1, 1990, and 1.75% on and
9 after January 1, 1990, or \$5 per calendar year, whichever is
10 greater, which is allowed to reimburse the serviceman for
11 expenses incurred in collecting the tax, keeping records,
12 preparing and filing returns, remitting the tax and supplying
13 data to the Department on request. The discount under this
14 Section is not allowed for taxes paid on aviation fuel that are
15 deposited into the State Aviation Program Fund under this Act.
16 The Department may disallow the discount for servicemen whose
17 certificate of registration is revoked at the time the return
18 is filed, but only if the Department's decision to revoke the
19 certificate of registration has become final.

20 Where such tangible personal property is sold under a
21 conditional sales contract, or under any other form of sale
22 wherein the payment of the principal sum, or a part thereof, is
23 extended beyond the close of the period for which the return is
24 filed, the serviceman, in collecting the tax may collect, for
25 each tax return period, only the tax applicable to the part of

1 the selling price actually received during such tax return
2 period.

3 Except as provided hereinafter in this Section, on or
4 before the twentieth day of each calendar month, such
5 serviceman shall file a return for the preceding calendar month
6 in accordance with reasonable rules and regulations to be
7 promulgated by the Department of Revenue. Such return shall be
8 filed on a form prescribed by the Department and shall contain
9 such information as the Department may reasonably require.

10 The Department may require returns to be filed on a
11 quarterly basis. If so required, a return for each calendar
12 quarter shall be filed on or before the twentieth day of the
13 calendar month following the end of such calendar quarter. The
14 taxpayer shall also file a return with the Department for each
15 of the first two months of each calendar quarter, on or before
16 the twentieth day of the following calendar month, stating:

- 17 1. The name of the seller;
- 18 2. The address of the principal place of business from
19 which he engages in business as a serviceman in this State;
- 20 3. The total amount of taxable receipts received by him
21 during the preceding calendar month, including receipts
22 from charge and time sales, but less all deductions allowed
23 by law;
- 24 4. The amount of credit provided in Section 2d of this
25 Act;
- 26 5. The amount of tax due;

1 5-5. The signature of the taxpayer; and

2 6. Such other reasonable information as the Department
3 may require.

4 Beginning on January 1, 2018, each serviceman required or
5 authorized to collect the tax herein imposed on aviation fuel
6 acquired as an incident to the purchase of a service in this
7 State during the preceding calendar month shall, instead of
8 reporting and paying tax as otherwise required by this Section,
9 file an aviation fuel tax return with the Department on or
10 before the twentieth day of each calendar month. The
11 requirements related to the return shall be as otherwise
12 provided in this Section. Notwithstanding any other provisions
13 of this Act to the contrary, servicemen transferring aviation
14 fuel incident to sales of service shall file all aviation fuel
15 tax returns and shall make all aviation fuel tax payments by
16 electronic means in the manner and form required by the
17 Department. For purposes of this paragraph, "aviation fuel"
18 means a product that is intended for use or offered for sale as
19 fuel for an aircraft.

20 If a taxpayer fails to sign a return within 30 days after
21 the proper notice and demand for signature by the Department,
22 the return shall be considered valid and any amount shown to be
23 due on the return shall be deemed assessed.

24 Prior to October 1, 2003, and on and after September 1,
25 2004 a serviceman may accept a Manufacturer's Purchase Credit
26 certification from a purchaser in satisfaction of Service Use

1 Tax as provided in Section 3-70 of the Service Use Tax Act if
2 the purchaser provides the appropriate documentation as
3 required by Section 3-70 of the Service Use Tax Act. A
4 Manufacturer's Purchase Credit certification, accepted prior
5 to October 1, 2003 or on or after September 1, 2004 by a
6 serviceman as provided in Section 3-70 of the Service Use Tax
7 Act, may be used by that serviceman to satisfy Service
8 Occupation Tax liability in the amount claimed in the
9 certification, not to exceed 6.25% of the receipts subject to
10 tax from a qualifying purchase. A Manufacturer's Purchase
11 Credit reported on any original or amended return filed under
12 this Act after October 20, 2003 for reporting periods prior to
13 September 1, 2004 shall be disallowed. Manufacturer's Purchase
14 Credit reported on annual returns due on or after January 1,
15 2005 will be disallowed for periods prior to September 1, 2004.
16 No Manufacturer's Purchase Credit may be used after September
17 30, 2003 through August 31, 2004 to satisfy any tax liability
18 imposed under this Act, including any audit liability.

19 If the serviceman's average monthly tax liability to the
20 Department does not exceed \$200, the Department may authorize
21 his returns to be filed on a quarter annual basis, with the
22 return for January, February and March of a given year being
23 due by April 20 of such year; with the return for April, May
24 and June of a given year being due by July 20 of such year; with
25 the return for July, August and September of a given year being
26 due by October 20 of such year, and with the return for

1 October, November and December of a given year being due by
2 January 20 of the following year.

3 If the serviceman's average monthly tax liability to the
4 Department does not exceed \$50, the Department may authorize
5 his returns to be filed on an annual basis, with the return for
6 a given year being due by January 20 of the following year.

7 Such quarter annual and annual returns, as to form and
8 substance, shall be subject to the same requirements as monthly
9 returns.

10 Notwithstanding any other provision in this Act concerning
11 the time within which a serviceman may file his return, in the
12 case of any serviceman who ceases to engage in a kind of
13 business which makes him responsible for filing returns under
14 this Act, such serviceman shall file a final return under this
15 Act with the Department not more than 1 month after
16 discontinuing such business.

17 Beginning October 1, 1993, a taxpayer who has an average
18 monthly tax liability of \$150,000 or more shall make all
19 payments required by rules of the Department by electronic
20 funds transfer. Beginning October 1, 1994, a taxpayer who has
21 an average monthly tax liability of \$100,000 or more shall make
22 all payments required by rules of the Department by electronic
23 funds transfer. Beginning October 1, 1995, a taxpayer who has
24 an average monthly tax liability of \$50,000 or more shall make
25 all payments required by rules of the Department by electronic
26 funds transfer. Beginning October 1, 2000, a taxpayer who has

1 an annual tax liability of \$200,000 or more shall make all
2 payments required by rules of the Department by electronic
3 funds transfer. The term "annual tax liability" shall be the
4 sum of the taxpayer's liabilities under this Act, and under all
5 other State and local occupation and use tax laws administered
6 by the Department, for the immediately preceding calendar year.
7 The term "average monthly tax liability" means the sum of the
8 taxpayer's liabilities under this Act, and under all other
9 State and local occupation and use tax laws administered by the
10 Department, for the immediately preceding calendar year
11 divided by 12. Beginning on October 1, 2002, a taxpayer who has
12 a tax liability in the amount set forth in subsection (b) of
13 Section 2505-210 of the Department of Revenue Law shall make
14 all payments required by rules of the Department by electronic
15 funds transfer.

16 Before August 1 of each year beginning in 1993, the
17 Department shall notify all taxpayers required to make payments
18 by electronic funds transfer. All taxpayers required to make
19 payments by electronic funds transfer shall make those payments
20 for a minimum of one year beginning on October 1.

21 Any taxpayer not required to make payments by electronic
22 funds transfer may make payments by electronic funds transfer
23 with the permission of the Department.

24 All taxpayers required to make payment by electronic funds
25 transfer and any taxpayers authorized to voluntarily make
26 payments by electronic funds transfer shall make those payments

1 in the manner authorized by the Department.

2 The Department shall adopt such rules as are necessary to
3 effectuate a program of electronic funds transfer and the
4 requirements of this Section.

5 Where a serviceman collects the tax with respect to the
6 selling price of tangible personal property which he sells and
7 the purchaser thereafter returns such tangible personal
8 property and the serviceman refunds the selling price thereof
9 to the purchaser, such serviceman shall also refund, to the
10 purchaser, the tax so collected from the purchaser. When filing
11 his return for the period in which he refunds such tax to the
12 purchaser, the serviceman may deduct the amount of the tax so
13 refunded by him to the purchaser from any other Service
14 Occupation Tax, Service Use Tax, Retailers' Occupation Tax or
15 Use Tax which such serviceman may be required to pay or remit
16 to the Department, as shown by such return, provided that the
17 amount of the tax to be deducted shall previously have been
18 remitted to the Department by such serviceman. If the
19 serviceman shall not previously have remitted the amount of
20 such tax to the Department, he shall be entitled to no
21 deduction hereunder upon refunding such tax to the purchaser.

22 If experience indicates such action to be practicable, the
23 Department may prescribe and furnish a combination or joint
24 return which will enable servicemen, who are required to file
25 returns hereunder and also under the Retailers' Occupation Tax
26 Act, the Use Tax Act or the Service Use Tax Act, to furnish all

1 the return information required by all said Acts on the one
2 form.

3 Where the serviceman has more than one business registered
4 with the Department under separate registrations hereunder,
5 such serviceman shall file separate returns for each registered
6 business.

7 Beginning January 1, 1990, each month the Department shall
8 pay into the Local Government Tax Fund the revenue realized for
9 the preceding month from the 1% tax on sales of food for human
10 consumption which is to be consumed off the premises where it
11 is sold (other than alcoholic beverages, soft drinks and food
12 which has been prepared for immediate consumption) and
13 prescription and nonprescription medicines, drugs, medical
14 appliances, products classified as Class III medical devices by
15 the United States Food and Drug Administration that are used
16 for cancer treatment pursuant to a prescription, as well as any
17 accessories and components related to those devices, and
18 insulin, urine testing materials, syringes and needles used by
19 diabetics.

20 Beginning January 1, 1990, each month the Department shall
21 pay into the County and Mass Transit District Fund 4% of the
22 revenue realized for the preceding month from the 6.25% general
23 rate on sales of tangible personal property other than aviation
24 fuel sold on or after December 1, 2017. This exception for
25 aviation fuel only applies for so long as the revenue use
26 requirements of 49 U.S.C. §47107(b) and 49 U.S.C. §47133 are

1 binding on the State.

2 For aviation fuel sold on or after December 1, 2017, each
3 month the Department shall pay into the State Aviation Program
4 Fund 4% of the net revenue realized for the preceding month
5 from the 6.25% general rate on the selling price of aviation
6 fuel, less an amount estimated by the Department to be required
7 for refunds of the 4% portion of the tax on aviation fuel under
8 this Act, which amount shall be deposited into the Aviation
9 Fuel Sales Tax Refund Fund. The Department shall only pay
10 moneys into the State Aviation Program Fund and the Aviation
11 Fuel Sales Tax Refund Fund under this Act for so long as the
12 revenue use requirements of 49 U.S.C. §47107(b) and 49 U.S.C.
13 §47133 are binding on the State.

14 Beginning August 1, 2000, each month the Department shall
15 pay into the County and Mass Transit District Fund 20% of the
16 net revenue realized for the preceding month from the 1.25%
17 rate on the selling price of motor fuel and gasohol.

18 Beginning January 1, 1990, each month the Department shall
19 pay into the Local Government Tax Fund 16% of the revenue
20 realized for the preceding month from the 6.25% general rate on
21 transfers of tangible personal property other than aviation
22 fuel sold on or after December 1, 2017. This exception for
23 aviation fuel only applies for so long as the revenue use
24 requirements of 49 U.S.C. §47107(b) and 49 U.S.C. §47133 are
25 binding on the State.

26 For aviation fuel sold on or after December 1, 2017, each

1 month the Department shall pay into the State Aviation Program
2 Fund 16% of the net revenue realized for the preceding month
3 from the 6.25% general rate on the selling price of aviation
4 fuel, less an amount estimated by the Department to be required
5 for refunds of the 16% portion of the tax on aviation fuel
6 under this Act, which amount shall be deposited into the
7 Aviation Fuel Sales Tax Refund Fund. The Department shall only
8 pay moneys into the State Aviation Program Fund and the
9 Aviation Fuel Sales Tax Refund Fund under this Act for so long
10 as the revenue use requirements of 49 U.S.C. §47107(b) and 49
11 U.S.C. §47133 are binding on the State.

12 Beginning August 1, 2000, each month the Department shall
13 pay into the Local Government Tax Fund 80% of the net revenue
14 realized for the preceding month from the 1.25% rate on the
15 selling price of motor fuel and gasohol.

16 Beginning October 1, 2009, each month the Department shall
17 pay into the Capital Projects Fund an amount that is equal to
18 an amount estimated by the Department to represent 80% of the
19 net revenue realized for the preceding month from the sale of
20 candy, grooming and hygiene products, and soft drinks that had
21 been taxed at a rate of 1% prior to September 1, 2009 but that
22 are now taxed at 6.25%.

23 Beginning July 1, 2013, each month the Department shall pay
24 into the Underground Storage Tank Fund from the proceeds
25 collected under this Act, the Use Tax Act, the Service Use Tax
26 Act, and the Retailers' Occupation Tax Act an amount equal to

1 the average monthly deficit in the Underground Storage Tank
2 Fund during the prior year, as certified annually by the
3 Illinois Environmental Protection Agency, but the total
4 payment into the Underground Storage Tank Fund under this Act,
5 the Use Tax Act, the Service Use Tax Act, and the Retailers'
6 Occupation Tax Act shall not exceed \$18,000,000 in any State
7 fiscal year. As used in this paragraph, the "average monthly
8 deficit" shall be equal to the difference between the average
9 monthly claims for payment by the fund and the average monthly
10 revenues deposited into the fund, excluding payments made
11 pursuant to this paragraph.

12 Beginning July 1, 2015, of the remainder of the moneys
13 received by the Department under the Use Tax Act, the Service
14 Use Tax Act, this Act, and the Retailers' Occupation Tax Act,
15 each month the Department shall deposit \$500,000 into the State
16 Crime Laboratory Fund.

17 Of the remainder of the moneys received by the Department
18 pursuant to this Act, (a) 1.75% thereof shall be paid into the
19 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on
20 and after July 1, 1989, 3.8% thereof shall be paid into the
21 Build Illinois Fund; provided, however, that if in any fiscal
22 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case
23 may be, of the moneys received by the Department and required
24 to be paid into the Build Illinois Fund pursuant to Section 3
25 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax
26 Act, Section 9 of the Service Use Tax Act, and Section 9 of the

1 Service Occupation Tax Act, such Acts being hereinafter called
2 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case
3 may be, of moneys being hereinafter called the "Tax Act
4 Amount", and (2) the amount transferred to the Build Illinois
5 Fund from the State and Local Sales Tax Reform Fund shall be
6 less than the Annual Specified Amount (as defined in Section 3
7 of the Retailers' Occupation Tax Act), an amount equal to the
8 difference shall be immediately paid into the Build Illinois
9 Fund from other moneys received by the Department pursuant to
10 the Tax Acts; and further provided, that if on the last
11 business day of any month the sum of (1) the Tax Act Amount
12 required to be deposited into the Build Illinois Account in the
13 Build Illinois Fund during such month and (2) the amount
14 transferred during such month to the Build Illinois Fund from
15 the State and Local Sales Tax Reform Fund shall have been less
16 than 1/12 of the Annual Specified Amount, an amount equal to
17 the difference shall be immediately paid into the Build
18 Illinois Fund from other moneys received by the Department
19 pursuant to the Tax Acts; and, further provided, that in no
20 event shall the payments required under the preceding proviso
21 result in aggregate payments into the Build Illinois Fund
22 pursuant to this clause (b) for any fiscal year in excess of
23 the greater of (i) the Tax Act Amount or (ii) the Annual
24 Specified Amount for such fiscal year; and, further provided,
25 that the amounts payable into the Build Illinois Fund under
26 this clause (b) shall be payable only until such time as the

1 aggregate amount on deposit under each trust indenture securing
2 Bonds issued and outstanding pursuant to the Build Illinois
3 Bond Act is sufficient, taking into account any future
4 investment income, to fully provide, in accordance with such
5 indenture, for the defeasance of or the payment of the
6 principal of, premium, if any, and interest on the Bonds
7 secured by such indenture and on any Bonds expected to be
8 issued thereafter and all fees and costs payable with respect
9 thereto, all as certified by the Director of the Bureau of the
10 Budget (now Governor's Office of Management and Budget). If on
11 the last business day of any month in which Bonds are
12 outstanding pursuant to the Build Illinois Bond Act, the
13 aggregate of the moneys deposited in the Build Illinois Bond
14 Account in the Build Illinois Fund in such month shall be less
15 than the amount required to be transferred in such month from
16 the Build Illinois Bond Account to the Build Illinois Bond
17 Retirement and Interest Fund pursuant to Section 13 of the
18 Build Illinois Bond Act, an amount equal to such deficiency
19 shall be immediately paid from other moneys received by the
20 Department pursuant to the Tax Acts to the Build Illinois Fund;
21 provided, however, that any amounts paid to the Build Illinois
22 Fund in any fiscal year pursuant to this sentence shall be
23 deemed to constitute payments pursuant to clause (b) of the
24 preceding sentence and shall reduce the amount otherwise
25 payable for such fiscal year pursuant to clause (b) of the
26 preceding sentence. The moneys received by the Department

1 pursuant to this Act and required to be deposited into the
 2 Build Illinois Fund are subject to the pledge, claim and charge
 3 set forth in Section 12 of the Build Illinois Bond Act.

4 Subject to payment of amounts into the Build Illinois Fund
 5 as provided in the preceding paragraph or in any amendment
 6 thereto hereafter enacted, the following specified monthly
 7 installment of the amount requested in the certificate of the
 8 Chairman of the Metropolitan Pier and Exposition Authority
 9 provided under Section 8.25f of the State Finance Act, but not
 10 in excess of the sums designated as "Total Deposit", shall be
 11 deposited in the aggregate from collections under Section 9 of
 12 the Use Tax Act, Section 9 of the Service Use Tax Act, Section
 13 9 of the Service Occupation Tax Act, and Section 3 of the
 14 Retailers' Occupation Tax Act into the McCormick Place
 15 Expansion Project Fund in the specified fiscal years.

| | | Total |
|----|-------------|------------|
| | Fiscal Year | Deposit |
| 17 | 1993 | \$0 |
| 18 | 1994 | 53,000,000 |
| 19 | 1995 | 58,000,000 |
| 20 | 1996 | 61,000,000 |
| 21 | 1997 | 64,000,000 |
| 22 | 1998 | 68,000,000 |
| 23 | 1999 | 71,000,000 |
| 24 | 2000 | 75,000,000 |
| 25 | 2001 | 80,000,000 |

| | | |
|----|------|-------------|
| 1 | 2002 | 93,000,000 |
| 2 | 2003 | 99,000,000 |
| 3 | 2004 | 103,000,000 |
| 4 | 2005 | 108,000,000 |
| 5 | 2006 | 113,000,000 |
| 6 | 2007 | 119,000,000 |
| 7 | 2008 | 126,000,000 |
| 8 | 2009 | 132,000,000 |
| 9 | 2010 | 139,000,000 |
| 10 | 2011 | 146,000,000 |
| 11 | 2012 | 153,000,000 |
| 12 | 2013 | 161,000,000 |
| 13 | 2014 | 170,000,000 |
| 14 | 2015 | 179,000,000 |
| 15 | 2016 | 189,000,000 |
| 16 | 2017 | 199,000,000 |
| 17 | 2018 | 210,000,000 |
| 18 | 2019 | 221,000,000 |
| 19 | 2020 | 233,000,000 |
| 20 | 2021 | 246,000,000 |
| 21 | 2022 | 260,000,000 |
| 22 | 2023 | 275,000,000 |
| 23 | 2024 | 275,000,000 |
| 24 | 2025 | 275,000,000 |
| 25 | 2026 | 279,000,000 |
| 26 | 2027 | 292,000,000 |

| | | |
|---|------|-------------|
| 1 | 2028 | 307,000,000 |
| 2 | 2029 | 322,000,000 |
| 3 | 2030 | 338,000,000 |
| 4 | 2031 | 350,000,000 |
| 5 | 2032 | 350,000,000 |

6 and

7 each fiscal year

8 thereafter that bonds

9 are outstanding under

10 Section 13.2 of the

11 Metropolitan Pier and

12 Exposition Authority Act,

13 but not after fiscal year 2060.

14 Beginning July 20, 1993 and in each month of each fiscal
15 year thereafter, one-eighth of the amount requested in the
16 certificate of the Chairman of the Metropolitan Pier and
17 Exposition Authority for that fiscal year, less the amount
18 deposited into the McCormick Place Expansion Project Fund by
19 the State Treasurer in the respective month under subsection
20 (g) of Section 13 of the Metropolitan Pier and Exposition
21 Authority Act, plus cumulative deficiencies in the deposits
22 required under this Section for previous months and years,
23 shall be deposited into the McCormick Place Expansion Project
24 Fund, until the full amount requested for the fiscal year, but
25 not in excess of the amount specified above as "Total Deposit",
26 has been deposited.

1 Subject to payment of amounts into the Capital Projects
2 Fund, the Build Illinois Fund, and the McCormick Place
3 Expansion Project Fund pursuant to the preceding paragraphs or
4 in any amendments thereto hereafter enacted, the Department
5 shall each month deposit into the Aviation Fuel Sales Tax
6 Refund Fund an amount estimated by the Department to be
7 required for refunds of the 80% portion of the tax on aviation
8 fuel under this Act.

9 Subject to payment of amounts into the Build Illinois Fund
10 and the McCormick Place Expansion Project Fund pursuant to the
11 preceding paragraphs or in any amendments thereto hereafter
12 enacted, beginning July 1, 1993 and ending on September 30,
13 2013, the Department shall each month pay into the Illinois Tax
14 Increment Fund 0.27% of 80% of the net revenue realized for the
15 preceding month from the 6.25% general rate on the selling
16 price of tangible personal property.

17 Subject to payment of amounts into the Build Illinois Fund
18 and the McCormick Place Expansion Project Fund pursuant to the
19 preceding paragraphs or in any amendments thereto hereafter
20 enacted, beginning with the receipt of the first report of
21 taxes paid by an eligible business and continuing for a 25-year
22 period, the Department shall each month pay into the Energy
23 Infrastructure Fund 80% of the net revenue realized from the
24 6.25% general rate on the selling price of Illinois-mined coal
25 that was sold to an eligible business. For purposes of this
26 paragraph, the term "eligible business" means a new electric

1 generating facility certified pursuant to Section 605-332 of
2 the Department of Commerce and Economic Opportunity Law of the
3 Civil Administrative Code of Illinois.

4 Subject to payment of amounts into the Build Illinois Fund,
5 the McCormick Place Expansion Project Fund, the Illinois Tax
6 Increment Fund, and the Energy Infrastructure Fund pursuant to
7 the preceding paragraphs or in any amendments to this Section
8 hereafter enacted, beginning on the first day of the first
9 calendar month to occur on or after the effective date of this
10 amendatory Act of the 98th General Assembly, each month, from
11 the collections made under Section 9 of the Use Tax Act,
12 Section 9 of the Service Use Tax Act, Section 9 of the Service
13 Occupation Tax Act, and Section 3 of the Retailers' Occupation
14 Tax Act, the Department shall pay into the Tax Compliance and
15 Administration Fund, to be used, subject to appropriation, to
16 fund additional auditors and compliance personnel at the
17 Department of Revenue, an amount equal to 1/12 of 5% of 80% of
18 the cash receipts collected during the preceding fiscal year by
19 the Audit Bureau of the Department under the Use Tax Act, the
20 Service Use Tax Act, the Service Occupation Tax Act, the
21 Retailers' Occupation Tax Act, and associated local occupation
22 and use taxes administered by the Department (except the amount
23 collected on aviation fuel sold on or after December 1, 2017).

24 Of the remainder of the moneys received by the Department
25 pursuant to this Act, 75% shall be paid into the General
26 Revenue Fund of the State Treasury and 25% shall be reserved in

1 a special account and used only for the transfer to the Common
2 School Fund as part of the monthly transfer from the General
3 Revenue Fund in accordance with Section 8a of the State Finance
4 Act.

5 The Department may, upon separate written notice to a
6 taxpayer, require the taxpayer to prepare and file with the
7 Department on a form prescribed by the Department within not
8 less than 60 days after receipt of the notice an annual
9 information return for the tax year specified in the notice.
10 Such annual return to the Department shall include a statement
11 of gross receipts as shown by the taxpayer's last Federal
12 income tax return. If the total receipts of the business as
13 reported in the Federal income tax return do not agree with the
14 gross receipts reported to the Department of Revenue for the
15 same period, the taxpayer shall attach to his annual return a
16 schedule showing a reconciliation of the 2 amounts and the
17 reasons for the difference. The taxpayer's annual return to the
18 Department shall also disclose the cost of goods sold by the
19 taxpayer during the year covered by such return, opening and
20 closing inventories of such goods for such year, cost of goods
21 used from stock or taken from stock and given away by the
22 taxpayer during such year, pay roll information of the
23 taxpayer's business during such year and any additional
24 reasonable information which the Department deems would be
25 helpful in determining the accuracy of the monthly, quarterly
26 or annual returns filed by such taxpayer as hereinbefore

1 provided for in this Section.

2 If the annual information return required by this Section
3 is not filed when and as required, the taxpayer shall be liable
4 as follows:

5 (i) Until January 1, 1994, the taxpayer shall be liable
6 for a penalty equal to 1/6 of 1% of the tax due from such
7 taxpayer under this Act during the period to be covered by
8 the annual return for each month or fraction of a month
9 until such return is filed as required, the penalty to be
10 assessed and collected in the same manner as any other
11 penalty provided for in this Act.

12 (ii) On and after January 1, 1994, the taxpayer shall
13 be liable for a penalty as described in Section 3-4 of the
14 Uniform Penalty and Interest Act.

15 The chief executive officer, proprietor, owner or highest
16 ranking manager shall sign the annual return to certify the
17 accuracy of the information contained therein. Any person who
18 willfully signs the annual return containing false or
19 inaccurate information shall be guilty of perjury and punished
20 accordingly. The annual return form prescribed by the
21 Department shall include a warning that the person signing the
22 return may be liable for perjury.

23 The foregoing portion of this Section concerning the filing
24 of an annual information return shall not apply to a serviceman
25 who is not required to file an income tax return with the
26 United States Government.

1 As soon as possible after the first day of each month, upon
2 certification of the Department of Revenue, the Comptroller
3 shall order transferred and the Treasurer shall transfer from
4 the General Revenue Fund to the Motor Fuel Tax Fund an amount
5 equal to 1.7% of 80% of the net revenue realized under this Act
6 for the second preceding month. Beginning April 1, 2000, this
7 transfer is no longer required and shall not be made.

8 Net revenue realized for a month shall be the revenue
9 collected by the State pursuant to this Act, less the amount
10 paid out during that month as refunds to taxpayers for
11 overpayment of liability.

12 For greater simplicity of administration, it shall be
13 permissible for manufacturers, importers and wholesalers whose
14 products are sold by numerous servicemen in Illinois, and who
15 wish to do so, to assume the responsibility for accounting and
16 paying to the Department all tax accruing under this Act with
17 respect to such sales, if the servicemen who are affected do
18 not make written objection to the Department to this
19 arrangement.

20 (Source: P.A. 98-24, eff. 6-19-13; 98-109, eff. 7-25-13;
21 98-298, eff. 8-9-13; 98-496, eff. 1-1-14; 98-756, eff. 7-16-14;
22 98-1098, eff. 8-26-14; 99-352, eff. 8-12-15; 99-858, eff.
23 8-19-16.)

24 (35 ILCS 115/17) (from Ch. 120, par. 439.117)

25 Sec. 17. If it shall appear that an amount of tax or

1 penalty or interest has been paid in error hereunder directly
2 to the Department by a serviceman, whether such amount be paid
3 through a mistake of fact or an error of law, such serviceman
4 may file a claim for credit or refund with the Department. If
5 it shall appear that an amount of tax or penalty or interest
6 has been paid in error to the Department hereunder by a
7 supplier who is required or authorized to collect and remit the
8 Service Occupation Tax, whether such amount be paid through a
9 mistake of fact or an error of law, such supplier may file a
10 claim for credit or refund with the Department, provided that
11 no credit shall be allowed nor any refund made for any amount
12 paid by any such supplier unless it shall appear that he bore
13 the burden of such amount and did not shift the burden thereof
14 to anyone else (as in the case of a duplicated tax payment
15 which the supplier made to the Department and did not collect
16 from anyone else), or unless it shall appear that he or his
17 legal representative has unconditionally repaid such amount to
18 his vendee (1) who bore the burden thereof and has not shifted
19 such burden directly or indirectly in any manner whatsoever;
20 (2) who, if he has shifted such burden, has repaid
21 unconditionally such amount to his own vendee, and (3) who is
22 not entitled to receive any reimbursement therefor from any
23 other source than from his supplier, nor to be relieved of such
24 burden in any other manner whatsoever.

25 Any credit or refund that is allowed under this Section
26 shall bear interest at the rate and in the manner specified in

1 the Uniform Penalty and Interest Act.

2 Any claim filed hereunder shall be filed upon a form
3 prescribed and furnished by the Department. The claim shall be
4 signed by the claimant (or by the claimant's legal
5 representative if the claimant shall have died or become a
6 person under legal disability), or by a duly authorized agent
7 of the claimant or his or her legal representative.

8 A claim for credit or refund shall be considered to have
9 been filed with the Department on the date upon which it is
10 received by the Department. Upon receipt of any claim for
11 credit or refund filed under this Act, any officer or employee
12 of the Department, authorized in writing by the Director of
13 Revenue to acknowledge receipt of such claims on behalf of the
14 Department, shall execute on behalf of the Department, and
15 shall deliver or mail to the claimant or his or her duly
16 authorized agent, a written receipt, acknowledging that the
17 claim has been filed with the Department, describing the claim
18 in sufficient detail to identify it and stating the date upon
19 which the claim was received by the Department. Such written
20 receipt shall be prima facie evidence that the Department
21 received the claim described in such receipt and shall be prima
22 facie evidence of the date when such claim was received by the
23 Department. In the absence of such a written receipt, the
24 records of the Department as to when the claim was received by
25 the Department, or as to whether or not the claim was received
26 at all by the Department, shall be deemed to be prima facie

1 correct upon these questions in the event of any dispute
2 between the claimant (or his legal representative) and the
3 Department concerning these questions.

4 In case the Department determines that the claimant is
5 entitled to a refund, such refund shall be made only from the
6 Aviation Fuel Sales Tax Refund Fund or from such appropriation
7 as may be available for that purpose, as appropriate. If it
8 appears unlikely that the amount available ~~appropriated~~ would
9 permit everyone having a claim allowed during the period
10 covered by such appropriation or from the Aviation Fuel Sales
11 Tax Refund Fund, as appropriate, to elect to receive a cash
12 refund, the Department, by rule or regulation, shall provide
13 for the payment of refunds in hardship cases and shall define
14 what types of cases qualify as hardship cases.

15 (Source: P.A. 87-205.)

16 Section 25. The Retailers' Occupation Tax Act is amended by
17 changing Sections 3, 6, and 11 as follows:

18 (35 ILCS 120/3) (from Ch. 120, par. 442)

19 Sec. 3. Except as provided in this Section, on or before
20 the twentieth day of each calendar month, every person engaged
21 in the business of selling tangible personal property at retail
22 in this State during the preceding calendar month shall file a
23 return with the Department, stating:

- 24 1. The name of the seller;

1 2. His residence address and the address of his
2 principal place of business and the address of the
3 principal place of business (if that is a different
4 address) from which he engages in the business of selling
5 tangible personal property at retail in this State;

6 3. Total amount of receipts received by him during the
7 preceding calendar month or quarter, as the case may be,
8 from sales of tangible personal property, and from services
9 furnished, by him during such preceding calendar month or
10 quarter;

11 4. Total amount received by him during the preceding
12 calendar month or quarter on charge and time sales of
13 tangible personal property, and from services furnished,
14 by him prior to the month or quarter for which the return
15 is filed;

16 5. Deductions allowed by law;

17 6. Gross receipts which were received by him during the
18 preceding calendar month or quarter and upon the basis of
19 which the tax is imposed;

20 7. The amount of credit provided in Section 2d of this
21 Act;

22 8. The amount of tax due;

23 9. The signature of the taxpayer; and

24 10. Such other reasonable information as the
25 Department may require.

26 If a taxpayer fails to sign a return within 30 days after

1 the proper notice and demand for signature by the Department,
2 the return shall be considered valid and any amount shown to be
3 due on the return shall be deemed assessed.

4 Each return shall be accompanied by the statement of
5 prepaid tax issued pursuant to Section 2e for which credit is
6 claimed.

7 Prior to October 1, 2003, and on and after September 1,
8 2004 a retailer may accept a Manufacturer's Purchase Credit
9 certification from a purchaser in satisfaction of Use Tax as
10 provided in Section 3-85 of the Use Tax Act if the purchaser
11 provides the appropriate documentation as required by Section
12 3-85 of the Use Tax Act. A Manufacturer's Purchase Credit
13 certification, accepted by a retailer prior to October 1, 2003
14 and on and after September 1, 2004 as provided in Section 3-85
15 of the Use Tax Act, may be used by that retailer to satisfy
16 Retailers' Occupation Tax liability in the amount claimed in
17 the certification, not to exceed 6.25% of the receipts subject
18 to tax from a qualifying purchase. A Manufacturer's Purchase
19 Credit reported on any original or amended return filed under
20 this Act after October 20, 2003 for reporting periods prior to
21 September 1, 2004 shall be disallowed. Manufacturer's
22 Purchaser Credit reported on annual returns due on or after
23 January 1, 2005 will be disallowed for periods prior to
24 September 1, 2004. No Manufacturer's Purchase Credit may be
25 used after September 30, 2003 through August 31, 2004 to
26 satisfy any tax liability imposed under this Act, including any

1 audit liability.

2 The Department may require returns to be filed on a
3 quarterly basis. If so required, a return for each calendar
4 quarter shall be filed on or before the twentieth day of the
5 calendar month following the end of such calendar quarter. The
6 taxpayer shall also file a return with the Department for each
7 of the first two months of each calendar quarter, on or before
8 the twentieth day of the following calendar month, stating:

9 1. The name of the seller;

10 2. The address of the principal place of business from
11 which he engages in the business of selling tangible
12 personal property at retail in this State;

13 3. The total amount of taxable receipts received by him
14 during the preceding calendar month from sales of tangible
15 personal property by him during such preceding calendar
16 month, including receipts from charge and time sales, but
17 less all deductions allowed by law;

18 4. The amount of credit provided in Section 2d of this
19 Act;

20 5. The amount of tax due; and

21 6. Such other reasonable information as the Department
22 may require.

23 Beginning on January 1, 2018, every person engaged in the
24 business of selling aviation fuel at retail in this State
25 during the preceding calendar month shall, instead of reporting
26 and paying tax as otherwise required by this Section, file an

1 aviation fuel tax return with the Department on or before the
2 twentieth day of each calendar month. The requirements related
3 to the return shall be as otherwise provided in this Section.
4 Notwithstanding any other provisions of this Act to the
5 contrary, retailers selling aviation fuel shall file all
6 aviation fuel tax returns and shall make all aviation fuel tax
7 payments by electronic means in the manner and form required by
8 the Department. For purposes of this paragraph, "aviation fuel"
9 means a product that is intended for use or offered for sale as
10 fuel for an aircraft.

11 Beginning on October 1, 2003, any person who is not a
12 licensed distributor, importing distributor, or manufacturer,
13 as defined in the Liquor Control Act of 1934, but is engaged in
14 the business of selling, at retail, alcoholic liquor shall file
15 a statement with the Department of Revenue, in a format and at
16 a time prescribed by the Department, showing the total amount
17 paid for alcoholic liquor purchased during the preceding month
18 and such other information as is reasonably required by the
19 Department. The Department may adopt rules to require that this
20 statement be filed in an electronic or telephonic format. Such
21 rules may provide for exceptions from the filing requirements
22 of this paragraph. For the purposes of this paragraph, the term
23 "alcoholic liquor" shall have the meaning prescribed in the
24 Liquor Control Act of 1934.

25 Beginning on October 1, 2003, every distributor, importing
26 distributor, and manufacturer of alcoholic liquor as defined in

1 the Liquor Control Act of 1934, shall file a statement with the
2 Department of Revenue, no later than the 10th day of the month
3 for the preceding month during which transactions occurred, by
4 electronic means, showing the total amount of gross receipts
5 from the sale of alcoholic liquor sold or distributed during
6 the preceding month to purchasers; identifying the purchaser to
7 whom it was sold or distributed; the purchaser's tax
8 registration number; and such other information reasonably
9 required by the Department. A distributor, importing
10 distributor, or manufacturer of alcoholic liquor must
11 personally deliver, mail, or provide by electronic means to
12 each retailer listed on the monthly statement a report
13 containing a cumulative total of that distributor's, importing
14 distributor's, or manufacturer's total sales of alcoholic
15 liquor to that retailer no later than the 10th day of the month
16 for the preceding month during which the transaction occurred.
17 The distributor, importing distributor, or manufacturer shall
18 notify the retailer as to the method by which the distributor,
19 importing distributor, or manufacturer will provide the sales
20 information. If the retailer is unable to receive the sales
21 information by electronic means, the distributor, importing
22 distributor, or manufacturer shall furnish the sales
23 information by personal delivery or by mail. For purposes of
24 this paragraph, the term "electronic means" includes, but is
25 not limited to, the use of a secure Internet website, e-mail,
26 or facsimile.

1 If a total amount of less than \$1 is payable, refundable or
2 creditable, such amount shall be disregarded if it is less than
3 50 cents and shall be increased to \$1 if it is 50 cents or more.

4 Beginning October 1, 1993, a taxpayer who has an average
5 monthly tax liability of \$150,000 or more shall make all
6 payments required by rules of the Department by electronic
7 funds transfer. Beginning October 1, 1994, a taxpayer who has
8 an average monthly tax liability of \$100,000 or more shall make
9 all payments required by rules of the Department by electronic
10 funds transfer. Beginning October 1, 1995, a taxpayer who has
11 an average monthly tax liability of \$50,000 or more shall make
12 all payments required by rules of the Department by electronic
13 funds transfer. Beginning October 1, 2000, a taxpayer who has
14 an annual tax liability of \$200,000 or more shall make all
15 payments required by rules of the Department by electronic
16 funds transfer. The term "annual tax liability" shall be the
17 sum of the taxpayer's liabilities under this Act, and under all
18 other State and local occupation and use tax laws administered
19 by the Department, for the immediately preceding calendar year.
20 The term "average monthly tax liability" shall be the sum of
21 the taxpayer's liabilities under this Act, and under all other
22 State and local occupation and use tax laws administered by the
23 Department, for the immediately preceding calendar year
24 divided by 12. Beginning on October 1, 2002, a taxpayer who has
25 a tax liability in the amount set forth in subsection (b) of
26 Section 2505-210 of the Department of Revenue Law shall make

1 all payments required by rules of the Department by electronic
2 funds transfer.

3 Before August 1 of each year beginning in 1993, the
4 Department shall notify all taxpayers required to make payments
5 by electronic funds transfer. All taxpayers required to make
6 payments by electronic funds transfer shall make those payments
7 for a minimum of one year beginning on October 1.

8 Any taxpayer not required to make payments by electronic
9 funds transfer may make payments by electronic funds transfer
10 with the permission of the Department.

11 All taxpayers required to make payment by electronic funds
12 transfer and any taxpayers authorized to voluntarily make
13 payments by electronic funds transfer shall make those payments
14 in the manner authorized by the Department.

15 The Department shall adopt such rules as are necessary to
16 effectuate a program of electronic funds transfer and the
17 requirements of this Section.

18 Any amount which is required to be shown or reported on any
19 return or other document under this Act shall, if such amount
20 is not a whole-dollar amount, be increased to the nearest
21 whole-dollar amount in any case where the fractional part of a
22 dollar is 50 cents or more, and decreased to the nearest
23 whole-dollar amount where the fractional part of a dollar is
24 less than 50 cents.

25 If the retailer is otherwise required to file a monthly
26 return and if the retailer's average monthly tax liability to

1 the Department does not exceed \$200, the Department may
2 authorize his returns to be filed on a quarter annual basis,
3 with the return for January, February and March of a given year
4 being due by April 20 of such year; with the return for April,
5 May and June of a given year being due by July 20 of such year;
6 with the return for July, August and September of a given year
7 being due by October 20 of such year, and with the return for
8 October, November and December of a given year being due by
9 January 20 of the following year.

10 If the retailer is otherwise required to file a monthly or
11 quarterly return and if the retailer's average monthly tax
12 liability with the Department does not exceed \$50, the
13 Department may authorize his returns to be filed on an annual
14 basis, with the return for a given year being due by January 20
15 of the following year.

16 Such quarter annual and annual returns, as to form and
17 substance, shall be subject to the same requirements as monthly
18 returns.

19 Notwithstanding any other provision in this Act concerning
20 the time within which a retailer may file his return, in the
21 case of any retailer who ceases to engage in a kind of business
22 which makes him responsible for filing returns under this Act,
23 such retailer shall file a final return under this Act with the
24 Department not more than one month after discontinuing such
25 business.

26 Where the same person has more than one business registered

1 with the Department under separate registrations under this
2 Act, such person may not file each return that is due as a
3 single return covering all such registered businesses, but
4 shall file separate returns for each such registered business.

5 In addition, with respect to motor vehicles, watercraft,
6 aircraft, and trailers that are required to be registered with
7 an agency of this State, every retailer selling this kind of
8 tangible personal property shall file, with the Department,
9 upon a form to be prescribed and supplied by the Department, a
10 separate return for each such item of tangible personal
11 property which the retailer sells, except that if, in the same
12 transaction, (i) a retailer of aircraft, watercraft, motor
13 vehicles or trailers transfers more than one aircraft,
14 watercraft, motor vehicle or trailer to another aircraft,
15 watercraft, motor vehicle retailer or trailer retailer for the
16 purpose of resale or (ii) a retailer of aircraft, watercraft,
17 motor vehicles, or trailers transfers more than one aircraft,
18 watercraft, motor vehicle, or trailer to a purchaser for use as
19 a qualifying rolling stock as provided in Section 2-5 of this
20 Act, then that seller may report the transfer of all aircraft,
21 watercraft, motor vehicles or trailers involved in that
22 transaction to the Department on the same uniform
23 invoice-transaction reporting return form. For purposes of
24 this Section, "watercraft" means a Class 2, Class 3, or Class 4
25 watercraft as defined in Section 3-2 of the Boat Registration
26 and Safety Act, a personal watercraft, or any boat equipped

1 with an inboard motor.

2 Any retailer who sells only motor vehicles, watercraft,
3 aircraft, or trailers that are required to be registered with
4 an agency of this State, so that all retailers' occupation tax
5 liability is required to be reported, and is reported, on such
6 transaction reporting returns and who is not otherwise required
7 to file monthly or quarterly returns, need not file monthly or
8 quarterly returns. However, those retailers shall be required
9 to file returns on an annual basis.

10 The transaction reporting return, in the case of motor
11 vehicles or trailers that are required to be registered with an
12 agency of this State, shall be the same document as the Uniform
13 Invoice referred to in Section 5-402 of The Illinois Vehicle
14 Code and must show the name and address of the seller; the name
15 and address of the purchaser; the amount of the selling price
16 including the amount allowed by the retailer for traded-in
17 property, if any; the amount allowed by the retailer for the
18 traded-in tangible personal property, if any, to the extent to
19 which Section 1 of this Act allows an exemption for the value
20 of traded-in property; the balance payable after deducting such
21 trade-in allowance from the total selling price; the amount of
22 tax due from the retailer with respect to such transaction; the
23 amount of tax collected from the purchaser by the retailer on
24 such transaction (or satisfactory evidence that such tax is not
25 due in that particular instance, if that is claimed to be the
26 fact); the place and date of the sale; a sufficient

1 identification of the property sold; such other information as
2 is required in Section 5-402 of The Illinois Vehicle Code, and
3 such other information as the Department may reasonably
4 require.

5 The transaction reporting return in the case of watercraft
6 or aircraft must show the name and address of the seller; the
7 name and address of the purchaser; the amount of the selling
8 price including the amount allowed by the retailer for
9 traded-in property, if any; the amount allowed by the retailer
10 for the traded-in tangible personal property, if any, to the
11 extent to which Section 1 of this Act allows an exemption for
12 the value of traded-in property; the balance payable after
13 deducting such trade-in allowance from the total selling price;
14 the amount of tax due from the retailer with respect to such
15 transaction; the amount of tax collected from the purchaser by
16 the retailer on such transaction (or satisfactory evidence that
17 such tax is not due in that particular instance, if that is
18 claimed to be the fact); the place and date of the sale, a
19 sufficient identification of the property sold, and such other
20 information as the Department may reasonably require.

21 Such transaction reporting return shall be filed not later
22 than 20 days after the day of delivery of the item that is
23 being sold, but may be filed by the retailer at any time sooner
24 than that if he chooses to do so. The transaction reporting
25 return and tax remittance or proof of exemption from the
26 Illinois use tax may be transmitted to the Department by way of

1 the State agency with which, or State officer with whom the
2 tangible personal property must be titled or registered (if
3 titling or registration is required) if the Department and such
4 agency or State officer determine that this procedure will
5 expedite the processing of applications for title or
6 registration.

7 With each such transaction reporting return, the retailer
8 shall remit the proper amount of tax due (or shall submit
9 satisfactory evidence that the sale is not taxable if that is
10 the case), to the Department or its agents, whereupon the
11 Department shall issue, in the purchaser's name, a use tax
12 receipt (or a certificate of exemption if the Department is
13 satisfied that the particular sale is tax exempt) which such
14 purchaser may submit to the agency with which, or State officer
15 with whom, he must title or register the tangible personal
16 property that is involved (if titling or registration is
17 required) in support of such purchaser's application for an
18 Illinois certificate or other evidence of title or registration
19 to such tangible personal property.

20 No retailer's failure or refusal to remit tax under this
21 Act precludes a user, who has paid the proper tax to the
22 retailer, from obtaining his certificate of title or other
23 evidence of title or registration (if titling or registration
24 is required) upon satisfying the Department that such user has
25 paid the proper tax (if tax is due) to the retailer. The
26 Department shall adopt appropriate rules to carry out the

1 mandate of this paragraph.

2 If the user who would otherwise pay tax to the retailer
3 wants the transaction reporting return filed and the payment of
4 the tax or proof of exemption made to the Department before the
5 retailer is willing to take these actions and such user has not
6 paid the tax to the retailer, such user may certify to the fact
7 of such delay by the retailer and may (upon the Department
8 being satisfied of the truth of such certification) transmit
9 the information required by the transaction reporting return
10 and the remittance for tax or proof of exemption directly to
11 the Department and obtain his tax receipt or exemption
12 determination, in which event the transaction reporting return
13 and tax remittance (if a tax payment was required) shall be
14 credited by the Department to the proper retailer's account
15 with the Department, but without the 2.1% or 1.75% discount
16 provided for in this Section being allowed. When the user pays
17 the tax directly to the Department, he shall pay the tax in the
18 same amount and in the same form in which it would be remitted
19 if the tax had been remitted to the Department by the retailer.

20 Refunds made by the seller during the preceding return
21 period to purchasers, on account of tangible personal property
22 returned to the seller, shall be allowed as a deduction under
23 subdivision 5 of his monthly or quarterly return, as the case
24 may be, in case the seller had theretofore included the
25 receipts from the sale of such tangible personal property in a
26 return filed by him and had paid the tax imposed by this Act

1 with respect to such receipts.

2 Where the seller is a corporation, the return filed on
3 behalf of such corporation shall be signed by the president,
4 vice-president, secretary or treasurer or by the properly
5 accredited agent of such corporation.

6 Where the seller is a limited liability company, the return
7 filed on behalf of the limited liability company shall be
8 signed by a manager, member, or properly accredited agent of
9 the limited liability company.

10 Except as provided in this Section, the retailer filing the
11 return under this Section shall, at the time of filing such
12 return, pay to the Department the amount of tax imposed by this
13 Act less a discount of 2.1% prior to January 1, 1990 and 1.75%
14 on and after January 1, 1990, or \$5 per calendar year,
15 whichever is greater, which is allowed to reimburse the
16 retailer for the expenses incurred in keeping records,
17 preparing and filing returns, remitting the tax and supplying
18 data to the Department on request. The discount under this
19 Section is not allowed for taxes paid on aviation fuel that are
20 deposited into the State Aviation Program Fund under this Act.
21 Any prepayment made pursuant to Section 2d of this Act shall be
22 included in the amount on which such 2.1% or 1.75% discount is
23 computed. In the case of retailers who report and pay the tax
24 on a transaction by transaction basis, as provided in this
25 Section, such discount shall be taken with each such tax
26 remittance instead of when such retailer files his periodic

1 return. The Department may disallow the discount for retailers
2 whose certificate of registration is revoked at the time the
3 return is filed, but only if the Department's decision to
4 revoke the certificate of registration has become final.

5 Before October 1, 2000, if the taxpayer's average monthly
6 tax liability to the Department under this Act, the Use Tax
7 Act, the Service Occupation Tax Act, and the Service Use Tax
8 Act, excluding any liability for prepaid sales tax to be
9 remitted in accordance with Section 2d of this Act, was \$10,000
10 or more during the preceding 4 complete calendar quarters, he
11 shall file a return with the Department each month by the 20th
12 day of the month next following the month during which such tax
13 liability is incurred and shall make payments to the Department
14 on or before the 7th, 15th, 22nd and last day of the month
15 during which such liability is incurred. On and after October
16 1, 2000, if the taxpayer's average monthly tax liability to the
17 Department under this Act, the Use Tax Act, the Service
18 Occupation Tax Act, and the Service Use Tax Act, excluding any
19 liability for prepaid sales tax to be remitted in accordance
20 with Section 2d of this Act, was \$20,000 or more during the
21 preceding 4 complete calendar quarters, he shall file a return
22 with the Department each month by the 20th day of the month
23 next following the month during which such tax liability is
24 incurred and shall make payment to the Department on or before
25 the 7th, 15th, 22nd and last day of the month during which such
26 liability is incurred. If the month during which such tax

1 liability is incurred began prior to January 1, 1985, each
2 payment shall be in an amount equal to 1/4 of the taxpayer's
3 actual liability for the month or an amount set by the
4 Department not to exceed 1/4 of the average monthly liability
5 of the taxpayer to the Department for the preceding 4 complete
6 calendar quarters (excluding the month of highest liability and
7 the month of lowest liability in such 4 quarter period). If the
8 month during which such tax liability is incurred begins on or
9 after January 1, 1985 and prior to January 1, 1987, each
10 payment shall be in an amount equal to 22.5% of the taxpayer's
11 actual liability for the month or 27.5% of the taxpayer's
12 liability for the same calendar month of the preceding year. If
13 the month during which such tax liability is incurred begins on
14 or after January 1, 1987 and prior to January 1, 1988, each
15 payment shall be in an amount equal to 22.5% of the taxpayer's
16 actual liability for the month or 26.25% of the taxpayer's
17 liability for the same calendar month of the preceding year. If
18 the month during which such tax liability is incurred begins on
19 or after January 1, 1988, and prior to January 1, 1989, or
20 begins on or after January 1, 1996, each payment shall be in an
21 amount equal to 22.5% of the taxpayer's actual liability for
22 the month or 25% of the taxpayer's liability for the same
23 calendar month of the preceding year. If the month during which
24 such tax liability is incurred begins on or after January 1,
25 1989, and prior to January 1, 1996, each payment shall be in an
26 amount equal to 22.5% of the taxpayer's actual liability for

1 the month or 25% of the taxpayer's liability for the same
2 calendar month of the preceding year or 100% of the taxpayer's
3 actual liability for the quarter monthly reporting period. The
4 amount of such quarter monthly payments shall be credited
5 against the final tax liability of the taxpayer's return for
6 that month. Before October 1, 2000, once applicable, the
7 requirement of the making of quarter monthly payments to the
8 Department by taxpayers having an average monthly tax liability
9 of \$10,000 or more as determined in the manner provided above
10 shall continue until such taxpayer's average monthly liability
11 to the Department during the preceding 4 complete calendar
12 quarters (excluding the month of highest liability and the
13 month of lowest liability) is less than \$9,000, or until such
14 taxpayer's average monthly liability to the Department as
15 computed for each calendar quarter of the 4 preceding complete
16 calendar quarter period is less than \$10,000. However, if a
17 taxpayer can show the Department that a substantial change in
18 the taxpayer's business has occurred which causes the taxpayer
19 to anticipate that his average monthly tax liability for the
20 reasonably foreseeable future will fall below the \$10,000
21 threshold stated above, then such taxpayer may petition the
22 Department for a change in such taxpayer's reporting status. On
23 and after October 1, 2000, once applicable, the requirement of
24 the making of quarter monthly payments to the Department by
25 taxpayers having an average monthly tax liability of \$20,000 or
26 more as determined in the manner provided above shall continue

1 until such taxpayer's average monthly liability to the
2 Department during the preceding 4 complete calendar quarters
3 (excluding the month of highest liability and the month of
4 lowest liability) is less than \$19,000 or until such taxpayer's
5 average monthly liability to the Department as computed for
6 each calendar quarter of the 4 preceding complete calendar
7 quarter period is less than \$20,000. However, if a taxpayer can
8 show the Department that a substantial change in the taxpayer's
9 business has occurred which causes the taxpayer to anticipate
10 that his average monthly tax liability for the reasonably
11 foreseeable future will fall below the \$20,000 threshold stated
12 above, then such taxpayer may petition the Department for a
13 change in such taxpayer's reporting status. The Department
14 shall change such taxpayer's reporting status unless it finds
15 that such change is seasonal in nature and not likely to be
16 long term. If any such quarter monthly payment is not paid at
17 the time or in the amount required by this Section, then the
18 taxpayer shall be liable for penalties and interest on the
19 difference between the minimum amount due as a payment and the
20 amount of such quarter monthly payment actually and timely
21 paid, except insofar as the taxpayer has previously made
22 payments for that month to the Department in excess of the
23 minimum payments previously due as provided in this Section.
24 The Department shall make reasonable rules and regulations to
25 govern the quarter monthly payment amount and quarter monthly
26 payment dates for taxpayers who file on other than a calendar

1 monthly basis.

2 The provisions of this paragraph apply before October 1,
3 2001. Without regard to whether a taxpayer is required to make
4 quarter monthly payments as specified above, any taxpayer who
5 is required by Section 2d of this Act to collect and remit
6 prepaid taxes and has collected prepaid taxes which average in
7 excess of \$25,000 per month during the preceding 2 complete
8 calendar quarters, shall file a return with the Department as
9 required by Section 2f and shall make payments to the
10 Department on or before the 7th, 15th, 22nd and last day of the
11 month during which such liability is incurred. If the month
12 during which such tax liability is incurred began prior to
13 September 1, 1985 (the effective date of Public Act 84-221)
14 ~~this amendatory Act of 1985~~, each payment shall be in an amount
15 not less than 22.5% of the taxpayer's actual liability under
16 Section 2d. If the month during which such tax liability is
17 incurred begins on or after January 1, 1986, each payment shall
18 be in an amount equal to 22.5% of the taxpayer's actual
19 liability for the month or 27.5% of the taxpayer's liability
20 for the same calendar month of the preceding calendar year. If
21 the month during which such tax liability is incurred begins on
22 or after January 1, 1987, each payment shall be in an amount
23 equal to 22.5% of the taxpayer's actual liability for the month
24 or 26.25% of the taxpayer's liability for the same calendar
25 month of the preceding year. The amount of such quarter monthly
26 payments shall be credited against the final tax liability of

1 the taxpayer's return for that month filed under this Section
2 or Section 2f, as the case may be. Once applicable, the
3 requirement of the making of quarter monthly payments to the
4 Department pursuant to this paragraph shall continue until such
5 taxpayer's average monthly prepaid tax collections during the
6 preceding 2 complete calendar quarters is \$25,000 or less. If
7 any such quarter monthly payment is not paid at the time or in
8 the amount required, the taxpayer shall be liable for penalties
9 and interest on such difference, except insofar as the taxpayer
10 has previously made payments for that month in excess of the
11 minimum payments previously due.

12 The provisions of this paragraph apply on and after October
13 1, 2001. Without regard to whether a taxpayer is required to
14 make quarter monthly payments as specified above, any taxpayer
15 who is required by Section 2d of this Act to collect and remit
16 prepaid taxes and has collected prepaid taxes that average in
17 excess of \$20,000 per month during the preceding 4 complete
18 calendar quarters shall file a return with the Department as
19 required by Section 2f and shall make payments to the
20 Department on or before the 7th, 15th, 22nd and last day of the
21 month during which the liability is incurred. Each payment
22 shall be in an amount equal to 22.5% of the taxpayer's actual
23 liability for the month or 25% of the taxpayer's liability for
24 the same calendar month of the preceding year. The amount of
25 the quarter monthly payments shall be credited against the
26 final tax liability of the taxpayer's return for that month

1 filed under this Section or Section 2f, as the case may be.
2 Once applicable, the requirement of the making of quarter
3 monthly payments to the Department pursuant to this paragraph
4 shall continue until the taxpayer's average monthly prepaid tax
5 collections during the preceding 4 complete calendar quarters
6 (excluding the month of highest liability and the month of
7 lowest liability) is less than \$19,000 or until such taxpayer's
8 average monthly liability to the Department as computed for
9 each calendar quarter of the 4 preceding complete calendar
10 quarters is less than \$20,000. If any such quarter monthly
11 payment is not paid at the time or in the amount required, the
12 taxpayer shall be liable for penalties and interest on such
13 difference, except insofar as the taxpayer has previously made
14 payments for that month in excess of the minimum payments
15 previously due.

16 If any payment provided for in this Section exceeds the
17 taxpayer's liabilities under this Act, the Use Tax Act, the
18 Service Occupation Tax Act and the Service Use Tax Act, as
19 shown on an original monthly return, the Department shall, if
20 requested by the taxpayer, issue to the taxpayer a credit
21 memorandum no later than 30 days after the date of payment. The
22 credit evidenced by such credit memorandum may be assigned by
23 the taxpayer to a similar taxpayer under this Act, the Use Tax
24 Act, the Service Occupation Tax Act or the Service Use Tax Act,
25 in accordance with reasonable rules and regulations to be
26 prescribed by the Department. If no such request is made, the

1 taxpayer may credit such excess payment against tax liability
2 subsequently to be remitted to the Department under this Act,
3 the Use Tax Act, the Service Occupation Tax Act or the Service
4 Use Tax Act, in accordance with reasonable rules and
5 regulations prescribed by the Department. If the Department
6 subsequently determined that all or any part of the credit
7 taken was not actually due to the taxpayer, the taxpayer's 2.1%
8 and 1.75% vendor's discount shall be reduced by 2.1% or 1.75%
9 of the difference between the credit taken and that actually
10 due, and that taxpayer shall be liable for penalties and
11 interest on such difference.

12 If a retailer of motor fuel is entitled to a credit under
13 Section 2d of this Act which exceeds the taxpayer's liability
14 to the Department under this Act for the month which the
15 taxpayer is filing a return, the Department shall issue the
16 taxpayer a credit memorandum for the excess.

17 Beginning January 1, 1990, each month the Department shall
18 pay into the Local Government Tax Fund, a special fund in the
19 State treasury which is hereby created, the net revenue
20 realized for the preceding month from the 1% tax on sales of
21 food for human consumption which is to be consumed off the
22 premises where it is sold (other than alcoholic beverages, soft
23 drinks and food which has been prepared for immediate
24 consumption) and prescription and nonprescription medicines,
25 drugs, medical appliances, products classified as Class III
26 medical devices by the United States Food and Drug

1 Administration that are used for cancer treatment pursuant to a
2 prescription, as well as any accessories and components related
3 to those devices, and insulin, urine testing materials,
4 syringes and needles used by diabetics.

5 Beginning January 1, 1990, each month the Department shall
6 pay into the County and Mass Transit District Fund, a special
7 fund in the State treasury which is hereby created, 4% of the
8 net revenue realized for the preceding month from the 6.25%
9 general rate other than aviation fuel sold on or after December
10 1, 2017. This exception for aviation fuel only applies for so
11 long as the revenue use requirements of 49 U.S.C. §47107(b) and
12 49 U.S.C. §47133 are binding on the State.

13 For aviation fuel sold on or after December 1, 2017, each
14 month the Department shall pay into the State Aviation Program
15 Fund 4% of the net revenue realized for the preceding month
16 from the 6.25% general rate on the selling price of aviation
17 fuel, less an amount estimated by the Department to be required
18 for refunds of the 4% portion of the tax on aviation fuel under
19 this Act, which amount shall be deposited into the Aviation
20 fuel Sales Tax Refund Fund. The Department shall only pay
21 moneys into the State Aviation Program Fund and the Aviation
22 Fuel Sales Tax Refund Fund under this Act for so long as the
23 revenue use requirements of 49 U.S.C. §47107(b) and 49 U.S.C.
24 §47133 are binding on the State.

25 Beginning August 1, 2000, each month the Department shall
26 pay into the County and Mass Transit District Fund 20% of the

1 net revenue realized for the preceding month from the 1.25%
2 rate on the selling price of motor fuel and gasohol. Beginning
3 September 1, 2010, each month the Department shall pay into the
4 County and Mass Transit District Fund 20% of the net revenue
5 realized for the preceding month from the 1.25% rate on the
6 selling price of sales tax holiday items.

7 Beginning January 1, 1990, each month the Department shall
8 pay into the Local Government Tax Fund 16% of the net revenue
9 realized for the preceding month from the 6.25% general rate on
10 the selling price of tangible personal property other than
11 aviation fuel sold on or after December 1, 2017. This exception
12 for aviation fuel only applies for so long as the revenue use
13 requirements of 49 U.S.C. §47107(b) and 49 U.S.C. §47133 are
14 binding on the State.

15 For aviation fuel sold on or after December 1, 2017, each
16 month the Department shall pay into the State Aviation Program
17 Fund 16% of the net revenue realized for the preceding month
18 from the 6.25% general rate on the selling price of aviation
19 fuel, less an amount estimated by the Department to be required
20 for refunds of the 16% portion of the tax on aviation fuel
21 under this Act, which amount shall be deposited into the
22 Aviation fuel Sales Tax Refund Fund. The Department shall only
23 pay moneys into the State Aviation Program Fund and the
24 Aviation Fuel Sales Tax Refund Fund under this Act for so long
25 as the revenue use requirements of 49 U.S.C. §47107(b) and 49
26 U.S.C. §47133 are binding on the State.

1 Beginning August 1, 2000, each month the Department shall
2 pay into the Local Government Tax Fund 80% of the net revenue
3 realized for the preceding month from the 1.25% rate on the
4 selling price of motor fuel and gasohol. Beginning September 1,
5 2010, each month the Department shall pay into the Local
6 Government Tax Fund 80% of the net revenue realized for the
7 preceding month from the 1.25% rate on the selling price of
8 sales tax holiday items.

9 Beginning October 1, 2009, each month the Department shall
10 pay into the Capital Projects Fund an amount that is equal to
11 an amount estimated by the Department to represent 80% of the
12 net revenue realized for the preceding month from the sale of
13 candy, grooming and hygiene products, and soft drinks that had
14 been taxed at a rate of 1% prior to September 1, 2009 but that
15 are now taxed at 6.25%.

16 Beginning July 1, 2011, each month the Department shall pay
17 into the Clean Air Act Permit Fund 80% of the net revenue
18 realized for the preceding month from the 6.25% general rate on
19 the selling price of sorbents used in Illinois in the process
20 of sorbent injection as used to comply with the Environmental
21 Protection Act or the federal Clean Air Act, but the total
22 payment into the Clean Air Act Permit Fund under this Act and
23 the Use Tax Act shall not exceed \$2,000,000 in any fiscal year.

24 Beginning July 1, 2013, each month the Department shall pay
25 into the Underground Storage Tank Fund from the proceeds
26 collected under this Act, the Use Tax Act, the Service Use Tax

1 Act, and the Service Occupation Tax Act an amount equal to the
2 average monthly deficit in the Underground Storage Tank Fund
3 during the prior year, as certified annually by the Illinois
4 Environmental Protection Agency, but the total payment into the
5 Underground Storage Tank Fund under this Act, the Use Tax Act,
6 the Service Use Tax Act, and the Service Occupation Tax Act
7 shall not exceed \$18,000,000 in any State fiscal year. As used
8 in this paragraph, the "average monthly deficit" shall be equal
9 to the difference between the average monthly claims for
10 payment by the fund and the average monthly revenues deposited
11 into the fund, excluding payments made pursuant to this
12 paragraph.

13 Beginning July 1, 2015, of the remainder of the moneys
14 received by the Department under the Use Tax Act, the Service
15 Use Tax Act, the Service Occupation Tax Act, and this Act, each
16 month the Department shall deposit \$500,000 into the State
17 Crime Laboratory Fund.

18 Of the remainder of the moneys received by the Department
19 pursuant to this Act, (a) 1.75% thereof shall be paid into the
20 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on
21 and after July 1, 1989, 3.8% thereof shall be paid into the
22 Build Illinois Fund; provided, however, that if in any fiscal
23 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case
24 may be, of the moneys received by the Department and required
25 to be paid into the Build Illinois Fund pursuant to this Act,
26 Section 9 of the Use Tax Act, Section 9 of the Service Use Tax

1 Act, and Section 9 of the Service Occupation Tax Act, such Acts
2 being hereinafter called the "Tax Acts" and such aggregate of
3 2.2% or 3.8%, as the case may be, of moneys being hereinafter
4 called the "Tax Act Amount", and (2) the amount transferred to
5 the Build Illinois Fund from the State and Local Sales Tax
6 Reform Fund shall be less than the Annual Specified Amount (as
7 hereinafter defined), an amount equal to the difference shall
8 be immediately paid into the Build Illinois Fund from other
9 moneys received by the Department pursuant to the Tax Acts; the
10 "Annual Specified Amount" means the amounts specified below for
11 fiscal years 1986 through 1993:

| 12 | Fiscal Year | Annual Specified Amount |
|----|-------------|-------------------------|
| 13 | 1986 | \$54,800,000 |
| 14 | 1987 | \$76,650,000 |
| 15 | 1988 | \$80,480,000 |
| 16 | 1989 | \$88,510,000 |
| 17 | 1990 | \$115,330,000 |
| 18 | 1991 | \$145,470,000 |
| 19 | 1992 | \$182,730,000 |
| 20 | 1993 | \$206,520,000; |

21 and means the Certified Annual Debt Service Requirement (as
22 defined in Section 13 of the Build Illinois Bond Act) or the
23 Tax Act Amount, whichever is greater, for fiscal year 1994 and
24 each fiscal year thereafter; and further provided, that if on
25 the last business day of any month the sum of (1) the Tax Act
26 Amount required to be deposited into the Build Illinois Bond

1 Account in the Build Illinois Fund during such month and (2)
2 the amount transferred to the Build Illinois Fund from the
3 State and Local Sales Tax Reform Fund shall have been less than
4 1/12 of the Annual Specified Amount, an amount equal to the
5 difference shall be immediately paid into the Build Illinois
6 Fund from other moneys received by the Department pursuant to
7 the Tax Acts; and, further provided, that in no event shall the
8 payments required under the preceding proviso result in
9 aggregate payments into the Build Illinois Fund pursuant to
10 this clause (b) for any fiscal year in excess of the greater of
11 (i) the Tax Act Amount or (ii) the Annual Specified Amount for
12 such fiscal year. The amounts payable into the Build Illinois
13 Fund under clause (b) of the first sentence in this paragraph
14 shall be payable only until such time as the aggregate amount
15 on deposit under each trust indenture securing Bonds issued and
16 outstanding pursuant to the Build Illinois Bond Act is
17 sufficient, taking into account any future investment income,
18 to fully provide, in accordance with such indenture, for the
19 defeasance of or the payment of the principal of, premium, if
20 any, and interest on the Bonds secured by such indenture and on
21 any Bonds expected to be issued thereafter and all fees and
22 costs payable with respect thereto, all as certified by the
23 Director of the Bureau of the Budget (now Governor's Office of
24 Management and Budget). If on the last business day of any
25 month in which Bonds are outstanding pursuant to the Build
26 Illinois Bond Act, the aggregate of moneys deposited in the

1 Build Illinois Bond Account in the Build Illinois Fund in such
2 month shall be less than the amount required to be transferred
3 in such month from the Build Illinois Bond Account to the Build
4 Illinois Bond Retirement and Interest Fund pursuant to Section
5 13 of the Build Illinois Bond Act, an amount equal to such
6 deficiency shall be immediately paid from other moneys received
7 by the Department pursuant to the Tax Acts to the Build
8 Illinois Fund; provided, however, that any amounts paid to the
9 Build Illinois Fund in any fiscal year pursuant to this
10 sentence shall be deemed to constitute payments pursuant to
11 clause (b) of the first sentence of this paragraph and shall
12 reduce the amount otherwise payable for such fiscal year
13 pursuant to that clause (b). The moneys received by the
14 Department pursuant to this Act and required to be deposited
15 into the Build Illinois Fund are subject to the pledge, claim
16 and charge set forth in Section 12 of the Build Illinois Bond
17 Act.

18 Subject to payment of amounts into the Build Illinois Fund
19 as provided in the preceding paragraph or in any amendment
20 thereto hereafter enacted, the following specified monthly
21 installment of the amount requested in the certificate of the
22 Chairman of the Metropolitan Pier and Exposition Authority
23 provided under Section 8.25f of the State Finance Act, but not
24 in excess of sums designated as "Total Deposit", shall be
25 deposited in the aggregate from collections under Section 9 of
26 the Use Tax Act, Section 9 of the Service Use Tax Act, Section

1 9 of the Service Occupation Tax Act, and Section 3 of the
2 Retailers' Occupation Tax Act into the McCormick Place
3 Expansion Project Fund in the specified fiscal years.

| | Fiscal Year | Total Deposit |
|----|-------------|------------------|
| 4 | | |
| 5 | 1993 | \$0 |
| 6 | 1994 | 53,000,000 |
| 7 | 1995 | 58,000,000 |
| 8 | 1996 | 61,000,000 |
| 9 | 1997 | 64,000,000 |
| 10 | 1998 | 68,000,000 |
| 11 | 1999 | 71,000,000 |
| 12 | 2000 | 75,000,000 |
| 13 | 2001 | 80,000,000 |
| 14 | 2002 | 93,000,000 |
| 15 | 2003 | 99,000,000 |
| 16 | 2004 | 103,000,000 |
| 17 | 2005 | 108,000,000 |
| 18 | 2006 | 113,000,000 |
| 19 | 2007 | 119,000,000 |
| 20 | 2008 | 126,000,000 |
| 21 | 2009 | 132,000,000 |
| 22 | 2010 | 139,000,000 |
| 23 | 2011 | 146,000,000 |
| 24 | 2012 | 153,000,000 |
| 25 | 2013 | 161,000,000 |

| | | |
|----|------|-------------|
| 1 | 2014 | 170,000,000 |
| 2 | 2015 | 179,000,000 |
| 3 | 2016 | 189,000,000 |
| 4 | 2017 | 199,000,000 |
| 5 | 2018 | 210,000,000 |
| 6 | 2019 | 221,000,000 |
| 7 | 2020 | 233,000,000 |
| 8 | 2021 | 246,000,000 |
| 9 | 2022 | 260,000,000 |
| 10 | 2023 | 275,000,000 |
| 11 | 2024 | 275,000,000 |
| 12 | 2025 | 275,000,000 |
| 13 | 2026 | 279,000,000 |
| 14 | 2027 | 292,000,000 |
| 15 | 2028 | 307,000,000 |
| 16 | 2029 | 322,000,000 |
| 17 | 2030 | 338,000,000 |
| 18 | 2031 | 350,000,000 |
| 19 | 2032 | 350,000,000 |

20 and
21 each fiscal year
22 thereafter that bonds
23 are outstanding under
24 Section 13.2 of the
25 Metropolitan Pier and
26 Exposition Authority Act,

1 but not after fiscal year 2060.

2 Beginning July 20, 1993 and in each month of each fiscal
3 year thereafter, one-eighth of the amount requested in the
4 certificate of the Chairman of the Metropolitan Pier and
5 Exposition Authority for that fiscal year, less the amount
6 deposited into the McCormick Place Expansion Project Fund by
7 the State Treasurer in the respective month under subsection
8 (g) of Section 13 of the Metropolitan Pier and Exposition
9 Authority Act, plus cumulative deficiencies in the deposits
10 required under this Section for previous months and years,
11 shall be deposited into the McCormick Place Expansion Project
12 Fund, until the full amount requested for the fiscal year, but
13 not in excess of the amount specified above as "Total Deposit",
14 has been deposited.

15 Subject to payment of amounts into the Capital Projects
16 Fund, the Clean Air Act (CAA) Permit Fund, the Build Illinois
17 Fund, and the McCormick Place Expansion Project Fund pursuant
18 to the preceding paragraphs or in any amendments thereto
19 hereafter enacted, the Department shall each month deposit into
20 the Aviation Fuel Sales Tax Refund Fund an amount estimated by
21 the Department to be required for refunds of the 80% portion of
22 the tax on aviation fuel under this Act.

23 Subject to payment of amounts into the Build Illinois Fund
24 and the McCormick Place Expansion Project Fund pursuant to the
25 preceding paragraphs or in any amendments thereto hereafter
26 enacted, beginning July 1, 1993 and ending on September 30,

1 2013, the Department shall each month pay into the Illinois Tax
2 Increment Fund 0.27% of 80% of the net revenue realized for the
3 preceding month from the 6.25% general rate on the selling
4 price of tangible personal property.

5 Subject to payment of amounts into the Build Illinois Fund
6 and the McCormick Place Expansion Project Fund pursuant to the
7 preceding paragraphs or in any amendments thereto hereafter
8 enacted, beginning with the receipt of the first report of
9 taxes paid by an eligible business and continuing for a 25-year
10 period, the Department shall each month pay into the Energy
11 Infrastructure Fund 80% of the net revenue realized from the
12 6.25% general rate on the selling price of Illinois-mined coal
13 that was sold to an eligible business. For purposes of this
14 paragraph, the term "eligible business" means a new electric
15 generating facility certified pursuant to Section 605-332 of
16 the Department of Commerce and Economic Opportunity Law of the
17 Civil Administrative Code of Illinois.

18 Subject to payment of amounts into the Build Illinois Fund,
19 the McCormick Place Expansion Project Fund, the Illinois Tax
20 Increment Fund, and the Energy Infrastructure Fund pursuant to
21 the preceding paragraphs or in any amendments to this Section
22 hereafter enacted, beginning on the first day of the first
23 calendar month to occur on or after August 26, 2014 (the
24 effective date of Public Act 98-1098) ~~this amendatory Act of~~
25 ~~the 98th General Assembly~~, each month, from the collections
26 made under Section 9 of the Use Tax Act, Section 9 of the

1 Service Use Tax Act, Section 9 of the Service Occupation Tax
2 Act, and Section 3 of the Retailers' Occupation Tax Act, the
3 Department shall pay into the Tax Compliance and Administration
4 Fund, to be used, subject to appropriation, to fund additional
5 auditors and compliance personnel at the Department of Revenue,
6 an amount equal to 1/12 of 5% of 80% of the cash receipts
7 collected during the preceding fiscal year by the Audit Bureau
8 of the Department under the Use Tax Act, the Service Use Tax
9 Act, the Service Occupation Tax Act, the Retailers' Occupation
10 Tax Act, and associated local occupation and use taxes
11 administered by the Department (except the amount collected on
12 aviation fuel sold on or after December 1, 2017).

13 Of the remainder of the moneys received by the Department
14 pursuant to this Act, 75% thereof shall be paid into the State
15 Treasury and 25% shall be reserved in a special account and
16 used only for the transfer to the Common School Fund as part of
17 the monthly transfer from the General Revenue Fund in
18 accordance with Section 8a of the State Finance Act.

19 The Department may, upon separate written notice to a
20 taxpayer, require the taxpayer to prepare and file with the
21 Department on a form prescribed by the Department within not
22 less than 60 days after receipt of the notice an annual
23 information return for the tax year specified in the notice.
24 Such annual return to the Department shall include a statement
25 of gross receipts as shown by the retailer's last Federal
26 income tax return. If the total receipts of the business as

1 reported in the Federal income tax return do not agree with the
2 gross receipts reported to the Department of Revenue for the
3 same period, the retailer shall attach to his annual return a
4 schedule showing a reconciliation of the 2 amounts and the
5 reasons for the difference. The retailer's annual return to the
6 Department shall also disclose the cost of goods sold by the
7 retailer during the year covered by such return, opening and
8 closing inventories of such goods for such year, costs of goods
9 used from stock or taken from stock and given away by the
10 retailer during such year, payroll information of the
11 retailer's business during such year and any additional
12 reasonable information which the Department deems would be
13 helpful in determining the accuracy of the monthly, quarterly
14 or annual returns filed by such retailer as provided for in
15 this Section.

16 If the annual information return required by this Section
17 is not filed when and as required, the taxpayer shall be liable
18 as follows:

19 (i) Until January 1, 1994, the taxpayer shall be liable
20 for a penalty equal to $1/6$ of 1% of the tax due from such
21 taxpayer under this Act during the period to be covered by
22 the annual return for each month or fraction of a month
23 until such return is filed as required, the penalty to be
24 assessed and collected in the same manner as any other
25 penalty provided for in this Act.

26 (ii) On and after January 1, 1994, the taxpayer shall

1 be liable for a penalty as described in Section 3-4 of the
2 Uniform Penalty and Interest Act.

3 The chief executive officer, proprietor, owner or highest
4 ranking manager shall sign the annual return to certify the
5 accuracy of the information contained therein. Any person who
6 willfully signs the annual return containing false or
7 inaccurate information shall be guilty of perjury and punished
8 accordingly. The annual return form prescribed by the
9 Department shall include a warning that the person signing the
10 return may be liable for perjury.

11 The provisions of this Section concerning the filing of an
12 annual information return do not apply to a retailer who is not
13 required to file an income tax return with the United States
14 Government.

15 As soon as possible after the first day of each month, upon
16 certification of the Department of Revenue, the Comptroller
17 shall order transferred and the Treasurer shall transfer from
18 the General Revenue Fund to the Motor Fuel Tax Fund an amount
19 equal to 1.7% of 80% of the net revenue realized under this Act
20 for the second preceding month. Beginning April 1, 2000, this
21 transfer is no longer required and shall not be made.

22 Net revenue realized for a month shall be the revenue
23 collected by the State pursuant to this Act, less the amount
24 paid out during that month as refunds to taxpayers for
25 overpayment of liability.

26 For greater simplicity of administration, manufacturers,

1 importers and wholesalers whose products are sold at retail in
2 Illinois by numerous retailers, and who wish to do so, may
3 assume the responsibility for accounting and paying to the
4 Department all tax accruing under this Act with respect to such
5 sales, if the retailers who are affected do not make written
6 objection to the Department to this arrangement.

7 Any person who promotes, organizes, provides retail
8 selling space for concessionaires or other types of sellers at
9 the Illinois State Fair, DuQuoin State Fair, county fairs,
10 local fairs, art shows, flea markets and similar exhibitions or
11 events, including any transient merchant as defined by Section
12 2 of the Transient Merchant Act of 1987, is required to file a
13 report with the Department providing the name of the merchant's
14 business, the name of the person or persons engaged in
15 merchant's business, the permanent address and Illinois
16 Retailers Occupation Tax Registration Number of the merchant,
17 the dates and location of the event and other reasonable
18 information that the Department may require. The report must be
19 filed not later than the 20th day of the month next following
20 the month during which the event with retail sales was held.
21 Any person who fails to file a report required by this Section
22 commits a business offense and is subject to a fine not to
23 exceed \$250.

24 Any person engaged in the business of selling tangible
25 personal property at retail as a concessionaire or other type
26 of seller at the Illinois State Fair, county fairs, art shows,

1 flea markets and similar exhibitions or events, or any
2 transient merchants, as defined by Section 2 of the Transient
3 Merchant Act of 1987, may be required to make a daily report of
4 the amount of such sales to the Department and to make a daily
5 payment of the full amount of tax due. The Department shall
6 impose this requirement when it finds that there is a
7 significant risk of loss of revenue to the State at such an
8 exhibition or event. Such a finding shall be based on evidence
9 that a substantial number of concessionaires or other sellers
10 who are not residents of Illinois will be engaging in the
11 business of selling tangible personal property at retail at the
12 exhibition or event, or other evidence of a significant risk of
13 loss of revenue to the State. The Department shall notify
14 concessionaires and other sellers affected by the imposition of
15 this requirement. In the absence of notification by the
16 Department, the concessionaires and other sellers shall file
17 their returns as otherwise required in this Section.

18 (Source: P.A. 98-24, eff. 6-19-13; 98-109, eff. 7-25-13;
19 98-496, eff. 1-1-14; 98-756, eff. 7-16-14; 98-1098, eff.
20 8-26-14; 99-352, eff. 8-12-15; 99-858, eff. 8-19-16; 99-933,
21 eff. 1-27-17; revised 2-3-17.)

22 (35 ILCS 120/6) (from Ch. 120, par. 445)

23 Sec. 6. Credit memorandum or refund. If it appears, after
24 claim therefor filed with the Department, that an amount of tax
25 or penalty or interest has been paid which was not due under

1 this Act, whether as the result of a mistake of fact or an
2 error of law, except as hereinafter provided, then the
3 Department shall issue a credit memorandum or refund to the
4 person who made the erroneous payment or, if that person died
5 or became a person under legal disability, to his or her legal
6 representative, as such. For purposes of this Section, the tax
7 is deemed to be erroneously paid by a retailer when the
8 manufacturer of a motor vehicle sold by the retailer accepts
9 the return of that automobile and refunds to the purchaser the
10 selling price of that vehicle as provided in the New Vehicle
11 Buyer Protection Act. When a motor vehicle is returned for a
12 refund of the purchase price under the New Vehicle Buyer
13 Protection Act, the Department shall issue a credit memorandum
14 or a refund for the amount of tax paid by the retailer under
15 this Act attributable to the initial sale of that vehicle.
16 Claims submitted by the retailer are subject to the same
17 restrictions and procedures provided for in this Act. If it is
18 determined that the Department should issue a credit memorandum
19 or refund, the Department may first apply the amount thereof
20 against any tax or penalty or interest due or to become due
21 under this Act or under the Use Tax Act, the Service Occupation
22 Tax Act, the Service Use Tax Act, any local occupation or use
23 tax administered by the Department, Section 4 of the Water
24 Commission Act of 1985, subsections (b), (c) and (d) of Section
25 5.01 of the Local Mass Transit District Act, or subsections
26 (e), (f) and (g) of Section 4.03 of the Regional Transportation

1 Authority Act, from the person who made the erroneous payment.
2 If no tax or penalty or interest is due and no proceeding is
3 pending to determine whether such person is indebted to the
4 Department for tax or penalty or interest, the credit
5 memorandum or refund shall be issued to the claimant; or (in
6 the case of a credit memorandum) the credit memorandum may be
7 assigned and set over by the lawful holder thereof, subject to
8 reasonable rules of the Department, to any other person who is
9 subject to this Act, the Use Tax Act, the Service Occupation
10 Tax Act, the Service Use Tax Act, any local occupation or use
11 tax administered by the Department, Section 4 of the Water
12 Commission Act of 1985, subsections (b), (c) and (d) of Section
13 5.01 of the Local Mass Transit District Act, or subsections
14 (e), (f) and (g) of Section 4.03 of the Regional Transportation
15 Authority Act, and the amount thereof applied by the Department
16 against any tax or penalty or interest due or to become due
17 under this Act or under the Use Tax Act, the Service Occupation
18 Tax Act, the Service Use Tax Act, any local occupation or use
19 tax administered by the Department, Section 4 of the Water
20 Commission Act of 1985, subsections (b), (c) and (d) of Section
21 5.01 of the Local Mass Transit District Act, or subsections
22 (e), (f) and (g) of Section 4.03 of the Regional Transportation
23 Authority Act, from such assignee. However, as to any claim for
24 credit or refund filed with the Department on and after each
25 January 1 and July 1 no amount of tax or penalty or interest
26 erroneously paid (either in total or partial liquidation of a

1 tax or penalty or amount of interest under this Act) more than
2 3 years prior to such January 1 and July 1, respectively, shall
3 be credited or refunded, except that if both the Department and
4 the taxpayer have agreed to an extension of time to issue a
5 notice of tax liability as provided in Section 4 of this Act,
6 such claim may be filed at any time prior to the expiration of
7 the period agreed upon.

8 No claim may be allowed for any amount paid to the
9 Department, whether paid voluntarily or involuntarily, if paid
10 in total or partial liquidation of an assessment which had
11 become final before the claim for credit or refund to recover
12 the amount so paid is filed with the Department, or if paid in
13 total or partial liquidation of a judgment or order of court.
14 No credit may be allowed or refund made for any amount paid by
15 or collected from any claimant unless it appears (a) that the
16 claimant bore the burden of such amount and has not been
17 relieved thereof nor reimbursed therefor and has not shifted
18 such burden directly or indirectly through inclusion of such
19 amount in the price of the tangible personal property sold by
20 him or her or in any manner whatsoever; and that no
21 understanding or agreement, written or oral, exists whereby he
22 or she or his or her legal representative may be relieved of
23 the burden of such amount, be reimbursed therefor or may shift
24 the burden thereof; or (b) that he or she or his or her legal
25 representative has repaid unconditionally such amount to his or
26 her vendee (1) who bore the burden thereof and has not shifted

1 such burden directly or indirectly, in any manner whatsoever;
2 (2) who, if he or she has shifted such burden, has repaid
3 unconditionally such amount to his own vendee; and (3) who is
4 not entitled to receive any reimbursement therefor from any
5 other source than from his or her vendor, nor to be relieved of
6 such burden in any manner whatsoever. No credit may be allowed
7 or refund made for any amount paid by or collected from any
8 claimant unless it appears that the claimant has
9 unconditionally repaid, to the purchaser, any amount collected
10 from the purchaser and retained by the claimant with respect to
11 the same transaction under the Use Tax Act.

12 Any credit or refund that is allowed under this Section
13 shall bear interest at the rate and in the manner specified in
14 the Uniform Penalty and Interest Act.

15 In case the Department determines that the claimant is
16 entitled to a refund, such refund shall be made only from the
17 Aviation Fuel Sales Tax Refund Fund or from such appropriation
18 as may be available for that purpose, as appropriate. If it
19 appears unlikely that the amount available ~~appropriated~~ would
20 permit everyone having a claim allowed during the period
21 covered by such appropriation or from the Aviation Fuel Sales
22 Tax Refund Fund, as appropriate, to elect to receive a cash
23 refund, the Department, by rule or regulation, shall provide
24 for the payment of refunds in hardship cases and shall define
25 what types of cases qualify as hardship cases.

26 If a retailer who has failed to pay retailers' occupation

1 tax on gross receipts from retail sales is required by the
2 Department to pay such tax, such retailer, without filing any
3 formal claim with the Department, shall be allowed to take
4 credit against such retailers' occupation tax liability to the
5 extent, if any, to which such retailer has paid an amount
6 equivalent to retailers' occupation tax or has paid use tax in
7 error to his or her vendor or vendors of the same tangible
8 personal property which such retailer bought for resale and did
9 not first use before selling it, and no penalty or interest
10 shall be charged to such retailer on the amount of such credit.
11 However, when such credit is allowed to the retailer by the
12 Department, the vendor is precluded from refunding any of that
13 tax to the retailer and filing a claim for credit or refund
14 with respect thereto with the Department. The provisions of
15 this amendatory Act shall be applied retroactively, regardless
16 of the date of the transaction.

17 (Source: P.A. 91-901, eff. 1-1-01.)

18 (35 ILCS 120/11) (from Ch. 120, par. 450)

19 Sec. 11. All information received by the Department from
20 returns filed under this Act, or from any investigation
21 conducted under this Act, shall be confidential, except for
22 official purposes, and any person who divulges any such
23 information in any manner, except in accordance with a proper
24 judicial order or as otherwise provided by law, shall be guilty
25 of a Class B misdemeanor with a fine not to exceed \$7,500.

1 Nothing in this Act prevents the Director of Revenue from
2 publishing or making available to the public the names and
3 addresses of persons filing returns under this Act, or
4 reasonable statistics concerning the operation of the tax by
5 grouping the contents of returns so the information in any
6 individual return is not disclosed.

7 Nothing in this Act prevents the Director of Revenue from
8 divulging to the United States Government or the government of
9 any other state, or any officer or agency thereof, for
10 exclusively official purposes, information received by the
11 Department in administering this Act, provided that such other
12 governmental agency agrees to divulge requested tax
13 information to the Department.

14 The Department's furnishing of information derived from a
15 taxpayer's return or from an investigation conducted under this
16 Act to the surety on a taxpayer's bond that has been furnished
17 to the Department under this Act, either to provide notice to
18 such surety of its potential liability under the bond or, in
19 order to support the Department's demand for payment from such
20 surety under the bond, is an official purpose within the
21 meaning of this Section.

22 The furnishing upon request of information obtained by the
23 Department from returns filed under this Act or investigations
24 conducted under this Act to the Illinois Liquor Control
25 Commission for official use is deemed to be an official purpose
26 within the meaning of this Section.

1 Notice to a surety of potential liability shall not be
2 given unless the taxpayer has first been notified, not less
3 than 10 days prior thereto, of the Department's intent to so
4 notify the surety.

5 The furnishing upon request of the Auditor General, or his
6 authorized agents, for official use, of returns filed and
7 information related thereto under this Act is deemed to be an
8 official purpose within the meaning of this Section.

9 Where an appeal or a protest has been filed on behalf of a
10 taxpayer, the furnishing upon request of the attorney for the
11 taxpayer of returns filed by the taxpayer and information
12 related thereto under this Act is deemed to be an official
13 purpose within the meaning of this Section.

14 The furnishing of financial information to a municipality
15 or county, upon request of the chief executive officer thereof,
16 is an official purpose within the meaning of this Section,
17 provided the municipality or county agrees in writing to the
18 requirements of this Section. Information provided to
19 municipalities and counties under this paragraph shall be
20 limited to: (1) the business name; (2) the business address;
21 (3) the standard classification number assigned to the
22 business; (4) net revenue distributed to the requesting
23 municipality or county that is directly related to the
24 requesting municipality's or county's local share of the
25 proceeds under the Use Tax Act, the Service Use Tax Act, the
26 Service Occupation Tax Act, and the Retailers' Occupation Tax

1 Act distributed from the Local Government Tax Fund, and, if
2 applicable, any locally imposed retailers' occupation tax or
3 service occupation tax; and (5) a listing of all businesses
4 within the requesting municipality or county by account
5 identification number and address. On and after July 1, 2015,
6 the furnishing of financial information to municipalities and
7 counties under this paragraph may be by electronic means.

8 Information so provided shall be subject to all
9 confidentiality provisions of this Section. The written
10 agreement shall provide for reciprocity, limitations on
11 access, disclosure, and procedures for requesting information.

12 The Department may make available to the Board of Trustees
13 of any Metro East Mass Transit District information contained
14 on transaction reporting returns required to be filed under
15 Section 3 of this Act that report sales made within the
16 boundary of the taxing authority of that Metro East Mass
17 Transit District, as provided in Section 5.01 of the Local Mass
18 Transit District Act. The disclosure shall be made pursuant to
19 a written agreement between the Department and the Board of
20 Trustees of a Metro East Mass Transit District, which is an
21 official purpose within the meaning of this Section. The
22 written agreement between the Department and the Board of
23 Trustees of a Metro East Mass Transit District shall provide
24 for reciprocity, limitations on access, disclosure, and
25 procedures for requesting information. Information so provided
26 shall be subject to all confidentiality provisions of this

1 Section.

2 The Director may make available to any State agency,
3 including the Illinois Supreme Court, which licenses persons to
4 engage in any occupation, information that a person licensed by
5 such agency has failed to file returns under this Act or pay
6 the tax, penalty and interest shown therein, or has failed to
7 pay any final assessment of tax, penalty or interest due under
8 this Act. The Director may make available to any State agency,
9 including the Illinois Supreme Court, information regarding
10 whether a bidder, contractor, or an affiliate of a bidder or
11 contractor has failed to collect and remit Illinois Use tax on
12 sales into Illinois, or any tax under this Act or pay the tax,
13 penalty, and interest shown therein, or has failed to pay any
14 final assessment of tax, penalty, or interest due under this
15 Act, for the limited purpose of enforcing bidder and contractor
16 certifications. The Director may make available to units of
17 local government and school districts that require bidder and
18 contractor certifications, as set forth in Sections 50-11 and
19 50-12 of the Illinois Procurement Code, information regarding
20 whether a bidder, contractor, or an affiliate of a bidder or
21 contractor has failed to collect and remit Illinois Use tax on
22 sales into Illinois, file returns under this Act, or pay the
23 tax, penalty, and interest shown therein, or has failed to pay
24 any final assessment of tax, penalty, or interest due under
25 this Act, for the limited purpose of enforcing bidder and
26 contractor certifications. For purposes of this Section, the

1 term "affiliate" means any entity that (1) directly,
2 indirectly, or constructively controls another entity, (2) is
3 directly, indirectly, or constructively controlled by another
4 entity, or (3) is subject to the control of a common entity.
5 For purposes of this Section, an entity controls another entity
6 if it owns, directly or individually, more than 10% of the
7 voting securities of that entity. As used in this Section, the
8 term "voting security" means a security that (1) confers upon
9 the holder the right to vote for the election of members of the
10 board of directors or similar governing body of the business or
11 (2) is convertible into, or entitles the holder to receive upon
12 its exercise, a security that confers such a right to vote. A
13 general partnership interest is a voting security.

14 The Director may make available to any State agency,
15 including the Illinois Supreme Court, units of local
16 government, and school districts, information regarding
17 whether a bidder or contractor is an affiliate of a person who
18 is not collecting and remitting Illinois Use taxes for the
19 limited purpose of enforcing bidder and contractor
20 certifications.

21 The Director may also make available to the Secretary of
22 State information that a limited liability company, which has
23 filed articles of organization with the Secretary of State, or
24 corporation which has been issued a certificate of
25 incorporation by the Secretary of State has failed to file
26 returns under this Act or pay the tax, penalty and interest

1 shown therein, or has failed to pay any final assessment of
2 tax, penalty or interest due under this Act. An assessment is
3 final when all proceedings in court for review of such
4 assessment have terminated or the time for the taking thereof
5 has expired without such proceedings being instituted.

6 The Director shall make available for public inspection in
7 the Department's principal office and for publication, at cost,
8 administrative decisions issued on or after January 1, 1995.
9 These decisions are to be made available in a manner so that
10 the following taxpayer information is not disclosed:

11 (1) The names, addresses, and identification numbers
12 of the taxpayer, related entities, and employees.

13 (2) At the sole discretion of the Director, trade
14 secrets or other confidential information identified as
15 such by the taxpayer, no later than 30 days after receipt
16 of an administrative decision, by such means as the
17 Department shall provide by rule.

18 The Director shall determine the appropriate extent of the
19 deletions allowed in paragraph (2). In the event the taxpayer
20 does not submit deletions, the Director shall make only the
21 deletions specified in paragraph (1).

22 The Director shall make available for public inspection and
23 publication an administrative decision within 180 days after
24 the issuance of the administrative decision. The term
25 "administrative decision" has the same meaning as defined in
26 Section 3-101 of Article III of the Code of Civil Procedure.

1 Costs collected under this Section shall be paid into the Tax
2 Compliance and Administration Fund.

3 Nothing contained in this Act shall prevent the Director
4 from divulging information to any person pursuant to a request
5 or authorization made by the taxpayer or by an authorized
6 representative of the taxpayer.

7 The furnishing of information obtained by the Department
8 from returns filed under this amendatory Act of the 100th
9 General Assembly to the Department of Transportation for
10 purposes of compliance with this amendatory Act of the 100th
11 General Assembly regarding aviation fuel is deemed to be an
12 official purpose within the meaning of this Section.

13 (Source: P.A. 98-1058, eff. 1-1-15; 99-517, eff. 6-30-16.)

14 Section 30. The Motor Fuel Tax Law is amended by changing
15 Sections 2, 2b, and 8a as follows:

16 (35 ILCS 505/2) (from Ch. 120, par. 418)

17 Sec. 2. A tax is imposed on the privilege of operating
18 motor vehicles upon the public highways and recreational-type
19 watercraft upon the waters of this State.

20 (a) Prior to August 1, 1989, the tax is imposed at the rate
21 of 13 cents per gallon on all motor fuel used in motor vehicles
22 operating on the public highways and recreational type
23 watercraft operating upon the waters of this State. Beginning
24 on August 1, 1989 and until January 1, 1990, the rate of the

1 tax imposed in this paragraph shall be 16 cents per gallon.
2 Beginning January 1, 1990, the rate of tax imposed in this
3 paragraph shall be 19 cents per gallon.

4 (b) The tax on the privilege of operating motor vehicles
5 which use diesel fuel shall be the rate according to paragraph
6 (a) plus an additional 2 1/2 cents per gallon. "Diesel fuel" is
7 defined as any product intended for use or offered for sale as
8 a fuel for engines in which the fuel is injected into the
9 combustion chamber and ignited by pressure without electric
10 spark.

11 (c) A tax is imposed upon the privilege of engaging in the
12 business of selling motor fuel as a retailer or reseller on all
13 motor fuel used in motor vehicles operating on the public
14 highways and recreational type watercraft operating upon the
15 waters of this State: (1) at the rate of 3 cents per gallon on
16 motor fuel owned or possessed by such retailer or reseller at
17 12:01 a.m. on August 1, 1989; and (2) at the rate of 3 cents per
18 gallon on motor fuel owned or possessed by such retailer or
19 reseller at 12:01 A.M. on January 1, 1990.

20 Retailers and resellers who are subject to this additional
21 tax shall be required to inventory such motor fuel and pay this
22 additional tax in a manner prescribed by the Department of
23 Revenue.

24 The tax imposed in this paragraph (c) shall be in addition
25 to all other taxes imposed by the State of Illinois or any unit
26 of local government in this State.

1 (d) Except as provided in Section 2a, the collection of a
2 tax based on gallonage of gasoline used for the propulsion of
3 any aircraft is prohibited on and after October 1, 1979, and
4 the collection of a tax based on gallonage of special fuel used
5 for the propulsion of any aircraft is prohibited on and after
6 December 1, 2017.

7 (e) The collection of a tax, based on gallonage of all
8 products commonly or commercially known or sold as 1-K
9 kerosene, regardless of its classification or uses, is
10 prohibited (i) on and after July 1, 1992 until December 31,
11 1999, except when the 1-K kerosene is either: (1) delivered
12 into bulk storage facilities of a bulk user, or (2) delivered
13 directly into the fuel supply tanks of motor vehicles and (ii)
14 on and after January 1, 2000. Beginning on January 1, 2000, the
15 collection of a tax, based on gallonage of all products
16 commonly or commercially known or sold as 1-K kerosene,
17 regardless of its classification or uses, is prohibited except
18 when the 1-K kerosene is delivered directly into a storage tank
19 that is located at a facility that has withdrawal facilities
20 that are readily accessible to and are capable of dispensing
21 1-K kerosene into the fuel supply tanks of motor vehicles. For
22 purposes of this subsection (e), a facility is considered to
23 have withdrawal facilities that are not "readily accessible to
24 and capable of dispensing 1-K kerosene into the fuel supply
25 tanks of motor vehicles" only if the 1-K kerosene is delivered
26 from: (i) a dispenser hose that is short enough so that it will

1 not reach the fuel supply tank of a motor vehicle or (ii) a
2 dispenser that is enclosed by a fence or other physical barrier
3 so that a vehicle cannot pull alongside the dispenser to permit
4 fueling.

5 Any person who sells or uses 1-K kerosene for use in motor
6 vehicles upon which the tax imposed by this Law has not been
7 paid shall be liable for any tax due on the sales or use of 1-K
8 kerosene.

9 (Source: P.A. 96-1384, eff. 7-29-10.)

10 (35 ILCS 505/2b) (from Ch. 120, par. 418b)

11 Sec. 2b. In addition to the tax collection and reporting
12 responsibilities imposed elsewhere in this Act, a person who is
13 required to pay the tax imposed by Section 2a of this Act shall
14 pay the tax to the Department by return showing all fuel
15 purchased, acquired or received and sold, distributed or used
16 during the preceding calendar month including losses of fuel as
17 the result of evaporation or shrinkage due to temperature
18 variations, and such other reasonable information as the
19 Department may require. Losses of fuel as the result of
20 evaporation or shrinkage due to temperature variations may not
21 exceed 1% of the total gallons in storage at the beginning of
22 the month, plus the receipts of gallonage during the month,
23 minus the gallonage remaining in storage at the end of the
24 month. Any loss reported that is in excess of this amount shall
25 be subject to the tax imposed by Section 2a of this Law. On and

1 after July 1, 2001, for each 6-month period January through
2 June, net losses of fuel (for each category of fuel that is
3 required to be reported on a return) as the result of
4 evaporation or shrinkage due to temperature variations may not
5 exceed 1% of the total gallons in storage at the beginning of
6 each January, plus the receipts of gallonage each January
7 through June, minus the gallonage remaining in storage at the
8 end of each June. On and after July 1, 2001, for each 6-month
9 period July through December, net losses of fuel (for each
10 category of fuel that is required to be reported on a return)
11 as the result of evaporation or shrinkage due to temperature
12 variations may not exceed 1% of the total gallons in storage at
13 the beginning of each July, plus the receipts of gallonage each
14 July through December, minus the gallonage remaining in storage
15 at the end of each December. Any net loss reported that is in
16 excess of this amount shall be subject to the tax imposed by
17 Section 2a of this Law. For purposes of this Section, "net
18 loss" means the number of gallons gained through temperature
19 variations minus the number of gallons lost through temperature
20 variations or evaporation for each of the respective 6-month
21 periods.

22 The return shall be prescribed by the Department and shall
23 be filed between the 1st and 20th days of each calendar month.
24 The Department may, in its discretion, combine the returns
25 filed under this Section, Section 5, and Section 5a of this
26 Act. The return must be accompanied by appropriate

1 computer-generated magnetic media supporting schedule data in
2 the format required by the Department, unless, as provided by
3 rule, the Department grants an exception upon petition of a
4 taxpayer. If the return is filed timely, the seller shall take
5 a discount of 2% through June 30, 2003 and 1.75% thereafter
6 which is allowed to reimburse the seller for the expenses
7 incurred in keeping records, preparing and filing returns,
8 collecting and remitting the tax and supplying data to the
9 Department on request. The discount, however, shall be
10 applicable only to the amount of payment which accompanies a
11 return that is filed timely in accordance with this Section.
12 The discount under this Section is not allowed for taxes paid
13 on aviation fuel that are deposited into the State Aviation
14 Program Fund under this Act.

15 Beginning on January 1, 2018, each person who is required
16 to pay the tax imposed under Section 2a of this Act on aviation
17 fuel sold or used in this State during the preceding calendar
18 month shall, instead of reporting and paying tax on aviation
19 fuel as otherwise required by this Section, report and pay such
20 tax on a separate aviation fuel tax return, on or before the
21 twentieth day of each calendar month. The requirements related
22 to the return shall be as otherwise provided in this Section.
23 Notwithstanding any other provisions of this Act to the
24 contrary, a person required to pay the tax imposed by Section
25 2a of this Act on aviation fuel shall file all aviation fuel
26 tax returns and shall make all aviation fuel tax payments by

1 electronic means in the manner and form required by the
2 Department. For purposes of this paragraph, "aviation fuel"
3 means a product that is intended for use or offered for sale as
4 fuel for an aircraft.

5 (Source: P.A. 92-30, eff. 7-1-01; 93-32, eff. 6-20-03.)

6 (35 ILCS 505/8a) (from Ch. 120, par. 424a)

7 Sec. 8a. All money received by the Department under Section
8 2a of this Act, except money received from taxes on aviation
9 fuel sold or used on or after December 1, 2017, shall be
10 deposited in the Underground Storage Tank Fund created by
11 Section 57.11 of the Environmental Protection Act, as now or
12 hereafter amended. All money received by the Department under
13 Section 2a of this Act for aviation fuel sold or used on or
14 after December 1, 2017, shall be deposited into the State
15 Aviation Program Fund. This exception for aviation fuel only
16 applies for so long as the revenue use requirements of 49
17 U.S.C. §47107(b) and 49 U.S.C. §47133 are binding on the State.
18 For purposes of this section, "aviation fuel" means a product
19 that is intended for use or offered for sale as fuel for an
20 aircraft.

21 (Source: P.A. 88-496.)

22 Section 35. The Innovation Development and Economy Act is
23 amended by changing Sections 10 and 31 as follows:

1 (50 ILCS 470/10)

2 Sec. 10. Definitions. As used in this Act, the following
3 words and phrases shall have the following meanings unless a
4 different meaning clearly appears from the context:

5 "Base year" means the calendar year immediately prior to
6 the calendar year in which the STAR bond district is
7 established.

8 "Commence work" means the manifest commencement of actual
9 operations on the development site, such as, erecting a
10 building, general on-site and off-site grading and utility
11 installations, commencing design and construction
12 documentation, ordering lead-time materials, excavating the
13 ground to lay a foundation or a basement, or work of like
14 description which a reasonable person would recognize as being
15 done with the intention and purpose to continue work until the
16 project is completed.

17 "County" means the county in which a proposed STAR bond
18 district is located.

19 "De minimis" means an amount less than 15% of the land area
20 within a STAR bond district.

21 "Department of Revenue" means the Department of Revenue of
22 the State of Illinois.

23 "Destination user" means an owner, operator, licensee,
24 co-developer, subdeveloper, or tenant (i) that operates a
25 business within a STAR bond district that is a retail store
26 having at least 150,000 square feet of sales floor area; (ii)

1 that at the time of opening does not have another Illinois
2 location within a 70 mile radius; (iii) that has an annual
3 average of not less than 30% of customers who travel from at
4 least 75 miles away or from out-of-state, as demonstrated by
5 data from a comparable existing store or stores, or, if there
6 is no comparable existing store, as demonstrated by an economic
7 analysis that shows that the proposed retailer will have an
8 annual average of not less than 30% of customers who travel
9 from at least 75 miles away or from out-of-state; and (iv) that
10 makes an initial capital investment, including project costs
11 and other direct costs, of not less than \$30,000,000 for such
12 retail store.

13 "Destination hotel" means a hotel (as that term is defined
14 in Section 2 of the Hotel Operators' Occupation Tax Act)
15 complex having at least 150 guest rooms and which also includes
16 a venue for entertainment attractions, rides, or other
17 activities oriented toward the entertainment and amusement of
18 its guests and other patrons.

19 "Developer" means any individual, corporation, trust,
20 estate, partnership, limited liability partnership, limited
21 liability company, or other entity. The term does not include a
22 not-for-profit entity, political subdivision, or other agency
23 or instrumentality of the State.

24 "Director" means the Director of Revenue, who shall consult
25 with the Director of Commerce and Economic Opportunity in any
26 approvals or decisions required by the Director under this Act.

1 "Economic impact study" means a study conducted by an
2 independent economist to project the financial benefit of the
3 proposed STAR bond project to the local, regional, and State
4 economies, consider the proposed adverse impacts on similar
5 projects and businesses, as well as municipalities within the
6 projected market area, and draw conclusions about the net
7 effect of the proposed STAR bond project on the local,
8 regional, and State economies. A copy of the economic impact
9 study shall be provided to the Director for review.

10 "Eligible area" means any improved or vacant area that (i)
11 is contiguous and is not, in the aggregate, less than 250 acres
12 nor more than 500 acres which must include only parcels of real
13 property directly and substantially benefited by the proposed
14 STAR bond district plan, (ii) is adjacent to a federal
15 interstate highway, (iii) is within one mile of 2 State
16 highways, (iv) is within one mile of an entertainment user, or
17 a major or minor league sports stadium or other similar
18 entertainment venue that had an initial capital investment of
19 at least \$20,000,000, and (v) includes land that was previously
20 surface or strip mined. The area may be bisected by streets,
21 highways, roads, alleys, railways, bike paths, streams,
22 rivers, and other waterways and still be deemed contiguous. In
23 addition, in order to constitute an eligible area one of the
24 following requirements must be satisfied and all of which are
25 subject to the review and approval of the Director as provided
26 in subsection (d) of Section 15:

1 (a) the governing body of the political subdivision
2 shall have determined that the area meets the requirements
3 of a "blighted area" as defined under the Tax Increment
4 Allocation Redevelopment Act; or

5 (b) the governing body of the political subdivision
6 shall have determined that the area is a blighted area as
7 determined under the provisions of Section 11-74.3-5 of the
8 Illinois Municipal Code; or

9 (c) the governing body of the political subdivision
10 shall make the following findings:

11 (i) that the vacant portions of the area have
12 remained vacant for at least one year, or that any
13 building located on a vacant portion of the property
14 was demolished within the last year and that the
15 building would have qualified under item (ii) of this
16 subsection;

17 (ii) if portions of the area are currently
18 developed, that the use, condition, and character of
19 the buildings on the property are not consistent with
20 the purposes set forth in Section 5;

21 (iii) that the STAR bond district is expected to
22 create or retain job opportunities within the
23 political subdivision;

24 (iv) that the STAR bond district will serve to
25 further the development of adjacent areas;

26 (v) that without the availability of STAR bonds,

1 the projects described in the STAR bond district plan
2 would not be possible;

3 (vi) that the master developer meets high
4 standards of creditworthiness and financial strength
5 as demonstrated by one or more of the following: (i)
6 corporate debenture ratings of BBB or higher by
7 Standard & Poor's Corporation or Baa or higher by
8 Moody's Investors Service, Inc.; (ii) a letter from a
9 financial institution with assets of \$10,000,000 or
10 more attesting to the financial strength of the master
11 developer; or (iii) specific evidence of equity
12 financing for not less than 10% of the estimated total
13 STAR bond project costs;

14 (vii) that the STAR bond district will strengthen
15 the commercial sector of the political subdivision;

16 (viii) that the STAR bond district will enhance the
17 tax base of the political subdivision; and

18 (ix) that the formation of a STAR bond district is
19 in the best interest of the political subdivision.

20 "Entertainment user" means an owner, operator, licensee,
21 co-developer, subdeveloper, or tenant that operates a business
22 within a STAR bond district that has a primary use of providing
23 a venue for entertainment attractions, rides, or other
24 activities oriented toward the entertainment and amusement of
25 its patrons, occupies at least 20 acres of land in the STAR
26 bond district, and makes an initial capital investment,

1 including project costs and other direct and indirect costs, of
2 not less than \$25,000,000 for that venue.

3 "Feasibility study" means a feasibility study as defined in
4 subsection (b) of Section 20.

5 "Infrastructure" means the public improvements and private
6 improvements that serve the public purposes set forth in
7 Section 5 of this Act and that benefit the STAR bond district
8 or any STAR bond projects, including, but not limited to,
9 streets, drives and driveways, traffic and directional signs
10 and signals, parking lots and parking facilities,
11 interchanges, highways, sidewalks, bridges, underpasses and
12 overpasses, bike and walking trails, sanitary storm sewers and
13 lift stations, drainage conduits, channels, levees, canals,
14 storm water detention and retention facilities, utilities and
15 utility connections, water mains and extensions, and street and
16 parking lot lighting and connections.

17 "Local sales taxes" means any locally imposed taxes
18 received by a municipality, county, or other local governmental
19 entity arising from sales by retailers and servicemen within a
20 STAR bond district, including business district sales taxes and
21 STAR bond occupation taxes, and that portion of the net revenue
22 realized under the Retailers' Occupation Tax Act, the Use Tax
23 Act, the Service Use Tax Act, and the Service Occupation Tax
24 Act from transactions at places of business located within a
25 STAR bond district that is deposited into the Local Government
26 Tax Fund and the County and Mass Transit District Fund. For the

1 purpose of this Act, "local sales taxes" does not include (i)
2 any taxes authorized pursuant to the Local Mass Transit
3 District Act or the Metro-East Park and Recreation District Act
4 for so long as the applicable taxing district does not impose a
5 tax on real property, (ii) county school facility occupation
6 taxes imposed pursuant to Section 5-1006.7 of the Counties
7 Code, or (iii) any taxes authorized under the Flood Prevention
8 District Act.

9 "Local sales tax increment" means, except as otherwise
10 provided in this Section, with respect to local sales taxes
11 administered by the Illinois Department of Revenue, (i) all of
12 the local sales tax paid by destination users, destination
13 hotels, and entertainment users that is in excess of the local
14 sales tax paid by destination users, destination hotels, and
15 entertainment users for the same month in the base year, as
16 determined by the Illinois Department of Revenue, (ii) in the
17 case of a municipality forming a STAR bond district that is
18 wholly within the corporate boundaries of the municipality and
19 in the case of a municipality and county forming a STAR bond
20 district that is only partially within such municipality, that
21 portion of the local sales tax paid by taxpayers that are not
22 destination users, destination hotels, or entertainment users
23 that is in excess of the local sales tax paid by taxpayers that
24 are not destination users, destination hotels, or
25 entertainment users for the same month in the base year, as
26 determined by the Illinois Department of Revenue, and (iii) in

1 the case of a county in which a STAR bond district is formed
2 that is wholly within a municipality, that portion of the local
3 sales tax paid by taxpayers that are not destination users,
4 destination hotels, or entertainment users that is in excess of
5 the local sales tax paid by taxpayers that are not destination
6 users, destination hotels, or entertainment users for the same
7 month in the base year, as determined by the Illinois
8 Department of Revenue, but only if the corporate authorities of
9 the county adopts an ordinance, and files a copy with the
10 Department within the same time frames as required for STAR
11 bond occupation taxes under Section 31, that designates the
12 taxes referenced in this clause (iii) as part of the local
13 sales tax increment under this Act. "Local sales tax increment"
14 means, with respect to local sales taxes administered by a
15 municipality, county, or other unit of local government, that
16 portion of the local sales tax that is in excess of the local
17 sales tax for the same month in the base year, as determined by
18 the respective municipality, county, or other unit of local
19 government. If any portion of local sales taxes are, at the
20 time of formation of a STAR bond district, already subject to
21 tax increment financing under the Tax Increment Allocation
22 Redevelopment Act, then the local sales tax increment for such
23 portion shall be frozen at the base year established in
24 accordance with this Act, and all future incremental increases
25 shall be included in the "local sales tax increment" under this
26 Act. Any party otherwise entitled to receipt of incremental

1 local sales tax revenues through an existing tax increment
2 financing district shall be entitled to continue to receive
3 such revenues up to the amount frozen in the base year. Nothing
4 in this Act shall affect the prior qualification of existing
5 redevelopment project costs incurred that are eligible for
6 reimbursement under the Tax Increment Allocation Redevelopment
7 Act. In such event, prior to approving a STAR bond district,
8 the political subdivision forming the STAR bond district shall
9 take such action as is necessary, including amending the
10 existing tax increment financing district redevelopment plan,
11 to carry out the provisions of this Act. The Illinois
12 Department of Revenue shall allocate the local sales tax
13 increment only if the local sales tax is administered by the
14 Department. "Local sales tax increment" does not include taxes
15 and penalties collected on aviation fuel, as defined in Section
16 3 of the Retailers' Occupation Tax, sold on or after December
17 1, 2017.

18 "Market study" means a study to determine the ability of
19 the proposed STAR bond project to gain market share locally and
20 regionally and to remain profitable past the term of repayment
21 of STAR bonds.

22 "Master developer" means a developer cooperating with a
23 political subdivision to plan, develop, and implement a STAR
24 bond project plan for a STAR bond district. Subject to the
25 limitations of Section 25, the master developer may work with
26 and transfer certain development rights to other developers for

1 the purpose of implementing STAR bond project plans and
2 achieving the purposes of this Act. A master developer for a
3 STAR bond district shall be appointed by a political
4 subdivision in the resolution establishing the STAR bond
5 district, and the master developer must, at the time of
6 appointment, own or have control of, through purchase
7 agreements, option contracts, or other means, not less than 50%
8 of the acreage within the STAR bond district and the master
9 developer or its affiliate must have ownership or control on
10 June 1, 2010.

11 "Master development agreement" means an agreement between
12 the master developer and the political subdivision to govern a
13 STAR bond district and any STAR bond projects.

14 "Municipality" means the city, village, or incorporated
15 town in which a proposed STAR bond district is located.

16 "Pledged STAR revenues" means those sales tax and revenues
17 and other sources of funds pledged to pay debt service on STAR
18 bonds or to pay project costs pursuant to Section 30.
19 Notwithstanding any provision to the contrary, the following
20 revenues shall not constitute pledged STAR revenues or be
21 available to pay principal and interest on STAR bonds: any
22 State sales tax increment or local sales tax increment from a
23 retail entity initiating operations in a STAR bond district
24 while terminating operations at another Illinois location
25 within 25 miles of the STAR bond district. For purposes of this
26 paragraph, "terminating operations" means a closing of a retail

1 operation that is directly related to the opening of the same
2 operation or like retail entity owned or operated by more than
3 50% of the original ownership in a STAR bond district within
4 one year before or after initiating operations in the STAR bond
5 district, but it does not mean closing an operation for reasons
6 beyond the control of the retail entity, as documented by the
7 retail entity, subject to a reasonable finding by the
8 municipality (or county if such retail operation is not located
9 within a municipality) in which the terminated operations were
10 located that the closed location contained inadequate space,
11 had become economically obsolete, or was no longer a viable
12 location for the retailer or serviceman.

13 "Political subdivision" means a municipality or county
14 which undertakes to establish a STAR bond district pursuant to
15 the provisions of this Act.

16 "Project costs" means and includes the sum total of all
17 costs incurred or estimated to be incurred on or following the
18 date of establishment of a STAR bond district that are
19 reasonable or necessary to implement a STAR bond district plan
20 or any STAR bond project plans, or both, including costs
21 incurred for public improvements and private improvements that
22 serve the public purposes set forth in Section 5 of this Act.
23 Such costs include without limitation the following:

24 (a) costs of studies, surveys, development of plans and
25 specifications, formation, implementation, and
26 administration of a STAR bond district, STAR bond district

1 plan, any STAR bond projects, or any STAR bond project
2 plans, including, but not limited to, staff and
3 professional service costs for architectural, engineering,
4 legal, financial, planning, or other services, provided
5 however that no charges for professional services may be
6 based on a percentage of the tax increment collected and no
7 contracts for professional services, excluding
8 architectural and engineering services, may be entered
9 into if the terms of the contract extend beyond a period of
10 3 years;

11 (b) property assembly costs, including, but not
12 limited to, acquisition of land and other real property or
13 rights or interests therein, located within the boundaries
14 of a STAR bond district, demolition of buildings, site
15 preparation, site improvements that serve as an engineered
16 barrier addressing ground level or below ground
17 environmental contamination, including, but not limited
18 to, parking lots and other concrete or asphalt barriers,
19 the clearing and grading of land, and importing additional
20 soil and fill materials, or removal of soil and fill
21 materials from the site;

22 (c) subject to paragraph (d), costs of buildings and
23 other vertical improvements that are located within the
24 boundaries of a STAR bond district and owned by a political
25 subdivision or other public entity, including without
26 limitation police and fire stations, educational

1 facilities, and public restrooms and rest areas;

2 (c-1) costs of buildings and other vertical
3 improvements that are located within the boundaries of a
4 STAR bond district and owned by a destination user or
5 destination hotel; except that only 2 destination users in
6 a STAR bond district and one destination hotel are eligible
7 to include the cost of those vertical improvements as
8 project costs;

9 (c-5) costs of buildings; rides and attractions, which
10 include carousels, slides, roller coasters, displays,
11 models, towers, works of art, and similar theme and
12 amusement park improvements; and other vertical
13 improvements that are located within the boundaries of a
14 STAR bond district and owned by an entertainment user;
15 except that only one entertainment user in a STAR bond
16 district is eligible to include the cost of those vertical
17 improvements as project costs;

18 (d) costs of the design and construction of
19 infrastructure and public works located within the
20 boundaries of a STAR bond district that are reasonable or
21 necessary to implement a STAR bond district plan or any
22 STAR bond project plans, or both, except that project costs
23 shall not include the cost of constructing a new municipal
24 public building principally used to provide offices,
25 storage space, or conference facilities or vehicle
26 storage, maintenance, or repair for administrative, public

1 safety, or public works personnel and that is not intended
2 to replace an existing public building unless the political
3 subdivision makes a reasonable determination in a STAR bond
4 district plan or any STAR bond project plans, supported by
5 information that provides the basis for that
6 determination, that the new municipal building is required
7 to meet an increase in the need for public safety purposes
8 anticipated to result from the implementation of the STAR
9 bond district plan or any STAR bond project plans;

10 (e) costs of the design and construction of the
11 following improvements located outside the boundaries of a
12 STAR bond district, provided that the costs are essential
13 to further the purpose and development of a STAR bond
14 district plan and either (i) part of and connected to
15 sewer, water, or utility service lines that physically
16 connect to the STAR bond district or (ii) significant
17 improvements for adjacent offsite highways, streets,
18 roadways, and interchanges that are approved by the
19 Illinois Department of Transportation. No other cost of
20 infrastructure and public works improvements located
21 outside the boundaries of a STAR bond district may be
22 deemed project costs;

23 (f) costs of job training and retraining projects,
24 including the cost of "welfare to work" programs
25 implemented by businesses located within a STAR bond
26 district;

1 (g) financing costs, including, but not limited to, all
2 necessary and incidental expenses related to the issuance
3 of obligations and which may include payment of interest on
4 any obligations issued hereunder including interest
5 accruing during the estimated period of construction of any
6 improvements in a STAR bond district or any STAR bond
7 projects for which such obligations are issued and for not
8 exceeding 36 months thereafter and including reasonable
9 reserves related thereto;

10 (h) to the extent the political subdivision by written
11 agreement accepts and approves the same, all or a portion
12 of a taxing district's capital costs resulting from a STAR
13 bond district or STAR bond projects necessarily incurred or
14 to be incurred within a taxing district in furtherance of
15 the objectives of a STAR bond district plan or STAR bond
16 project plans;

17 (i) interest cost incurred by a developer for project
18 costs related to the acquisition, formation,
19 implementation, development, construction, and
20 administration of a STAR bond district, STAR bond district
21 plan, STAR bond projects, or any STAR bond project plans
22 provided that:

23 (i) payment of such costs in any one year may not
24 exceed 30% of the annual interest costs incurred by the
25 developer with regard to the STAR bond district or any
26 STAR bond projects during that year; and

1 (ii) the total of such interest payments paid
2 pursuant to this Act may not exceed 30% of the total
3 cost paid or incurred by the developer for a STAR bond
4 district or STAR bond projects, plus project costs,
5 excluding any property assembly costs incurred by a
6 political subdivision pursuant to this Act;

7 (j) costs of common areas located within the boundaries
8 of a STAR bond district;

9 (k) costs of landscaping and plantings, retaining
10 walls and fences, man-made lakes and ponds, shelters,
11 benches, lighting, and similar amenities located within
12 the boundaries of a STAR bond district;

13 (l) costs of mounted building signs, site monument, and
14 pylon signs located within the boundaries of a STAR bond
15 district; or

16 (m) if included in the STAR bond district plan and
17 approved in writing by the Director, salaries or a portion
18 of salaries for local government employees to the extent
19 the same are directly attributable to the work of such
20 employees on the establishment and management of a STAR
21 bond district or any STAR bond projects.

22 Except as specified in items (a) through (m), "project
23 costs" shall not include:

24 (i) the cost of construction of buildings that are
25 privately owned or owned by a municipality and leased to a
26 developer or retail user for non-entertainment retail

1 uses;

2 (ii) moving expenses for employees of the businesses
3 locating within the STAR bond district;

4 (iii) property taxes for property located in the STAR
5 bond district;

6 (iv) lobbying costs; and

7 (v) general overhead or administrative costs of the
8 political subdivision that would still have been incurred
9 by the political subdivision if the political subdivision
10 had not established a STAR bond district.

11 "Project development agreement" means any one or more
12 agreements, including any amendments thereto, between a master
13 developer and any co-developer or subdeveloper in connection
14 with a STAR bond project, which project development agreement
15 may include the political subdivision as a party.

16 "Projected market area" means any area within the State in
17 which a STAR bond district or STAR bond project is projected to
18 have a significant fiscal or market impact as determined by the
19 Director.

20 "Resolution" means a resolution, order, ordinance, or
21 other appropriate form of legislative action of a political
22 subdivision or other applicable public entity approved by a
23 vote of a majority of a quorum at a meeting of the governing
24 body of the political subdivision or applicable public entity.

25 "STAR bond" means a sales tax and revenue bond, note, or
26 other obligation payable from pledged STAR revenues and issued

1 by a political subdivision, the proceeds of which shall be used
2 only to pay project costs as defined in this Act.

3 "STAR bond district" means the specific area declared to be
4 an eligible area as determined by the political subdivision,
5 and approved by the Director, in which the political
6 subdivision may develop one or more STAR bond projects.

7 "STAR bond district plan" means the preliminary or
8 conceptual plan that generally identifies the proposed STAR
9 bond project areas and identifies in a general manner the
10 buildings, facilities, and improvements to be constructed or
11 improved in each STAR bond project area.

12 "STAR bond project" means a project within a STAR bond
13 district which is approved pursuant to Section 20.

14 "STAR bond project area" means the geographic area within a
15 STAR bond district in which there may be one or more STAR bond
16 projects.

17 "STAR bond project plan" means the written plan adopted by
18 a political subdivision for the development of a STAR bond
19 project in a STAR bond district; the plan may include, but is
20 not limited to, (i) project costs incurred prior to the date of
21 the STAR bond project plan and estimated future STAR bond
22 project costs, (ii) proposed sources of funds to pay those
23 costs, (iii) the nature and estimated term of any obligations
24 to be issued by the political subdivision to pay those costs,
25 (iv) the most recent equalized assessed valuation of the STAR
26 bond project area, (v) an estimate of the equalized assessed

1 valuation of the STAR bond district or applicable project area
2 after completion of a STAR bond project, (vi) a general
3 description of the types of any known or proposed developers,
4 users, or tenants of the STAR bond project or projects included
5 in the plan, (vii) a general description of the type,
6 structure, and character of the property or facilities to be
7 developed or improved, (viii) a description of the general land
8 uses to apply to the STAR bond project, and (ix) a general
9 description or an estimate of the type, class, and number of
10 employees to be employed in the operation of the STAR bond
11 project.

12 "State sales tax" means all of the net revenue realized
13 under the Retailers' Occupation Tax Act, the Use Tax Act, the
14 Service Use Tax Act, and the Service Occupation Tax Act from
15 transactions at places of business located within a STAR bond
16 district, excluding that portion of the net revenue realized
17 under the Retailers' Occupation Tax Act, the Use Tax Act, the
18 Service Use Tax Act, and the Service Occupation Tax Act from
19 transactions at places of business located within a STAR bond
20 district that is deposited into the Local Government Tax Fund
21 and the County and Mass Transit District Fund.

22 "State sales tax increment" means (i) 100% of that portion
23 of the State sales tax that is in excess of the State sales tax
24 for the same month in the base year, as determined by the
25 Department of Revenue, from transactions at up to 2 destination
26 users, one destination hotel, and one entertainment user

1 located within a STAR bond district, which destination users,
2 destination hotel, and entertainment user shall be designated
3 by the master developer and approved by the political
4 subdivision and the Director in conjunction with the applicable
5 STAR bond project approval, and (ii) 25% of that portion of the
6 State sales tax that is in excess of the State sales tax for
7 the same month in the base year, as determined by the
8 Department of Revenue, from all other transactions within a
9 STAR bond district. If any portion of State sales taxes are, at
10 the time of formation of a STAR bond district, already subject
11 to tax increment financing under the Tax Increment Allocation
12 Redevelopment Act, then the State sales tax increment for such
13 portion shall be frozen at the base year established in
14 accordance with this Act, and all future incremental increases
15 shall be included in the State sales tax increment under this
16 Act. Any party otherwise entitled to receipt of incremental
17 State sales tax revenues through an existing tax increment
18 financing district shall be entitled to continue to receive
19 such revenues up to the amount frozen in the base year. Nothing
20 in this Act shall affect the prior qualification of existing
21 redevelopment project costs incurred that are eligible for
22 reimbursement under the Tax Increment Allocation Redevelopment
23 Act. In such event, prior to approving a STAR bond district,
24 the political subdivision forming the STAR bond district shall
25 take such action as is necessary, including amending the
26 existing tax increment financing district redevelopment plan,

1 to carry out the provisions of this Act.

2 "Substantial change" means a change wherein the proposed
3 STAR bond project plan differs substantially in size, scope, or
4 use from the approved STAR bond district plan or STAR bond
5 project plan.

6 "Taxpayer" means an individual, partnership, corporation,
7 limited liability company, trust, estate, or other entity that
8 is subject to the Illinois Income Tax Act.

9 "Total development costs" means the aggregate public and
10 private investment in a STAR bond district, including project
11 costs and other direct and indirect costs related to the
12 development of the STAR bond district.

13 "Traditional retail use" means the operation of a business
14 that derives at least 90% of its annual gross revenue from
15 sales at retail, as that phrase is defined by Section 1 of the
16 Retailers' Occupation Tax Act, but does not include the
17 operations of destination users, entertainment users,
18 restaurants, hotels, retail uses within hotels, or any other
19 non-retail uses.

20 "Vacant" means that portion of the land in a proposed STAR
21 bond district that is not occupied by a building, facility, or
22 other vertical improvement.

23 (Source: P.A. 99-642, eff. 7-28-16.)

24 (50 ILCS 470/31)

25 Sec. 31. STAR bond occupation taxes.

1 (a) If the corporate authorities of a political subdivision
2 have established a STAR bond district and have elected to
3 impose a tax by ordinance pursuant to subsection (b) or (c) of
4 this Section, each year after the date of the adoption of the
5 ordinance and until all STAR bond project costs and all
6 political subdivision obligations financing the STAR bond
7 project costs, if any, have been paid in accordance with the
8 STAR bond project plans, but in no event longer than the
9 maximum maturity date of the last of the STAR bonds issued for
10 projects in the STAR bond district, all amounts generated by
11 the retailers' occupation tax and service occupation tax shall
12 be collected and the tax shall be enforced by the Department of
13 Revenue in the same manner as all retailers' occupation taxes
14 and service occupation taxes imposed in the political
15 subdivision imposing the tax. The corporate authorities of the
16 political subdivision shall deposit the proceeds of the taxes
17 imposed under subsections (b) and (c) into either (i) a special
18 fund held by the corporate authorities of the political
19 subdivision called the STAR Bonds Tax Allocation Fund for the
20 purpose of paying STAR bond project costs and obligations
21 incurred in the payment of those costs if such taxes are
22 designated as pledged STAR revenues by resolution or ordinance
23 of the political subdivision or (ii) the political
24 subdivision's general corporate fund if such taxes are not
25 designated as pledged STAR revenues by resolution or ordinance.

26 The tax imposed under this Section by a municipality may be

1 imposed only on the portion of a STAR bond district that is
2 within the boundaries of the municipality. For any part of a
3 STAR bond district that lies outside of the boundaries of that
4 municipality, the municipality in which the other part of the
5 STAR bond district lies (or the county, in cases where a
6 portion of the STAR bond district lies in the unincorporated
7 area of a county) is authorized to impose the tax under this
8 Section on that part of the STAR bond district.

9 (b) The corporate authorities of a political subdivision
10 that has established a STAR bond district under this Act may,
11 by ordinance or resolution, impose a STAR Bond Retailers'
12 Occupation Tax upon all persons engaged in the business of
13 selling tangible personal property, other than an item of
14 tangible personal property titled or registered with an agency
15 of this State's government, at retail in the STAR bond district
16 at a rate not to exceed 1% of the gross receipts from the sales
17 made in the course of that business, to be imposed only in
18 0.25% increments. The tax may not be imposed on food for human
19 consumption that is to be consumed off the premises where it is
20 sold (other than alcoholic beverages, soft drinks, and food
21 that has been prepared for immediate consumption),
22 prescription and nonprescription medicines, drugs, medical
23 appliances, modifications to a motor vehicle for the purpose of
24 rendering it usable by a person with a disability, and insulin,
25 urine testing materials, syringes, and needles used by
26 diabetics, for human use. Beginning December 1, 2017, this tax

1 is not imposed on sales of aviation fuel unless the tax revenue
2 is expended for airport-related purposes. If the District does
3 not have an airport-related purpose to which aviation fuel tax
4 revenue is dedicated, then aviation fuel is excluded from the
5 tax. The municipality must comply with the certification
6 requirements for airport-related purposes under Section
7 8-11-22 of the Illinois Municipal Code. For purposes of this
8 Act, "airport-related purposes" has the meaning ascribed in
9 Section 6z-20.2 of the State Finance Act. This exclusion for
10 aviation fuel only applies for so long as the revenue use
11 requirements of 49 U.S.C. §47107(b) and 49 U.S.C. §47133 are
12 binding on the District.

13 The tax imposed under this subsection and all civil
14 penalties that may be assessed as an incident thereof shall be
15 collected and enforced by the Department of Revenue. The
16 certificate of registration that is issued by the Department to
17 a retailer under the Retailers' Occupation Tax Act shall permit
18 the retailer to engage in a business that is taxable under any
19 ordinance or resolution enacted pursuant to this subsection
20 without registering separately with the Department under such
21 ordinance or resolution or under this subsection. The
22 Department of Revenue shall have full power to administer and
23 enforce this subsection, to collect all taxes and penalties due
24 under this subsection in the manner hereinafter provided, and
25 to determine all rights to credit memoranda arising on account
26 of the erroneous payment of tax or penalty under this

1 subsection. In the administration of, and compliance with, this
2 subsection, the Department and persons who are subject to this
3 subsection shall have the same rights, remedies, privileges,
4 immunities, powers, and duties, and be subject to the same
5 conditions, restrictions, limitations, penalties, exclusions,
6 exemptions, and definitions of terms and employ the same modes
7 of procedure, as are prescribed in Sections 1, 1a through 1o, 2
8 through 2-65 (in respect to all provisions therein other than
9 the State rate of tax), 2c through 2h, 3 (except as to the
10 disposition of taxes and penalties collected, and except that
11 the retailer's discount is not allowed for taxes paid on
12 aviation fuel that are deposited into the Local Government
13 Aviation Trust Fund), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j,
14 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 12, 13, and 14 of the
15 Retailers' Occupation Tax Act and all provisions of the Uniform
16 Penalty and Interest Act, as fully as if those provisions were
17 set forth herein.

18 If a tax is imposed under this subsection (b), a tax shall
19 also be imposed under subsection (c) of this Section.

20 (c) If a tax has been imposed under subsection (b), a STAR
21 Bond Service Occupation Tax shall also be imposed upon all
22 persons engaged, in the STAR bond district, in the business of
23 making sales of service, who, as an incident to making those
24 sales of service, transfer tangible personal property within
25 the STAR bond district, either in the form of tangible personal
26 property or in the form of real estate as an incident to a sale

1 of service. The tax shall be imposed at the same rate as the
2 tax imposed in subsection (b) and shall not exceed 1% of the
3 selling price of tangible personal property so transferred
4 within the STAR bond district, to be imposed only in 0.25%
5 increments. The tax may not be imposed on food for human
6 consumption that is to be consumed off the premises where it is
7 sold (other than alcoholic beverages, soft drinks, and food
8 that has been prepared for immediate consumption),
9 prescription and nonprescription medicines, drugs, medical
10 appliances, modifications to a motor vehicle for the purpose of
11 rendering it usable by a person with a disability, and insulin,
12 urine testing materials, syringes, and needles used by
13 diabetics, for human use. Beginning December 1, 2017, this tax
14 is not imposed on sales of aviation fuel unless the tax revenue
15 is expended for airport-related purposes. If the District does
16 not have an airport-related purpose to which aviation fuel tax
17 revenue is dedicated, then aviation fuel is excluded from the
18 tax. The municipality must comply with the certification
19 requirements for airport-related purposes under Section
20 8-11-22 of the Illinois Municipal Code. For purposes of this
21 Act, "airport-related purposes" has the meaning ascribed in
22 Section 6z-20.2 of the State Finance Act. This exclusion for
23 aviation fuel only applies for so long as the revenue use
24 requirements of 49 U.S.C. §47107(b) and 49 U.S.C. §47133 are
25 binding on the District.

26 The tax imposed under this subsection and all civil

1 penalties that may be assessed as an incident thereof shall be
2 collected and enforced by the Department of Revenue. The
3 certificate of registration that is issued by the Department to
4 a retailer under the Retailers' Occupation Tax Act or under the
5 Service Occupation Tax Act shall permit the registrant to
6 engage in a business that is taxable under any ordinance or
7 resolution enacted pursuant to this subsection without
8 registering separately with the Department under that
9 ordinance or resolution or under this subsection. The
10 Department of Revenue shall have full power to administer and
11 enforce this subsection, to collect all taxes and penalties due
12 under this subsection, to dispose of taxes and penalties so
13 collected in the manner hereinafter provided, and to determine
14 all rights to credit memoranda arising on account of the
15 erroneous payment of tax or penalty under this subsection. In
16 the administration of, and compliance with this subsection, the
17 Department and persons who are subject to this subsection shall
18 have the same rights, remedies, privileges, immunities,
19 powers, and duties, and be subject to the same conditions,
20 restrictions, limitations, penalties, exclusions, exemptions,
21 and definitions of terms and employ the same modes of procedure
22 as are prescribed in Sections 2, 2a through 2d, 3 through 3-50
23 (in respect to all provisions therein other than the State rate
24 of tax), 4 (except that the reference to the State shall be to
25 the STAR bond district), 5, 7, 8 (except that the jurisdiction
26 to which the tax shall be a debt to the extent indicated in

1 that Section 8 shall be the political subdivision), 9 (except
2 as to the disposition of taxes and penalties collected, and
3 except that the returned merchandise credit for this tax may
4 not be taken against any State tax, and except that the
5 retailer's discount is not allowed for taxes paid on aviation
6 fuel that are deposited into the Local Government Aviation
7 Trust Fund), 10, 11, 12 (except the reference therein to
8 Section 2b of the Retailers' Occupation Tax Act), 13 (except
9 that any reference to the State shall mean the political
10 subdivision), the first paragraph of Section 15, and Sections
11 16, 17, 18, 19 and 20 of the Service Occupation Tax Act and all
12 provisions of the Uniform Penalty and Interest Act, as fully as
13 if those provisions were set forth herein.

14 If a tax is imposed under this subsection (c), a tax shall
15 also be imposed under subsection (b) of this Section.

16 (d) Persons subject to any tax imposed under this Section
17 may reimburse themselves for their seller's tax liability under
18 this Section by separately stating the tax as an additional
19 charge, which charge may be stated in combination, in a single
20 amount, with State taxes that sellers are required to collect
21 under the Use Tax Act, in accordance with such bracket
22 schedules as the Department may prescribe.

23 Whenever the Department determines that a refund should be
24 made under this Section to a claimant instead of issuing a
25 credit memorandum, the Department shall notify the State
26 Comptroller, who shall cause the order to be drawn for the

1 amount specified and to the person named in the notification
2 from the Department. The refund shall be paid by the State
3 Treasurer out of the STAR Bond Retailers' Occupation Tax Fund.

4 Except as otherwise provided in this paragraph, the ~~The~~
5 Department shall immediately pay over to the State Treasurer,
6 ex officio, as trustee, all taxes, penalties, and interest
7 collected under this Section for deposit into the STAR Bond
8 Retailers' Occupation Tax Fund. Taxes and penalties collected
9 on aviation fuel sold on or after December 1, 2017, shall be
10 immediately paid over by the Department to the State Treasurer,
11 ex officio, as trustee, for deposit into the Local Government
12 Aviation Trust Fund. The Department shall only pay moneys into
13 the State Aviation Program Fund under this Act for so long as
14 the revenue use requirements of 49 U.S.C. §47107(b) and 49
15 U.S.C. §47133 are binding on the District. On or before the
16 25th day of each calendar month, the Department shall prepare
17 and certify to the Comptroller the disbursement of stated sums
18 of money to named political subdivisions from the STAR Bond
19 Retailers' Occupation Tax Fund, the political subdivisions to
20 be those from which retailers have paid taxes or penalties
21 under this Section to the Department during the second
22 preceding calendar month. The amount to be paid to each
23 political subdivision shall be the amount (not including credit
24 memoranda and not including taxes and penalties collected on
25 aviation fuel sold on or after December 1, 2017) collected
26 under this Section during the second preceding calendar month

1 by the Department plus an amount the Department determines is
2 necessary to offset any amounts that were erroneously paid to a
3 different taxing body, and not including an amount equal to the
4 amount of refunds made during the second preceding calendar
5 month by the Department, less 3% of that amount, which shall be
6 deposited into the Tax Compliance and Administration Fund and
7 shall be used by the Department, subject to appropriation, to
8 cover the costs of the Department in administering and
9 enforcing the provisions of this Section, on behalf of such
10 political subdivision, and not including any amount that the
11 Department determines is necessary to offset any amounts that
12 were payable to a different taxing body but were erroneously
13 paid to the political subdivision. Within 10 days after receipt
14 by the Comptroller of the disbursement certification to the
15 political subdivisions provided for in this Section to be given
16 to the Comptroller by the Department, the Comptroller shall
17 cause the orders to be drawn for the respective amounts in
18 accordance with the directions contained in the certification.
19 The proceeds of the tax paid to political subdivisions under
20 this Section shall be deposited into either (i) the STAR Bonds
21 Tax Allocation Fund by the political subdivision if the
22 political subdivision has designated them as pledged STAR
23 revenues by resolution or ordinance or (ii) the political
24 subdivision's general corporate fund if the political
25 subdivision has not designated them as pledged STAR revenues.

26 An ordinance or resolution imposing or discontinuing the

1 tax under this Section or effecting a change in the rate
2 thereof shall either (i) be adopted and a certified copy
3 thereof filed with the Department on or before the first day of
4 April, whereupon the Department, if all other requirements of
5 this Section are met, shall proceed to administer and enforce
6 this Section as of the first day of July next following the
7 adoption and filing; or (ii) be adopted and a certified copy
8 thereof filed with the Department on or before the first day of
9 October, whereupon, if all other requirements of this Section
10 are met, the Department shall proceed to administer and enforce
11 this Section as of the first day of January next following the
12 adoption and filing.

13 The Department of Revenue shall not administer or enforce
14 an ordinance imposing, discontinuing, or changing the rate of
15 the tax under this Section until the political subdivision also
16 provides, in the manner prescribed by the Department, the
17 boundaries of the STAR bond district and each address in the
18 STAR bond district in such a way that the Department can
19 determine by its address whether a business is located in the
20 STAR bond district. The political subdivision must provide this
21 boundary and address information to the Department on or before
22 April 1 for administration and enforcement of the tax under
23 this Section by the Department beginning on the following July
24 1 and on or before October 1 for administration and enforcement
25 of the tax under this Section by the Department beginning on
26 the following January 1. The Department of Revenue shall not

1 administer or enforce any change made to the boundaries of a
2 STAR bond district or any address change, addition, or deletion
3 until the political subdivision reports the boundary change or
4 address change, addition, or deletion to the Department in the
5 manner prescribed by the Department. The political subdivision
6 must provide this boundary change or address change, addition,
7 or deletion information to the Department on or before April 1
8 for administration and enforcement by the Department of the
9 change, addition, or deletion beginning on the following July 1
10 and on or before October 1 for administration and enforcement
11 by the Department of the change, addition, or deletion
12 beginning on the following January 1. The retailers in the STAR
13 bond district shall be responsible for charging the tax imposed
14 under this Section. If a retailer is incorrectly included or
15 excluded from the list of those required to collect the tax
16 under this Section, both the Department of Revenue and the
17 retailer shall be held harmless if they reasonably relied on
18 information provided by the political subdivision.

19 A political subdivision that imposes the tax under this
20 Section must submit to the Department of Revenue any other
21 information as the Department may require that is necessary for
22 the administration and enforcement of the tax.

23 When certifying the amount of a monthly disbursement to a
24 political subdivision under this Section, the Department shall
25 increase or decrease the amount by an amount necessary to
26 offset any misallocation of previous disbursements. The offset

1 amount shall be the amount erroneously disbursed within the
2 previous 6 months from the time a misallocation is discovered.

3 Nothing in this Section shall be construed to authorize the
4 political subdivision to impose a tax upon the privilege of
5 engaging in any business which under the Constitution of the
6 United States may not be made the subject of taxation by this
7 State.

8 (e) When STAR bond project costs, including, without
9 limitation, all political subdivision obligations financing
10 STAR bond project costs, have been paid, any surplus funds then
11 remaining in the STAR Bonds Tax Allocation Fund shall be
12 distributed to the treasurer of the political subdivision for
13 deposit into the political subdivision's general corporate
14 fund. Upon payment of all STAR bond project costs and
15 retirement of obligations, but in no event later than the
16 maximum maturity date of the last of the STAR bonds issued in
17 the STAR bond district, the political subdivision shall adopt
18 an ordinance immediately rescinding the taxes imposed pursuant
19 to this Section and file a certified copy of the ordinance with
20 the Department in the form and manner as described in this
21 Section.

22 (Source: P.A. 99-143, eff. 7-27-15.)

23 Section 40. The Counties Code is amended by changing
24 Sections 5-1006, 5-1006.5, 5-1006.7, 5-1007, 5-1008.5, 5-1009,
25 and 5-1035.1 and by adding Section 5-1184 as follows:

1 (55 ILCS 5/5-1006) (from Ch. 34, par. 5-1006)

2 Sec. 5-1006. Home Rule County Retailers' Occupation Tax
3 Law. Any county that is a home rule unit may impose a tax upon
4 all persons engaged in the business of selling tangible
5 personal property, other than an item of tangible personal
6 property titled or registered with an agency of this State's
7 government, at retail in the county on the gross receipts from
8 such sales made in the course of their business. If imposed,
9 this tax shall only be imposed in 1/4% increments. On and after
10 September 1, 1991, this additional tax may not be imposed on
11 the sales of food for human consumption which is to be consumed
12 off the premises where it is sold (other than alcoholic
13 beverages, soft drinks and food which has been prepared for
14 immediate consumption) and prescription and nonprescription
15 medicines, drugs, medical appliances and insulin, urine
16 testing materials, syringes and needles used by diabetics.
17 Beginning December 1, 2017, this tax is not imposed on sales of
18 aviation fuel unless the tax revenue is expended for
19 airport-related purposes. If the County does not have an
20 airport-related purpose to which it dedicates aviation fuel tax
21 revenue, then aviation fuel is excluded from the tax. The
22 County must comply with the certification requirements for
23 airport-related purposes under Section 5-1184. For purposes of
24 this Act, "airport-related purposes" has the meaning ascribed
25 in Section 6z-20.2 of the State Finance Act. This exclusion for

1 aviation fuel only applies for so long as the revenue use
2 requirements of 49 U.S.C. §47107(b) and 49 U.S.C. §47133 are
3 binding on the County. The changes made to this Section by this
4 amendatory Act of the 100th General Assembly are a denial and
5 limitation of home rule powers and functions under subsection
6 (g) of Section 6 of Article VII of the Illinois Constitution.

7 The tax imposed by a home rule county pursuant to this Section
8 and all civil penalties that may be assessed as an incident
9 thereof shall be collected and enforced by the State Department
10 of Revenue. The certificate of registration that is issued by
11 the Department to a retailer under the Retailers' Occupation
12 Tax Act shall permit the retailer to engage in a business that
13 is taxable under any ordinance or resolution enacted pursuant
14 to this Section without registering separately with the
15 Department under such ordinance or resolution or under this
16 Section. The Department shall have full power to administer and
17 enforce this Section; to collect all taxes and penalties due
18 hereunder; to dispose of taxes and penalties so collected in
19 the manner hereinafter provided; and to determine all rights to
20 credit memoranda arising on account of the erroneous payment of
21 tax or penalty hereunder. In the administration of, and
22 compliance with, this Section, the Department and persons who
23 are subject to this Section shall have the same rights,
24 remedies, privileges, immunities, powers and duties, and be
25 subject to the same conditions, restrictions, limitations,
26 penalties and definitions of terms, and employ the same modes

1 of procedure, as are prescribed in Sections 1, 1a, 1a-1, 1d,
2 1e, 1f, 1i, 1j, 1k, 1m, 1n, 2 through 2-65 (in respect to all
3 provisions therein other than the State rate of tax), 4, 5, 5a,
4 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d,
5 7, 8, 9, 10, 11, 12 and 13 of the Retailers' Occupation Tax Act
6 and Section 3-7 of the Uniform Penalty and Interest Act, as
7 fully as if those provisions were set forth herein.

8 No tax may be imposed by a home rule county pursuant to
9 this Section unless the county also imposes a tax at the same
10 rate pursuant to Section 5-1007.

11 Persons subject to any tax imposed pursuant to the
12 authority granted in this Section may reimburse themselves for
13 their seller's tax liability hereunder by separately stating
14 such tax as an additional charge, which charge may be stated in
15 combination, in a single amount, with State tax which sellers
16 are required to collect under the Use Tax Act, pursuant to such
17 bracket schedules as the Department may prescribe.

18 Whenever the Department determines that a refund should be
19 made under this Section to a claimant instead of issuing a
20 credit memorandum, the Department shall notify the State
21 Comptroller, who shall cause the order to be drawn for the
22 amount specified and to the person named in the notification
23 from the Department. The refund shall be paid by the State
24 Treasurer out of the home rule county retailers' occupation tax
25 fund.

26 Except as otherwise provided in this paragraph, the ~~The~~

1 Department shall forthwith pay over to the State Treasurer, ex
2 officio, as trustee, all taxes and penalties collected
3 hereunder for deposit into the Home Rule County Retailers'
4 Occupation Tax Fund. Taxes and penalties collected on aviation
5 fuel sold on or after December 1, 2017, shall be immediately
6 paid over by the Department to the State Treasurer, ex officio,
7 as trustee, for deposit into the Local Government Aviation
8 Trust Fund. The Department shall only pay moneys into the Local
9 Government Aviation Trust Fund under this Act for so long as
10 the revenue use requirements of 49 U.S.C. §47107(b) and 49
11 U.S.C. §47133 are binding on the County.

12 As soon as possible after the first day of each month,
13 beginning January 1, 2011, upon certification of the Department
14 of Revenue, the Comptroller shall order transferred, and the
15 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
16 local sales tax increment, as defined in the Innovation
17 Development and Economy Act, collected under this Section
18 during the second preceding calendar month for sales within a
19 STAR bond district.

20 After the monthly transfer to the STAR Bonds Revenue Fund,
21 on or before the 25th day of each calendar month, the
22 Department shall prepare and certify to the Comptroller the
23 disbursement of stated sums of money to named counties, the
24 counties to be those from which retailers have paid taxes or
25 penalties hereunder to the Department during the second
26 preceding calendar month. The amount to be paid to each county

1 shall be the amount (not including credit memoranda and not
2 including taxes and penalties collected on aviation fuel sold
3 on or after December 1, 2017) collected hereunder during the
4 second preceding calendar month by the Department plus an
5 amount the Department determines is necessary to offset any
6 amounts that were erroneously paid to a different taxing body,
7 and not including an amount equal to the amount of refunds made
8 during the second preceding calendar month by the Department on
9 behalf of such county, and not including any amount which the
10 Department determines is necessary to offset any amounts which
11 were payable to a different taxing body but were erroneously
12 paid to the county, and not including any amounts that are
13 transferred to the STAR Bonds Revenue Fund. Within 10 days
14 after receipt, by the Comptroller, of the disbursement
15 certification to the counties provided for in this Section to
16 be given to the Comptroller by the Department, the Comptroller
17 shall cause the orders to be drawn for the respective amounts
18 in accordance with the directions contained in the
19 certification.

20 In addition to the disbursement required by the preceding
21 paragraph, an allocation shall be made in March of each year to
22 each county that received more than \$500,000 in disbursements
23 under the preceding paragraph in the preceding calendar year.
24 The allocation shall be in an amount equal to the average
25 monthly distribution made to each such county under the
26 preceding paragraph during the preceding calendar year

1 (excluding the 2 months of highest receipts). The distribution
2 made in March of each year subsequent to the year in which an
3 allocation was made pursuant to this paragraph and the
4 preceding paragraph shall be reduced by the amount allocated
5 and disbursed under this paragraph in the preceding calendar
6 year. The Department shall prepare and certify to the
7 Comptroller for disbursement the allocations made in
8 accordance with this paragraph.

9 For the purpose of determining the local governmental unit
10 whose tax is applicable, a retail sale by a producer of coal or
11 other mineral mined in Illinois is a sale at retail at the
12 place where the coal or other mineral mined in Illinois is
13 extracted from the earth. This paragraph does not apply to coal
14 or other mineral when it is delivered or shipped by the seller
15 to the purchaser at a point outside Illinois so that the sale
16 is exempt under the United States Constitution as a sale in
17 interstate or foreign commerce.

18 Nothing in this Section shall be construed to authorize a
19 county to impose a tax upon the privilege of engaging in any
20 business which under the Constitution of the United States may
21 not be made the subject of taxation by this State.

22 An ordinance or resolution imposing or discontinuing a tax
23 hereunder or effecting a change in the rate thereof shall be
24 adopted and a certified copy thereof filed with the Department
25 on or before the first day of June, whereupon the Department
26 shall proceed to administer and enforce this Section as of the

1 first day of September next following such adoption and filing.
2 Beginning January 1, 1992, an ordinance or resolution imposing
3 or discontinuing the tax hereunder or effecting a change in the
4 rate thereof shall be adopted and a certified copy thereof
5 filed with the Department on or before the first day of July,
6 whereupon the Department shall proceed to administer and
7 enforce this Section as of the first day of October next
8 following such adoption and filing. Beginning January 1, 1993,
9 an ordinance or resolution imposing or discontinuing the tax
10 hereunder or effecting a change in the rate thereof shall be
11 adopted and a certified copy thereof filed with the Department
12 on or before the first day of October, whereupon the Department
13 shall proceed to administer and enforce this Section as of the
14 first day of January next following such adoption and filing.
15 Beginning April 1, 1998, an ordinance or resolution imposing or
16 discontinuing the tax hereunder or effecting a change in the
17 rate thereof shall either (i) be adopted and a certified copy
18 thereof filed with the Department on or before the first day of
19 April, whereupon the Department shall proceed to administer and
20 enforce this Section as of the first day of July next following
21 the adoption and filing; or (ii) be adopted and a certified
22 copy thereof filed with the Department on or before the first
23 day of October, whereupon the Department shall proceed to
24 administer and enforce this Section as of the first day of
25 January next following the adoption and filing.

26 When certifying the amount of a monthly disbursement to a

1 county under this Section, the Department shall increase or
2 decrease such amount by an amount necessary to offset any
3 misallocation of previous disbursements. The offset amount
4 shall be the amount erroneously disbursed within the previous 6
5 months from the time a misallocation is discovered.

6 This Section shall be known and may be cited as the Home
7 Rule County Retailers' Occupation Tax Law.

8 (Source: P.A. 99-217, eff. 7-31-15.)

9 (55 ILCS 5/5-1006.5)

10 Sec. 5-1006.5. Special County Retailers' Occupation Tax
11 For Public Safety, Public Facilities, or Transportation.

12 (a) The county board of any county may impose a tax upon
13 all persons engaged in the business of selling tangible
14 personal property, other than personal property titled or
15 registered with an agency of this State's government, at retail
16 in the county on the gross receipts from the sales made in the
17 course of business to provide revenue to be used exclusively
18 for public safety, public facility, or transportation purposes
19 in that county (except as otherwise provided in this Section),
20 if a proposition for the tax has been submitted to the electors
21 of that county and approved by a majority of those voting on
22 the question. If imposed, this tax shall be imposed only in
23 one-quarter percent increments. By resolution, the county
24 board may order the proposition to be submitted at any
25 election. If the tax is imposed for transportation purposes for

1 expenditures for public highways or as authorized under the
2 Illinois Highway Code, the county board must publish notice of
3 the existence of its long-range highway transportation plan as
4 required or described in Section 5-301 of the Illinois Highway
5 Code and must make the plan publicly available prior to
6 approval of the ordinance or resolution imposing the tax. If
7 the tax is imposed for transportation purposes for expenditures
8 for passenger rail transportation, the county board must
9 publish notice of the existence of its long-range passenger
10 rail transportation plan and must make the plan publicly
11 available prior to approval of the ordinance or resolution
12 imposing the tax.

13 If a tax is imposed for public facilities purposes, then
14 the name of the project may be included in the proposition at
15 the discretion of the county board as determined in the
16 enabling resolution. For example, the "XXX Nursing Home" or the
17 "YYY Museum".

18 The county clerk shall certify the question to the proper
19 election authority, who shall submit the proposition at an
20 election in accordance with the general election law.

21 (1) The proposition for public safety purposes shall be
22 in substantially the following form:

23 "To pay for public safety purposes, shall (name of
24 county) be authorized to impose an increase on its share of
25 local sales taxes by (insert rate)?"

26 As additional information on the ballot below the

1 question shall appear the following:

2 "This would mean that a consumer would pay an
3 additional (insert amount) in sales tax for every \$100 of
4 tangible personal property bought at retail."

5 The county board may also opt to establish a sunset
6 provision at which time the additional sales tax would
7 cease being collected, if not terminated earlier by a vote
8 of the county board. If the county board votes to include a
9 sunset provision, the proposition for public safety
10 purposes shall be in substantially the following form:

11 "To pay for public safety purposes, shall (name of
12 county) be authorized to impose an increase on its share of
13 local sales taxes by (insert rate) for a period not to
14 exceed (insert number of years)?"

15 As additional information on the ballot below the
16 question shall appear the following:

17 "This would mean that a consumer would pay an
18 additional (insert amount) in sales tax for every \$100 of
19 tangible personal property bought at retail. If imposed,
20 the additional tax would cease being collected at the end
21 of (insert number of years), if not terminated earlier by a
22 vote of the county board."

23 For the purposes of the paragraph, "public safety
24 purposes" means crime prevention, detention, fire
25 fighting, police, medical, ambulance, or other emergency
26 services.

1 Votes shall be recorded as "Yes" or "No".

2 Beginning on the January 1 or July 1, whichever is
3 first, that occurs not less than 30 days after May 31, 2015
4 (the effective date of Public Act 99-4), Adams County may
5 impose a public safety retailers' occupation tax and
6 service occupation tax at the rate of 0.25%, as provided in
7 the referendum approved by the voters on April 7, 2015,
8 notwithstanding the omission of the additional information
9 that is otherwise required to be printed on the ballot
10 below the question pursuant to this item (1).

11 (2) The proposition for transportation purposes shall
12 be in substantially the following form:

13 "To pay for improvements to roads and other
14 transportation purposes, shall (name of county) be
15 authorized to impose an increase on its share of local
16 sales taxes by (insert rate)?"

17 As additional information on the ballot below the
18 question shall appear the following:

19 "This would mean that a consumer would pay an
20 additional (insert amount) in sales tax for every \$100 of
21 tangible personal property bought at retail."

22 The county board may also opt to establish a sunset
23 provision at which time the additional sales tax would
24 cease being collected, if not terminated earlier by a vote
25 of the county board. If the county board votes to include a
26 sunset provision, the proposition for transportation

1 purposes shall be in substantially the following form:

2 "To pay for road improvements and other transportation
3 purposes, shall (name of county) be authorized to impose an
4 increase on its share of local sales taxes by (insert rate)
5 for a period not to exceed (insert number of years)?"

6 As additional information on the ballot below the
7 question shall appear the following:

8 "This would mean that a consumer would pay an
9 additional (insert amount) in sales tax for every \$100 of
10 tangible personal property bought at retail. If imposed,
11 the additional tax would cease being collected at the end
12 of (insert number of years), if not terminated earlier by a
13 vote of the county board."

14 For the purposes of this paragraph, transportation
15 purposes means construction, maintenance, operation, and
16 improvement of public highways, any other purpose for which
17 a county may expend funds under the Illinois Highway Code,
18 and passenger rail transportation.

19 The votes shall be recorded as "Yes" or "No".

20 (3) The proposition for public facilities purposes
21 shall be in substantially the following form:

22 "To pay for public facilities purposes, shall (name of
23 county) be authorized to impose an increase on its share of
24 local sales taxes by (insert rate)?"

25 As additional information on the ballot below the
26 question shall appear the following:

1 "This would mean that a consumer would pay an
2 additional (insert amount) in sales tax for every \$100 of
3 tangible personal property bought at retail."

4 The county board may also opt to establish a sunset
5 provision at which time the additional sales tax would
6 cease being collected, if not terminated earlier by a vote
7 of the county board. If the county board votes to include a
8 sunset provision, the proposition for public facilities
9 purposes shall be in substantially the following form:

10 "To pay for public facilities purposes, shall (name of
11 county) be authorized to impose an increase on its share of
12 local sales taxes by (insert rate) for a period not to
13 exceed (insert number of years)?"

14 As additional information on the ballot below the
15 question shall appear the following:

16 "This would mean that a consumer would pay an
17 additional (insert amount) in sales tax for every \$100 of
18 tangible personal property bought at retail. If imposed,
19 the additional tax would cease being collected at the end
20 of (insert number of years), if not terminated earlier by a
21 vote of the county board."

22 For purposes of this Section, "public facilities
23 purposes" means the acquisition, development,
24 construction, reconstruction, rehabilitation, improvement,
25 financing, architectural planning, and installation of
26 capital facilities consisting of buildings, structures,

1 and durable equipment and for the acquisition and
2 improvement of real property and interest in real property
3 required, or expected to be required, in connection with
4 the public facilities, for use by the county for the
5 furnishing of governmental services to its citizens,
6 including but not limited to museums and nursing homes.

7 The votes shall be recorded as "Yes" or "No".

8 If a majority of the electors voting on the proposition
9 vote in favor of it, the county may impose the tax. A county
10 may not submit more than one proposition authorized by this
11 Section to the electors at any one time.

12 This additional tax may not be imposed on the sales of food
13 for human consumption that is to be consumed off the premises
14 where it is sold (other than alcoholic beverages, soft drinks,
15 and food which has been prepared for immediate consumption) and
16 prescription and non-prescription medicines, drugs, medical
17 appliances and insulin, urine testing materials, syringes, and
18 needles used by diabetics. Beginning December 1, 2017, this tax
19 is not imposed on sales of aviation fuel unless the tax revenue
20 is expended for airport-related purposes. If the County does
21 not have an airport-related purpose to which it dedicates
22 aviation fuel tax revenue, then aviation fuel is excluded from
23 the tax. The County must comply with the certification
24 requirements for airport-related purposes under Section
25 5-1184. For purposes of this Act, "airport-related purposes"
26 has the meaning ascribed in Section 6z-20.2 of the State

1 Finance Act. This exclusion for aviation fuel only applies for
2 so long as the revenue use requirements of 49 U.S.C. §47107(b)
3 and 49 U.S.C. §47133 are binding on the County. The tax imposed
4 by a county under this Section and all civil penalties that may
5 be assessed as an incident of the tax shall be collected and
6 enforced by the Illinois Department of Revenue and deposited
7 into a special fund created for that purpose. The certificate
8 of registration that is issued by the Department to a retailer
9 under the Retailers' Occupation Tax Act shall permit the
10 retailer to engage in a business that is taxable without
11 registering separately with the Department under an ordinance
12 or resolution under this Section. The Department has full power
13 to administer and enforce this Section, to collect all taxes
14 and penalties due under this Section, to dispose of taxes and
15 penalties so collected in the manner provided in this Section,
16 and to determine all rights to credit memoranda arising on
17 account of the erroneous payment of a tax or penalty under this
18 Section. In the administration of and compliance with this
19 Section, the Department and persons who are subject to this
20 Section shall (i) have the same rights, remedies, privileges,
21 immunities, powers, and duties, (ii) be subject to the same
22 conditions, restrictions, limitations, penalties, and
23 definitions of terms, and (iii) employ the same modes of
24 procedure as are prescribed in Sections 1, 1a, 1a-1, 1d, 1e,
25 1f, 1i, 1j, 1k, 1m, 1n, 2 through 2-70 (in respect to all
26 provisions contained in those Sections other than the State

1 rate of tax), 2a, 2b, 2c, 3 (except provisions relating to
2 transaction returns and quarter monthly payments, and except
3 that the retailer's discount is not allowed for taxes paid on
4 aviation fuel that are deposited into the Local Government
5 Aviation Trust Fund), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i,
6 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 11a, 12, and 13
7 of the Retailers' Occupation Tax Act and Section 3-7 of the
8 Uniform Penalty and Interest Act as if those provisions were
9 set forth in this Section.

10 Persons subject to any tax imposed under the authority
11 granted in this Section may reimburse themselves for their
12 sellers' tax liability by separately stating the tax as an
13 additional charge, which charge may be stated in combination,
14 in a single amount, with State tax which sellers are required
15 to collect under the Use Tax Act, pursuant to such bracketed
16 schedules as the Department may prescribe.

17 Whenever the Department determines that a refund should be
18 made under this Section to a claimant instead of issuing a
19 credit memorandum, the Department shall notify the State
20 Comptroller, who shall cause the order to be drawn for the
21 amount specified and to the person named in the notification
22 from the Department. The refund shall be paid by the State
23 Treasurer out of the County Public Safety or Transportation
24 Retailers' Occupation Tax Fund.

25 (b) If a tax has been imposed under subsection (a), a
26 service occupation tax shall also be imposed at the same rate

1 upon all persons engaged, in the county, in the business of
2 making sales of service, who, as an incident to making those
3 sales of service, transfer tangible personal property within
4 the county as an incident to a sale of service. This tax may
5 not be imposed on sales of food for human consumption that is
6 to be consumed off the premises where it is sold (other than
7 alcoholic beverages, soft drinks, and food prepared for
8 immediate consumption) and prescription and non-prescription
9 medicines, drugs, medical appliances and insulin, urine
10 testing materials, syringes, and needles used by diabetics.
11 Beginning December 1, 2017, this tax is not imposed on sales of
12 aviation fuel unless the tax revenue is expended for
13 airport-related purposes. If the County does not have an
14 airport-related purpose to which it dedicates aviation fuel tax
15 revenue, then aviation fuel is excluded from the tax. The
16 County must comply with the certification requirements for
17 airport-related purposes under Section 5-1184. For purposes of
18 this Act, "airport-related purposes" has the meaning ascribed
19 in Section 6z-20.2 of the State Finance Act. This exclusion for
20 aviation fuel only applies for so long as the revenue use
21 requirements of 49 U.S.C. §47107(b) and 49 U.S.C. §47133 are
22 binding on the County. The tax imposed under this subsection
23 and all civil penalties that may be assessed as an incident
24 thereof shall be collected and enforced by the Department of
25 Revenue. The Department has full power to administer and
26 enforce this subsection; to collect all taxes and penalties due

1 hereunder; to dispose of taxes and penalties so collected in
2 the manner hereinafter provided; and to determine all rights to
3 credit memoranda arising on account of the erroneous payment of
4 tax or penalty hereunder. In the administration of, and
5 compliance with this subsection, the Department and persons who
6 are subject to this paragraph shall (i) have the same rights,
7 remedies, privileges, immunities, powers, and duties, (ii) be
8 subject to the same conditions, restrictions, limitations,
9 penalties, exclusions, exemptions, and definitions of terms,
10 and (iii) employ the same modes of procedure as are prescribed
11 in Sections 2 (except that the reference to State in the
12 definition of supplier maintaining a place of business in this
13 State shall mean the county), 2a, 2b, 2c, 3 through 3-50 (in
14 respect to all provisions therein other than the State rate of
15 tax), 4 (except that the reference to the State shall be to the
16 county), 5, 7, 8 (except that the jurisdiction to which the tax
17 shall be a debt to the extent indicated in that Section 8 shall
18 be the county), 9 (except as to the disposition of taxes and
19 penalties collected, and except that the retailer's discount is
20 not allowed for taxes paid on aviation fuel that are deposited
21 into the Local Government Aviation Trust Fund), 10, 11, 12
22 (except the reference therein to Section 2b of the Retailers'
23 Occupation Tax Act), 13 (except that any reference to the State
24 shall mean the county), Section 15, 16, 17, 18, 19 and 20 of
25 the Service Occupation Tax Act and Section 3-7 of the Uniform
26 Penalty and Interest Act, as fully as if those provisions were

1 set forth herein.

2 Persons subject to any tax imposed under the authority
3 granted in this subsection may reimburse themselves for their
4 serviceman's tax liability by separately stating the tax as an
5 additional charge, which charge may be stated in combination,
6 in a single amount, with State tax that servicemen are
7 authorized to collect under the Service Use Tax Act, in
8 accordance with such bracket schedules as the Department may
9 prescribe.

10 Whenever the Department determines that a refund should be
11 made under this subsection to a claimant instead of issuing a
12 credit memorandum, the Department shall notify the State
13 Comptroller, who shall cause the warrant to be drawn for the
14 amount specified, and to the person named, in the notification
15 from the Department. The refund shall be paid by the State
16 Treasurer out of the County Public Safety or Transportation
17 Retailers' Occupation Fund.

18 Nothing in this subsection shall be construed to authorize
19 the county to impose a tax upon the privilege of engaging in
20 any business which under the Constitution of the United States
21 may not be made the subject of taxation by the State.

22 (c) Except as otherwise provided in this paragraph, the ~~The~~
23 Department shall immediately pay over to the State Treasurer,
24 ex officio, as trustee, all taxes and penalties collected under
25 this Section to be deposited into the County Public Safety or
26 Transportation Retailers' Occupation Tax Fund, which shall be

1 an unappropriated trust fund held outside of the State
2 treasury. Taxes and penalties collected on aviation fuel sold
3 on or after December 1, 2017, shall be immediately paid over by
4 the Department to the State Treasurer, ex officio, as trustee,
5 for deposit into the Local Government Aviation Trust Fund. The
6 Department shall only pay moneys into the Local Government
7 Aviation Trust Fund under this Act for so long as the revenue
8 use requirements of 49 U.S.C. §47107(b) and 49 U.S.C. §47133
9 are binding on the County.

10 As soon as possible after the first day of each month,
11 beginning January 1, 2011, upon certification of the Department
12 of Revenue, the Comptroller shall order transferred, and the
13 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
14 local sales tax increment, as defined in the Innovation
15 Development and Economy Act, collected under this Section
16 during the second preceding calendar month for sales within a
17 STAR bond district.

18 After the monthly transfer to the STAR Bonds Revenue Fund,
19 on or before the 25th day of each calendar month, the
20 Department shall prepare and certify to the Comptroller the
21 disbursement of stated sums of money to the counties from which
22 retailers have paid taxes or penalties to the Department during
23 the second preceding calendar month. The amount to be paid to
24 each county, and deposited by the county into its special fund
25 created for the purposes of this Section, shall be the amount
26 (not including credit memoranda and not including taxes and

1 penalties collected on aviation fuel sold on or after December
2 1, 2017) collected under this Section during the second
3 preceding calendar month by the Department plus an amount the
4 Department determines is necessary to offset any amounts that
5 were erroneously paid to a different taxing body, and not
6 including (i) an amount equal to the amount of refunds made
7 during the second preceding calendar month by the Department on
8 behalf of the county, (ii) any amount that the Department
9 determines is necessary to offset any amounts that were payable
10 to a different taxing body but were erroneously paid to the
11 county, and (iii) any amounts that are transferred to the STAR
12 Bonds Revenue Fund. Within 10 days after receipt by the
13 Comptroller of the disbursement certification to the counties
14 provided for in this Section to be given to the Comptroller by
15 the Department, the Comptroller shall cause the orders to be
16 drawn for the respective amounts in accordance with directions
17 contained in the certification.

18 In addition to the disbursement required by the preceding
19 paragraph, an allocation shall be made in March of each year to
20 each county that received more than \$500,000 in disbursements
21 under the preceding paragraph in the preceding calendar year.
22 The allocation shall be in an amount equal to the average
23 monthly distribution made to each such county under the
24 preceding paragraph during the preceding calendar year
25 (excluding the 2 months of highest receipts). The distribution
26 made in March of each year subsequent to the year in which an

1 allocation was made pursuant to this paragraph and the
2 preceding paragraph shall be reduced by the amount allocated
3 and disbursed under this paragraph in the preceding calendar
4 year. The Department shall prepare and certify to the
5 Comptroller for disbursement the allocations made in
6 accordance with this paragraph.

7 A county may direct, by ordinance, that all or a portion of
8 the taxes and penalties collected under the Special County
9 Retailers' Occupation Tax For Public Safety or Transportation
10 be deposited into the Transportation Development Partnership
11 Trust Fund.

12 (d) For the purpose of determining the local governmental
13 unit whose tax is applicable, a retail sale by a producer of
14 coal or another mineral mined in Illinois is a sale at retail
15 at the place where the coal or other mineral mined in Illinois
16 is extracted from the earth. This paragraph does not apply to
17 coal or another mineral when it is delivered or shipped by the
18 seller to the purchaser at a point outside Illinois so that the
19 sale is exempt under the United States Constitution as a sale
20 in interstate or foreign commerce.

21 (e) Nothing in this Section shall be construed to authorize
22 a county to impose a tax upon the privilege of engaging in any
23 business that under the Constitution of the United States may
24 not be made the subject of taxation by this State.

25 (e-5) If a county imposes a tax under this Section, the
26 county board may, by ordinance, discontinue or lower the rate

1 of the tax. If the county board lowers the tax rate or
2 discontinues the tax, a referendum must be held in accordance
3 with subsection (a) of this Section in order to increase the
4 rate of the tax or to reimpose the discontinued tax.

5 (f) Beginning April 1, 1998 and through December 31, 2013,
6 the results of any election authorizing a proposition to impose
7 a tax under this Section or effecting a change in the rate of
8 tax, or any ordinance lowering the rate or discontinuing the
9 tax, shall be certified by the county clerk and filed with the
10 Illinois Department of Revenue either (i) on or before the
11 first day of April, whereupon the Department shall proceed to
12 administer and enforce the tax as of the first day of July next
13 following the filing; or (ii) on or before the first day of
14 October, whereupon the Department shall proceed to administer
15 and enforce the tax as of the first day of January next
16 following the filing.

17 Beginning January 1, 2014, the results of any election
18 authorizing a proposition to impose a tax under this Section or
19 effecting an increase in the rate of tax, along with the
20 ordinance adopted to impose the tax or increase the rate of the
21 tax, or any ordinance adopted to lower the rate or discontinue
22 the tax, shall be certified by the county clerk and filed with
23 the Illinois Department of Revenue either (i) on or before the
24 first day of May, whereupon the Department shall proceed to
25 administer and enforce the tax as of the first day of July next
26 following the adoption and filing; or (ii) on or before the

1 first day of October, whereupon the Department shall proceed to
2 administer and enforce the tax as of the first day of January
3 next following the adoption and filing.

4 (g) When certifying the amount of a monthly disbursement to
5 a county under this Section, the Department shall increase or
6 decrease the amounts by an amount necessary to offset any
7 miscalculation of previous disbursements. The offset amount
8 shall be the amount erroneously disbursed within the previous 6
9 months from the time a miscalculation is discovered.

10 (h) This Section may be cited as the "Special County
11 Occupation Tax For Public Safety, Public Facilities, or
12 Transportation Law".

13 (i) For purposes of this Section, "public safety" includes,
14 but is not limited to, crime prevention, detention, fire
15 fighting, police, medical, ambulance, or other emergency
16 services. The county may share tax proceeds received under this
17 Section for public safety purposes, including proceeds
18 received before August 4, 2009 (the effective date of Public
19 Act 96-124), with any fire protection district located in the
20 county. For the purposes of this Section, "transportation"
21 includes, but is not limited to, the construction, maintenance,
22 operation, and improvement of public highways, any other
23 purpose for which a county may expend funds under the Illinois
24 Highway Code, and passenger rail transportation. For the
25 purposes of this Section, "public facilities purposes"
26 includes, but is not limited to, the acquisition, development,

1 construction, reconstruction, rehabilitation, improvement,
2 financing, architectural planning, and installation of capital
3 facilities consisting of buildings, structures, and durable
4 equipment and for the acquisition and improvement of real
5 property and interest in real property required, or expected to
6 be required, in connection with the public facilities, for use
7 by the county for the furnishing of governmental services to
8 its citizens, including but not limited to museums and nursing
9 homes.

10 (j) The Department may promulgate rules to implement Public
11 Act 95-1002 only to the extent necessary to apply the existing
12 rules for the Special County Retailers' Occupation Tax for
13 Public Safety to this new purpose for public facilities.

14 (Source: P.A. 98-584, eff. 8-27-13; 99-4, eff. 5-31-15; 99-217,
15 eff. 7-31-15; 99-642, eff. 7-28-16.)

16 (55 ILCS 5/5-1006.7)

17 Sec. 5-1006.7. School facility occupation taxes.

18 (a) In any county, a tax shall be imposed upon all persons
19 engaged in the business of selling tangible personal property,
20 other than personal property titled or registered with an
21 agency of this State's government, at retail in the county on
22 the gross receipts from the sales made in the course of
23 business to provide revenue to be used exclusively for school
24 facility purposes (except as otherwise provided in this
25 Section) if a proposition for the tax has been submitted to the

1 electors of that county and approved by a majority of those
2 voting on the question as provided in subsection (c). The tax
3 under this Section shall be imposed only in one-quarter percent
4 increments and may not exceed 1%.

5 This additional tax may not be imposed on the sale of food
6 for human consumption that is to be consumed off the premises
7 where it is sold (other than alcoholic beverages, soft drinks,
8 and food that has been prepared for immediate consumption) and
9 prescription and non-prescription medicines, drugs, medical
10 appliances and insulin, urine testing materials, syringes and
11 needles used by diabetics. Beginning December 1, 2017, this tax
12 is not imposed on sales of aviation fuel unless the tax revenue
13 is expended for airport-related purposes. If the County does
14 not have an airport-related purpose to which it dedicates
15 aviation fuel tax revenue, then aviation fuel is excluded from
16 the tax. The County must comply with the certification
17 requirements for airport-related purposes under Section
18 5-1184. For purposes of this Act, "airport-related purposes"
19 has the meaning ascribed in Section 6z-20.2 of the State
20 Finance Act. This exclusion for aviation fuel only applies for
21 so long as the revenue use requirements of 49 U.S.C. §47107(b)
22 and 49 U.S.C. §47133 are binding on the County. The Department
23 of Revenue has full power to administer and enforce this
24 subsection, to collect all taxes and penalties due under this
25 subsection, to dispose of taxes and penalties so collected in
26 the manner provided in this subsection, and to determine all

1 rights to credit memoranda arising on account of the erroneous
2 payment of a tax or penalty under this subsection. The
3 Department shall deposit all taxes and penalties collected
4 under this subsection into a special fund created for that
5 purpose.

6 In the administration of and compliance with this
7 subsection, the Department and persons who are subject to this
8 subsection (i) have the same rights, remedies, privileges,
9 immunities, powers, and duties, (ii) are subject to the same
10 conditions, restrictions, limitations, penalties, and
11 definitions of terms, and (iii) shall employ the same modes of
12 procedure as are set forth in Sections 1 through 10, 2 through
13 2-70 (in respect to all provisions contained in those Sections
14 other than the State rate of tax), 2a through 2h, 3 (except as
15 to the disposition of taxes and penalties collected, and except
16 that the retailer's discount is not allowed for taxes paid on
17 aviation fuel that are deposited into the Local Government
18 Aviation Trust Fund), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i,
19 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 11a, 12, and 13
20 of the Retailers' Occupation Tax Act and all provisions of the
21 Uniform Penalty and Interest Act as if those provisions were
22 set forth in this subsection.

23 The certificate of registration that is issued by the
24 Department to a retailer under the Retailers' Occupation Tax
25 Act permits the retailer to engage in a business that is
26 taxable without registering separately with the Department

1 under an ordinance or resolution under this subsection.

2 Persons subject to any tax imposed under the authority
3 granted in this subsection may reimburse themselves for their
4 seller's tax liability by separately stating that tax as an
5 additional charge, which may be stated in combination, in a
6 single amount, with State tax that sellers are required to
7 collect under the Use Tax Act, pursuant to any bracketed
8 schedules set forth by the Department.

9 (b) If a tax has been imposed under subsection (a), then a
10 service occupation tax must also be imposed at the same rate
11 upon all persons engaged, in the county, in the business of
12 making sales of service, who, as an incident to making those
13 sales of service, transfer tangible personal property within
14 the county as an incident to a sale of service.

15 This tax may not be imposed on sales of food for human
16 consumption that is to be consumed off the premises where it is
17 sold (other than alcoholic beverages, soft drinks, and food
18 prepared for immediate consumption) and prescription and
19 non-prescription medicines, drugs, medical appliances and
20 insulin, urine testing materials, syringes, and needles used by
21 diabetics. Beginning December 1, 2017, this tax is not imposed
22 on sales of aviation fuel unless the tax revenue is expended
23 for airport-related purposes. If the County does not have an
24 airport-related purpose to which it dedicates aviation fuel tax
25 revenue, then aviation fuel is excluded from the tax. The
26 County must comply with the certification requirements for

1 airport-related purposes under Section 5-1184. For purposes of
2 this Act, "airport-related purposes" has the meaning ascribed
3 in Section 6z-20.2 of the State Finance Act. This exclusion for
4 aviation fuel only applies for so long as the revenue use
5 requirements of 49 U.S.C. §47107(b) and 49 U.S.C. §47133 are
6 binding on the County.

7 The tax imposed under this subsection and all civil
8 penalties that may be assessed as an incident thereof shall be
9 collected and enforced by the Department and deposited into a
10 special fund created for that purpose. The Department has full
11 power to administer and enforce this subsection, to collect all
12 taxes and penalties due under this subsection, to dispose of
13 taxes and penalties so collected in the manner provided in this
14 subsection, and to determine all rights to credit memoranda
15 arising on account of the erroneous payment of a tax or penalty
16 under this subsection.

17 In the administration of and compliance with this
18 subsection, the Department and persons who are subject to this
19 subsection shall (i) have the same rights, remedies,
20 privileges, immunities, powers and duties, (ii) be subject to
21 the same conditions, restrictions, limitations, penalties and
22 definition of terms, and (iii) employ the same modes of
23 procedure as are set forth in Sections 2 (except that that
24 reference to State in the definition of supplier maintaining a
25 place of business in this State means the county), 2a through
26 2d, 3 through 3-50 (in respect to all provisions contained in

1 those Sections other than the State rate of tax), 4 (except
2 that the reference to the State shall be to the county), 5, 7,
3 8 (except that the jurisdiction to which the tax is a debt to
4 the extent indicated in that Section 8 is the county), 9
5 (except as to the disposition of taxes and penalties collected,
6 and except that the retailer's discount is not allowed for
7 taxes paid on aviation fuel that are deposited into the Local
8 Government Aviation Trust Fund), 10, 11, 12 (except the
9 reference therein to Section 2b of the Retailers' Occupation
10 Tax Act), 13 (except that any reference to the State means the
11 county), Section 15, 16, 17, 18, 19, and 20 of the Service
12 Occupation Tax Act and all provisions of the Uniform Penalty
13 and Interest Act, as fully as if those provisions were set
14 forth herein.

15 Persons subject to any tax imposed under the authority
16 granted in this subsection may reimburse themselves for their
17 serviceman's tax liability by separately stating the tax as an
18 additional charge, which may be stated in combination, in a
19 single amount, with State tax that servicemen are authorized to
20 collect under the Service Use Tax Act, pursuant to any
21 bracketed schedules set forth by the Department.

22 (c) The tax under this Section may not be imposed until the
23 question of imposing the tax has been submitted to the electors
24 of the county at a regular election and approved by a majority
25 of the electors voting on the question. For all regular
26 elections held prior to August 23, 2011 (the effective date of

1 Public Act 97-542), upon a resolution by the county board or a
2 resolution by school district boards that represent at least
3 51% of the student enrollment within the county, the county
4 board must certify the question to the proper election
5 authority in accordance with the Election Code.

6 For all regular elections held prior to August 23, 2011
7 (the effective date of Public Act 97-542), the election
8 authority must submit the question in substantially the
9 following form:

10 Shall (name of county) be authorized to impose a
11 retailers' occupation tax and a service occupation tax
12 (commonly referred to as a "sales tax") at a rate of
13 (insert rate) to be used exclusively for school facility
14 purposes?

15 The election authority must record the votes as "Yes" or "No".

16 If a majority of the electors voting on the question vote
17 in the affirmative, then the county may, thereafter, impose the
18 tax.

19 For all regular elections held on or after August 23, 2011
20 (the effective date of Public Act 97-542), the regional
21 superintendent of schools for the county must, upon receipt of
22 a resolution or resolutions of school district boards that
23 represent more than 50% of the student enrollment within the
24 county, certify the question to the proper election authority
25 for submission to the electors of the county at the next
26 regular election at which the question lawfully may be

1 submitted to the electors, all in accordance with the Election
2 Code.

3 For all regular elections held on or after August 23, 2011
4 (the effective date of Public Act 97-542), the election
5 authority must submit the question in substantially the
6 following form:

7 Shall a retailers' occupation tax and a service
8 occupation tax (commonly referred to as a "sales tax") be
9 imposed in (name of county) at a rate of (insert rate) to
10 be used exclusively for school facility purposes?

11 The election authority must record the votes as "Yes" or "No".

12 If a majority of the electors voting on the question vote
13 in the affirmative, then the tax shall be imposed at the rate
14 set forth in the question.

15 For the purposes of this subsection (c), "enrollment" means
16 the head count of the students residing in the county on the
17 last school day of September of each year, which must be
18 reported on the Illinois State Board of Education Public School
19 Fall Enrollment/Housing Report.

20 (d) Except as otherwise provided, the ~~The~~ Department shall
21 immediately pay over to the State Treasurer, ex officio, as
22 trustee, all taxes and penalties collected under this Section
23 to be deposited into the School Facility Occupation Tax Fund,
24 which shall be an unappropriated trust fund held outside the
25 State treasury. Taxes and penalties collected on aviation fuel
26 sold on or after December 1, 2017, shall be immediately paid

1 over by the Department to the State Treasurer, ex officio, as
2 trustee, for deposit into the Local Government Aviation Trust
3 Fund. The Department shall only pay moneys into the Local
4 Government Aviation Trust Fund under this Act for so long as
5 the revenue use requirements of 49 U.S.C. §47107(b) and 49
6 U.S.C. §47133 are binding on the County.

7 On or before the 25th day of each calendar month, the
8 Department shall prepare and certify to the Comptroller the
9 disbursement of stated sums of money to the regional
10 superintendents of schools in counties from which retailers or
11 servicemen have paid taxes or penalties to the Department
12 during the second preceding calendar month. The amount to be
13 paid to each regional superintendent of schools and disbursed
14 to him or her in accordance with Section 3-14.31 of the School
15 Code, is equal to the amount (not including credit memoranda
16 and not including taxes and penalties collected on aviation
17 fuel sold on or after December 1, 2017) collected from the
18 county under this Section during the second preceding calendar
19 month by the Department, (i) less 2% of that amount (except the
20 amount collected on aviation fuel sold on or after December 1,
21 2017), which shall be deposited into the Tax Compliance and
22 Administration Fund and shall be used by the Department,
23 subject to appropriation, to cover the costs of the Department
24 in administering and enforcing the provisions of this Section,
25 on behalf of the county, (ii) plus an amount that the
26 Department determines is necessary to offset any amounts that

1 were erroneously paid to a different taxing body; (iii) less an
2 amount equal to the amount of refunds made during the second
3 preceding calendar month by the Department on behalf of the
4 county; and (iv) less any amount that the Department determines
5 is necessary to offset any amounts that were payable to a
6 different taxing body but were erroneously paid to the county.
7 When certifying the amount of a monthly disbursement to a
8 regional superintendent of schools under this Section, the
9 Department shall increase or decrease the amounts by an amount
10 necessary to offset any miscalculation of previous
11 disbursements within the previous 6 months from the time a
12 miscalculation is discovered.

13 Within 10 days after receipt by the Comptroller from the
14 Department of the disbursement certification to the regional
15 superintendents of the schools provided for in this Section,
16 the Comptroller shall cause the orders to be drawn for the
17 respective amounts in accordance with directions contained in
18 the certification.

19 If the Department determines that a refund should be made
20 under this Section to a claimant instead of issuing a credit
21 memorandum, then the Department shall notify the Comptroller,
22 who shall cause the order to be drawn for the amount specified
23 and to the person named in the notification from the
24 Department. The refund shall be paid by the Treasurer out of
25 the School Facility Occupation Tax Fund.

26 (e) For the purposes of determining the local governmental

1 unit whose tax is applicable, a retail sale by a producer of
2 coal or another mineral mined in Illinois is a sale at retail
3 at the place where the coal or other mineral mined in Illinois
4 is extracted from the earth. This subsection does not apply to
5 coal or another mineral when it is delivered or shipped by the
6 seller to the purchaser at a point outside Illinois so that the
7 sale is exempt under the United States Constitution as a sale
8 in interstate or foreign commerce.

9 (f) Nothing in this Section may be construed to authorize a
10 tax to be imposed upon the privilege of engaging in any
11 business that under the Constitution of the United States may
12 not be made the subject of taxation by this State.

13 (g) If a county board imposes a tax under this Section
14 pursuant to a referendum held before August 23, 2011 (the
15 effective date of Public Act 97-542) at a rate below the rate
16 set forth in the question approved by a majority of electors of
17 that county voting on the question as provided in subsection
18 (c), then the county board may, by ordinance, increase the rate
19 of the tax up to the rate set forth in the question approved by
20 a majority of electors of that county voting on the question as
21 provided in subsection (c). If a county board imposes a tax
22 under this Section pursuant to a referendum held before August
23 23, 2011 (the effective date of Public Act 97-542), then the
24 board may, by ordinance, discontinue or reduce the rate of the
25 tax. If a tax is imposed under this Section pursuant to a
26 referendum held on or after August 23, 2011 (the effective date

1 of Public Act 97-542), then the county board may reduce or
2 discontinue the tax, but only in accordance with subsection
3 (h-5) of this Section. If, however, a school board issues bonds
4 that are secured by the proceeds of the tax under this Section,
5 then the county board may not reduce the tax rate or
6 discontinue the tax if that rate reduction or discontinuance
7 would adversely affect the school board's ability to pay the
8 principal and interest on those bonds as they become due or
9 necessitate the extension of additional property taxes to pay
10 the principal and interest on those bonds. If the county board
11 reduces the tax rate or discontinues the tax, then a referendum
12 must be held in accordance with subsection (c) of this Section
13 in order to increase the rate of the tax or to reimpose the
14 discontinued tax.

15 Until January 1, 2014, the results of any election that
16 imposes, reduces, or discontinues a tax under this Section must
17 be certified by the election authority, and any ordinance that
18 increases or lowers the rate or discontinues the tax must be
19 certified by the county clerk and, in each case, filed with the
20 Illinois Department of Revenue either (i) on or before the
21 first day of April, whereupon the Department shall proceed to
22 administer and enforce the tax or change in the rate as of the
23 first day of July next following the filing; or (ii) on or
24 before the first day of October, whereupon the Department shall
25 proceed to administer and enforce the tax or change in the rate
26 as of the first day of January next following the filing.

1 Beginning January 1, 2014, the results of any election that
2 imposes, reduces, or discontinues a tax under this Section must
3 be certified by the election authority, and any ordinance that
4 increases or lowers the rate or discontinues the tax must be
5 certified by the county clerk and, in each case, filed with the
6 Illinois Department of Revenue either (i) on or before the
7 first day of May, whereupon the Department shall proceed to
8 administer and enforce the tax or change in the rate as of the
9 first day of July next following the filing; or (ii) on or
10 before the first day of October, whereupon the Department shall
11 proceed to administer and enforce the tax or change in the rate
12 as of the first day of January next following the filing.

13 (h) For purposes of this Section, "school facility
14 purposes" means (i) the acquisition, development,
15 construction, reconstruction, rehabilitation, improvement,
16 financing, architectural planning, and installation of capital
17 facilities consisting of buildings, structures, and durable
18 equipment and for the acquisition and improvement of real
19 property and interest in real property required, or expected to
20 be required, in connection with the capital facilities and (ii)
21 the payment of bonds or other obligations heretofore or
22 hereafter issued, including bonds or other obligations
23 heretofore or hereafter issued to refund or to continue to
24 refund bonds or other obligations issued, for school facility
25 purposes, provided that the taxes levied to pay those bonds are
26 abated by the amount of the taxes imposed under this Section

1 that are used to pay those bonds. "School-facility purposes"
2 also includes fire prevention, safety, energy conservation,
3 accessibility, school security, and specified repair purposes
4 set forth under Section 17-2.11 of the School Code.

5 (h-5) A county board in a county where a tax has been
6 imposed under this Section pursuant to a referendum held on or
7 after August 23, 2011 (the effective date of Public Act 97-542)
8 may, by ordinance or resolution, submit to the voters of the
9 county the question of reducing or discontinuing the tax. In
10 the ordinance or resolution, the county board shall certify the
11 question to the proper election authority in accordance with
12 the Election Code. The election authority must submit the
13 question in substantially the following form:

14 Shall the school facility retailers' occupation tax
15 and service occupation tax (commonly referred to as the
16 "school facility sales tax") currently imposed in (name of
17 county) at a rate of (insert rate) be (reduced to (insert
18 rate)) (discontinued)?

19 If a majority of the electors voting on the question vote in
20 the affirmative, then, subject to the provisions of subsection
21 (g) of this Section, the tax shall be reduced or discontinued
22 as set forth in the question.

23 (i) This Section does not apply to Cook County.

24 (j) This Section may be cited as the County School Facility
25 Occupation Tax Law.

26 (Source: P.A. 98-584, eff. 8-27-13; 99-143, eff. 7-27-15;

1 99-217, eff. 7-31-15; 99-642, eff. 7-28-16.)

2 (55 ILCS 5/5-1007) (from Ch. 34, par. 5-1007)

3 Sec. 5-1007. Home Rule County Service Occupation Tax Law.
4 The corporate authorities of a home rule county may impose a
5 tax upon all persons engaged, in such county, in the business
6 of making sales of service at the same rate of tax imposed
7 pursuant to Section 5-1006 of the selling price of all tangible
8 personal property transferred by such servicemen either in the
9 form of tangible personal property or in the form of real
10 estate as an incident to a sale of service. If imposed, such
11 tax shall only be imposed in 1/4% increments. On and after
12 September 1, 1991, this additional tax may not be imposed on
13 the sales of food for human consumption which is to be consumed
14 off the premises where it is sold (other than alcoholic
15 beverages, soft drinks and food which has been prepared for
16 immediate consumption) and prescription and nonprescription
17 medicines, drugs, medical appliances and insulin, urine
18 testing materials, syringes and needles used by diabetics.
19 Beginning December 1, 2017, this tax is not imposed on sales of
20 aviation fuel unless the tax revenue is expended for
21 airport-related purposes. If the County does not have an
22 airport-related purpose to which it dedicates aviation fuel tax
23 revenue, then aviation fuel is excluded from the tax. The
24 County must comply with the certification requirements for
25 airport-related purposes under Section 5-1184. For purposes of

1 this Act, "airport-related purposes" has the meaning ascribed
2 in Section 6z-20.2 of the State Finance Act. This exclusion for
3 aviation fuel only applies for so long as the revenue use
4 requirements of 49 U.S.C. §47107(b) and 49 U.S.C. §47133 are
5 binding on the County. The changes made to this Section by this
6 amendatory Act of the 100th General Assembly are a denial and
7 limitation of home rule powers and functions under subsection
8 (g) of Section 6 of Article VII of the Illinois Constitution.

9 The tax imposed by a home rule county pursuant to this Section
10 and all civil penalties that may be assessed as an incident
11 thereof shall be collected and enforced by the State Department
12 of Revenue. The certificate of registration which is issued by
13 the Department to a retailer under the Retailers' Occupation
14 Tax Act or under the Service Occupation Tax Act shall permit
15 such registrant to engage in a business which is taxable under
16 any ordinance or resolution enacted pursuant to this Section
17 without registering separately with the Department under such
18 ordinance or resolution or under this Section. The Department
19 shall have full power to administer and enforce this Section;
20 to collect all taxes and penalties due hereunder; to dispose of
21 taxes and penalties so collected in the manner hereinafter
22 provided; and to determine all rights to credit memoranda
23 arising on account of the erroneous payment of tax or penalty
24 hereunder. In the administration of, and compliance with, this
25 Section the Department and persons who are subject to this
26 Section shall have the same rights, remedies, privileges,

1 immunities, powers and duties, and be subject to the same
2 conditions, restrictions, limitations, penalties and
3 definitions of terms, and employ the same modes of procedure,
4 as are prescribed in Sections 1a-1, 2, 2a, 3 through 3-50 (in
5 respect to all provisions therein other than the State rate of
6 tax), 4 (except that the reference to the State shall be to the
7 taxing county), 5, 7, 8 (except that the jurisdiction to which
8 the tax shall be a debt to the extent indicated in that Section
9 8 shall be the taxing county), 9 (except as to the disposition
10 of taxes and penalties collected, and except that the returned
11 merchandise credit for this county tax may not be taken against
12 any State tax, and except that the retailer's discount is not
13 allowed for taxes paid on aviation fuel that are deposited into
14 the Local Government Aviation Trust Fund), 10, 11, 12 (except
15 the reference therein to Section 2b of the Retailers'
16 Occupation Tax Act), 13 (except that any reference to the State
17 shall mean the taxing county), the first paragraph of Section
18 15, 16, 17, 18, 19 and 20 of the Service Occupation Tax Act and
19 Section 3-7 of the Uniform Penalty and Interest Act, as fully
20 as if those provisions were set forth herein.

21 No tax may be imposed by a home rule county pursuant to
22 this Section unless such county also imposes a tax at the same
23 rate pursuant to Section 5-1006.

24 Persons subject to any tax imposed pursuant to the
25 authority granted in this Section may reimburse themselves for
26 their serviceman's tax liability hereunder by separately

1 stating such tax as an additional charge, which charge may be
2 stated in combination, in a single amount, with State tax which
3 servicemen are authorized to collect under the Service Use Tax
4 Act, pursuant to such bracket schedules as the Department may
5 prescribe.

6 Whenever the Department determines that a refund should be
7 made under this Section to a claimant instead of issuing credit
8 memorandum, the Department shall notify the State Comptroller,
9 who shall cause the order to be drawn for the amount specified,
10 and to the person named, in such notification from the
11 Department. Such refund shall be paid by the State Treasurer
12 out of the home rule county retailers' occupation tax fund.

13 Except as otherwise provided in this paragraph, the ~~The~~
14 Department shall forthwith pay over to the State Treasurer,
15 ex-officio, as trustee, all taxes and penalties collected
16 hereunder for deposit into the Home Rule County Retailers'
17 Occupation Tax Fund. Taxes and penalties collected on aviation
18 fuel sold on or after December 1, 2017, shall be immediately
19 paid over by the Department to the State Treasurer, ex officio,
20 as trustee, for deposit into the Local Government Aviation
21 Trust Fund. The Department shall only pay moneys into the Local
22 Government Aviation Trust Fund under this Act for so long as
23 the revenue use requirements of 49 U.S.C. §47107(b) and 49
24 U.S.C. §47133 are binding on the County..

25 As soon as possible after the first day of each month,
26 beginning January 1, 2011, upon certification of the Department

1 of Revenue, the Comptroller shall order transferred, and the
2 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
3 local sales tax increment, as defined in the Innovation
4 Development and Economy Act, collected under this Section
5 during the second preceding calendar month for sales within a
6 STAR bond district.

7 After the monthly transfer to the STAR Bonds Revenue Fund,
8 on or before the 25th day of each calendar month, the
9 Department shall prepare and certify to the Comptroller the
10 disbursement of stated sums of money to named counties, the
11 counties to be those from which suppliers and servicemen have
12 paid taxes or penalties hereunder to the Department during the
13 second preceding calendar month. The amount to be paid to each
14 county shall be the amount (not including credit memoranda and
15 not including taxes and penalties collected on aviation fuel
16 sold on or after December 1, 2017) collected hereunder during
17 the second preceding calendar month by the Department, and not
18 including an amount equal to the amount of refunds made during
19 the second preceding calendar month by the Department on behalf
20 of such county, and not including any amounts that are
21 transferred to the STAR Bonds Revenue Fund. Within 10 days
22 after receipt, by the Comptroller, of the disbursement
23 certification to the counties provided for in this Section to
24 be given to the Comptroller by the Department, the Comptroller
25 shall cause the orders to be drawn for the respective amounts
26 in accordance with the directions contained in such

1 certification.

2 In addition to the disbursement required by the preceding
3 paragraph, an allocation shall be made in each year to each
4 county which received more than \$500,000 in disbursements under
5 the preceding paragraph in the preceding calendar year. The
6 allocation shall be in an amount equal to the average monthly
7 distribution made to each such county under the preceding
8 paragraph during the preceding calendar year (excluding the 2
9 months of highest receipts). The distribution made in March of
10 each year subsequent to the year in which an allocation was
11 made pursuant to this paragraph and the preceding paragraph
12 shall be reduced by the amount allocated and disbursed under
13 this paragraph in the preceding calendar year. The Department
14 shall prepare and certify to the Comptroller for disbursement
15 the allocations made in accordance with this paragraph.

16 Nothing in this Section shall be construed to authorize a
17 county to impose a tax upon the privilege of engaging in any
18 business which under the Constitution of the United States may
19 not be made the subject of taxation by this State.

20 An ordinance or resolution imposing or discontinuing a tax
21 hereunder or effecting a change in the rate thereof shall be
22 adopted and a certified copy thereof filed with the Department
23 on or before the first day of June, whereupon the Department
24 shall proceed to administer and enforce this Section as of the
25 first day of September next following such adoption and filing.
26 Beginning January 1, 1992, an ordinance or resolution imposing

1 or discontinuing the tax hereunder or effecting a change in the
2 rate thereof shall be adopted and a certified copy thereof
3 filed with the Department on or before the first day of July,
4 whereupon the Department shall proceed to administer and
5 enforce this Section as of the first day of October next
6 following such adoption and filing. Beginning January 1, 1993,
7 an ordinance or resolution imposing or discontinuing the tax
8 hereunder or effecting a change in the rate thereof shall be
9 adopted and a certified copy thereof filed with the Department
10 on or before the first day of October, whereupon the Department
11 shall proceed to administer and enforce this Section as of the
12 first day of January next following such adoption and filing.
13 Beginning April 1, 1998, an ordinance or resolution imposing or
14 discontinuing the tax hereunder or effecting a change in the
15 rate thereof shall either (i) be adopted and a certified copy
16 thereof filed with the Department on or before the first day of
17 April, whereupon the Department shall proceed to administer and
18 enforce this Section as of the first day of July next following
19 the adoption and filing; or (ii) be adopted and a certified
20 copy thereof filed with the Department on or before the first
21 day of October, whereupon the Department shall proceed to
22 administer and enforce this Section as of the first day of
23 January next following the adoption and filing.

24 This Section shall be known and may be cited as the Home
25 Rule County Service Occupation Tax Law.

26 (Source: P.A. 96-939, eff. 6-24-10.)

1 (55 ILCS 5/5-1008.5)

2 Sec. 5-1008.5. Use and occupation taxes.

3 (a) The Rock Island County Board may adopt a resolution
4 that authorizes a referendum on the question of whether the
5 county shall be authorized to impose a retailers' occupation
6 tax, a service occupation tax, and a use tax at a rate of 1/4 of
7 1% on behalf of the economic development activities of Rock
8 Island County and communities located within the county. The
9 county board shall certify the question to the proper election
10 authorities who shall submit the question to the voters of the
11 county at the next regularly scheduled election in accordance
12 with the general election law. The question shall be in
13 substantially the following form:

14 Shall Rock Island County be authorized to impose a
15 retailers' occupation tax, a service occupation tax, and a
16 use tax at the rate of 1/4 of 1% for the sole purpose of
17 economic development activities, including creation and
18 retention of job opportunities, support of affordable
19 housing opportunities, and enhancement of quality of life
20 improvements?

21 Votes shall be recorded as "yes" or "no". If a majority of
22 all votes cast on the proposition are in favor of the
23 proposition, the county is authorized to impose the tax.

24 (b) The county shall impose the retailers' occupation tax
25 upon all persons engaged in the business of selling tangible

1 personal property at retail in the county, at the rate approved
2 by referendum, on the gross receipts from the sales made in the
3 course of those businesses within the county. This additional
4 tax may not be imposed on the sale of food for human
5 consumption that is to be consumed off the premises where it is
6 sold (other than alcoholic beverages, soft drinks, and food
7 that has been prepared for immediate consumption) and
8 prescription and non-prescription medicines, drugs, medical
9 appliances and insulin, urine testing materials, syringes, and
10 needles used by diabetics. Beginning December 1, 2017, this tax
11 is not imposed on sales of aviation fuel unless the tax revenue
12 is expended for airport-related purposes. If the County does
13 not have an airport-related purpose to which it dedicates
14 aviation fuel tax revenue, then aviation fuel is excluded from
15 the tax. The County must comply with the certification
16 requirements for airport-related purposes under Section
17 5-1184. For purposes of this Act, "airport-related purposes"
18 has the meaning ascribed in Section 6z-20.2 of the State
19 Finance Act. This exclusion for aviation fuel only applies for
20 so long as the revenue use requirements of 49 U.S.C. §47107(b)
21 and 49 U.S.C. §47133 are binding on the County. The tax imposed
22 under this Section and all civil penalties that may be assessed
23 as an incident of the tax shall be collected and enforced by
24 the Department of Revenue. The Department has full power to
25 administer and enforce this Section; to collect all taxes and
26 penalties so collected in the manner provided in this Section;

1 and to determine all rights to credit memoranda arising on
2 account of the erroneous payment of tax or penalty under this
3 Section. In the administration of, and compliance with, this
4 Section, the Department and persons who are subject to this
5 Section shall (i) have the same rights, remedies, privileges,
6 immunities, powers and duties, (ii) be subject to the same
7 conditions, restrictions, limitations, penalties, exclusions,
8 exemptions, and definitions of terms, and (iii) employ the same
9 modes of procedure as are prescribed in Sections 1, 1a, 1a-1,
10 1c, 1d, 1e, 1f, 1i, 1j, 1k, 1m, 1n, 2, 2-5, 2-5.5, 2-10 (in
11 respect to all provisions other than the State rate of tax),
12 2-15 through 2-70, 2a, 2b, 2c, 3 (except as to the disposition
13 of taxes and penalties collected and provisions related to
14 quarter monthly payments, and except that the retailer's
15 discount is not allowed for taxes paid on aviation fuel that
16 are deposited into the Local Government Aviation Trust Fund),
17 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c,
18 7, 8, 9, 10, 11, 11a, 12, and 13 of the Retailers' Occupation
19 Tax Act and Section 3-7 of the Uniform Penalty and Interest
20 Act, as fully as if those provisions were set forth in this
21 subsection.

22 Persons subject to any tax imposed under this subsection
23 may reimburse themselves for their seller's tax liability by
24 separately stating the tax as an additional charge, which
25 charge may be stated in combination, in a single amount, with
26 State taxes that sellers are required to collect, in accordance

1 with bracket schedules prescribed by the Department.

2 Whenever the Department determines that a refund should be
3 made under this subsection to a claimant instead of issuing a
4 credit memorandum, the Department shall notify the State
5 Comptroller, who shall cause the warrant to be drawn for the
6 amount specified, and to the person named, in the notification
7 from the Department. The refund shall be paid by the State
8 Treasurer out of the tax fund referenced under paragraph (g) of
9 this Section.

10 If a tax is imposed under this subsection (b), a tax shall
11 also be imposed at the same rate under subsections (c) and (d)
12 of this Section.

13 For the purpose of determining whether a tax authorized
14 under this Section is applicable, a retail sale, by a producer
15 of coal or another mineral mined in Illinois, is a sale at
16 retail at the place where the coal or other mineral mined in
17 Illinois is extracted from the earth. This paragraph does not
18 apply to coal or another mineral when it is delivered or
19 shipped by the seller to the purchaser at a point outside
20 Illinois so that the sale is exempt under the federal
21 Constitution as a sale in interstate or foreign commerce.

22 Nothing in this Section shall be construed to authorize the
23 county to impose a tax upon the privilege of engaging in any
24 business that under the Constitution of the United States may
25 not be made the subject of taxation by this State.

26 (c) If a tax has been imposed under subsection (b), a

1 service occupation tax shall also be imposed at the same rate
2 upon all persons engaged, in the county, in the business of
3 making sales of service, who, as an incident to making those
4 sales of service, transfer tangible personal property within
5 the county as an incident to a sale of service. This additional
6 tax may not be imposed on the sale of food for human
7 consumption that is to be consumed off the premises where it is
8 sold (other than alcoholic beverages, soft drinks, and food
9 that has been prepared for immediate consumption) and
10 prescription and non-prescription medicines, drugs, medical
11 appliances and insulin, urine testing materials, syringes, and
12 needles used by diabetics. Beginning December 1, 2017, this tax
13 is not imposed on sales of aviation fuel unless the tax revenue
14 is expended for airport-related purposes. If the County does
15 not have an airport-related purpose to which it dedicates
16 aviation fuel tax revenue, then aviation fuel is excluded from
17 the tax. The County must comply with the certification
18 requirements for airport-related purposes under Section
19 5-1184. For purposes of this Act, "airport-related purposes"
20 has the meaning ascribed in Section 6z-20.2 of the State
21 Finance Act. This exclusion for aviation fuel only applies for
22 so long as the revenue use requirements of 49 U.S.C. §47107(b)
23 and 49 U.S.C. §47133 are binding on the County. The tax imposed
24 under this subsection and all civil penalties that may be
25 assessed as an incident of the tax shall be collected and
26 enforced by the Department of Revenue. The Department has full

1 power to administer and enforce this paragraph; to collect all
2 taxes and penalties due under this Section; to dispose of taxes
3 and penalties so collected in the manner provided in this
4 Section; and to determine all rights to credit memoranda
5 arising on account of the erroneous payment of tax or penalty
6 under this Section. In the administration of, and compliance
7 with this paragraph, the Department and persons who are subject
8 to this paragraph shall (i) have the same rights, remedies,
9 privileges, immunities, powers, and duties, (ii) be subject to
10 the same conditions, restrictions, limitations, penalties,
11 exclusions, exemptions, and definitions of terms, and (iii)
12 employ the same modes of procedure as are prescribed in
13 Sections 2 (except that the reference to State in the
14 definition of supplier maintaining a place of business in this
15 State shall mean the county), 2a, 2b, 3 through 3-55 (in
16 respect to all provisions other than the State rate of tax), 4
17 (except that the reference to the State shall be to the
18 county), 5, 7, 8 (except that the jurisdiction to which the tax
19 shall be a debt to the extent indicated in that Section 8 shall
20 be the county), 9 (except as to the disposition of taxes and
21 penalties collected, and except that the returned merchandise
22 credit for this tax may not be taken against any State tax, and
23 except that the retailer's discount is not allowed for taxes
24 paid on aviation fuel that are deposited into the Local
25 Government Aviation Trust Fund), 11, 12 (except the reference
26 to Section 2b of the Retailers' Occupation Tax Act), 13 (except

1 that any reference to the State shall mean the county), 15, 16,
2 17, 18, 19 and 20 of the Service Occupation Tax Act and Section
3 3-7 of the Uniform Penalty and Interest Act, as fully as if
4 those provisions were set forth in this subsection.

5 Persons subject to any tax imposed under the authority
6 granted in this subsection may reimburse themselves for their
7 serviceman's tax liability by separately stating the tax as an
8 additional charge, which charge may be stated in combination,
9 in a single amount, with State tax that servicemen are
10 authorized to collect under the Service Use Tax Act, in
11 accordance with bracket schedules prescribed by the
12 Department.

13 Whenever the Department determines that a refund should be
14 made under this subsection to a claimant instead of issuing a
15 credit memorandum, the Department shall notify the State
16 Comptroller, who shall cause the warrant to be drawn for the
17 amount specified, and to the person named, in the notification
18 from the Department. The refund shall be paid by the State
19 Treasurer out of the tax fund referenced under paragraph (g) of
20 this Section.

21 Nothing in this paragraph shall be construed to authorize
22 the county to impose a tax upon the privilege of engaging in
23 any business that under the Constitution of the United States
24 may not be made the subject of taxation by the State.

25 (d) If a tax has been imposed under subsection (b), a use
26 tax shall also be imposed at the same rate upon the privilege

1 of using, in the county, any item of tangible personal property
2 that is purchased outside the county at retail from a retailer,
3 and that is titled or registered at a location within the
4 county with an agency of this State's government. This
5 additional tax may not be imposed on the sale of food for human
6 consumption that is to be consumed off the premises where it is
7 sold (other than alcoholic beverages, soft drinks, and food
8 that has been prepared for immediate consumption) and
9 prescription and non-prescription medicines, drugs, medical
10 appliances and insulin, urine testing materials, syringes, and
11 needles used by diabetics. "Selling price" is defined as in the
12 Use Tax Act. The tax shall be collected from persons whose
13 Illinois address for titling or registration purposes is given
14 as being in the county. The tax shall be collected by the
15 Department of Revenue for the county. The tax must be paid to
16 the State, or an exemption determination must be obtained from
17 the Department of Revenue, before the title or certificate of
18 registration for the property may be issued. The tax or proof
19 of exemption may be transmitted to the Department by way of the
20 State agency with which, or the State officer with whom, the
21 tangible personal property must be titled or registered if the
22 Department and the State agency or State officer determine that
23 this procedure will expedite the processing of applications for
24 title or registration.

25 The Department has full power to administer and enforce
26 this paragraph; to collect all taxes, penalties, and interest

1 due under this Section; to dispose of taxes, penalties, and
2 interest so collected in the manner provided in this Section;
3 and to determine all rights to credit memoranda or refunds
4 arising on account of the erroneous payment of tax, penalty, or
5 interest under this Section. In the administration of, and
6 compliance with, this subsection, the Department and persons
7 who are subject to this paragraph shall (i) have the same
8 rights, remedies, privileges, immunities, powers, and duties,
9 (ii) be subject to the same conditions, restrictions,
10 limitations, penalties, exclusions, exemptions, and
11 definitions of terms, and (iii) employ the same modes of
12 procedure as are prescribed in Sections 2 (except the
13 definition of "retailer maintaining a place of business in this
14 State"), 3, 3-5, 3-10, 3-45, 3-55, 3-65, 3-70, 3-85, 3a, 4, 6,
15 7, 8 (except that the jurisdiction to which the tax shall be a
16 debt to the extent indicated in that Section 8 shall be the
17 county), 9 (except provisions relating to quarter monthly
18 payments), 10, 11, 12, 12a, 12b, 13, 14, 15, 19, 20, 21, and 22
19 of the Use Tax Act and Section 3-7 of the Uniform Penalty and
20 Interest Act, that are not inconsistent with this paragraph, as
21 fully as if those provisions were set forth in this subsection.

22 Whenever the Department determines that a refund should be
23 made under this subsection to a claimant instead of issuing a
24 credit memorandum, the Department shall notify the State
25 Comptroller, who shall cause the order to be drawn for the
26 amount specified, and to the person named, in the notification

1 from the Department. The refund shall be paid by the State
2 Treasurer out of the tax fund referenced under paragraph (g) of
3 this Section.

4 (e) A certificate of registration issued by the State
5 Department of Revenue to a retailer under the Retailers'
6 Occupation Tax Act or under the Service Occupation Tax Act
7 shall permit the registrant to engage in a business that is
8 taxed under the tax imposed under paragraphs (b), (c), or (d)
9 of this Section and no additional registration shall be
10 required. A certificate issued under the Use Tax Act or the
11 Service Use Tax Act shall be applicable with regard to any tax
12 imposed under paragraph (c) of this Section.

13 (f) The results of any election authorizing a proposition
14 to impose a tax under this Section or effecting a change in the
15 rate of tax shall be certified by the proper election
16 authorities and filed with the Illinois Department on or before
17 the first day of October. In addition, an ordinance imposing,
18 discontinuing, or effecting a change in the rate of tax under
19 this Section shall be adopted and a certified copy of the
20 ordinance filed with the Department on or before the first day
21 of October. After proper receipt of the certifications, the
22 Department shall proceed to administer and enforce this Section
23 as of the first day of January next following the adoption and
24 filing.

25 (g) Except as otherwise provided in paragraph (g-2), the
26 ~~The~~ Department of Revenue shall, upon collecting any taxes and

1 penalties as provided in this Section, pay the taxes and
2 penalties over to the State Treasurer as trustee for the
3 county. The taxes and penalties shall be held in a trust fund
4 outside the State Treasury. On or before the 25th day of each
5 calendar month, the Department of Revenue shall prepare and
6 certify to the Comptroller of the State of Illinois the amount
7 to be paid to the county, which shall be the balance in the
8 fund, less any amount determined by the Department to be
9 necessary for the payment of refunds. Within 10 days after
10 receipt by the Comptroller of the certification of the amount
11 to be paid to the county, the Comptroller shall cause an order
12 to be drawn for payment for the amount in accordance with the
13 directions contained in the certification. Amounts received
14 from the tax imposed under this Section shall be used only for
15 the economic development activities of the county and
16 communities located within the county.

17 (g-2) Taxes and penalties collected on aviation fuel sold
18 on or after December 1, 2017, shall be immediately paid over by
19 the Department to the State Treasurer, ex officio, as trustee,
20 for deposit into the Local Government Aviation Trust Fund. The
21 Department shall only pay moneys into the Local Government
22 Aviation Trust Fund under this Act for so long as the revenue
23 use requirements of 49 U.S.C. §47107(b) and 49 U.S.C. §47133
24 are binding on the County.

25 (h) When certifying the amount of a monthly disbursement to
26 the county under this Section, the Department shall increase or

1 decrease the amounts by an amount necessary to offset any
2 miscalculation of previous disbursements. The offset amount
3 shall be the amount erroneously disbursed within the previous 6
4 months from the time a miscalculation is discovered.

5 (i) This Section may be cited as the Rock Island County Use
6 and Occupation Tax Law.

7 (Source: P.A. 90-415, eff. 8-15-97.)

8 (55 ILCS 5/5-1009) (from Ch. 34, par. 5-1009)

9 Sec. 5-1009. Limitation on home rule powers. Except as
10 provided in Sections 5-1006, 5-1006.5, 5-1007 and 5-1008, on
11 and after September 1, 1990, no home rule county has the
12 authority to impose, pursuant to its home rule authority, a
13 retailer's occupation tax, service occupation tax, use tax,
14 sales tax or other tax on the use, sale or purchase of tangible
15 personal property based on the gross receipts from such sales
16 or the selling or purchase price of said tangible personal
17 property. Notwithstanding the foregoing, this Section does not
18 preempt any home rule imposed tax such as the following: (1) a
19 tax on alcoholic beverages, whether based on gross receipts,
20 volume sold or any other measurement; (2) a tax based on the
21 number of units of cigarettes or tobacco products; (3) a tax,
22 however measured, based on the use of a hotel or motel room or
23 similar facility; (4) a tax, however measured, on the sale or
24 transfer of real property; (5) a tax, however measured, on
25 lease receipts; (6) a tax on food prepared for immediate

1 consumption and on alcoholic beverages sold by a business which
2 provides for on premise consumption of said food or alcoholic
3 beverages; or (7) other taxes not based on the selling or
4 purchase price or gross receipts from the use, sale or purchase
5 of tangible personal property. This Section does not preempt a
6 home rule county from imposing a tax, however measured, on the
7 use, for consideration, of a parking lot, garage, or other
8 parking facility.

9 On and after December 1, 2017, no home rule county has the
10 authority to impose, pursuant to its home rule authority, a
11 tax, however measured, on sales of aviation fuel, as defined in
12 Section 3 of the Retailers' Occupation Tax Act, unless the tax
13 revenue is expended for airport-related purposes. For purposes
14 of this Section, "airport-related purposes" has the meaning
15 ascribed in Section 6z-20.2 of the State Finance Act. Aviation
16 fuel shall be excluded from tax only for so long as the revenue
17 use requirements of 49 U.S.C. §47017 (b) and 49 U.S.C. §47133
18 are binding on the County.

19 This Section is a limitation, pursuant to subsection (g) of
20 Section 6 of Article VII of the Illinois Constitution, on the
21 power of home rule units to tax. The changes made to this
22 Section by this amendatory Act of the 100th General Assembly
23 are a denial and limitation of home rule powers and functions
24 under subsection (g) of Section 6 of Article VII of the
25 Illinois Constitution.

26 (Source: P.A. 97-1168, eff. 3-8-13; 97-1169, eff. 3-8-13.)

1 (55 ILCS 5/5-1035.1) (from Ch. 34, par. 5-1035.1)

2 Sec. 5-1035.1. County Motor Fuel Tax Law. The county board
3 of the counties of DuPage, Kane and McHenry may, by an
4 ordinance or resolution adopted by an affirmative vote of a
5 majority of the members elected or appointed to the county
6 board, impose a tax upon all persons engaged in the county in
7 the business of selling motor fuel, as now or hereafter defined
8 in the Motor Fuel Tax Law, at retail for the operation of motor
9 vehicles upon public highways or for the operation of
10 recreational watercraft upon waterways. The collection of a tax
11 under this Section based on gallonage of gasoline used for the
12 propulsion of any aircraft is prohibited, and the collection of
13 a tax based on gallonage of special fuel used for the
14 propulsion of any aircraft is prohibited on and after December
15 1, 2017. Kane County may exempt diesel fuel from the tax
16 imposed pursuant to this Section. The tax may be imposed, in
17 half-cent increments, at a rate not exceeding 4 cents per
18 gallon of motor fuel sold at retail within the county for the
19 purpose of use or consumption and not for the purpose of
20 resale. The proceeds from the tax shall be used by the county
21 solely for the purpose of operating, constructing and improving
22 public highways and waterways, and acquiring real property and
23 right-of-ways for public highways and waterways within the
24 county imposing the tax.

25 A tax imposed pursuant to this Section, and all civil

1 penalties that may be assessed as an incident thereof, shall be
2 administered, collected and enforced by the Illinois
3 Department of Revenue in the same manner as the tax imposed
4 under the Retailers' Occupation Tax Act, as now or hereafter
5 amended, insofar as may be practicable; except that in the
6 event of a conflict with the provisions of this Section, this
7 Section shall control. The Department of Revenue shall have
8 full power: to administer and enforce this Section; to collect
9 all taxes and penalties due hereunder; to dispose of taxes and
10 penalties so collected in the manner hereinafter provided; and
11 to determine all rights to credit memoranda arising on account
12 of the erroneous payment of tax or penalty hereunder.

13 Whenever the Department determines that a refund shall be
14 made under this Section to a claimant instead of issuing a
15 credit memorandum, the Department shall notify the State
16 Comptroller, who shall cause the order to be drawn for the
17 amount specified, and to the person named, in the notification
18 from the Department. The refund shall be paid by the State
19 Treasurer out of the County Option Motor Fuel Tax Fund.

20 The Department shall forthwith pay over to the State
21 Treasurer, ex-officio, as trustee, all taxes and penalties
22 collected hereunder, which shall be deposited into the County
23 Option Motor Fuel Tax Fund, a special fund in the State
24 Treasury which is hereby created. On or before the 25th day of
25 each calendar month, the Department shall prepare and certify
26 to the State Comptroller the disbursement of stated sums of

1 money to named counties for which taxpayers have paid taxes or
2 penalties hereunder to the Department during the second
3 preceding calendar month. The amount to be paid to each county
4 shall be the amount (not including credit memoranda) collected
5 hereunder from retailers within the county during the second
6 preceding calendar month by the Department, but not including
7 an amount equal to the amount of refunds made during the second
8 preceding calendar month by the Department on behalf of the
9 county; less 2% of the balance, which sum shall be retained by
10 the State Treasurer to cover the costs incurred by the
11 Department in administering and enforcing the provisions of
12 this Section. The Department, at the time of each monthly
13 disbursement to the counties, shall prepare and certify to the
14 Comptroller the amount so retained by the State Treasurer,
15 which shall be transferred into the Tax Compliance and
16 Administration Fund.

17 A county may direct, by ordinance, that all or a portion of
18 the taxes and penalties collected under the County Option Motor
19 Fuel Tax shall be deposited into the Transportation Development
20 Partnership Trust Fund.

21 Nothing in this Section shall be construed to authorize a
22 county to impose a tax upon the privilege of engaging in any
23 business which under the Constitution of the United States may
24 not be made the subject of taxation by this State.

25 An ordinance or resolution imposing a tax hereunder or
26 effecting a change in the rate thereof shall be effective on

1 the first day of the second calendar month next following the
2 month in which the ordinance or resolution is adopted and a
3 certified copy thereof is filed with the Department of Revenue,
4 whereupon the Department of Revenue shall proceed to administer
5 and enforce this Section on behalf of the county as of the
6 effective date of the ordinance or resolution. Upon a change in
7 rate of a tax levied hereunder, or upon the discontinuance of
8 the tax, the county board of the county shall, on or not later
9 than 5 days after the effective date of the ordinance or
10 resolution discontinuing the tax or effecting a change in rate,
11 transmit to the Department of Revenue a certified copy of the
12 ordinance or resolution effecting the change or
13 discontinuance.

14 This Section shall be known and may be cited as the County
15 Motor Fuel Tax Law.

16 (Source: P.A. 98-1049, eff. 8-25-14.)

17 (55 ILCS 5/5-1184 new)

18 Sec. 5-1184. Certification for airport-related purposes.
19 On or before September 1, 2017, and on or before each April 1
20 and October 1 thereafter, each county must certify to the
21 Illinois Department of Transportation, in the form and manner
22 required by the Department, whether the county has an
23 airport-related purpose, which would allow any Retailers'
24 Occupation Tax and Service Occupation Tax imposed by the county
25 to include tax on aviation fuel. On or before October 1, 2017,

1 and on or before each May 1 and November 1 thereafter, the
2 Department of Transportation shall provide to the Department of
3 Revenue, a list of units of local government which have
4 certified to the Department of Transportation that they have
5 airport-related purposes, which would allow any Retailers'
6 Occupation Tax and Service Occupation Tax imposed by the units
7 of local government to include tax on aviation fuel. All
8 disputes regarding whether or not a unit of local government
9 has an airport-related purpose shall be resolved by the
10 Illinois Department of Transportation.

11 Section 45. The Illinois Municipal Code is amended by
12 changing Sections 8-11-1, 8-11-1.3, 8-11-1.4, 8-11-1.6,
13 8-11-1.7, 8-11-5, 8-11-6a, and 11-74.3-6 and by adding Section
14 8-11-22 as follows:

15 (65 ILCS 5/8-11-1) (from Ch. 24, par. 8-11-1)

16 Sec. 8-11-1. Home Rule Municipal Retailers' Occupation Tax
17 Act. The corporate authorities of a home rule municipality may
18 impose a tax upon all persons engaged in the business of
19 selling tangible personal property, other than an item of
20 tangible personal property titled or registered with an agency
21 of this State's government, at retail in the municipality on
22 the gross receipts from these sales made in the course of such
23 business. If imposed, the tax shall only be imposed in 1/4%
24 increments. On and after September 1, 1991, this additional tax

1 may not be imposed on the sales of food for human consumption
2 that is to be consumed off the premises where it is sold (other
3 than alcoholic beverages, soft drinks and food that has been
4 prepared for immediate consumption) and prescription and
5 nonprescription medicines, drugs, medical appliances and
6 insulin, urine testing materials, syringes and needles used by
7 diabetics. Beginning December 1, 2017, this tax is not imposed
8 on sales of aviation fuel unless the tax revenue is expended
9 for airport-related purposes. If a municipality does not have
10 an airport-related purpose to which it dedicates aviation fuel
11 tax revenue, then aviation fuel is excluded from the tax. Each
12 municipality must comply with the certification requirements
13 for airport-related purposes under Section 8-11-22. For
14 purposes of this Act, "airport-related purposes" has the
15 meaning ascribed in Section 6z-20.2 of the State Finance Act.
16 This exclusion for aviation fuel only applies for so long as
17 the revenue use requirements of 49 U.S.C. §47107(b) and 49
18 U.S.C. §47133 are binding on the municipality. The changes made
19 to this Section by this amendatory Act of the 100th General
20 Assembly are a denial and limitation of home rule powers and
21 functions under subsection (g) of Section 6 of Article VII of
22 the Illinois Constitution. The tax imposed by a home rule
23 municipality under this Section and all civil penalties that
24 may be assessed as an incident of the tax shall be collected
25 and enforced by the State Department of Revenue. The
26 certificate of registration that is issued by the Department to

1 a retailer under the Retailers' Occupation Tax Act shall permit
2 the retailer to engage in a business that is taxable under any
3 ordinance or resolution enacted pursuant to this Section
4 without registering separately with the Department under such
5 ordinance or resolution or under this Section. The Department
6 shall have full power to administer and enforce this Section;
7 to collect all taxes and penalties due hereunder; to dispose of
8 taxes and penalties so collected in the manner hereinafter
9 provided; and to determine all rights to credit memoranda
10 arising on account of the erroneous payment of tax or penalty
11 hereunder. In the administration of, and compliance with, this
12 Section the Department and persons who are subject to this
13 Section shall have the same rights, remedies, privileges,
14 immunities, powers and duties, and be subject to the same
15 conditions, restrictions, limitations, penalties and
16 definitions of terms, and employ the same modes of procedure,
17 as are prescribed in Sections 1, 1a, 1d, 1e, 1f, 1i, 1j, 1k,
18 1m, 1n, 2 through 2-65 (in respect to all provisions therein
19 other than the State rate of tax), 2c, 3 (except as to the
20 disposition of taxes and penalties collected, and except that
21 the retailer's discount is not allowed for taxes paid on
22 aviation fuel that are deposited into the Local Government
23 Aviation Trust Fund), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i,
24 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 12 and 13 of the
25 Retailers' Occupation Tax Act and Section 3-7 of the Uniform
26 Penalty and Interest Act, as fully as if those provisions were

1 set forth herein.

2 No tax may be imposed by a home rule municipality under
3 this Section unless the municipality also imposes a tax at the
4 same rate under Section 8-11-5 of this Act.

5 Persons subject to any tax imposed under the authority
6 granted in this Section may reimburse themselves for their
7 seller's tax liability hereunder by separately stating that tax
8 as an additional charge, which charge may be stated in
9 combination, in a single amount, with State tax which sellers
10 are required to collect under the Use Tax Act, pursuant to such
11 bracket schedules as the Department may prescribe.

12 Whenever the Department determines that a refund should be
13 made under this Section to a claimant instead of issuing a
14 credit memorandum, the Department shall notify the State
15 Comptroller, who shall cause the order to be drawn for the
16 amount specified and to the person named in the notification
17 from the Department. The refund shall be paid by the State
18 Treasurer out of the home rule municipal retailers' occupation
19 tax fund.

20 Except as otherwise provided in this paragraph, the ~~The~~
21 Department shall immediately pay over to the State Treasurer,
22 ex officio, as trustee, all taxes and penalties collected
23 hereunder for deposit into the Home Rule Municipal Retailers'
24 Occupation Tax Fund. Taxes and penalties collected on aviation
25 fuel sold on or after December 1, 2017, shall be immediately
26 paid over by the Department to the State Treasurer, ex officio,

1 as trustee, for deposit into the Local Government Aviation
2 Trust Fund. The Department shall only pay moneys into the Local
3 Government Aviation Trust Fund under this Act for so long as
4 the revenue use requirements of 49 U.S.C. §47107(b) and 49
5 U.S.C. §47133 are binding on the State..

6 As soon as possible after the first day of each month,
7 beginning January 1, 2011, upon certification of the Department
8 of Revenue, the Comptroller shall order transferred, and the
9 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
10 local sales tax increment, as defined in the Innovation
11 Development and Economy Act, collected under this Section
12 during the second preceding calendar month for sales within a
13 STAR bond district.

14 After the monthly transfer to the STAR Bonds Revenue Fund,
15 on or before the 25th day of each calendar month, the
16 Department shall prepare and certify to the Comptroller the
17 disbursement of stated sums of money to named municipalities,
18 the municipalities to be those from which retailers have paid
19 taxes or penalties hereunder to the Department during the
20 second preceding calendar month. The amount to be paid to each
21 municipality shall be the amount (not including credit
22 memoranda and not including taxes and penalties collected on
23 aviation fuel sold on or after December 1, 2017) collected
24 hereunder during the second preceding calendar month by the
25 Department plus an amount the Department determines is
26 necessary to offset any amounts that were erroneously paid to a

1 different taxing body, and not including an amount equal to the
2 amount of refunds made during the second preceding calendar
3 month by the Department on behalf of such municipality, and not
4 including any amount that the Department determines is
5 necessary to offset any amounts that were payable to a
6 different taxing body but were erroneously paid to the
7 municipality, and not including any amounts that are
8 transferred to the STAR Bonds Revenue Fund. Within 10 days
9 after receipt by the Comptroller of the disbursement
10 certification to the municipalities provided for in this
11 Section to be given to the Comptroller by the Department, the
12 Comptroller shall cause the orders to be drawn for the
13 respective amounts in accordance with the directions contained
14 in the certification.

15 In addition to the disbursement required by the preceding
16 paragraph and in order to mitigate delays caused by
17 distribution procedures, an allocation shall, if requested, be
18 made within 10 days after January 14, 1991, and in November of
19 1991 and each year thereafter, to each municipality that
20 received more than \$500,000 during the preceding fiscal year,
21 (July 1 through June 30) whether collected by the municipality
22 or disbursed by the Department as required by this Section.
23 Within 10 days after January 14, 1991, participating
24 municipalities shall notify the Department in writing of their
25 intent to participate. In addition, for the initial
26 distribution, participating municipalities shall certify to

1 the Department the amounts collected by the municipality for
2 each month under its home rule occupation and service
3 occupation tax during the period July 1, 1989 through June 30,
4 1990. The allocation within 10 days after January 14, 1991,
5 shall be in an amount equal to the monthly average of these
6 amounts, excluding the 2 months of highest receipts. The
7 monthly average for the period of July 1, 1990 through June 30,
8 1991 will be determined as follows: the amounts collected by
9 the municipality under its home rule occupation and service
10 occupation tax during the period of July 1, 1990 through
11 September 30, 1990, plus amounts collected by the Department
12 and paid to such municipality through June 30, 1991, excluding
13 the 2 months of highest receipts. The monthly average for each
14 subsequent period of July 1 through June 30 shall be an amount
15 equal to the monthly distribution made to each such
16 municipality under the preceding paragraph during this period,
17 excluding the 2 months of highest receipts. The distribution
18 made in November 1991 and each year thereafter under this
19 paragraph and the preceding paragraph shall be reduced by the
20 amount allocated and disbursed under this paragraph in the
21 preceding period of July 1 through June 30. The Department
22 shall prepare and certify to the Comptroller for disbursement
23 the allocations made in accordance with this paragraph.

24 For the purpose of determining the local governmental unit
25 whose tax is applicable, a retail sale by a producer of coal or
26 other mineral mined in Illinois is a sale at retail at the

1 place where the coal or other mineral mined in Illinois is
2 extracted from the earth. This paragraph does not apply to coal
3 or other mineral when it is delivered or shipped by the seller
4 to the purchaser at a point outside Illinois so that the sale
5 is exempt under the United States Constitution as a sale in
6 interstate or foreign commerce.

7 Nothing in this Section shall be construed to authorize a
8 municipality to impose a tax upon the privilege of engaging in
9 any business which under the Constitution of the United States
10 may not be made the subject of taxation by this State.

11 An ordinance or resolution imposing or discontinuing a tax
12 hereunder or effecting a change in the rate thereof shall be
13 adopted and a certified copy thereof filed with the Department
14 on or before the first day of June, whereupon the Department
15 shall proceed to administer and enforce this Section as of the
16 first day of September next following the adoption and filing.
17 Beginning January 1, 1992, an ordinance or resolution imposing
18 or discontinuing the tax hereunder or effecting a change in the
19 rate thereof shall be adopted and a certified copy thereof
20 filed with the Department on or before the first day of July,
21 whereupon the Department shall proceed to administer and
22 enforce this Section as of the first day of October next
23 following such adoption and filing. Beginning January 1, 1993,
24 an ordinance or resolution imposing or discontinuing the tax
25 hereunder or effecting a change in the rate thereof shall be
26 adopted and a certified copy thereof filed with the Department

1 on or before the first day of October, whereupon the Department
2 shall proceed to administer and enforce this Section as of the
3 first day of January next following the adoption and filing.
4 However, a municipality located in a county with a population
5 in excess of 3,000,000 that elected to become a home rule unit
6 at the general primary election in 1994 may adopt an ordinance
7 or resolution imposing the tax under this Section and file a
8 certified copy of the ordinance or resolution with the
9 Department on or before July 1, 1994. The Department shall then
10 proceed to administer and enforce this Section as of October 1,
11 1994. Beginning April 1, 1998, an ordinance or resolution
12 imposing or discontinuing the tax hereunder or effecting a
13 change in the rate thereof shall either (i) be adopted and a
14 certified copy thereof filed with the Department on or before
15 the first day of April, whereupon the Department shall proceed
16 to administer and enforce this Section as of the first day of
17 July next following the adoption and filing; or (ii) be adopted
18 and a certified copy thereof filed with the Department on or
19 before the first day of October, whereupon the Department shall
20 proceed to administer and enforce this Section as of the first
21 day of January next following the adoption and filing.

22 When certifying the amount of a monthly disbursement to a
23 municipality under this Section, the Department shall increase
24 or decrease the amount by an amount necessary to offset any
25 misallocation of previous disbursements. The offset amount
26 shall be the amount erroneously disbursed within the previous 6

1 months from the time a misallocation is discovered.

2 Any unobligated balance remaining in the Municipal
3 Retailers' Occupation Tax Fund on December 31, 1989, which fund
4 was abolished by Public Act 85-1135, and all receipts of
5 municipal tax as a result of audits of liability periods prior
6 to January 1, 1990, shall be paid into the Local Government Tax
7 Fund for distribution as provided by this Section prior to the
8 enactment of Public Act 85-1135. All receipts of municipal tax
9 as a result of an assessment not arising from an audit, for
10 liability periods prior to January 1, 1990, shall be paid into
11 the Local Government Tax Fund for distribution before July 1,
12 1990, as provided by this Section prior to the enactment of
13 Public Act 85-1135; and on and after July 1, 1990, all such
14 receipts shall be distributed as provided in Section 6z-18 of
15 the State Finance Act.

16 As used in this Section, "municipal" and "municipality"
17 means a city, village or incorporated town, including an
18 incorporated town that has superseded a civil township.

19 This Section shall be known and may be cited as the Home
20 Rule Municipal Retailers' Occupation Tax Act.

21 (Source: P.A. 99-217, eff. 7-31-15.)

22 (65 ILCS 5/8-11-1.3) (from Ch. 24, par. 8-11-1.3)

23 Sec. 8-11-1.3. Non-Home Rule Municipal Retailers'
24 Occupation Tax Act. The corporate authorities of a non-home
25 rule municipality may impose a tax upon all persons engaged in

1 the business of selling tangible personal property, other than
2 on an item of tangible personal property which is titled and
3 registered by an agency of this State's Government, at retail
4 in the municipality for expenditure on public infrastructure or
5 for property tax relief or both as defined in Section 8-11-1.2
6 if approved by referendum as provided in Section 8-11-1.1, of
7 the gross receipts from such sales made in the course of such
8 business. If the tax is approved by referendum on or after July
9 14, 2010 (the effective date of Public Act 96-1057), the
10 corporate authorities of a non-home rule municipality may,
11 until December 31, 2020, use the proceeds of the tax for
12 expenditure on municipal operations, in addition to or in lieu
13 of any expenditure on public infrastructure or for property tax
14 relief. The tax imposed may not be more than 1% and may be
15 imposed only in 1/4% increments. The tax may not be imposed on
16 the sale of food for human consumption that is to be consumed
17 off the premises where it is sold (other than alcoholic
18 beverages, soft drinks, and food that has been prepared for
19 immediate consumption) and prescription and nonprescription
20 medicines, drugs, medical appliances, and insulin, urine
21 testing materials, syringes, and needles used by diabetics.
22 Beginning December 1, 2017, this tax is not imposed on sales of
23 aviation fuel unless the tax revenue is expended for
24 airport-related purposes. If a municipality does not have an
25 airport-related purpose to which it dedicates aviation fuel tax
26 revenue, then aviation fuel is excluded from the tax. Each

1 municipality must comply with the certification requirements
2 for airport-related purposes under Section 8-11-22. For
3 purposes of this Act, "airport-related purposes" has the
4 meaning ascribed in Section 6z-20.2 of the State Finance Act.
5 This exclusion for aviation fuel only applies for so long as
6 the revenue use requirements of 49 U.S.C. §47107(b) and 49
7 U.S.C. §47133 are binding on the municipality. The tax imposed
8 by a municipality pursuant to this Section and all civil
9 penalties that may be assessed as an incident thereof shall be
10 collected and enforced by the State Department of Revenue. The
11 certificate of registration which is issued by the Department
12 to a retailer under the Retailers' Occupation Tax Act shall
13 permit such retailer to engage in a business which is taxable
14 under any ordinance or resolution enacted pursuant to this
15 Section without registering separately with the Department
16 under such ordinance or resolution or under this Section. The
17 Department shall have full power to administer and enforce this
18 Section; to collect all taxes and penalties due hereunder; to
19 dispose of taxes and penalties so collected in the manner
20 hereinafter provided, and to determine all rights to credit
21 memoranda, arising on account of the erroneous payment of tax
22 or penalty hereunder. In the administration of, and compliance
23 with, this Section, the Department and persons who are subject
24 to this Section shall have the same rights, remedies,
25 privileges, immunities, powers and duties, and be subject to
26 the same conditions, restrictions, limitations, penalties and

1 definitions of terms, and employ the same modes of procedure,
2 as are prescribed in Sections 1, 1a, 1a-1, 1d, 1e, 1f, 1i, 1j,
3 2 through 2-65 (in respect to all provisions therein other than
4 the State rate of tax), 2c, 3 (except as to the disposition of
5 taxes and penalties collected, and except that the retailer's
6 discount is not allowed for taxes paid on aviation fuel that
7 are deposited into the Local Government Aviation Trust Fund),
8 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b,
9 6c, 6d, 7, 8, 9, 10, 11, 12 and 13 of the Retailers' Occupation
10 Tax Act and Section 3-7 of the Uniform Penalty and Interest Act
11 as fully as if those provisions were set forth herein.

12 No municipality may impose a tax under this Section unless
13 the municipality also imposes a tax at the same rate under
14 Section 8-11-1.4 of this Code.

15 Persons subject to any tax imposed pursuant to the
16 authority granted in this Section may reimburse themselves for
17 their seller's tax liability hereunder by separately stating
18 such tax as an additional charge, which charge may be stated in
19 combination, in a single amount, with State tax which sellers
20 are required to collect under the Use Tax Act, pursuant to such
21 bracket schedules as the Department may prescribe.

22 Whenever the Department determines that a refund should be
23 made under this Section to a claimant instead of issuing a
24 credit memorandum, the Department shall notify the State
25 Comptroller, who shall cause the order to be drawn for the
26 amount specified, and to the person named, in such notification

1 from the Department. Such refund shall be paid by the State
2 Treasurer out of the non-home rule municipal retailers'
3 occupation tax fund.

4 Except as otherwise provided, the ~~The~~ Department shall
5 forthwith pay over to the State Treasurer, ex officio, as
6 trustee, all taxes and penalties collected hereunder for
7 deposit into the Non-Home Rule Municipal Retailers' Occupation
8 Tax Fund. Taxes and penalties collected on aviation fuel sold
9 on or after December 1, 2017, shall be immediately paid over by
10 the Department to the State Treasurer, ex officio, as trustee,
11 for deposit into the Local Government Aviation Trust Fund. The
12 Department shall only pay moneys into the Local Government
13 Aviation Trust Fund under this Act for so long as the revenue
14 use requirements of 49 U.S.C. §47107(b) and 49 U.S.C. §47133
15 are binding on the municipality.

16 As soon as possible after the first day of each month,
17 beginning January 1, 2011, upon certification of the Department
18 of Revenue, the Comptroller shall order transferred, and the
19 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
20 local sales tax increment, as defined in the Innovation
21 Development and Economy Act, collected under this Section
22 during the second preceding calendar month for sales within a
23 STAR bond district.

24 After the monthly transfer to the STAR Bonds Revenue Fund,
25 on or before the 25th day of each calendar month, the
26 Department shall prepare and certify to the Comptroller the

1 disbursement of stated sums of money to named municipalities,
2 the municipalities to be those from which retailers have paid
3 taxes or penalties hereunder to the Department during the
4 second preceding calendar month. The amount to be paid to each
5 municipality shall be the amount (not including credit
6 memoranda and not including taxes and penalties collected on
7 aviation fuel sold on or after December 1, 2017) collected
8 hereunder during the second preceding calendar month by the
9 Department plus an amount the Department determines is
10 necessary to offset any amounts which were erroneously paid to
11 a different taxing body, and not including an amount equal to
12 the amount of refunds made during the second preceding calendar
13 month by the Department on behalf of such municipality, and not
14 including any amount which the Department determines is
15 necessary to offset any amounts which were payable to a
16 different taxing body but were erroneously paid to the
17 municipality, and not including any amounts that are
18 transferred to the STAR Bonds Revenue Fund. Within 10 days
19 after receipt, by the Comptroller, of the disbursement
20 certification to the municipalities, provided for in this
21 Section to be given to the Comptroller by the Department, the
22 Comptroller shall cause the orders to be drawn for the
23 respective amounts in accordance with the directions contained
24 in such certification.

25 For the purpose of determining the local governmental unit
26 whose tax is applicable, a retail sale, by a producer of coal

1 or other mineral mined in Illinois, is a sale at retail at the
2 place where the coal or other mineral mined in Illinois is
3 extracted from the earth. This paragraph does not apply to coal
4 or other mineral when it is delivered or shipped by the seller
5 to the purchaser at a point outside Illinois so that the sale
6 is exempt under the Federal Constitution as a sale in
7 interstate or foreign commerce.

8 Nothing in this Section shall be construed to authorize a
9 municipality to impose a tax upon the privilege of engaging in
10 any business which under the constitution of the United States
11 may not be made the subject of taxation by this State.

12 When certifying the amount of a monthly disbursement to a
13 municipality under this Section, the Department shall increase
14 or decrease such amount by an amount necessary to offset any
15 misallocation of previous disbursements. The offset amount
16 shall be the amount erroneously disbursed within the previous 6
17 months from the time a misallocation is discovered.

18 The Department of Revenue shall implement this amendatory
19 Act of the 91st General Assembly so as to collect the tax on
20 and after January 1, 2002.

21 As used in this Section, "municipal" and "municipality"
22 means a city, village or incorporated town, including an
23 incorporated town which has superseded a civil township.

24 This Section shall be known and may be cited as the
25 "Non-Home Rule Municipal Retailers' Occupation Tax Act".

26 (Source: P.A. 99-217, eff. 7-31-15.)

1 (65 ILCS 5/8-11-1.4) (from Ch. 24, par. 8-11-1.4)

2 Sec. 8-11-1.4. Non-Home Rule Municipal Service Occupation
3 Tax Act. The corporate authorities of a non-home rule
4 municipality may impose a tax upon all persons engaged, in such
5 municipality, in the business of making sales of service for
6 expenditure on public infrastructure or for property tax relief
7 or both as defined in Section 8-11-1.2 if approved by
8 referendum as provided in Section 8-11-1.1, of the selling
9 price of all tangible personal property transferred by such
10 servicemen either in the form of tangible personal property or
11 in the form of real estate as an incident to a sale of service.
12 If the tax is approved by referendum on or after July 14, 2010
13 (the effective date of Public Act 96-1057), the corporate
14 authorities of a non-home rule municipality may, until December
15 31, 2020, use the proceeds of the tax for expenditure on
16 municipal operations, in addition to or in lieu of any
17 expenditure on public infrastructure or for property tax
18 relief. The tax imposed may not be more than 1% and may be
19 imposed only in 1/4% increments. The tax may not be imposed on
20 the sale of food for human consumption that is to be consumed
21 off the premises where it is sold (other than alcoholic
22 beverages, soft drinks, and food that has been prepared for
23 immediate consumption) and prescription and nonprescription
24 medicines, drugs, medical appliances, and insulin, urine
25 testing materials, syringes, and needles used by diabetics.

1 Beginning December 1, 2017, this tax is not imposed on sales of
2 aviation fuel unless the tax revenue is expended for
3 airport-related purposes. If a municipality does not have an
4 airport-related purpose to which it dedicates aviation fuel tax
5 revenue, then aviation fuel is excluded from the tax. Each
6 municipality must comply with the certification requirements
7 for airport-related purposes under Section 8-11-22. For
8 purposes of this Act, "airport-related purposes" has the
9 meaning ascribed in Section 6z-20.2 of the State Finance Act.
10 This exclusion for aviation fuel only applies for so long as
11 the revenue use requirements of 49 U.S.C. §47107(b) and 49
12 U.S.C. §47133 are binding on the municipality. The tax imposed
13 by a municipality pursuant to this Section and all civil
14 penalties that may be assessed as an incident thereof shall be
15 collected and enforced by the State Department of Revenue. The
16 certificate of registration which is issued by the Department
17 to a retailer under the Retailers' Occupation Tax Act or under
18 the Service Occupation Tax Act shall permit such registrant to
19 engage in a business which is taxable under any ordinance or
20 resolution enacted pursuant to this Section without
21 registering separately with the Department under such
22 ordinance or resolution or under this Section. The Department
23 shall have full power to administer and enforce this Section;
24 to collect all taxes and penalties due hereunder; to dispose of
25 taxes and penalties so collected in the manner hereinafter
26 provided, and to determine all rights to credit memoranda

1 arising on account of the erroneous payment of tax or penalty
2 hereunder. In the administration of, and compliance with, this
3 Section the Department and persons who are subject to this
4 Section shall have the same rights, remedies, privileges,
5 immunities, powers and duties, and be subject to the same
6 conditions, restrictions, limitations, penalties and
7 definitions of terms, and employ the same modes of procedure,
8 as are prescribed in Sections 1a-1, 2, 2a, 3 through 3-50 (in
9 respect to all provisions therein other than the State rate of
10 tax), 4 (except that the reference to the State shall be to the
11 taxing municipality), 5, 7, 8 (except that the jurisdiction to
12 which the tax shall be a debt to the extent indicated in that
13 Section 8 shall be the taxing municipality), 9 (except as to
14 the disposition of taxes and penalties collected, and except
15 that the returned merchandise credit for this municipal tax may
16 not be taken against any State tax, and except that the
17 retailer's discount is not allowed for taxes paid on aviation
18 fuel that are deposited into the Local Government Aviation
19 Trust Fund), 10, 11, 12 (except the reference therein to
20 Section 2b of the Retailers' Occupation Tax Act), 13 (except
21 that any reference to the State shall mean the taxing
22 municipality), the first paragraph of Section 15, 16, 17, 18,
23 19 and 20 of the Service Occupation Tax Act and Section 3-7 of
24 the Uniform Penalty and Interest Act, as fully as if those
25 provisions were set forth herein.

26 No municipality may impose a tax under this Section unless

1 the municipality also imposes a tax at the same rate under
2 Section 8-11-1.3 of this Code.

3 Persons subject to any tax imposed pursuant to the
4 authority granted in this Section may reimburse themselves for
5 their serviceman's tax liability hereunder by separately
6 stating such tax as an additional charge, which charge may be
7 stated in combination, in a single amount, with State tax which
8 servicemen are authorized to collect under the Service Use Tax
9 Act, pursuant to such bracket schedules as the Department may
10 prescribe.

11 Whenever the Department determines that a refund should be
12 made under this Section to a claimant instead of issuing credit
13 memorandum, the Department shall notify the State Comptroller,
14 who shall cause the order to be drawn for the amount specified,
15 and to the person named, in such notification from the
16 Department. Such refund shall be paid by the State Treasurer
17 out of the municipal retailers' occupation tax fund.

18 Except as otherwise provided in this paragraph, the ~~The~~
19 Department shall forthwith pay over to the State Treasurer, ex
20 officio, as trustee, all taxes and penalties collected
21 hereunder for deposit into the municipal retailers' occupation
22 tax fund. Taxes and penalties collected on aviation fuel sold
23 on or after December 1, 2017, shall be immediately paid over by
24 the Department to the State Treasurer, ex officio, as trustee,
25 for deposit into the Local Government Aviation Trust Fund. The
26 Department shall only pay moneys into the Local Government

1 Aviation Trust Fund under this Act for so long as the revenue
2 use requirements of 49 U.S.C. §47107(b) and 49 U.S.C. §47133
3 are binding on the municipality.

4 As soon as possible after the first day of each month,
5 beginning January 1, 2011, upon certification of the Department
6 of Revenue, the Comptroller shall order transferred, and the
7 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
8 local sales tax increment, as defined in the Innovation
9 Development and Economy Act, collected under this Section
10 during the second preceding calendar month for sales within a
11 STAR bond district.

12 After the monthly transfer to the STAR Bonds Revenue Fund,
13 on or before the 25th day of each calendar month, the
14 Department shall prepare and certify to the Comptroller the
15 disbursement of stated sums of money to named municipalities,
16 the municipalities to be those from which suppliers and
17 servicemen have paid taxes or penalties hereunder to the
18 Department during the second preceding calendar month. The
19 amount to be paid to each municipality shall be the amount (not
20 including credit memoranda and not including taxes and
21 penalties collected on aviation fuel sold on or after December
22 1, 2017) collected hereunder during the second preceding
23 calendar month by the Department, and not including an amount
24 equal to the amount of refunds made during the second preceding
25 calendar month by the Department on behalf of such
26 municipality, and not including any amounts that are

1 transferred to the STAR Bonds Revenue Fund. Within 10 days
2 after receipt, by the Comptroller, of the disbursement
3 certification to the municipalities and the General Revenue
4 Fund, provided for in this Section to be given to the
5 Comptroller by the Department, the Comptroller shall cause the
6 orders to be drawn for the respective amounts in accordance
7 with the directions contained in such certification.

8 The Department of Revenue shall implement this amendatory
9 Act of the 91st General Assembly so as to collect the tax on
10 and after January 1, 2002.

11 Nothing in this Section shall be construed to authorize a
12 municipality to impose a tax upon the privilege of engaging in
13 any business which under the constitution of the United States
14 may not be made the subject of taxation by this State.

15 As used in this Section, "municipal" or "municipality"
16 means or refers to a city, village or incorporated town,
17 including an incorporated town which has superseded a civil
18 township.

19 This Section shall be known and may be cited as the
20 "Non-Home Rule Municipal Service Occupation Tax Act".

21 (Source: P.A. 96-939, eff. 6-24-10; 96-1057, eff. 7-14-10;
22 97-333, eff. 8-12-11; 97-837, eff. 7-20-12.)

23 (65 ILCS 5/8-11-1.6)

24 Sec. 8-11-1.6. Non-home rule municipal retailers
25 occupation tax; municipalities between 20,000 and 25,000. The

1 corporate authorities of a non-home rule municipality with a
2 population of more than 20,000 but less than 25,000 that has,
3 prior to January 1, 1987, established a Redevelopment Project
4 Area that has been certified as a State Sales Tax Boundary and
5 has issued bonds or otherwise incurred indebtedness to pay for
6 costs in excess of \$5,000,000, which is secured in part by a
7 tax increment allocation fund, in accordance with the
8 provisions of Division 11-74.4 of this Code may, by passage of
9 an ordinance, impose a tax upon all persons engaged in the
10 business of selling tangible personal property, other than on
11 an item of tangible personal property that is titled and
12 registered by an agency of this State's Government, at retail
13 in the municipality. This tax may not be imposed on the sales
14 of food for human consumption that is to be consumed off the
15 premises where it is sold (other than alcoholic beverages, soft
16 drinks, and food that has been prepared for immediate
17 consumption) and prescription and nonprescription medicines,
18 drugs, medical appliances and insulin, urine testing
19 materials, syringes, and needles used by diabetics. Beginning
20 December 1, 2017, this tax is not imposed on sales of aviation
21 fuel unless the tax revenue is expended for airport-related
22 purposes. If a municipality does not have an airport-related
23 purpose to which it dedicates aviation fuel tax revenue, then
24 aviation fuel is excluded from the tax. Each municipality must
25 comply with the certification requirements for airport-related
26 purposes under Section 8-11-22. For purposes of this Act,

1 "airport-related purposes" has the meaning ascribed in Section
2 6z-20.2 of the State Finance Act. This exclusion for aviation
3 fuel only applies for so long as the revenue use requirements
4 of 49 U.S.C. §47107(b) and 49 U.S.C. §47133 are binding on the
5 municipality. If imposed, the tax shall only be imposed in .25%
6 increments of the gross receipts from such sales made in the
7 course of business. Any tax imposed by a municipality under
8 this Section and all civil penalties that may be assessed as an
9 incident thereof shall be collected and enforced by the State
10 Department of Revenue. An ordinance imposing a tax hereunder or
11 effecting a change in the rate thereof shall be adopted and a
12 certified copy thereof filed with the Department on or before
13 the first day of October, whereupon the Department shall
14 proceed to administer and enforce this Section as of the first
15 day of January next following such adoption and filing. The
16 certificate of registration that is issued by the Department to
17 a retailer under the Retailers' Occupation Tax Act shall permit
18 the retailer to engage in a business that is taxable under any
19 ordinance or resolution enacted under this Section without
20 registering separately with the Department under the ordinance
21 or resolution or under this Section. The Department shall have
22 full power to administer and enforce this Section, to collect
23 all taxes and penalties due hereunder, to dispose of taxes and
24 penalties so collected in the manner hereinafter provided, and
25 to determine all rights to credit memoranda, arising on account
26 of the erroneous payment of tax or penalty hereunder. In the

1 administration of, and compliance with this Section, the
2 Department and persons who are subject to this Section shall
3 have the same rights, remedies, privileges, immunities,
4 powers, and duties, and be subject to the same conditions,
5 restrictions, limitations, penalties, and definitions of
6 terms, and employ the same modes of procedure, as are
7 prescribed in Sections 1, 1a, 1a-1, 1d, 1e, 1f, 1i, 1j, 2
8 through 2-65 (in respect to all provisions therein other than
9 the State rate of tax), 2c, 3 (except as to the disposition of
10 taxes and penalties collected, and except that the retailer's
11 discount is not allowed for taxes paid on aviation fuel that
12 are deposited into the Local Government Aviation Trust Fund),
13 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b,
14 6c, 6d, 7, 8, 9, 10, 11, 12 and 13 of the Retailers' Occupation
15 Tax Act and Section 3-7 of the Uniform Penalty and Interest Act
16 as fully as if those provisions were set forth herein.

17 A tax may not be imposed by a municipality under this
18 Section unless the municipality also imposes a tax at the same
19 rate under Section 8-11-1.7 of this Act.

20 Persons subject to any tax imposed under the authority
21 granted in this Section, may reimburse themselves for their
22 seller's tax liability hereunder by separately stating the tax
23 as an additional charge, which charge may be stated in
24 combination, in a single amount, with State tax which sellers
25 are required to collect under the Use Tax Act, pursuant to such
26 bracket schedules as the Department may prescribe.

1 Whenever the Department determines that a refund should be
2 made under this Section to a claimant, instead of issuing a
3 credit memorandum, the Department shall notify the State
4 Comptroller, who shall cause the order to be drawn for the
5 amount specified, and to the person named in the notification
6 from the Department. The refund shall be paid by the State
7 Treasurer out of the Non-Home Rule Municipal Retailers'
8 Occupation Tax Fund, which is hereby created.

9 Except as otherwise provided in this paragraph, the ~~The~~
10 Department shall forthwith pay over to the State Treasurer, ex
11 officio, as trustee, all taxes and penalties collected
12 hereunder for deposit into the Non-Home Rule Municipal
13 Retailers' Occupation Tax Fund. Taxes and penalties collected
14 on aviation fuel sold on or after December 1, 2017, shall be
15 immediately paid over by the Department to the State Treasurer,
16 ex officio, as trustee, for deposit into the Local Government
17 Aviation Trust Fund. The Department shall only pay moneys into
18 the Local Government Aviation Trust Fund under this Act for so
19 long as the revenue use requirements of 49 U.S.C. §47107(b) and
20 49 U.S.C. §47133 are binding on the municipality.

21 As soon as possible after the first day of each month,
22 beginning January 1, 2011, upon certification of the Department
23 of Revenue, the Comptroller shall order transferred, and the
24 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
25 local sales tax increment, as defined in the Innovation
26 Development and Economy Act, collected under this Section

1 during the second preceding calendar month for sales within a
2 STAR bond district.

3 After the monthly transfer to the STAR Bonds Revenue Fund,
4 on or before the 25th day of each calendar month, the
5 Department shall prepare and certify to the Comptroller the
6 disbursement of stated sums of money to named municipalities,
7 the municipalities to be those from which retailers have paid
8 taxes or penalties hereunder to the Department during the
9 second preceding calendar month. The amount to be paid to each
10 municipality shall be the amount (not including credit
11 memoranda and not including taxes and penalties collected on
12 aviation fuel sold on or after December 1, 2017) collected
13 hereunder during the second preceding calendar month by the
14 Department plus an amount the Department determines is
15 necessary to offset any amounts that were erroneously paid to a
16 different taxing body, and not including an amount equal to the
17 amount of refunds made during the second preceding calendar
18 month by the Department on behalf of the municipality, and not
19 including any amount that the Department determines is
20 necessary to offset any amounts that were payable to a
21 different taxing body but were erroneously paid to the
22 municipality, and not including any amounts that are
23 transferred to the STAR Bonds Revenue Fund. Within 10 days
24 after receipt by the Comptroller of the disbursement
25 certification to the municipalities provided for in this
26 Section to be given to the Comptroller by the Department, the

1 Comptroller shall cause the orders to be drawn for the
2 respective amounts in accordance with the directions contained
3 in the certification.

4 For the purpose of determining the local governmental unit
5 whose tax is applicable, a retail sale by a producer of coal or
6 other mineral mined in Illinois is a sale at retail at the
7 place where the coal or other mineral mined in Illinois is
8 extracted from the earth. This paragraph does not apply to coal
9 or other mineral when it is delivered or shipped by the seller
10 to the purchaser at a point outside Illinois so that the sale
11 is exempt under the federal Constitution as a sale in
12 interstate or foreign commerce.

13 Nothing in this Section shall be construed to authorize a
14 municipality to impose a tax upon the privilege of engaging in
15 any business which under the constitution of the United States
16 may not be made the subject of taxation by this State.

17 When certifying the amount of a monthly disbursement to a
18 municipality under this Section, the Department shall increase
19 or decrease the amount by an amount necessary to offset any
20 misallocation of previous disbursements. The offset amount
21 shall be the amount erroneously disbursed within the previous 6
22 months from the time a misallocation is discovered.

23 As used in this Section, "municipal" and "municipality"
24 means a city, village, or incorporated town, including an
25 incorporated town that has superseded a civil township.

26 (Source: P.A. 99-217, eff. 7-31-15; 99-642, eff. 7-28-16.)

1 (65 ILCS 5/8-11-1.7)

2 Sec. 8-11-1.7. Non-home rule municipal service occupation
3 tax; municipalities between 20,000 and 25,000. The corporate
4 authorities of a non-home rule municipality with a population
5 of more than 20,000 but less than 25,000 as determined by the
6 last preceding decennial census that has, prior to January 1,
7 1987, established a Redevelopment Project Area that has been
8 certified as a State Sales Tax Boundary and has issued bonds or
9 otherwise incurred indebtedness to pay for costs in excess of
10 \$5,000,000, which is secured in part by a tax increment
11 allocation fund, in accordance with the provisions of Division
12 11-74.4 of this Code may, by passage of an ordinance, impose a
13 tax upon all persons engaged in the municipality in the
14 business of making sales of service. If imposed, the tax shall
15 only be imposed in .25% increments of the selling price of all
16 tangible personal property transferred by such servicemen
17 either in the form of tangible personal property or in the form
18 of real estate as an incident to a sale of service. This tax
19 may not be imposed on the sales of food for human consumption
20 that is to be consumed off the premises where it is sold (other
21 than alcoholic beverages, soft drinks, and food that has been
22 prepared for immediate consumption) and prescription and
23 nonprescription medicines, drugs, medical appliances and
24 insulin, urine testing materials, syringes, and needles used by
25 diabetics. Beginning December 1, 2017, this tax is not imposed

1 on sales of aviation fuel unless the tax revenue is expended
2 for airport-related purposes. If a municipality does not have
3 an airport-related purpose to which it dedicates aviation fuel
4 tax revenue, then aviation fuel is excluded from the tax. Each
5 municipality must comply with the certification requirements
6 for airport-related purposes under Section 8-11-22. For
7 purposes of this Act, "airport-related purposes" has the
8 meaning ascribed in Section 6z-20.2 of the State Finance Act.
9 This exclusion for aviation fuel only applies for so long as
10 the revenue use requirements of 49 U.S.C. §47107(b) and 49
11 U.S.C. §47133 are binding on the municipality. The tax imposed
12 by a municipality under this Sec. and all civil penalties that
13 may be assessed as an incident thereof shall be collected and
14 enforced by the State Department of Revenue. An ordinance
15 imposing a tax hereunder or effecting a change in the rate
16 thereof shall be adopted and a certified copy thereof filed
17 with the Department on or before the first day of October,
18 whereupon the Department shall proceed to administer and
19 enforce this Section as of the first day of January next
20 following such adoption and filing. The certificate of
21 registration that is issued by the Department to a retailer
22 under the Retailers' Occupation Tax Act or under the Service
23 Occupation Tax Act shall permit the registrant to engage in a
24 business that is taxable under any ordinance or resolution
25 enacted under this Section without registering separately with
26 the Department under the ordinance or resolution or under this

1 Section. The Department shall have full power to administer and
2 enforce this Section, to collect all taxes and penalties due
3 hereunder, to dispose of taxes and penalties so collected in a
4 manner hereinafter provided, and to determine all rights to
5 credit memoranda arising on account of the erroneous payment of
6 tax or penalty hereunder. In the administration of and
7 compliance with this Section, the Department and persons who
8 are subject to this Section shall have the same rights,
9 remedies, privileges, immunities, powers, and duties, and be
10 subject to the same conditions, restrictions, limitations,
11 penalties and definitions of terms, and employ the same modes
12 of procedure, as are prescribed in Sections 1a-1, 2, 2a, 3
13 through 3-50 (in respect to all provisions therein other than
14 the State rate of tax), 4 (except that the reference to the
15 State shall be to the taxing municipality), 5, 7, 8 (except
16 that the jurisdiction to which the tax shall be a debt to the
17 extent indicated in that Section 8 shall be the taxing
18 municipality), 9 (except as to the disposition of taxes and
19 penalties collected, and except that the returned merchandise
20 credit for this municipal tax may not be taken against any
21 State tax, and except that the retailer's discount is not
22 allowed for taxes paid on aviation fuel that are deposited into
23 the Local Government Aviation Trust Fund), 10, 11, 12, (except
24 the reference therein to Section 2b of the Retailers'
25 Occupation Tax Act), 13 (except that any reference to the State
26 shall mean the taxing municipality), the first paragraph of

1 Sections 15, 16, 17, 18, 19, and 20 of the Service Occupation
2 Tax Act and Section 3-7 of the Uniform Penalty and Interest
3 Act, as fully as if those provisions were set forth herein.

4 A tax may not be imposed by a municipality under this
5 Section unless the municipality also imposes a tax at the same
6 rate under Section 8-11-1.6 of this Act.

7 Person subject to any tax imposed under the authority
8 granted in this Section may reimburse themselves for their
9 servicemen's tax liability hereunder by separately stating the
10 tax as an additional charge, which charge may be stated in
11 combination, in a single amount, with State tax that servicemen
12 are authorized to collect under the Service Use Tax Act, under
13 such bracket schedules as the Department may prescribe.

14 Whenever the Department determines that a refund should be
15 made under this Section to a claimant instead of issuing credit
16 memorandum, the Department shall notify the State Comptroller,
17 who shall cause the order to be drawn for the amount specified,
18 and to the person named, in such notification from the
19 Department. The refund shall be paid by the State Treasurer out
20 of the Non-Home Rule Municipal Retailers' Occupation Tax Fund.

21 Except as otherwise provided in this paragraph, the ~~The~~
22 Department shall forthwith pay over to the State Treasurer, ex
23 officio, as trustee, all taxes and penalties collected
24 hereunder for deposit into the Non-Home Rule Municipal
25 Retailers' Occupation Tax Fund. Taxes and penalties collected
26 on aviation fuel sold on or after December 1, 2017, shall be

1 immediately paid over by the Department to the State Treasurer,
2 ex officio, as trustee, for deposit into the Local Government
3 Aviation Trust Fund. The Department shall only pay moneys into
4 the Local Government Aviation Trust Fund under this Act for so
5 long as the revenue use requirements of 49 U.S.C. §47107(b) and
6 49 U.S.C. §47133 are binding on the Municipality.

7 As soon as possible after the first day of each month,
8 beginning January 1, 2011, upon certification of the Department
9 of Revenue, the Comptroller shall order transferred, and the
10 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
11 local sales tax increment, as defined in the Innovation
12 Development and Economy Act, collected under this Section
13 during the second preceding calendar month for sales within a
14 STAR bond district.

15 After the monthly transfer to the STAR Bonds Revenue Fund,
16 on or before the 25th day of each calendar month, the
17 Department shall prepare and certify to the Comptroller the
18 disbursement of stated sums of money to named municipalities,
19 the municipalities to be those from which suppliers and
20 servicemen have paid taxes or penalties hereunder to the
21 Department during the second preceding calendar month. The
22 amount to be paid to each municipality shall be the amount (not
23 including credit memoranda and not including taxes and
24 penalties collected on aviation fuel sold on or after December
25 1, 2017) collected hereunder during the second preceding
26 calendar month by the Department, and not including an amount

1 equal to the amount of refunds made during the second preceding
2 calendar month by the Department on behalf of such
3 municipality, and not including any amounts that are
4 transferred to the STAR Bonds Revenue Fund. Within 10 days
5 after receipt by the Comptroller of the disbursement
6 certification to the municipalities and the General Revenue
7 Fund, provided for in this Section to be given to the
8 Comptroller by the Department, the Comptroller shall cause the
9 orders to be drawn for the respective amounts in accordance
10 with the directions contained in the certification.

11 When certifying the amount of a monthly disbursement to a
12 municipality under this Section, the Department shall increase
13 or decrease the amount by an amount necessary to offset any
14 misallocation of previous disbursements. The offset amount
15 shall be the amount erroneously disbursed within the previous 6
16 months from the time a misallocation is discovered.

17 Nothing in this Section shall be construed to authorize a
18 municipality to impose a tax upon the privilege of engaging in
19 any business which under the constitution of the United States
20 may not be made the subject of taxation by this State.

21 (Source: P.A. 96-939, eff. 6-24-10; 97-813, eff. 7-13-12.)

22 (65 ILCS 5/8-11-5) (from Ch. 24, par. 8-11-5)

23 Sec. 8-11-5. Home Rule Municipal Service Occupation Tax
24 Act. The corporate authorities of a home rule municipality may
25 impose a tax upon all persons engaged, in such municipality, in

1 the business of making sales of service at the same rate of tax
2 imposed pursuant to Section 8-11-1, of the selling price of all
3 tangible personal property transferred by such servicemen
4 either in the form of tangible personal property or in the form
5 of real estate as an incident to a sale of service. If imposed,
6 such tax shall only be imposed in 1/4% increments. On and after
7 September 1, 1991, this additional tax may not be imposed on
8 the sales of food for human consumption which is to be consumed
9 off the premises where it is sold (other than alcoholic
10 beverages, soft drinks and food which has been prepared for
11 immediate consumption) and prescription and nonprescription
12 medicines, drugs, medical appliances and insulin, urine
13 testing materials, syringes and needles used by diabetics.
14 Beginning December 1, 2017, this tax may not be imposed on
15 sales of aviation fuel unless the tax revenue is expended for
16 airport-related purposes. If a municipality does not have an
17 airport-related purpose to which it dedicates aviation fuel tax
18 revenue, then aviation fuel shall be excluded from tax. Each
19 municipality must comply with the certification requirements
20 for airport-related purposes under Section 8-11-22. For
21 purposes of this Act, "airport-related purposes" has the
22 meaning ascribed in Section 6z-20.2 of the State Finance Act.
23 This exception for aviation fuel only applies for so long as
24 the revenue use requirements of 49 U.S.C. §47107(b) and 49
25 U.S.C. §47133 are binding on the State. The changes made to
26 this Section by this amendatory Act of the 100th General

1 Assembly are a denial and limitation of home rule powers and
2 functions under subsection (g) of Section 6 of Article VII of
3 the Illinois Constitution. The tax imposed by a home rule
4 municipality pursuant to this Section and all civil penalties
5 that may be assessed as an incident thereof shall be collected
6 and enforced by the State Department of Revenue. The
7 certificate of registration which is issued by the Department
8 to a retailer under the Retailers' Occupation Tax Act or under
9 the Service Occupation Tax Act shall permit such registrant to
10 engage in a business which is taxable under any ordinance or
11 resolution enacted pursuant to this Section without
12 registering separately with the Department under such
13 ordinance or resolution or under this Section. The Department
14 shall have full power to administer and enforce this Section;
15 to collect all taxes and penalties due hereunder; to dispose of
16 taxes and penalties so collected in the manner hereinafter
17 provided, and to determine all rights to credit memoranda
18 arising on account of the erroneous payment of tax or penalty
19 hereunder. In the administration of, and compliance with, this
20 Section the Department and persons who are subject to this
21 Section shall have the same rights, remedies, privileges,
22 immunities, powers and duties, and be subject to the same
23 conditions, restrictions, limitations, penalties and
24 definitions of terms, and employ the same modes of procedure,
25 as are prescribed in Sections 1a-1, 2, 2a, 3 through 3-50 (in
26 respect to all provisions therein other than the State rate of

1 tax), 4 (except that the reference to the State shall be to the
2 taxing municipality), 5, 7, 8 (except that the jurisdiction to
3 which the tax shall be a debt to the extent indicated in that
4 Section 8 shall be the taxing municipality), 9 (except as to
5 the disposition of taxes and penalties collected, and except
6 that the returned merchandise credit for this municipal tax may
7 not be taken against any State tax), 10, 11, 12 (except the
8 reference therein to Section 2b of the Retailers' Occupation
9 Tax Act), 13 (except that any reference to the State shall mean
10 the taxing municipality), the first paragraph of Section 15,
11 16, 17 (except that credit memoranda issued hereunder may not
12 be used to discharge any State tax liability), 18, 19 and 20 of
13 the Service Occupation Tax Act and Section 3-7 of the Uniform
14 Penalty and Interest Act, as fully as if those provisions were
15 set forth herein.

16 No tax may be imposed by a home rule municipality pursuant
17 to this Section unless such municipality also imposes a tax at
18 the same rate pursuant to Section 8-11-1 of this Act.

19 Persons subject to any tax imposed pursuant to the
20 authority granted in this Section may reimburse themselves for
21 their serviceman's tax liability hereunder by separately
22 stating such tax as an additional charge, which charge may be
23 stated in combination, in a single amount, with State tax which
24 servicemen are authorized to collect under the Service Use Tax
25 Act, pursuant to such bracket schedules as the Department may
26 prescribe.

1 Whenever the Department determines that a refund should be
2 made under this Section to a claimant instead of issuing credit
3 memorandum, the Department shall notify the State Comptroller,
4 who shall cause the order to be drawn for the amount specified,
5 and to the person named, in such notification from the
6 Department. Such refund shall be paid by the State Treasurer
7 out of the home rule municipal retailers' occupation tax fund.

8 Except as otherwise provided in this paragraph, the ~~The~~
9 Department shall forthwith pay over to the State Treasurer,
10 ex-officio, as trustee, all taxes and penalties collected
11 hereunder for deposit into the Home Rule Municipal Retailers'
12 Occupation Tax Fund. Taxes and penalties collected on aviation
13 fuel sold on or after December 1, 2017, shall be immediately
14 paid over by the Department to the State Treasurer, ex officio,
15 as trustee, for deposit into the Local Government Aviation
16 Trust Fund. The Department shall only pay moneys into the State
17 Aviation Program Fund under this Act for so long as the revenue
18 use requirements of 49 U.S.C. §47107(b) and 49 U.S.C. §47133
19 are binding on the municipality.

20 As soon as possible after the first day of each month,
21 beginning January 1, 2011, upon certification of the Department
22 of Revenue, the Comptroller shall order transferred, and the
23 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
24 local sales tax increment, as defined in the Innovation
25 Development and Economy Act, collected under this Section
26 during the second preceding calendar month for sales within a

1 STAR bond district.

2 After the monthly transfer to the STAR Bonds Revenue Fund,
3 on or before the 25th day of each calendar month, the
4 Department shall prepare and certify to the Comptroller the
5 disbursement of stated sums of money to named municipalities,
6 the municipalities to be those from which suppliers and
7 servicemen have paid taxes or penalties hereunder to the
8 Department during the second preceding calendar month. The
9 amount to be paid to each municipality shall be the amount (not
10 including credit memoranda and not including taxes and
11 penalties collected on aviation fuel sold on or after December
12 1, 2017) collected hereunder during the second preceding
13 calendar month by the Department, and not including an amount
14 equal to the amount of refunds made during the second preceding
15 calendar month by the Department on behalf of such
16 municipality, and not including any amounts that are
17 transferred to the STAR Bonds Revenue Fund. Within 10 days
18 after receipt, by the Comptroller, of the disbursement
19 certification to the municipalities, provided for in this
20 Section to be given to the Comptroller by the Department, the
21 Comptroller shall cause the orders to be drawn for the
22 respective amounts in accordance with the directions contained
23 in such certification.

24 In addition to the disbursement required by the preceding
25 paragraph and in order to mitigate delays caused by
26 distribution procedures, an allocation shall, if requested, be

1 made within 10 days after January 14, 1991, and in November of
2 1991 and each year thereafter, to each municipality that
3 received more than \$500,000 during the preceding fiscal year,
4 (July 1 through June 30) whether collected by the municipality
5 or disbursed by the Department as required by this Section.
6 Within 10 days after January 14, 1991, participating
7 municipalities shall notify the Department in writing of their
8 intent to participate. In addition, for the initial
9 distribution, participating municipalities shall certify to
10 the Department the amounts collected by the municipality for
11 each month under its home rule occupation and service
12 occupation tax during the period July 1, 1989 through June 30,
13 1990. The allocation within 10 days after January 14, 1991,
14 shall be in an amount equal to the monthly average of these
15 amounts, excluding the 2 months of highest receipts. Monthly
16 average for the period of July 1, 1990 through June 30, 1991
17 will be determined as follows: the amounts collected by the
18 municipality under its home rule occupation and service
19 occupation tax during the period of July 1, 1990 through
20 September 30, 1990, plus amounts collected by the Department
21 and paid to such municipality through June 30, 1991, excluding
22 the 2 months of highest receipts. The monthly average for each
23 subsequent period of July 1 through June 30 shall be an amount
24 equal to the monthly distribution made to each such
25 municipality under the preceding paragraph during this period,
26 excluding the 2 months of highest receipts. The distribution

1 made in November 1991 and each year thereafter under this
2 paragraph and the preceding paragraph shall be reduced by the
3 amount allocated and disbursed under this paragraph in the
4 preceding period of July 1 through June 30. The Department
5 shall prepare and certify to the Comptroller for disbursement
6 the allocations made in accordance with this paragraph.

7 Nothing in this Section shall be construed to authorize a
8 municipality to impose a tax upon the privilege of engaging in
9 any business which under the constitution of the United States
10 may not be made the subject of taxation by this State.

11 An ordinance or resolution imposing or discontinuing a tax
12 hereunder or effecting a change in the rate thereof shall be
13 adopted and a certified copy thereof filed with the Department
14 on or before the first day of June, whereupon the Department
15 shall proceed to administer and enforce this Section as of the
16 first day of September next following such adoption and filing.
17 Beginning January 1, 1992, an ordinance or resolution imposing
18 or discontinuing the tax hereunder or effecting a change in the
19 rate thereof shall be adopted and a certified copy thereof
20 filed with the Department on or before the first day of July,
21 whereupon the Department shall proceed to administer and
22 enforce this Section as of the first day of October next
23 following such adoption and filing. Beginning January 1, 1993,
24 an ordinance or resolution imposing or discontinuing the tax
25 hereunder or effecting a change in the rate thereof shall be
26 adopted and a certified copy thereof filed with the Department

1 on or before the first day of October, whereupon the Department
2 shall proceed to administer and enforce this Section as of the
3 first day of January next following such adoption and filing.
4 However, a municipality located in a county with a population
5 in excess of 3,000,000 that elected to become a home rule unit
6 at the general primary election in 1994 may adopt an ordinance
7 or resolution imposing the tax under this Section and file a
8 certified copy of the ordinance or resolution with the
9 Department on or before July 1, 1994. The Department shall then
10 proceed to administer and enforce this Section as of October 1,
11 1994. Beginning April 1, 1998, an ordinance or resolution
12 imposing or discontinuing the tax hereunder or effecting a
13 change in the rate thereof shall either (i) be adopted and a
14 certified copy thereof filed with the Department on or before
15 the first day of April, whereupon the Department shall proceed
16 to administer and enforce this Section as of the first day of
17 July next following the adoption and filing; or (ii) be adopted
18 and a certified copy thereof filed with the Department on or
19 before the first day of October, whereupon the Department shall
20 proceed to administer and enforce this Section as of the first
21 day of January next following the adoption and filing.

22 Any unobligated balance remaining in the Municipal
23 Retailers' Occupation Tax Fund on December 31, 1989, which fund
24 was abolished by Public Act 85-1135, and all receipts of
25 municipal tax as a result of audits of liability periods prior
26 to January 1, 1990, shall be paid into the Local Government Tax

1 Fund, for distribution as provided by this Section prior to the
2 enactment of Public Act 85-1135. All receipts of municipal tax
3 as a result of an assessment not arising from an audit, for
4 liability periods prior to January 1, 1990, shall be paid into
5 the Local Government Tax Fund for distribution before July 1,
6 1990, as provided by this Section prior to the enactment of
7 Public Act 85-1135, and on and after July 1, 1990, all such
8 receipts shall be distributed as provided in Section 6z-18 of
9 the State Finance Act.

10 As used in this Section, "municipal" and "municipality"
11 means a city, village or incorporated town, including an
12 incorporated town which has superseded a civil township.

13 This Section shall be known and may be cited as the Home
14 Rule Municipal Service Occupation Tax Act.

15 (Source: P.A. 96-939, eff. 6-24-10.)

16 (65 ILCS 5/8-11-6a) (from Ch. 24, par. 8-11-6a)

17 Sec. 8-11-6a. Home rule municipalities; preemption of
18 certain taxes. Except as provided in Sections 8-11-1, 8-11-5,
19 8-11-6, 8-11-6b, 8-11-6c, and 11-74.3-6 on and after September
20 1, 1990, no home rule municipality has the authority to impose,
21 pursuant to its home rule authority, a retailer's occupation
22 tax, service occupation tax, use tax, sales tax or other tax on
23 the use, sale or purchase of tangible personal property based
24 on the gross receipts from such sales or the selling or
25 purchase price of said tangible personal property.

1 Notwithstanding the foregoing, this Section does not preempt
2 any home rule imposed tax such as the following: (1) a tax on
3 alcoholic beverages, whether based on gross receipts, volume
4 sold or any other measurement; (2) a tax based on the number of
5 units of cigarettes or tobacco products (provided, however,
6 that a home rule municipality that has not imposed a tax based
7 on the number of units of cigarettes or tobacco products before
8 July 1, 1993, shall not impose such a tax after that date); (3)
9 a tax, however measured, based on the use of a hotel or motel
10 room or similar facility; (4) a tax, however measured, on the
11 sale or transfer of real property; (5) a tax, however measured,
12 on lease receipts; (6) a tax on food prepared for immediate
13 consumption and on alcoholic beverages sold by a business which
14 provides for on premise consumption of said food or alcoholic
15 beverages; or (7) other taxes not based on the selling or
16 purchase price or gross receipts from the use, sale or purchase
17 of tangible personal property. This Section does not preempt a
18 home rule municipality with a population of more than 2,000,000
19 from imposing a tax, however measured, on the use, for
20 consideration, of a parking lot, garage, or other parking
21 facility. This Section is not intended to affect any existing
22 tax on food and beverages prepared for immediate consumption on
23 the premises where the sale occurs, or any existing tax on
24 alcoholic beverages, or any existing tax imposed on the charge
25 for renting a hotel or motel room, which was in effect January
26 15, 1988, or any extension of the effective date of such an

1 existing tax by ordinance of the municipality imposing the tax,
2 which extension is hereby authorized, in any non-home rule
3 municipality in which the imposition of such a tax has been
4 upheld by judicial determination, nor is this Section intended
5 to preempt the authority granted by Public Act 85-1006. On and
6 after December 1, 2017, no home rule municipality has the
7 authority to impose, pursuant to its home rule authority, a
8 tax, however measured, on sales of aviation fuel, as defined in
9 Section 3 of the Retailers' Occupation Tax Act, unless the tax
10 revenue is expended for airport-related purposes. For purposes
11 of this Section, "airport-related purposes" has the meaning
12 ascribed in Section 6z-20.2 of the State Finance Act. Aviation
13 fuel shall be excluded from tax only for so long as the revenue
14 use requirements of 49 U.S.C. §47017 (b) and 49 U.S.C. §47133
15 are binding on the municipality. This Section is a limitation,
16 pursuant to subsection (g) of Section 6 of Article VII of the
17 Illinois Constitution, on the power of home rule units to tax.
18 The changes made to this Section by this amendatory Act of the
19 100th General Assembly are a denial and limitation of home rule
20 powers and functions under subsection (g) of Section 6 of
21 Article VII of the Illinois Constitution.

22 (Source: P.A. 97-1168, eff. 3-8-13; 97-1169, eff. 3-8-13.)

23 (65 ILCS 5/8-11-22 new)

24 Sec. 8-11-22. Certification for airport-related purposes.
25 On or before September 1, 2017, and on or before each April 1

1 and October 1 thereafter, each municipality (and District in
2 the case of business district operating within a municipality)
3 must certify to the Department of Transportation, in the form
4 and manner required by the Department, whether the municipality
5 has an airport-related purpose, which would allow any
6 Retailers' Occupation Tax and Service Occupation Tax imposed by
7 the municipality to include tax on aviation fuel. On or before
8 October 1, 2017, and on or before each May 1 and November 1
9 thereafter, the Department of Transportation shall provide to
10 the Department of Revenue, a list of units of local government
11 which have certified to the Department of Transportation that
12 they have airport-related purposes, which would allow any
13 Retailers' Occupation Tax and Service Occupation Tax imposed by
14 the unit of local government to include tax on aviation fuel.
15 All disputes regarding whether or not a unit of local
16 government has an airport-related purpose shall be resolved by
17 the Department of Transportation.

18 (65 ILCS 5/11-74.3-6)

19 Sec. 11-74.3-6. Business district revenue and obligations;
20 business district tax allocation fund.

21 (a) If the corporate authorities of a municipality have
22 approved a business district plan, have designated a business
23 district, and have elected to impose a tax by ordinance
24 pursuant to subsection (10) or (11) of Section 11-74.3-3, then
25 each year after the date of the approval of the ordinance but

1 terminating upon the date all business district project costs
2 and all obligations paying or reimbursing business district
3 project costs, if any, have been paid, but in no event later
4 than the dissolution date, all amounts generated by the
5 retailers' occupation tax and service occupation tax shall be
6 collected and the tax shall be enforced by the Department of
7 Revenue in the same manner as all retailers' occupation taxes
8 and service occupation taxes imposed in the municipality
9 imposing the tax and all amounts generated by the hotel
10 operators' occupation tax shall be collected and the tax shall
11 be enforced by the municipality in the same manner as all hotel
12 operators' occupation taxes imposed in the municipality
13 imposing the tax. The corporate authorities of the municipality
14 shall deposit the proceeds of the taxes imposed under
15 subsections (10) and (11) of Section 11-74.3-3 into a special
16 fund of the municipality called the "[Name of] Business
17 District Tax Allocation Fund" for the purpose of paying or
18 reimbursing business district project costs and obligations
19 incurred in the payment of those costs.

20 (b) The corporate authorities of a municipality that has
21 designated a business district under this Law may, by
22 ordinance, impose a Business District Retailers' Occupation
23 Tax upon all persons engaged in the business of selling
24 tangible personal property, other than an item of tangible
25 personal property titled or registered with an agency of this
26 State's government, at retail in the business district at a

1 rate not to exceed 1% of the gross receipts from the sales made
2 in the course of such business, to be imposed only in 0.25%
3 increments. The tax may not be imposed on food for human
4 consumption that is to be consumed off the premises where it is
5 sold (other than alcoholic beverages, soft drinks, and food
6 that has been prepared for immediate consumption),
7 prescription and nonprescription medicines, drugs, medical
8 appliances, modifications to a motor vehicle for the purpose of
9 rendering it usable by a person with a disability, and insulin,
10 urine testing materials, syringes, and needles used by
11 diabetics, for human use. Beginning December 1, 2017, this tax
12 is not imposed on sales of aviation fuel unless the tax revenue
13 is expended for airport-related purposes. If the District does
14 not have an airport-related purpose to which it dedicates
15 aviation fuel tax revenue, then aviation fuel is excluded from
16 the tax. Each municipality must comply with the certification
17 requirements for airport-related purposes under Section
18 8-11-22. For purposes of this Act, "airport-related purposes"
19 has the meaning ascribed in Section 6z-20.2 of the State
20 Finance Act. This exclusion for aviation fuel only applies for
21 so long as the revenue use requirements of 49 U.S.C. §47107(b)
22 and 49 U.S.C. §47133 are binding on the District.

23 The tax imposed under this subsection and all civil
24 penalties that may be assessed as an incident thereof shall be
25 collected and enforced by the Department of Revenue. The
26 certificate of registration that is issued by the Department to

1 a retailer under the Retailers' Occupation Tax Act shall permit
2 the retailer to engage in a business that is taxable under any
3 ordinance or resolution enacted pursuant to this subsection
4 without registering separately with the Department under such
5 ordinance or resolution or under this subsection. The
6 Department of Revenue shall have full power to administer and
7 enforce this subsection; to collect all taxes and penalties due
8 under this subsection in the manner hereinafter provided; and
9 to determine all rights to credit memoranda arising on account
10 of the erroneous payment of tax or penalty under this
11 subsection. In the administration of, and compliance with, this
12 subsection, the Department and persons who are subject to this
13 subsection shall have the same rights, remedies, privileges,
14 immunities, powers and duties, and be subject to the same
15 conditions, restrictions, limitations, penalties, exclusions,
16 exemptions, and definitions of terms and employ the same modes
17 of procedure, as are prescribed in Sections 1, 1a through 1o, 2
18 through 2-65 (in respect to all provisions therein other than
19 the State rate of tax), 2c through 2h, 3 (except as to the
20 disposition of taxes and penalties collected, and except that
21 the retailer's discount is not allowed for taxes paid on
22 aviation fuel that are deposited into the Local Government
23 Aviation Trust Fund), 4, 5, 5a, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 5k,
24 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 12, 13, and 14 of the
25 Retailers' Occupation Tax Act and all provisions of the Uniform
26 Penalty and Interest Act, as fully as if those provisions were

1 set forth herein.

2 Persons subject to any tax imposed under this subsection
3 may reimburse themselves for their seller's tax liability under
4 this subsection by separately stating the tax as an additional
5 charge, which charge may be stated in combination, in a single
6 amount, with State taxes that sellers are required to collect
7 under the Use Tax Act, in accordance with such bracket
8 schedules as the Department may prescribe.

9 Whenever the Department determines that a refund should be
10 made under this subsection to a claimant instead of issuing a
11 credit memorandum, the Department shall notify the State
12 Comptroller, who shall cause the order to be drawn for the
13 amount specified and to the person named in the notification
14 from the Department. The refund shall be paid by the State
15 Treasurer out of the business district retailers' occupation
16 tax fund.

17 Except as otherwise provided in this paragraph, the ~~The~~
18 Department shall immediately pay over to the State Treasurer,
19 ex officio, as trustee, all taxes, penalties, and interest
20 collected under this subsection for deposit into the business
21 district retailers' occupation tax fund. Taxes and penalties
22 collected on aviation fuel sold on or after December 1, 2017,
23 shall be immediately paid over by the Department to the State
24 Treasurer, ex officio, as trustee, for deposit into the Local
25 Government Aviation Trust Fund. The Department shall only pay
26 moneys into the Local Government Aviation Trust Fund under this

1 Act for so long as the revenue use requirements of 49 U.S.C.
2 §47107(b) and 49 U.S.C. §47133 are binding on the District.

3 As soon as possible after the first day of each month,
4 beginning January 1, 2011, upon certification of the Department
5 of Revenue, the Comptroller shall order transferred, and the
6 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
7 local sales tax increment, as defined in the Innovation
8 Development and Economy Act, collected under this subsection
9 during the second preceding calendar month for sales within a
10 STAR bond district.

11 After the monthly transfer to the STAR Bonds Revenue Fund,
12 on or before the 25th day of each calendar month, the
13 Department shall prepare and certify to the Comptroller the
14 disbursement of stated sums of money to named municipalities
15 from the business district retailers' occupation tax fund, the
16 municipalities to be those from which retailers have paid taxes
17 or penalties under this subsection to the Department during the
18 second preceding calendar month. The amount to be paid to each
19 municipality shall be the amount (not including credit
20 memoranda and not including taxes and penalties collected on
21 aviation fuel sold on or after December 1, 2017) collected
22 under this subsection during the second preceding calendar
23 month by the Department plus an amount the Department
24 determines is necessary to offset any amounts that were
25 erroneously paid to a different taxing body, and not including
26 an amount equal to the amount of refunds made during the second

1 preceding calendar month by the Department, less 2% of that
2 amount (except the amount collected on aviation fuel sold on or
3 after December 1, 2017), which shall be deposited into the Tax
4 Compliance and Administration Fund and shall be used by the
5 Department, subject to appropriation, to cover the costs of the
6 Department in administering and enforcing the provisions of
7 this subsection, on behalf of such municipality, and not
8 including any amount that the Department determines is
9 necessary to offset any amounts that were payable to a
10 different taxing body but were erroneously paid to the
11 municipality, and not including any amounts that are
12 transferred to the STAR Bonds Revenue Fund. Within 10 days
13 after receipt by the Comptroller of the disbursement
14 certification to the municipalities provided for in this
15 subsection to be given to the Comptroller by the Department,
16 the Comptroller shall cause the orders to be drawn for the
17 respective amounts in accordance with the directions contained
18 in the certification. The proceeds of the tax paid to
19 municipalities under this subsection shall be deposited into
20 the Business District Tax Allocation Fund by the municipality.

21 An ordinance imposing or discontinuing the tax under this
22 subsection or effecting a change in the rate thereof shall
23 either (i) be adopted and a certified copy thereof filed with
24 the Department on or before the first day of April, whereupon
25 the Department, if all other requirements of this subsection
26 are met, shall proceed to administer and enforce this

1 subsection as of the first day of July next following the
2 adoption and filing; or (ii) be adopted and a certified copy
3 thereof filed with the Department on or before the first day of
4 October, whereupon, if all other requirements of this
5 subsection are met, the Department shall proceed to administer
6 and enforce this subsection as of the first day of January next
7 following the adoption and filing.

8 The Department of Revenue shall not administer or enforce
9 an ordinance imposing, discontinuing, or changing the rate of
10 the tax under this subsection, until the municipality also
11 provides, in the manner prescribed by the Department, the
12 boundaries of the business district and each address in the
13 business district in such a way that the Department can
14 determine by its address whether a business is located in the
15 business district. The municipality must provide this boundary
16 and address information to the Department on or before April 1
17 for administration and enforcement of the tax under this
18 subsection by the Department beginning on the following July 1
19 and on or before October 1 for administration and enforcement
20 of the tax under this subsection by the Department beginning on
21 the following January 1. The Department of Revenue shall not
22 administer or enforce any change made to the boundaries of a
23 business district or address change, addition, or deletion
24 until the municipality reports the boundary change or address
25 change, addition, or deletion to the Department in the manner
26 prescribed by the Department. The municipality must provide

1 this boundary change information or address change, addition,
2 or deletion to the Department on or before April 1 for
3 administration and enforcement by the Department of the change
4 beginning on the following July 1 and on or before October 1
5 for administration and enforcement by the Department of the
6 change beginning on the following January 1. The retailers in
7 the business district shall be responsible for charging the tax
8 imposed under this subsection. If a retailer is incorrectly
9 included or excluded from the list of those required to collect
10 the tax under this subsection, both the Department of Revenue
11 and the retailer shall be held harmless if they reasonably
12 relied on information provided by the municipality.

13 A municipality that imposes the tax under this subsection
14 must submit to the Department of Revenue any other information
15 as the Department may require for the administration and
16 enforcement of the tax.

17 When certifying the amount of a monthly disbursement to a
18 municipality under this subsection, the Department shall
19 increase or decrease the amount by an amount necessary to
20 offset any misallocation of previous disbursements. The offset
21 amount shall be the amount erroneously disbursed within the
22 previous 6 months from the time a misallocation is discovered.

23 Nothing in this subsection shall be construed to authorize
24 the municipality to impose a tax upon the privilege of engaging
25 in any business which under the Constitution of the United
26 States may not be made the subject of taxation by this State.

1 If a tax is imposed under this subsection (b), a tax shall
2 also be imposed under subsection (c) of this Section.

3 (c) If a tax has been imposed under subsection (b), a
4 Business District Service Occupation Tax shall also be imposed
5 upon all persons engaged, in the business district, in the
6 business of making sales of service, who, as an incident to
7 making those sales of service, transfer tangible personal
8 property within the business district, either in the form of
9 tangible personal property or in the form of real estate as an
10 incident to a sale of service. The tax shall be imposed at the
11 same rate as the tax imposed in subsection (b) and shall not
12 exceed 1% of the selling price of tangible personal property so
13 transferred within the business district, to be imposed only in
14 0.25% increments. The tax may not be imposed on food for human
15 consumption that is to be consumed off the premises where it is
16 sold (other than alcoholic beverages, soft drinks, and food
17 that has been prepared for immediate consumption),
18 prescription and nonprescription medicines, drugs, medical
19 appliances, modifications to a motor vehicle for the purpose of
20 rendering it usable by a person with a disability, and insulin,
21 urine testing materials, syringes, and needles used by
22 diabetics, for human use. Beginning December 1, 2017, this tax
23 is not imposed on sales of aviation fuel unless the tax revenue
24 is expended for airport-related purposes. If the District does
25 not have an airport-related purpose to which it dedicates
26 aviation fuel tax revenue, then aviation fuel is excluded from

1 the tax. Each municipality must comply with the certification
2 requirements for airport-related purposes under Section
3 8-11-22. For purposes of this Act, "airport-related purposes"
4 has the meaning ascribed in Section 6z-20.2 of the State
5 Finance Act. This exclusion for aviation fuel only applies for
6 so long as the revenue use requirements of 49 U.S.C. §47107(b)
7 and 49 U.S.C. §47133 are binding on the District.

8 The tax imposed under this subsection and all civil
9 penalties that may be assessed as an incident thereof shall be
10 collected and enforced by the Department of Revenue. The
11 certificate of registration which is issued by the Department
12 to a retailer under the Retailers' Occupation Tax Act or under
13 the Service Occupation Tax Act shall permit such registrant to
14 engage in a business which is taxable under any ordinance or
15 resolution enacted pursuant to this subsection without
16 registering separately with the Department under such
17 ordinance or resolution or under this subsection. The
18 Department of Revenue shall have full power to administer and
19 enforce this subsection; to collect all taxes and penalties due
20 under this subsection; to dispose of taxes and penalties so
21 collected in the manner hereinafter provided; and to determine
22 all rights to credit memoranda arising on account of the
23 erroneous payment of tax or penalty under this subsection. In
24 the administration of, and compliance with this subsection, the
25 Department and persons who are subject to this subsection shall
26 have the same rights, remedies, privileges, immunities, powers

1 and duties, and be subject to the same conditions,
2 restrictions, limitations, penalties, exclusions, exemptions,
3 and definitions of terms and employ the same modes of procedure
4 as are prescribed in Sections 2, 2a through 2d, 3 through 3-50
5 (in respect to all provisions therein other than the State rate
6 of tax), 4 (except that the reference to the State shall be to
7 the business district), 5, 7, 8 (except that the jurisdiction
8 to which the tax shall be a debt to the extent indicated in
9 that Section 8 shall be the municipality), 9 (except as to the
10 disposition of taxes and penalties collected, and except that
11 the returned merchandise credit for this tax may not be taken
12 against any State tax, and except that the retailer's discount
13 is not allowed for taxes paid on aviation fuel that are
14 deposited into the Local Government Aviation Trust Fund), 10,
15 11, 12 (except the reference therein to Section 2b of the
16 Retailers' Occupation Tax Act), 13 (except that any reference
17 to the State shall mean the municipality), the first paragraph
18 of Section 15, and Sections 16, 17, 18, 19 and 20 of the
19 Service Occupation Tax Act and all provisions of the Uniform
20 Penalty and Interest Act, as fully as if those provisions were
21 set forth herein.

22 Persons subject to any tax imposed under the authority
23 granted in this subsection may reimburse themselves for their
24 serviceman's tax liability hereunder by separately stating the
25 tax as an additional charge, which charge may be stated in
26 combination, in a single amount, with State tax that servicemen

1 are authorized to collect under the Service Use Tax Act, in
2 accordance with such bracket schedules as the Department may
3 prescribe.

4 Whenever the Department determines that a refund should be
5 made under this subsection to a claimant instead of issuing
6 credit memorandum, the Department shall notify the State
7 Comptroller, who shall cause the order to be drawn for the
8 amount specified, and to the person named, in such notification
9 from the Department. Such refund shall be paid by the State
10 Treasurer out of the business district retailers' occupation
11 tax fund.

12 Except as otherwise provided in this paragraph, the ~~The~~
13 Department shall forthwith pay over to the State Treasurer,
14 ex-officio, as trustee, all taxes, penalties, and interest
15 collected under this subsection for deposit into the business
16 district retailers' occupation tax fund. Taxes and penalties
17 collected on aviation fuel sold on or after December 1, 2017,
18 shall be immediately paid over by the Department to the State
19 Treasurer, ex officio, as trustee, for deposit into the Local
20 Government Aviation Trust Fund. The Department shall only pay
21 moneys into the Local Government Aviation Trust Fund under this
22 Act for so long as the revenue use requirements of 49 U.S.C.
23 §47107(b) and 49 U.S.C. §47133 are binding on the District.

24 As soon as possible after the first day of each month,
25 beginning January 1, 2011, upon certification of the Department
26 of Revenue, the Comptroller shall order transferred, and the

1 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
2 local sales tax increment, as defined in the Innovation
3 Development and Economy Act, collected under this subsection
4 during the second preceding calendar month for sales within a
5 STAR bond district.

6 After the monthly transfer to the STAR Bonds Revenue Fund,
7 on or before the 25th day of each calendar month, the
8 Department shall prepare and certify to the Comptroller the
9 disbursement of stated sums of money to named municipalities
10 from the business district retailers' occupation tax fund, the
11 municipalities to be those from which suppliers and servicemen
12 have paid taxes or penalties under this subsection to the
13 Department during the second preceding calendar month. The
14 amount to be paid to each municipality shall be the amount (not
15 including credit memoranda and not including taxes and
16 penalties collected on aviation fuel sold on or after December
17 1, 2017) collected under this subsection during the second
18 preceding calendar month by the Department, less 2% of that
19 amount (except the amount collected on aviation fuel sold on or
20 after December 1, 2017), which shall be deposited into the Tax
21 Compliance and Administration Fund and shall be used by the
22 Department, subject to appropriation, to cover the costs of the
23 Department in administering and enforcing the provisions of
24 this subsection, and not including an amount equal to the
25 amount of refunds made during the second preceding calendar
26 month by the Department on behalf of such municipality, and not

1 including any amounts that are transferred to the STAR Bonds
2 Revenue Fund. Within 10 days after receipt, by the Comptroller,
3 of the disbursement certification to the municipalities,
4 provided for in this subsection to be given to the Comptroller
5 by the Department, the Comptroller shall cause the orders to be
6 drawn for the respective amounts in accordance with the
7 directions contained in such certification. The proceeds of the
8 tax paid to municipalities under this subsection shall be
9 deposited into the Business District Tax Allocation Fund by the
10 municipality.

11 An ordinance imposing or discontinuing the tax under this
12 subsection or effecting a change in the rate thereof shall
13 either (i) be adopted and a certified copy thereof filed with
14 the Department on or before the first day of April, whereupon
15 the Department, if all other requirements of this subsection
16 are met, shall proceed to administer and enforce this
17 subsection as of the first day of July next following the
18 adoption and filing; or (ii) be adopted and a certified copy
19 thereof filed with the Department on or before the first day of
20 October, whereupon, if all other conditions of this subsection
21 are met, the Department shall proceed to administer and enforce
22 this subsection as of the first day of January next following
23 the adoption and filing.

24 The Department of Revenue shall not administer or enforce
25 an ordinance imposing, discontinuing, or changing the rate of
26 the tax under this subsection, until the municipality also

1 provides, in the manner prescribed by the Department, the
2 boundaries of the business district in such a way that the
3 Department can determine by its address whether a business is
4 located in the business district. The municipality must provide
5 this boundary and address information to the Department on or
6 before April 1 for administration and enforcement of the tax
7 under this subsection by the Department beginning on the
8 following July 1 and on or before October 1 for administration
9 and enforcement of the tax under this subsection by the
10 Department beginning on the following January 1. The Department
11 of Revenue shall not administer or enforce any change made to
12 the boundaries of a business district or address change,
13 addition, or deletion until the municipality reports the
14 boundary change or address change, addition, or deletion to the
15 Department in the manner prescribed by the Department. The
16 municipality must provide this boundary change information or
17 address change, addition, or deletion to the Department on or
18 before April 1 for administration and enforcement by the
19 Department of the change beginning on the following July 1 and
20 on or before October 1 for administration and enforcement by
21 the Department of the change beginning on the following January
22 1. The retailers in the business district shall be responsible
23 for charging the tax imposed under this subsection. If a
24 retailer is incorrectly included or excluded from the list of
25 those required to collect the tax under this subsection, both
26 the Department of Revenue and the retailer shall be held

1 harmless if they reasonably relied on information provided by
2 the municipality.

3 A municipality that imposes the tax under this subsection
4 must submit to the Department of Revenue any other information
5 as the Department may require for the administration and
6 enforcement of the tax.

7 Nothing in this subsection shall be construed to authorize
8 the municipality to impose a tax upon the privilege of engaging
9 in any business which under the Constitution of the United
10 States may not be made the subject of taxation by the State.

11 If a tax is imposed under this subsection (c), a tax shall
12 also be imposed under subsection (b) of this Section.

13 (d) By ordinance, a municipality that has designated a
14 business district under this Law may impose an occupation tax
15 upon all persons engaged in the business district in the
16 business of renting, leasing, or letting rooms in a hotel, as
17 defined in the Hotel Operators' Occupation Tax Act, at a rate
18 not to exceed 1% of the gross rental receipts from the renting,
19 leasing, or letting of hotel rooms within the business
20 district, to be imposed only in 0.25% increments, excluding,
21 however, from gross rental receipts the proceeds of renting,
22 leasing, or letting to permanent residents of a hotel, as
23 defined in the Hotel Operators' Occupation Tax Act, and
24 proceeds from the tax imposed under subsection (c) of Section
25 13 of the Metropolitan Pier and Exposition Authority Act.

26 The tax imposed by the municipality under this subsection

1 and all civil penalties that may be assessed as an incident to
2 that tax shall be collected and enforced by the municipality
3 imposing the tax. The municipality shall have full power to
4 administer and enforce this subsection, to collect all taxes
5 and penalties due under this subsection, to dispose of taxes
6 and penalties so collected in the manner provided in this
7 subsection, and to determine all rights to credit memoranda
8 arising on account of the erroneous payment of tax or penalty
9 under this subsection. In the administration of and compliance
10 with this subsection, the municipality and persons who are
11 subject to this subsection shall have the same rights,
12 remedies, privileges, immunities, powers, and duties, shall be
13 subject to the same conditions, restrictions, limitations,
14 penalties, and definitions of terms, and shall employ the same
15 modes of procedure as are employed with respect to a tax
16 adopted by the municipality under Section 8-3-14 of this Code.

17 Persons subject to any tax imposed under the authority
18 granted in this subsection may reimburse themselves for their
19 tax liability for that tax by separately stating that tax as an
20 additional charge, which charge may be stated in combination,
21 in a single amount, with State taxes imposed under the Hotel
22 Operators' Occupation Tax Act, and with any other tax.

23 Nothing in this subsection shall be construed to authorize
24 a municipality to impose a tax upon the privilege of engaging
25 in any business which under the Constitution of the United
26 States may not be made the subject of taxation by this State.

1 The proceeds of the tax imposed under this subsection shall
2 be deposited into the Business District Tax Allocation Fund.

3 (e) Obligations secured by the Business District Tax
4 Allocation Fund may be issued to provide for the payment or
5 reimbursement of business district project costs. Those
6 obligations, when so issued, shall be retired in the manner
7 provided in the ordinance authorizing the issuance of those
8 obligations by the receipts of taxes imposed pursuant to
9 subsections (10) and (11) of Section 11-74.3-3 and by other
10 revenue designated or pledged by the municipality. A
11 municipality may in the ordinance pledge, for any period of
12 time up to and including the dissolution date, all or any part
13 of the funds in and to be deposited in the Business District
14 Tax Allocation Fund to the payment of business district project
15 costs and obligations. Whenever a municipality pledges all of
16 the funds to the credit of a business district tax allocation
17 fund to secure obligations issued or to be issued to pay or
18 reimburse business district project costs, the municipality
19 may specifically provide that funds remaining to the credit of
20 such business district tax allocation fund after the payment of
21 such obligations shall be accounted for annually and shall be
22 deemed to be "surplus" funds, and such "surplus" funds shall be
23 expended by the municipality for any business district project
24 cost as approved in the business district plan. Whenever a
25 municipality pledges less than all of the monies to the credit
26 of a business district tax allocation fund to secure

1 obligations issued or to be issued to pay or reimburse business
2 district project costs, the municipality shall provide that
3 monies to the credit of the business district tax allocation
4 fund and not subject to such pledge or otherwise encumbered or
5 required for payment of contractual obligations for specific
6 business district project costs shall be calculated annually
7 and shall be deemed to be "surplus" funds, and such "surplus"
8 funds shall be expended by the municipality for any business
9 district project cost as approved in the business district
10 plan.

11 No obligation issued pursuant to this Law and secured by a
12 pledge of all or any portion of any revenues received or to be
13 received by the municipality from the imposition of taxes
14 pursuant to subsection (10) of Section 11-74.3-3, shall be
15 deemed to constitute an economic incentive agreement under
16 Section 8-11-20, notwithstanding the fact that such pledge
17 provides for the sharing, rebate, or payment of retailers'
18 occupation taxes or service occupation taxes imposed pursuant
19 to subsection (10) of Section 11-74.3-3 and received or to be
20 received by the municipality from the development or
21 redevelopment of properties in the business district.

22 Without limiting the foregoing in this Section, the
23 municipality may further secure obligations secured by the
24 business district tax allocation fund with a pledge, for a
25 period not greater than the term of the obligations and in any
26 case not longer than the dissolution date, of any part or any

1 combination of the following: (i) net revenues of all or part
2 of any business district project; (ii) taxes levied or imposed
3 by the municipality on any or all property in the municipality,
4 including, specifically, taxes levied or imposed by the
5 municipality in a special service area pursuant to the Special
6 Service Area Tax Law; (iii) the full faith and credit of the
7 municipality; (iv) a mortgage on part or all of the business
8 district project; or (v) any other taxes or anticipated
9 receipts that the municipality may lawfully pledge.

10 Such obligations may be issued in one or more series, bear
11 such date or dates, become due at such time or times as therein
12 provided, but in any case not later than (i) 20 years after the
13 date of issue or (ii) the dissolution date, whichever is
14 earlier, bear interest payable at such intervals and at such
15 rate or rates as set forth therein, except as may be limited by
16 applicable law, which rate or rates may be fixed or variable,
17 be in such denominations, be in such form, either coupon,
18 registered, or book-entry, carry such conversion, registration
19 and exchange privileges, be subject to defeasance upon such
20 terms, have such rank or priority, be executed in such manner,
21 be payable in such medium or payment at such place or places
22 within or without the State, make provision for a corporate
23 trustee within or without the State with respect to such
24 obligations, prescribe the rights, powers, and duties thereof
25 to be exercised for the benefit of the municipality and the
26 benefit of the owners of such obligations, provide for the

1 holding in trust, investment, and use of moneys, funds, and
2 accounts held under an ordinance, provide for assignment of and
3 direct payment of the moneys to pay such obligations or to be
4 deposited into such funds or accounts directly to such trustee,
5 be subject to such terms of redemption with or without premium,
6 and be sold at such price, all as the corporate authorities
7 shall determine. No referendum approval of the electors shall
8 be required as a condition to the issuance of obligations
9 pursuant to this Law except as provided in this Section.

10 In the event the municipality authorizes the issuance of
11 obligations pursuant to the authority of this Law secured by
12 the full faith and credit of the municipality, or pledges ad
13 valorem taxes pursuant to this subsection, which obligations
14 are other than obligations which may be issued under home rule
15 powers provided by Section 6 of Article VII of the Illinois
16 Constitution or which ad valorem taxes are other than ad
17 valorem taxes which may be pledged under home rule powers
18 provided by Section 6 of Article VII of the Illinois
19 Constitution or which are levied in a special service area
20 pursuant to the Special Service Area Tax Law, the ordinance
21 authorizing the issuance of those obligations or pledging those
22 taxes shall be published within 10 days after the ordinance has
23 been adopted, in a newspaper having a general circulation
24 within the municipality. The publication of the ordinance shall
25 be accompanied by a notice of (i) the specific number of voters
26 required to sign a petition requesting the question of the

1 issuance of the obligations or pledging such ad valorem taxes
2 to be submitted to the electors; (ii) the time within which the
3 petition must be filed; and (iii) the date of the prospective
4 referendum. The municipal clerk shall provide a petition form
5 to any individual requesting one.

6 If no petition is filed with the municipal clerk, as
7 hereinafter provided in this Section, within 21 days after the
8 publication of the ordinance, the ordinance shall be in effect.
9 However, if within that 21-day period a petition is filed with
10 the municipal clerk, signed by electors numbering not less than
11 15% of the number of electors voting for the mayor or president
12 at the last general municipal election, asking that the
13 question of issuing obligations using full faith and credit of
14 the municipality as security for the cost of paying or
15 reimbursing business district project costs, or of pledging
16 such ad valorem taxes for the payment of those obligations, or
17 both, be submitted to the electors of the municipality, the
18 municipality shall not be authorized to issue obligations of
19 the municipality using the full faith and credit of the
20 municipality as security or pledging such ad valorem taxes for
21 the payment of those obligations, or both, until the
22 proposition has been submitted to and approved by a majority of
23 the voters voting on the proposition at a regularly scheduled
24 election. The municipality shall certify the proposition to the
25 proper election authorities for submission in accordance with
26 the general election law.

1 The ordinance authorizing the obligations may provide that
2 the obligations shall contain a recital that they are issued
3 pursuant to this Law, which recital shall be conclusive
4 evidence of their validity and of the regularity of their
5 issuance.

6 In the event the municipality authorizes issuance of
7 obligations pursuant to this Law secured by the full faith and
8 credit of the municipality, the ordinance authorizing the
9 obligations may provide for the levy and collection of a direct
10 annual tax upon all taxable property within the municipality
11 sufficient to pay the principal thereof and interest thereon as
12 it matures, which levy may be in addition to and exclusive of
13 the maximum of all other taxes authorized to be levied by the
14 municipality, which levy, however, shall be abated to the
15 extent that monies from other sources are available for payment
16 of the obligations and the municipality certifies the amount of
17 those monies available to the county clerk.

18 A certified copy of the ordinance shall be filed with the
19 county clerk of each county in which any portion of the
20 municipality is situated, and shall constitute the authority
21 for the extension and collection of the taxes to be deposited
22 in the business district tax allocation fund.

23 A municipality may also issue its obligations to refund, in
24 whole or in part, obligations theretofore issued by the
25 municipality under the authority of this Law, whether at or
26 prior to maturity. However, the last maturity of the refunding

1 obligations shall not be expressed to mature later than the
2 dissolution date.

3 In the event a municipality issues obligations under home
4 rule powers or other legislative authority, the proceeds of
5 which are pledged to pay or reimburse business district project
6 costs, the municipality may, if it has followed the procedures
7 in conformance with this Law, retire those obligations from
8 funds in the business district tax allocation fund in amounts
9 and in such manner as if those obligations had been issued
10 pursuant to the provisions of this Law.

11 No obligations issued pursuant to this Law shall be
12 regarded as indebtedness of the municipality issuing those
13 obligations or any other taxing district for the purpose of any
14 limitation imposed by law.

15 Obligations issued pursuant to this Law shall not be
16 subject to the provisions of the Bond Authorization Act.

17 (f) When business district project costs, including,
18 without limitation, all obligations paying or reimbursing
19 business district project costs have been paid, any surplus
20 funds then remaining in the Business District Tax Allocation
21 Fund shall be distributed to the municipal treasurer for
22 deposit into the general corporate fund of the municipality.
23 Upon payment of all business district project costs and
24 retirement of all obligations paying or reimbursing business
25 district project costs, but in no event more than 23 years
26 after the date of adoption of the ordinance imposing taxes

1 pursuant to subsection (10) or (11) of Section 11-74.3-3, the
2 municipality shall adopt an ordinance immediately rescinding
3 the taxes imposed pursuant to subsection (10) or (11) of
4 Section 11-74.3-3.

5 (Source: P.A. 99-143, eff. 7-27-15.)

6 Section 50. The Civic Center Code is amended by changing
7 Section 245-12 as follows:

8 (70 ILCS 200/245-12)

9 Sec. 245-12. Use and occupation taxes.

10 (a) The Authority may adopt a resolution that authorizes a
11 referendum on the question of whether the Authority shall be
12 authorized to impose a retailers' occupation tax, a service
13 occupation tax, and a use tax in one-quarter percent increments
14 at a rate not to exceed 1%. The Authority shall certify the
15 question to the proper election authorities who shall submit
16 the question to the voters of the metropolitan area at the next
17 regularly scheduled election in accordance with the general
18 election law. The question shall be in substantially the
19 following form:

20 "Shall the Salem Civic Center Authority be authorized to
21 impose a retailers' occupation tax, a service occupation
22 tax, and a use tax at the rate of (rate) for the sole
23 purpose of obtaining funds for the support, construction,
24 maintenance, or financing of a facility of the Authority?"

1 Votes shall be recorded as "yes" or "no". If a majority of
2 all votes cast on the proposition are in favor of the
3 proposition, the Authority is authorized to impose the tax.

4 (b) The Authority shall impose the retailers' occupation
5 tax upon all persons engaged in the business of selling
6 tangible personal property at retail in the metropolitan area,
7 at the rate approved by referendum, on the gross receipts from
8 the sales made in the course of such business within the
9 metropolitan area. Beginning December 1, 2017, this tax is not
10 imposed on sales of aviation fuel unless the tax revenue is
11 expended for airport-related purposes. If the Authority does
12 not have an airport-related purpose to which it dedicates
13 aviation fuel tax revenue, then aviation fuel is excluded from
14 the tax. For purposes of this Act, "airport-related purposes"
15 has the meaning ascribed in Section 6z-20.2 of the State
16 Finance Act. This exclusion for aviation fuel only applies for
17 so long as the revenue use requirements of 49 U.S.C. §47107(b)
18 and 49 U.S.C. §47133 are binding on the Authority.

19 On or before September 1, 2017, and on or before each April
20 1 and October 1 thereafter, the Authority must certify to the
21 Department of Transportation, in the form and manner required
22 by the Department, whether the Authority has an airport-related
23 purpose, which would allow any Retailers' Occupation Tax and
24 Service Occupation Tax imposed by the Authority to include tax
25 on aviation fuel. On or before October 1, 2017, and on or
26 before each May 1 and November 1 thereafter, the Department of

1 Transportation shall provide to the Department of Revenue, a
2 list of units of local government which have certified to the
3 Department of Transportation that they have airport-related
4 purposes, which would allow any Retailers' Occupation Tax and
5 Service Occupation Tax imposed by the unit of local government
6 to include tax on aviation fuel. All disputes regarding whether
7 or not a unit of local government has an airport-related
8 purpose shall be resolved by the Department of Transportation.

9 The tax imposed under this Section and all civil penalties
10 that may be assessed as an incident thereof shall be collected
11 and enforced by the Department of Revenue. The Department has
12 full power to administer and enforce this Section; to collect
13 all taxes and penalties so collected in the manner provided in
14 this Section; and to determine all rights to credit memoranda
15 arising on account of the erroneous payment of tax or penalty
16 hereunder. In the administration of, and compliance with, this
17 Section, the Department and persons who are subject to this
18 Section shall (i) have the same rights, remedies, privileges,
19 immunities, powers and duties, (ii) be subject to the same
20 conditions, restrictions, limitations, penalties, exclusions,
21 exemptions, and definitions of terms, and (iii) employ the same
22 modes of procedure as are prescribed in Sections 1, 1a, 1a-1,
23 1c, 1d, 1e, 1f, 1i, 1j, 1k, 1m, 1n, 2, 2-5, 2-5.5, 2-10 (in
24 respect to all provisions therein other than the State rate of
25 tax), 2-12, 2-15 through 2-70, 2a, 2b, 2c, 3 (except as to the
26 disposition of taxes and penalties collected and provisions

1 related to quarter monthly payments, and except that the
2 retailer's discount is not allowed for taxes paid on aviation
3 fuel that are deposited into the Local Government Aviation
4 Trust Fund), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 5k, 5l,
5 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 11a, 12, and 13 of the
6 Retailers' Occupation Tax Act and Section 3-7 of the Uniform
7 Penalty and Interest Act, as fully as if those provisions were
8 set forth in this subsection.

9 Persons subject to any tax imposed under this subsection
10 may reimburse themselves for their seller's tax liability by
11 separately stating the tax as an additional charge, which
12 charge may be stated in combination, in a single amount, with
13 State taxes that sellers are required to collect, in accordance
14 with such bracket schedules as the Department may prescribe.

15 Whenever the Department determines that a refund should be
16 made under this subsection to a claimant instead of issuing a
17 credit memorandum, the Department shall notify the State
18 Comptroller, who shall cause the warrant to be drawn for the
19 amount specified, and to the person named, in the notification
20 from the Department. The refund shall be paid by the State
21 Treasurer out of the tax fund referenced under paragraph (g) of
22 this Section.

23 If a tax is imposed under this subsection (b), a tax shall
24 also be imposed at the same rate under subsections (c) and (d)
25 of this Section.

26 For the purpose of determining whether a tax authorized

1 under this Section is applicable, a retail sale, by a producer
2 of coal or other mineral mined in Illinois, is a sale at retail
3 at the place where the coal or other mineral mined in Illinois
4 is extracted from the earth. This paragraph does not apply to
5 coal or other mineral when it is delivered or shipped by the
6 seller to the purchaser at a point outside Illinois so that the
7 sale is exempt under the Federal Constitution as a sale in
8 interstate or foreign commerce.

9 Nothing in this Section shall be construed to authorize the
10 Authority to impose a tax upon the privilege of engaging in any
11 business which under the Constitution of the United States may
12 not be made the subject of taxation by this State.

13 (c) If a tax has been imposed under subsection (b), a
14 service occupation tax shall also be imposed at the same rate
15 upon all persons engaged, in the metropolitan area, in the
16 business of making sales of service, who, as an incident to
17 making those sales of service, transfer tangible personal
18 property within the metropolitan area as an incident to a sale
19 of service. The tax imposed under this subsection and all civil
20 penalties that may be assessed as an incident thereof shall be
21 collected and enforced by the Department of Revenue.

22 Beginning December 1, 2017, this tax is not imposed on
23 sales of aviation fuel unless the tax revenue is expended for
24 airport-related purposes. If the Authority does not have an
25 airport-related purpose to which it dedicates aviation fuel tax
26 revenue, then aviation fuel is excluded from the tax. On or

1 before September 1, 2017, and on or before each April 1 and
2 October 1 thereafter, the Authority must certify to the
3 Department of Transportation, in the form and manner required
4 by the Department, whether the Authority has an airport-related
5 purpose, which would allow any Retailers' Occupation Tax and
6 Service Occupation Tax imposed by the Authority to include tax
7 on aviation fuel. On or before October 1, 2017, and on or
8 before each May 1 and November 1 thereafter, the Department of
9 Transportation shall provide to the Department of Revenue, a
10 list of units of local government which have certified to the
11 Department of Transportation that they have airport-related
12 purposes, which would allow any Retailers' Occupation Tax and
13 Service Occupation Tax imposed by the unit of local government
14 to include tax on aviation fuel. All disputes regarding whether
15 or not a unit of local government has an airport-related
16 purpose shall be resolved by the Department of Transportation.

17 The Department has full power to administer and enforce
18 this paragraph; to collect all taxes and penalties due
19 hereunder; to dispose of taxes and penalties so collected in
20 the manner hereinafter provided; and to determine all rights to
21 credit memoranda arising on account of the erroneous payment of
22 tax or penalty hereunder. In the administration of, and
23 compliance with this paragraph, the Department and persons who
24 are subject to this paragraph shall (i) have the same rights,
25 remedies, privileges, immunities, powers, and duties, (ii) be
26 subject to the same conditions, restrictions, limitations,

1 penalties, exclusions, exemptions, and definitions of terms,
2 and (iii) employ the same modes of procedure as are prescribed
3 in Sections 2 (except that the reference to State in the
4 definition of supplier maintaining a place of business in this
5 State shall mean the metropolitan area), 2a, 2b, 3 through 3-55
6 (in respect to all provisions therein other than the State rate
7 of tax), 4 (except that the reference to the State shall be to
8 the Authority), 5, 7, 8 (except that the jurisdiction to which
9 the tax shall be a debt to the extent indicated in that Section
10 8 shall be the Authority), 9 (except as to the disposition of
11 taxes and penalties collected, and except that the returned
12 merchandise credit for this tax may not be taken against any
13 State tax, and except that the retailer's discount is not
14 allowed for taxes paid on aviation fuel that are deposited into
15 the Local Government Aviation Trust Fund), 11, 12 (except the
16 reference therein to Section 2b of the Retailers' Occupation
17 Tax Act), 13 (except that any reference to the State shall mean
18 the Authority), 15, 16, 17, 18, 19 and 20 of the Service
19 Occupation Tax Act and Section 3-7 of the Uniform Penalty and
20 Interest Act, as fully as if those provisions were set forth
21 herein.

22 Persons subject to any tax imposed under the authority
23 granted in this subsection may reimburse themselves for their
24 serviceman's tax liability by separately stating the tax as an
25 additional charge, which charge may be stated in combination,
26 in a single amount, with State tax that servicemen are

1 authorized to collect under the Service Use Tax Act, in
2 accordance with such bracket schedules as the Department may
3 prescribe.

4 Whenever the Department determines that a refund should be
5 made under this subsection to a claimant instead of issuing a
6 credit memorandum, the Department shall notify the State
7 Comptroller, who shall cause the warrant to be drawn for the
8 amount specified, and to the person named, in the notification
9 from the Department. The refund shall be paid by the State
10 Treasurer out of the tax fund referenced under paragraph (g) of
11 this Section.

12 Nothing in this paragraph shall be construed to authorize
13 the Authority to impose a tax upon the privilege of engaging in
14 any business which under the Constitution of the United States
15 may not be made the subject of taxation by the State.

16 (d) If a tax has been imposed under subsection (b), a use
17 tax shall also be imposed at the same rate upon the privilege
18 of using, in the metropolitan area, any item of tangible
19 personal property that is purchased outside the metropolitan
20 area at retail from a retailer, and that is titled or
21 registered at a location within the metropolitan area with an
22 agency of this State's government. "Selling price" is defined
23 as in the Use Tax Act. The tax shall be collected from persons
24 whose Illinois address for titling or registration purposes is
25 given as being in the metropolitan area. The tax shall be
26 collected by the Department of Revenue for the Authority. The

1 tax must be paid to the State, or an exemption determination
2 must be obtained from the Department of Revenue, before the
3 title or certificate of registration for the property may be
4 issued. The tax or proof of exemption may be transmitted to the
5 Department by way of the State agency with which, or the State
6 officer with whom, the tangible personal property must be
7 titled or registered if the Department and the State agency or
8 State officer determine that this procedure will expedite the
9 processing of applications for title or registration.

10 The Department has full power to administer and enforce
11 this paragraph; to collect all taxes, penalties and interest
12 due hereunder; to dispose of taxes, penalties and interest so
13 collected in the manner hereinafter provided; and to determine
14 all rights to credit memoranda or refunds arising on account of
15 the erroneous payment of tax, penalty or interest hereunder. In
16 the administration of, and compliance with, this subsection,
17 the Department and persons who are subject to this paragraph
18 shall (i) have the same rights, remedies, privileges,
19 immunities, powers, and duties, (ii) be subject to the same
20 conditions, restrictions, limitations, penalties, exclusions,
21 exemptions, and definitions of terms, and (iii) employ the same
22 modes of procedure as are prescribed in Sections 2 (except the
23 definition of "retailer maintaining a place of business in this
24 State"), 3, 3-5, 3-10, 3-45, 3-55, 3-65, 3-70, 3-85, 3a, 4, 6,
25 7, 8 (except that the jurisdiction to which the tax shall be a
26 debt to the extent indicated in that Section 8 shall be the

1 Authority), 9 (except provisions relating to quarter monthly
2 payments), 10, 11, 12, 12a, 12b, 13, 14, 15, 19, 20, 21, and 22
3 of the Use Tax Act and Section 3-7 of the Uniform Penalty and
4 Interest Act, that are not inconsistent with this paragraph, as
5 fully as if those provisions were set forth herein.

6 Whenever the Department determines that a refund should be
7 made under this subsection to a claimant instead of issuing a
8 credit memorandum, the Department shall notify the State
9 Comptroller, who shall cause the order to be drawn for the
10 amount specified, and to the person named, in the notification
11 from the Department. The refund shall be paid by the State
12 Treasurer out of the tax fund referenced under paragraph (g) of
13 this Section.

14 (e) A certificate of registration issued by the State
15 Department of Revenue to a retailer under the Retailers'
16 Occupation Tax Act or under the Service Occupation Tax Act
17 shall permit the registrant to engage in a business that is
18 taxed under the tax imposed under paragraphs (b), (c), or (d)
19 of this Section and no additional registration shall be
20 required. A certificate issued under the Use Tax Act or the
21 Service Use Tax Act shall be applicable with regard to any tax
22 imposed under paragraph (c) of this Section.

23 (f) The results of any election authorizing a proposition
24 to impose a tax under this Section or effecting a change in the
25 rate of tax shall be certified by the proper election
26 authorities and filed with the Illinois Department on or before

1 the first day of April. In addition, an ordinance imposing,
2 discontinuing, or effecting a change in the rate of tax under
3 this Section shall be adopted and a certified copy thereof
4 filed with the Department on or before the first day of April.
5 After proper receipt of such certifications, the Department
6 shall proceed to administer and enforce this Section as of the
7 first day of July next following such adoption and filing.

8 (g) Except as otherwise provided, the ~~The~~ Department of
9 Revenue shall, upon collecting any taxes and penalties as
10 provided in this Section, pay the taxes and penalties over to
11 the State Treasurer as trustee for the Authority. The taxes and
12 penalties shall be held in a trust fund outside the State
13 Treasury. Taxes and penalties collected on aviation fuel sold
14 on or after December 1, 2017, shall be immediately paid over by
15 the Department to the State Treasurer, ex officio, as trustee,
16 for deposit into the Local Government Aviation Trust Fund. The
17 Department shall only pay moneys into the State Aviation
18 Program Fund under this Act for so long as the revenue use
19 requirements of 49 U.S.C. §47107(b) and 49 U.S.C. §47133 are
20 binding on the District. On or before the 25th day of each
21 calendar month, the Department of Revenue shall prepare and
22 certify to the Comptroller of the State of Illinois the amount
23 to be paid to the Authority, which shall be the balance in the
24 fund, less any amount determined by the Department to be
25 necessary for the payment of refunds and not including taxes
26 and penalties collected on aviation fuel sold on or after

1 December 1, 2017. Within 10 days after receipt by the
2 Comptroller of the certification of the amount to be paid to
3 the Authority, the Comptroller shall cause an order to be drawn
4 for payment for the amount in accordance with the directions
5 contained in the certification. Amounts received from the tax
6 imposed under this Section shall be used only for the support,
7 construction, maintenance, or financing of a facility of the
8 Authority.

9 (h) When certifying the amount of a monthly disbursement to
10 the Authority under this Section, the Department shall increase
11 or decrease the amounts by an amount necessary to offset any
12 miscalculation of previous disbursements. The offset amount
13 shall be the amount erroneously disbursed within the previous 6
14 months from the time a miscalculation is discovered.

15 (i) This Section may be cited as the Salem Civic Center Use
16 and Occupation Tax Law.

17 (Source: P.A. 98-1098, eff. 8-26-14.)

18 Section 55. The Flood Prevention District Act is amended by
19 changing Section 25 as follows:

20 (70 ILCS 750/25)

21 Sec. 25. Flood prevention retailers' and service
22 occupation taxes.

23 (a) If the Board of Commissioners of a flood prevention
24 district determines that an emergency situation exists

1 regarding levee repair or flood prevention, and upon an
2 ordinance confirming the determination adopted by the
3 affirmative vote of a majority of the members of the county
4 board of the county in which the district is situated, the
5 county may impose a flood prevention retailers' occupation tax
6 upon all persons engaged in the business of selling tangible
7 personal property at retail within the territory of the
8 district to provide revenue to pay the costs of providing
9 emergency levee repair and flood prevention and to secure the
10 payment of bonds, notes, and other evidences of indebtedness
11 issued under this Act for a period not to exceed 25 years or as
12 required to repay the bonds, notes, and other evidences of
13 indebtedness issued under this Act. The tax rate shall be 0.25%
14 of the gross receipts from all taxable sales made in the course
15 of that business. Beginning December 1, 2017, this tax is not
16 imposed on sales of aviation fuel unless the tax revenue is
17 expended for airport-related purposes. If the District does not
18 have an airport-related purpose to which it dedicates aviation
19 fuel tax revenue, then aviation fuel is excluded from the tax.
20 The County must comply with the certification requirements for
21 airport-related purposes under Section 5-1184 of the Counties
22 Code.

23 For purposes of this Act, "airport-related purposes" has
24 the meaning ascribed in Section 6z-20.2 of the State Finance
25 Act. This exclusion for aviation fuel only applies for so long
26 as the revenue use requirements of 49 U.S.C. §47107(b) and 49

1 U.S.C. §47133 are binding on the District.

2 The tax imposed under this Section and all civil penalties
3 that may be assessed as an incident thereof shall be collected
4 and enforced by the State Department of Revenue. The Department
5 shall have full power to administer and enforce this Section;
6 to collect all taxes and penalties so collected in the manner
7 hereinafter provided; and to determine all rights to credit
8 memoranda arising on account of the erroneous payment of tax or
9 penalty hereunder.

10 In the administration of and compliance with this
11 subsection, the Department and persons who are subject to this
12 subsection (i) have the same rights, remedies, privileges,
13 immunities, powers, and duties, (ii) are subject to the same
14 conditions, restrictions, limitations, penalties, and
15 definitions of terms, and (iii) shall employ the same modes of
16 procedure as are set forth in Sections 1 through 10, 2 through
17 2-70 (in respect to all provisions contained in those Sections
18 other than the State rate of tax), 2a through 2h, 3 (except as
19 to the disposition of taxes and penalties collected, and except
20 that the retailer's discount is not allowed for taxes paid on
21 aviation fuel that are deposited into the Local Government
22 Aviation Trust Fund), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i,
23 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 11a, 12, and 13 of the
24 Retailers' Occupation Tax Act and all provisions of the Uniform
25 Penalty and Interest Act as if those provisions were set forth
26 in this subsection.

1 Persons subject to any tax imposed under this Section may
2 reimburse themselves for their seller's tax liability
3 hereunder by separately stating the tax as an additional
4 charge, which charge may be stated in combination in a single
5 amount with State taxes that sellers are required to collect
6 under the Use Tax Act, under any bracket schedules the
7 Department may prescribe.

8 If a tax is imposed under this subsection (a), a tax shall
9 also be imposed under subsection (b) of this Section.

10 (b) If a tax has been imposed under subsection (a), a flood
11 prevention service occupation tax shall also be imposed upon
12 all persons engaged within the territory of the district in the
13 business of making sales of service, who, as an incident to
14 making the sales of service, transfer tangible personal
15 property, either in the form of tangible personal property or
16 in the form of real estate as an incident to a sale of service
17 to provide revenue to pay the costs of providing emergency
18 levee repair and flood prevention and to secure the payment of
19 bonds, notes, and other evidences of indebtedness issued under
20 this Act for a period not to exceed 25 years or as required to
21 repay the bonds, notes, and other evidences of indebtedness.
22 The tax rate shall be 0.25% of the selling price of all
23 tangible personal property transferred. Beginning December 1,
24 2017, this tax is not imposed on sales of aviation fuel unless
25 the tax revenue is expended for airport-related purposes. If
26 the District does not have an airport-related purpose to which

1 it dedicates aviation fuel tax revenue, then aviation fuel is
2 excluded from the tax. The County must comply with the
3 certification requirements for airport-related purposes under
4 Section 5-1184 of the Counties Code. For purposes of this Act,
5 "airport-related purposes" has the meaning ascribed in Section
6 6z-20.2 of the State Finance Act. This exclusion for aviation
7 fuel only applies for so long as the revenue use requirements
8 of 49 U.S.C. §47107(b) and 49 U.S.C. §47133 are binding on the
9 District.

10 The tax imposed under this subsection and all civil
11 penalties that may be assessed as an incident thereof shall be
12 collected and enforced by the State Department of Revenue. The
13 Department shall have full power to administer and enforce this
14 subsection; to collect all taxes and penalties due hereunder;
15 to dispose of taxes and penalties collected in the manner
16 hereinafter provided; and to determine all rights to credit
17 memoranda arising on account of the erroneous payment of tax or
18 penalty hereunder.

19 In the administration of and compliance with this
20 subsection, the Department and persons who are subject to this
21 subsection shall (i) have the same rights, remedies,
22 privileges, immunities, powers, and duties, (ii) be subject to
23 the same conditions, restrictions, limitations, penalties, and
24 definitions of terms, and (iii) employ the same modes of
25 procedure as are set forth in Sections 2 (except that the
26 reference to State in the definition of supplier maintaining a

1 place of business in this State means the district), 2a through
2 2d, 3 through 3-50 (in respect to all provisions contained in
3 those Sections other than the State rate of tax), 4 (except
4 that the reference to the State shall be to the district), 5,
5 7, 8 (except that the jurisdiction to which the tax is a debt
6 to the extent indicated in that Section 8 is the district), 9
7 (except as to the disposition of taxes and penalties collected,
8 and except that the retailer's discount is not allowed for
9 taxes paid on aviation fuel that are deposited into the Local
10 Government Aviation Trust Fund), 10, 11, 12 (except the
11 reference therein to Section 2b of the Retailers' Occupation
12 Tax Act), 13 (except that any reference to the State means the
13 district), Section 15, 16, 17, 18, 19, and 20 of the Service
14 Occupation Tax Act and all provisions of the Uniform Penalty
15 and Interest Act, as fully as if those provisions were set
16 forth herein.

17 Persons subject to any tax imposed under the authority
18 granted in this subsection may reimburse themselves for their
19 serviceman's tax liability hereunder by separately stating the
20 tax as an additional charge, that charge may be stated in
21 combination in a single amount with State tax that servicemen
22 are authorized to collect under the Service Use Tax Act, under
23 any bracket schedules the Department may prescribe.

24 (c) The taxes imposed in subsections (a) and (b) may not be
25 imposed on personal property titled or registered with an
26 agency of the State; food for human consumption that is to be

1 consumed off the premises where it is sold (other than
2 alcoholic beverages, soft drinks, and food that has been
3 prepared for immediate consumption); prescription and
4 non-prescription medicines, drugs, and medical appliances;
5 modifications to a motor vehicle for the purpose of rendering
6 it usable by a person with a disability; or insulin, urine
7 testing materials, and syringes and needles used by diabetics.

8 (d) Nothing in this Section shall be construed to authorize
9 the district to impose a tax upon the privilege of engaging in
10 any business that under the Constitution of the United States
11 may not be made the subject of taxation by the State.

12 (e) The certificate of registration that is issued by the
13 Department to a retailer under the Retailers' Occupation Tax
14 Act or a serviceman under the Service Occupation Tax Act
15 permits the retailer or serviceman to engage in a business that
16 is taxable without registering separately with the Department
17 under an ordinance or resolution under this Section.

18 (f) Except as otherwise provided, the ~~The~~ Department shall
19 immediately pay over to the State Treasurer, ex officio, as
20 trustee, all taxes and penalties collected under this Section
21 to be deposited into the Flood Prevention Occupation Tax Fund,
22 which shall be an unappropriated trust fund held outside the
23 State treasury. Taxes and penalties collected on aviation fuel
24 sold on or after December 1, 2017, shall be immediately paid
25 over by the Department to the State Treasurer, ex officio, as
26 trustee, for deposit into the Local Government Aviation Trust

1 Fund. The Department shall only pay moneys into the State
2 Aviation Program Fund under this Act for so long as the revenue
3 use requirements of 49 U.S.C. §47107(b) and 49 U.S.C. §47133
4 are binding on the District.

5 On or before the 25th day of each calendar month, the
6 Department shall prepare and certify to the Comptroller the
7 disbursement of stated sums of money to the counties from which
8 retailers or servicemen have paid taxes or penalties to the
9 Department during the second preceding calendar month. The
10 amount to be paid to each county is equal to the amount (not
11 including credit memoranda and not including taxes and
12 penalties collected on aviation fuel sold on or after December
13 1, 2017) collected from the county under this Section during
14 the second preceding calendar month by the Department, (i) less
15 2% of that amount (except the amount collected on aviation fuel
16 sold on or after December 1, 2017), which shall be deposited
17 into the Tax Compliance and Administration Fund and shall be
18 used by the Department in administering and enforcing the
19 provisions of this Section on behalf of the county, (ii) plus
20 an amount that the Department determines is necessary to offset
21 any amounts that were erroneously paid to a different taxing
22 body; (iii) less an amount equal to the amount of refunds made
23 during the second preceding calendar month by the Department on
24 behalf of the county; and (iv) less any amount that the
25 Department determines is necessary to offset any amounts that
26 were payable to a different taxing body but were erroneously

1 paid to the county. When certifying the amount of a monthly
2 disbursement to a county under this Section, the Department
3 shall increase or decrease the amounts by an amount necessary
4 to offset any miscalculation of previous disbursements within
5 the previous 6 months from the time a miscalculation is
6 discovered.

7 Within 10 days after receipt by the Comptroller from the
8 Department of the disbursement certification to the counties
9 provided for in this Section, the Comptroller shall cause the
10 orders to be drawn for the respective amounts in accordance
11 with directions contained in the certification.

12 If the Department determines that a refund should be made
13 under this Section to a claimant instead of issuing a credit
14 memorandum, then the Department shall notify the Comptroller,
15 who shall cause the order to be drawn for the amount specified
16 and to the person named in the notification from the
17 Department. The refund shall be paid by the Treasurer out of
18 the Flood Prevention Occupation Tax Fund.

19 (g) If a county imposes a tax under this Section, then the
20 county board shall, by ordinance, discontinue the tax upon the
21 payment of all indebtedness of the flood prevention district.
22 The tax shall not be discontinued until all indebtedness of the
23 District has been paid.

24 (h) Any ordinance imposing the tax under this Section, or
25 any ordinance that discontinues the tax, must be certified by
26 the county clerk and filed with the Illinois Department of

1 Revenue either (i) on or before the first day of April,
2 whereupon the Department shall proceed to administer and
3 enforce the tax or change in the rate as of the first day of
4 July next following the filing; or (ii) on or before the first
5 day of October, whereupon the Department shall proceed to
6 administer and enforce the tax or change in the rate as of the
7 first day of January next following the filing.

8 (j) County Flood Prevention Occupation Tax Fund. All
9 proceeds received by a county from a tax distribution under
10 this Section must be maintained in a special fund known as the
11 [name of county] flood prevention occupation tax fund. The
12 county shall, at the direction of the flood prevention
13 district, use moneys in the fund to pay the costs of providing
14 emergency levee repair and flood prevention and to pay bonds,
15 notes, and other evidences of indebtedness issued under this
16 Act.

17 (k) This Section may be cited as the Flood Prevention
18 Occupation Tax Law.

19 (Source: P.A. 99-143, eff. 7-27-15; 99-217, eff. 7-31-15;
20 99-642, eff. 7-28-16.)

21 Section 60. The Metro-East Park and Recreation District Act
22 is amended by changing Section 30 as follows:

23 (70 ILCS 1605/30)

24 Sec. 30. Taxes.

1 (a) The board shall impose a tax upon all persons engaged
2 in the business of selling tangible personal property, other
3 than personal property titled or registered with an agency of
4 this State's government, at retail in the District on the gross
5 receipts from the sales made in the course of business. This
6 tax shall be imposed only at the rate of one-tenth of one per
7 cent.

8 This additional tax may not be imposed on the sales of food
9 for human consumption that is to be consumed off the premises
10 where it is sold (other than alcoholic beverages, soft drinks,
11 and food which has been prepared for immediate consumption) and
12 prescription and non-prescription medicines, drugs, medical
13 appliances, and insulin, urine testing materials, syringes,
14 and needles used by diabetics. Beginning December 1, 2017, this
15 tax is not imposed on sales of aviation fuel unless the tax
16 revenue is expended for airport-related purposes. If the
17 District does not have an airport-related purpose to which it
18 dedicates aviation fuel tax revenue, then aviation fuel shall
19 be excluded from tax. For purposes of this Act,
20 "airport-related purposes" has the meaning ascribed in Section
21 6z-20.2 of the State Finance Act. This exception for aviation
22 fuel only applies for so long as the revenue use requirements
23 of 49 U.S.C. §47107(b) and 49 U.S.C. §47133 are binding on the
24 District.

25 On or before September 1, 2017, and on or before each April
26 1 and October 1 thereafter, the Board must certify to the

1 Department of Transportation, in the form and manner required
2 by the Department, whether the District has an airport-related
3 purpose, which would allow any Retailers' Occupation Tax and
4 Service Occupation Tax imposed by the District to include tax
5 on aviation fuel. On or before October 1, 2017, and on or
6 before each May 1 and November 1 thereafter, the Department of
7 Transportation shall provide to the Department of Revenue, a
8 list of units of local government which have certified to the
9 Department of Transportation that they have airport-related
10 purposes, which would allow any Retailers' Occupation Tax and
11 Service Occupation Tax imposed by the unit of local government
12 to include tax on aviation fuel. All disputes regarding whether
13 or not a unit of local government has an airport-related
14 purpose shall be resolved by the Department of Transportation.

15 The tax imposed by the Board under this Section and all
16 civil penalties that may be assessed as an incident of the tax
17 shall be collected and enforced by the Department of Revenue.
18 The certificate of registration that is issued by the
19 Department to a retailer under the Retailers' Occupation Tax
20 Act shall permit the retailer to engage in a business that is
21 taxable without registering separately with the Department
22 under an ordinance or resolution under this Section. The
23 Department has full power to administer and enforce this
24 Section, to collect all taxes and penalties due under this
25 Section, to dispose of taxes and penalties so collected in the
26 manner provided in this Section, and to determine all rights to

1 credit memoranda arising on account of the erroneous payment of
2 a tax or penalty under this Section. In the administration of
3 and compliance with this Section, the Department and persons
4 who are subject to this Section shall (i) have the same rights,
5 remedies, privileges, immunities, powers, and duties, (ii) be
6 subject to the same conditions, restrictions, limitations,
7 penalties, and definitions of terms, and (iii) employ the same
8 modes of procedure as are prescribed in Sections 1, 1a, 1a-1,
9 1d, 1e, 1f, 1i, 1j, 1k, 1m, 1n, 2, 2-5, 2-5.5, 2-10 (in respect
10 to all provisions contained in those Sections other than the
11 State rate of tax), 2-12, 2-15 through 2-70, 2a, 2b, 2c, 3
12 (except provisions relating to transaction returns and quarter
13 monthly payments, and except that the retailer's discount is
14 not allowed for taxes paid on aviation fuel that are deposited
15 into the Local Government Aviation Trust Fund), 4, 5, 5a, 5b,
16 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8,
17 9, 10, 11, 11a, 12, and 13 of the Retailers' Occupation Tax Act
18 and the Uniform Penalty and Interest Act as if those provisions
19 were set forth in this Section.

20 Persons subject to any tax imposed under the authority
21 granted in this Section may reimburse themselves for their
22 sellers' tax liability by separately stating the tax as an
23 additional charge, which charge may be stated in combination,
24 in a single amount, with State tax which sellers are required
25 to collect under the Use Tax Act, pursuant to such bracketed
26 schedules as the Department may prescribe.

1 Whenever the Department determines that a refund should be
2 made under this Section to a claimant instead of issuing a
3 credit memorandum, the Department shall notify the State
4 Comptroller, who shall cause the order to be drawn for the
5 amount specified and to the person named in the notification
6 from the Department. The refund shall be paid by the State
7 Treasurer out of the State Metro-East Park and Recreation
8 District Fund.

9 (b) If a tax has been imposed under subsection (a), a
10 service occupation tax shall also be imposed at the same rate
11 upon all persons engaged, in the District, in the business of
12 making sales of service, who, as an incident to making those
13 sales of service, transfer tangible personal property within
14 the District as an incident to a sale of service. This tax may
15 not be imposed on sales of food for human consumption that is
16 to be consumed off the premises where it is sold (other than
17 alcoholic beverages, soft drinks, and food prepared for
18 immediate consumption) and prescription and non-prescription
19 medicines, drugs, medical appliances, and insulin, urine
20 testing materials, syringes, and needles used by diabetics.
21 Beginning December 1, 2017, this tax may not be imposed on
22 sales of aviation fuel unless the tax revenue is expended for
23 airport-related purposes. If the District does not have an
24 airport-related purpose to which it dedicates aviation fuel tax
25 revenue, then aviation fuel shall be excluded from tax. For
26 purposes of this Act, "airport-related purposes" has the

1 meaning ascribed in Section 6z-20.2 of the State Finance Act.
2 This exception for aviation fuel only applies for so long as
3 the revenue use requirements of 49 U.S.C. §47107(b) and 49
4 U.S.C. §47133 are binding on the District.

5 On or before September 1, 2017, and on or before each April
6 1 and October 1 thereafter, the Board must certify to the
7 Department of Transportation, in the form and manner required
8 by the Department, whether the District has an airport-related
9 purpose, which would allow any Retailers' Occupation Tax and
10 Service Occupation Tax imposed by the District to include tax
11 on aviation fuel. On or before October 1, 2017, and on or
12 before each May 1 and November 1 thereafter, the Department of
13 Transportation shall provide to the Department of Revenue, a
14 list of units of local government which have certified to the
15 Department of Transportation that they have airport-related
16 purposes, which would allow any Retailers' Occupation Tax and
17 Service Occupation Tax imposed by the unit of local government
18 to include tax on aviation fuel. All disputes regarding whether
19 or not a unit of local government has an airport-related
20 purpose shall be resolved by the Department of Transportation.

21 The tax imposed under this subsection and all civil
22 penalties that may be assessed as an incident thereof shall be
23 collected and enforced by the Department of Revenue. The
24 Department has full power to administer and enforce this
25 subsection; to collect all taxes and penalties due hereunder;
26 to dispose of taxes and penalties so collected in the manner

1 hereinafter provided; and to determine all rights to credit
2 memoranda arising on account of the erroneous payment of tax or
3 penalty hereunder. In the administration of, and compliance
4 with this subsection, the Department and persons who are
5 subject to this paragraph shall (i) have the same rights,
6 remedies, privileges, immunities, powers, and duties, (ii) be
7 subject to the same conditions, restrictions, limitations,
8 penalties, exclusions, exemptions, and definitions of terms,
9 and (iii) employ the same modes of procedure as are prescribed
10 in Sections 2 (except that the reference to State in the
11 definition of supplier maintaining a place of business in this
12 State shall mean the District), 2a, 2b, 2c, 3 through 3-50 (in
13 respect to all provisions therein other than the State rate of
14 tax), 4 (except that the reference to the State shall be to the
15 District), 5, 7, 8 (except that the jurisdiction to which the
16 tax shall be a debt to the extent indicated in that Section 8
17 shall be the District), 9 (except as to the disposition of
18 taxes and penalties collected, and except that the retailer's
19 discount is not allowed for taxes paid on aviation fuel that
20 are deposited into the Local Government Aviation Trust Fund),
21 10, 11, 12 (except the reference therein to Section 2b of the
22 Retailers' Occupation Tax Act), 13 (except that any reference
23 to the State shall mean the District), Sections 15, 16, 17, 18,
24 19 and 20 of the Service Occupation Tax Act and the Uniform
25 Penalty and Interest Act, as fully as if those provisions were
26 set forth herein.

1 Persons subject to any tax imposed under the authority
2 granted in this subsection may reimburse themselves for their
3 serviceman's tax liability by separately stating the tax as an
4 additional charge, which charge may be stated in combination,
5 in a single amount, with State tax that servicemen are
6 authorized to collect under the Service Use Tax Act, in
7 accordance with such bracket schedules as the Department may
8 prescribe.

9 Whenever the Department determines that a refund should be
10 made under this subsection to a claimant instead of issuing a
11 credit memorandum, the Department shall notify the State
12 Comptroller, who shall cause the warrant to be drawn for the
13 amount specified, and to the person named, in the notification
14 from the Department. The refund shall be paid by the State
15 Treasurer out of the State Metro-East Park and Recreation
16 District Fund.

17 Nothing in this subsection shall be construed to authorize
18 the board to impose a tax upon the privilege of engaging in any
19 business which under the Constitution of the United States may
20 not be made the subject of taxation by the State.

21 (c) Except as otherwise provided in this paragraph, the ~~The~~
22 Department shall immediately pay over to the State Treasurer,
23 ex officio, as trustee, all taxes and penalties collected under
24 this Section to be deposited into the State Metro-East Park and
25 Recreation District Fund, which shall be an unappropriated
26 trust fund held outside of the State treasury. Taxes and

1 penalties collected on aviation fuel sold on or after December
2 1, 2017, shall be immediately paid over by the Department to
3 the State Treasurer, ex officio, as trustee, for deposit into
4 the Local Government Aviation Trust Fund. The Department shall
5 only pay moneys into the State Aviation Program Fund under this
6 Act for so long as the revenue use requirements of 49 U.S.C.
7 §47107(b) and 49 U.S.C. §47133 are binding on the District.

8 As soon as possible after the first day of each month,
9 beginning January 1, 2011, upon certification of the Department
10 of Revenue, the Comptroller shall order transferred, and the
11 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
12 local sales tax increment, as defined in the Innovation
13 Development and Economy Act, collected under this Section
14 during the second preceding calendar month for sales within a
15 STAR bond district. The Department shall make this
16 certification only if the Metro East Park and Recreation
17 District imposes a tax on real property as provided in the
18 definition of "local sales taxes" under the Innovation
19 Development and Economy Act.

20 After the monthly transfer to the STAR Bonds Revenue Fund,
21 on or before the 25th day of each calendar month, the
22 Department shall prepare and certify to the Comptroller the
23 disbursement of stated sums of money pursuant to Section 35 of
24 this Act to the District from which retailers have paid taxes
25 or penalties to the Department during the second preceding
26 calendar month. The amount to be paid to the District shall be

1 the amount (not including credit memoranda and not including
2 taxes and penalties collected on aviation fuel sold on or after
3 December 1, 2017) collected under this Section during the
4 second preceding calendar month by the Department plus an
5 amount the Department determines is necessary to offset any
6 amounts that were erroneously paid to a different taxing body,
7 and not including (i) an amount equal to the amount of refunds
8 made during the second preceding calendar month by the
9 Department on behalf of the District, (ii) any amount that the
10 Department determines is necessary to offset any amounts that
11 were payable to a different taxing body but were erroneously
12 paid to the District, and (iii) any amounts that are
13 transferred to the STAR Bonds Revenue Fund. Within 10 days
14 after receipt by the Comptroller of the disbursement
15 certification to the District provided for in this Section to
16 be given to the Comptroller by the Department, the Comptroller
17 shall cause the orders to be drawn for the respective amounts
18 in accordance with directions contained in the certification.

19 (d) For the purpose of determining whether a tax authorized
20 under this Section is applicable, a retail sale by a producer
21 of coal or another mineral mined in Illinois is a sale at
22 retail at the place where the coal or other mineral mined in
23 Illinois is extracted from the earth. This paragraph does not
24 apply to coal or another mineral when it is delivered or
25 shipped by the seller to the purchaser at a point outside
26 Illinois so that the sale is exempt under the United States

1 Constitution as a sale in interstate or foreign commerce.

2 (e) Nothing in this Section shall be construed to authorize
3 the board to impose a tax upon the privilege of engaging in any
4 business that under the Constitution of the United States may
5 not be made the subject of taxation by this State.

6 (f) An ordinance imposing a tax under this Section or an
7 ordinance extending the imposition of a tax to an additional
8 county or counties shall be certified by the board and filed
9 with the Department of Revenue either (i) on or before the
10 first day of April, whereupon the Department shall proceed to
11 administer and enforce the tax as of the first day of July next
12 following the filing; or (ii) on or before the first day of
13 October, whereupon the Department shall proceed to administer
14 and enforce the tax as of the first day of January next
15 following the filing.

16 (g) When certifying the amount of a monthly disbursement to
17 the District under this Section, the Department shall increase
18 or decrease the amounts by an amount necessary to offset any
19 misallocation of previous disbursements. The offset amount
20 shall be the amount erroneously disbursed within the previous 6
21 months from the time a misallocation is discovered.

22 (Source: P.A. 98-1098, eff. 8-26-14; 99-217, eff. 7-31-15.)

23 Section 65. The Local Mass Transit District Act is amended
24 by changing Section 5.01 as follows:

1 (70 ILCS 3610/5.01) (from Ch. 111 2/3, par. 355.01)

2 Sec. 5.01. Metro East Mass Transit District; use and
3 occupation taxes.

4 (a) The Board of Trustees of any Metro East Mass Transit
5 District may, by ordinance adopted with the concurrence of
6 two-thirds of the then trustees, impose throughout the District
7 any or all of the taxes and fees provided in this Section.
8 Except as otherwise provided, all ~~All~~ taxes and fees imposed
9 under this Section shall be used only for public mass
10 transportation systems, and the amount used to provide mass
11 transit service to unserved areas of the District shall be in
12 the same proportion to the total proceeds as the number of
13 persons residing in the unserved areas is to the total
14 population of the District. Except as otherwise provided in
15 this Act, taxes imposed under this Section and civil penalties
16 imposed incident thereto shall be collected and enforced by the
17 State Department of Revenue. The Department shall have the
18 power to administer and enforce the taxes and to determine all
19 rights for refunds for erroneous payments of the taxes.

20 (b) The Board may impose a Metro East Mass Transit District
21 Retailers' Occupation Tax upon all persons engaged in the
22 business of selling tangible personal property at retail in the
23 district at a rate of 1/4 of 1%, or as authorized under
24 subsection (d-5) of this Section, of the gross receipts from
25 the sales made in the course of such business within the
26 district, except that the rate of tax imposed under this

1 Section on sales of aviation fuel on or after December 1, 2017
2 shall be 0.25% in Madison County unless the Metro-East Mass
3 Transit District in Madison County has an "airport-related
4 purpose" and any additional amount authorized under subsection
5 (d-5) is expended for airport-related purposes. If there is no
6 airport-related purpose to which aviation fuel tax revenue is
7 dedicated, then aviation fuel is excluded from any future
8 increase in the tax. The rate in St. Clair County shall be
9 0.25% unless the Metro-East Mass Transit District in St. Clair
10 County has an "airport-related purpose" and the additional
11 0.50% of the 0.75% tax on aviation fuel imposed in that County
12 is expended for airport-related purposes. If there is no
13 airport-related purpose to which aviation fuel tax revenue is
14 dedicated, then aviation fuel is excluded from the tax.

15 On or before September 1, 2017, and on or before each April
16 1 and October 1 thereafter, each Metro-East Mass Transit
17 District and Madison and St. Clair Counties must certify to the
18 Department of Transportation, in the form and manner required
19 by the Department, whether they have an airport-related
20 purpose, which would allow any Retailers' Occupation Tax and
21 Service Occupation Tax imposed under this Act to include tax on
22 aviation fuel. On or before October 1, 2017, and on or before
23 each May 1 and November 1 thereafter, the Department of
24 Transportation shall provide to the Department of Revenue, a
25 list of units of local government which have certified to the
26 Department of Transportation that they have airport-related

1 purposes, which would allow any Retailers' Occupation Tax and
2 Service Occupation Tax imposed by the unit of local government
3 to include tax on aviation fuel. All disputes regarding whether
4 or not a unit of local government has an airport-related
5 purpose shall be resolved by the Department of Transportation.

6 For purposes of this Act, "airport-related purposes" has
7 the meaning ascribed in Section 6z-20.2 of the State Finance
8 Act. This exclusion for aviation fuel only applies for so long
9 as the revenue use requirements of 49 U.S.C. §47107(b) and 49
10 U.S.C. §47133 are binding on the District.

11 The tax imposed under this Section and all civil penalties
12 that may be assessed as an incident thereof shall be collected
13 and enforced by the State Department of Revenue. The Department
14 shall have full power to administer and enforce this Section;
15 to collect all taxes and penalties so collected in the manner
16 hereinafter provided; and to determine all rights to credit
17 memoranda arising on account of the erroneous payment of tax or
18 penalty hereunder. In the administration of, and compliance
19 with, this Section, the Department and persons who are subject
20 to this Section shall have the same rights, remedies,
21 privileges, immunities, powers and duties, and be subject to
22 the same conditions, restrictions, limitations, penalties,
23 exclusions, exemptions and definitions of terms and employ the
24 same modes of procedure, as are prescribed in Sections 1, 1a,
25 1a-1, 1c, 1d, 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all
26 provisions therein other than the State rate of tax), 2c, 3

1 (except as to the disposition of taxes and penalties collected,
2 and except that the retailer's discount is not allowed for
3 taxes paid on aviation fuel that are deposited into the Local
4 Government Aviation Trust Fund), 4, 5, 5a, 5c, 5d, 5e, 5f, 5g,
5 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 12, 13,
6 and 14 of the Retailers' Occupation Tax Act and Section 3-7 of
7 the Uniform Penalty and Interest Act, as fully as if those
8 provisions were set forth herein.

9 Persons subject to any tax imposed under the Section may
10 reimburse themselves for their seller's tax liability
11 hereunder by separately stating the tax as an additional
12 charge, which charge may be stated in combination, in a single
13 amount, with State taxes that sellers are required to collect
14 under the Use Tax Act, in accordance with such bracket
15 schedules as the Department may prescribe.

16 Whenever the Department determines that a refund should be
17 made under this Section to a claimant instead of issuing a
18 credit memorandum, the Department shall notify the State
19 Comptroller, who shall cause the warrant to be drawn for the
20 amount specified, and to the person named, in the notification
21 from the Department. The refund shall be paid by the State
22 Treasurer out of the Metro East Mass Transit District tax fund
23 established under paragraph (h) of this Section.

24 If a tax is imposed under this subsection (b), a tax shall
25 also be imposed under subsections (c) and (d) of this Section.

26 For the purpose of determining whether a tax authorized

1 under this Section is applicable, a retail sale, by a producer
2 of coal or other mineral mined in Illinois, is a sale at retail
3 at the place where the coal or other mineral mined in Illinois
4 is extracted from the earth. This paragraph does not apply to
5 coal or other mineral when it is delivered or shipped by the
6 seller to the purchaser at a point outside Illinois so that the
7 sale is exempt under the Federal Constitution as a sale in
8 interstate or foreign commerce.

9 No tax shall be imposed or collected under this subsection
10 on the sale of a motor vehicle in this State to a resident of
11 another state if that motor vehicle will not be titled in this
12 State.

13 Nothing in this Section shall be construed to authorize the
14 Metro East Mass Transit District to impose a tax upon the
15 privilege of engaging in any business which under the
16 Constitution of the United States may not be made the subject
17 of taxation by this State.

18 (c) If a tax has been imposed under subsection (b), a Metro
19 East Mass Transit District Service Occupation Tax shall also be
20 imposed upon all persons engaged, in the district, in the
21 business of making sales of service, who, as an incident to
22 making those sales of service, transfer tangible personal
23 property within the District, either in the form of tangible
24 personal property or in the form of real estate as an incident
25 to a sale of service. The tax rate shall be 1/4%, or as
26 authorized under subsection (d-5) of this Section, of the

1 selling price of tangible personal property so transferred
2 within the district, except that the rate of tax imposed in
3 these Counties under this Section on sales of aviation fuel on
4 or after December 1, 2017 shall be 0.25% in Madison County
5 unless the Metro-East Mass Transit District in Madison County
6 has an "airport-related purpose" and any additional amount
7 authorized under subsection (d-5) is expended for
8 airport-related purposes. If there is no airport-related
9 purpose to which aviation fuel tax revenue is dedicated, then
10 aviation fuel is excluded from any future increase in the tax.
11 The rate in St. Clair County shall be 0.25% unless the
12 Metro-East Mass Transit District in St. Clair County has an
13 "airport-related purpose" and the additional 0.50% of the 0.75%
14 tax on aviation fuel is expended for airport-related purposes.
15 If there is no airport-related purpose to which aviation fuel
16 tax revenue is dedicated, then aviation fuel is excluded from
17 the tax.

18 On or before September 1, 2017, and on or before each April
19 1 and October 1 thereafter, each Metro-East Mass Transit
20 District and Madison and St. Clair Counties must certify to the
21 Department of Transportation, in the form and manner required
22 by the Department, whether they have an airport-related
23 purpose, which would allow any Retailers' Occupation Tax and
24 Service Occupation Tax imposed under this Act to include tax on
25 aviation fuel. On or before October 1, 2017, and on or before
26 each May 1 and November 1 thereafter, the Department of

1 Transportation shall provide to the Department of Revenue, a
2 list of units of local government which have certified to the
3 Department of Transportation that they have airport-related
4 purposes, which would allow any Retailers' Occupation Tax and
5 Service Occupation Tax imposed by the unit of local government
6 to include tax on aviation fuel. All disputes regarding whether
7 or not a unit of local government has an airport-related
8 purpose shall be resolved by the Department of Transportation.

9 For purposes of this Act, "airport-related purposes" has
10 the meaning ascribed in Section 6z-20.2 of the State Finance
11 Act. This exclusion for aviation fuel only applies for so long
12 as the revenue use requirements of 49 U.S.C. §47107(b) and 49
13 U.S.C. §47133 are binding on the District.

14 The tax imposed under this paragraph and all civil
15 penalties that may be assessed as an incident thereof shall be
16 collected and enforced by the State Department of Revenue. The
17 Department shall have full power to administer and enforce this
18 paragraph; to collect all taxes and penalties due hereunder; to
19 dispose of taxes and penalties so collected in the manner
20 hereinafter provided; and to determine all rights to credit
21 memoranda arising on account of the erroneous payment of tax or
22 penalty hereunder. In the administration of, and compliance
23 with this paragraph, the Department and persons who are subject
24 to this paragraph shall have the same rights, remedies,
25 privileges, immunities, powers and duties, and be subject to
26 the same conditions, restrictions, limitations, penalties,

1 exclusions, exemptions and definitions of terms and employ the
2 same modes of procedure as are prescribed in Sections 1a-1, 2
3 (except that the reference to State in the definition of
4 supplier maintaining a place of business in this State shall
5 mean the Authority), 2a, 3 through 3-50 (in respect to all
6 provisions therein other than the State rate of tax), 4 (except
7 that the reference to the State shall be to the Authority), 5,
8 7, 8 (except that the jurisdiction to which the tax shall be a
9 debt to the extent indicated in that Section 8 shall be the
10 District), 9 (except as to the disposition of taxes and
11 penalties collected, and except that the returned merchandise
12 credit for this tax may not be taken against any State tax, and
13 except that the retailer's discount is not allowed for taxes
14 paid on aviation fuel that are deposited into the Local
15 Government Aviation Trust Fund), 10, 11, 12 (except the
16 reference therein to Section 2b of the Retailers' Occupation
17 Tax Act), 13 (except that any reference to the State shall mean
18 the District), the first paragraph of Section 15, 16, 17, 18,
19 19 and 20 of the Service Occupation Tax Act and Section 3-7 of
20 the Uniform Penalty and Interest Act, as fully as if those
21 provisions were set forth herein.

22 Persons subject to any tax imposed under the authority
23 granted in this paragraph may reimburse themselves for their
24 serviceman's tax liability hereunder by separately stating the
25 tax as an additional charge, which charge may be stated in
26 combination, in a single amount, with State tax that servicemen

1 are authorized to collect under the Service Use Tax Act, in
2 accordance with such bracket schedules as the Department may
3 prescribe.

4 Whenever the Department determines that a refund should be
5 made under this paragraph to a claimant instead of issuing a
6 credit memorandum, the Department shall notify the State
7 Comptroller, who shall cause the warrant to be drawn for the
8 amount specified, and to the person named, in the notification
9 from the Department. The refund shall be paid by the State
10 Treasurer out of the Metro East Mass Transit District tax fund
11 established under paragraph (h) of this Section.

12 Nothing in this paragraph shall be construed to authorize
13 the District to impose a tax upon the privilege of engaging in
14 any business which under the Constitution of the United States
15 may not be made the subject of taxation by the State.

16 (d) If a tax has been imposed under subsection (b), a Metro
17 East Mass Transit District Use Tax shall also be imposed upon
18 the privilege of using, in the district, any item of tangible
19 personal property that is purchased outside the district at
20 retail from a retailer, and that is titled or registered with
21 an agency of this State's government, at a rate of 1/4%, or as
22 authorized under subsection (d-5) of this Section, of the
23 selling price of the tangible personal property within the
24 District, as "selling price" is defined in the Use Tax Act. The
25 tax shall be collected from persons whose Illinois address for
26 titling or registration purposes is given as being in the

1 District. The tax shall be collected by the Department of
2 Revenue for the Metro East Mass Transit District. The tax must
3 be paid to the State, or an exemption determination must be
4 obtained from the Department of Revenue, before the title or
5 certificate of registration for the property may be issued. The
6 tax or proof of exemption may be transmitted to the Department
7 by way of the State agency with which, or the State officer
8 with whom, the tangible personal property must be titled or
9 registered if the Department and the State agency or State
10 officer determine that this procedure will expedite the
11 processing of applications for title or registration.

12 The Department shall have full power to administer and
13 enforce this paragraph; to collect all taxes, penalties and
14 interest due hereunder; to dispose of taxes, penalties and
15 interest so collected in the manner hereinafter provided; and
16 to determine all rights to credit memoranda or refunds arising
17 on account of the erroneous payment of tax, penalty or interest
18 hereunder. In the administration of, and compliance with, this
19 paragraph, the Department and persons who are subject to this
20 paragraph shall have the same rights, remedies, privileges,
21 immunities, powers and duties, and be subject to the same
22 conditions, restrictions, limitations, penalties, exclusions,
23 exemptions and definitions of terms and employ the same modes
24 of procedure, as are prescribed in Sections 2 (except the
25 definition of "retailer maintaining a place of business in this
26 State"), 3 through 3-80 (except provisions pertaining to the

1 State rate of tax, and except provisions concerning collection
2 or refunding of the tax by retailers), 4, 11, 12, 12a, 14, 15,
3 19 (except the portions pertaining to claims by retailers and
4 except the last paragraph concerning refunds), 20, 21 and 22 of
5 the Use Tax Act and Section 3-7 of the Uniform Penalty and
6 Interest Act, that are not inconsistent with this paragraph, as
7 fully as if those provisions were set forth herein.

8 Whenever the Department determines that a refund should be
9 made under this paragraph to a claimant instead of issuing a
10 credit memorandum, the Department shall notify the State
11 Comptroller, who shall cause the order to be drawn for the
12 amount specified, and to the person named, in the notification
13 from the Department. The refund shall be paid by the State
14 Treasurer out of the Metro East Mass Transit District tax fund
15 established under paragraph (h) of this Section.

16 (d-5) (A) The county board of any county participating in
17 the Metro East Mass Transit District may authorize, by
18 ordinance, a referendum on the question of whether the tax
19 rates for the Metro East Mass Transit District Retailers'
20 Occupation Tax, the Metro East Mass Transit District Service
21 Occupation Tax, and the Metro East Mass Transit District Use
22 Tax for the District should be increased from 0.25% to 0.75%.
23 Upon adopting the ordinance, the county board shall certify the
24 proposition to the proper election officials who shall submit
25 the proposition to the voters of the District at the next
26 election, in accordance with the general election law.

1 The proposition shall be in substantially the following
2 form:

3 Shall the tax rates for the Metro East Mass Transit
4 District Retailers' Occupation Tax, the Metro East Mass
5 Transit District Service Occupation Tax, and the Metro East
6 Mass Transit District Use Tax be increased from 0.25% to
7 0.75%?

8 (B) Two thousand five hundred electors of any Metro East
9 Mass Transit District may petition the Chief Judge of the
10 Circuit Court, or any judge of that Circuit designated by the
11 Chief Judge, in which that District is located to cause to be
12 submitted to a vote of the electors the question whether the
13 tax rates for the Metro East Mass Transit District Retailers'
14 Occupation Tax, the Metro East Mass Transit District Service
15 Occupation Tax, and the Metro East Mass Transit District Use
16 Tax for the District should be increased from 0.25% to 0.75%.

17 Upon submission of such petition the court shall set a date
18 not less than 10 nor more than 30 days thereafter for a hearing
19 on the sufficiency thereof. Notice of the filing of such
20 petition and of such date shall be given in writing to the
21 District and the County Clerk at least 7 days before the date
22 of such hearing.

23 If such petition is found sufficient, the court shall enter
24 an order to submit that proposition at the next election, in
25 accordance with general election law.

26 The form of the petition shall be in substantially the

1 following form: To the Circuit Court of the County of (name of
2 county):

3 We, the undersigned electors of the (name of transit
4 district), respectfully petition your honor to submit to a
5 vote of the electors of (name of transit district) the
6 following proposition:

7 Shall the tax rates for the Metro East Mass Transit
8 District Retailers' Occupation Tax, the Metro East Mass
9 Transit District Service Occupation Tax, and the Metro East
10 Mass Transit District Use Tax be increased from 0.25% to
11 0.75%?

| 12 | Name | Address, with Street and Number. |
|----|-------|----------------------------------|
| 13 | | |
| 14 | | |

15 (C) The votes shall be recorded as "YES" or "NO". If a
16 majority of all votes cast on the proposition are for the
17 increase in the tax rates, the Metro East Mass Transit District
18 shall begin imposing the increased rates in the District, and
19 the Department of Revenue shall begin collecting the increased
20 amounts, as provided under this Section. An ordinance imposing
21 or discontinuing a tax hereunder or effecting a change in the
22 rate thereof shall be adopted and a certified copy thereof
23 filed with the Department on or before the first day of
24 October, whereupon the Department shall proceed to administer
25 and enforce this Section as of the first day of January next
26 following the adoption and filing, or on or before the first

1 day of April, whereupon the Department shall proceed to
2 administer and enforce this Section as of the first day of July
3 next following the adoption and filing.

4 (D) If the voters have approved a referendum under this
5 subsection, before November 1, 1994, to increase the tax rate
6 under this subsection, the Metro East Mass Transit District
7 Board of Trustees may adopt by a majority vote an ordinance at
8 any time before January 1, 1995 that excludes from the rate
9 increase tangible personal property that is titled or
10 registered with an agency of this State's government. The
11 ordinance excluding titled or registered tangible personal
12 property from the rate increase must be filed with the
13 Department at least 15 days before its effective date. At any
14 time after adopting an ordinance excluding from the rate
15 increase tangible personal property that is titled or
16 registered with an agency of this State's government, the Metro
17 East Mass Transit District Board of Trustees may adopt an
18 ordinance applying the rate increase to that tangible personal
19 property. The ordinance shall be adopted, and a certified copy
20 of that ordinance shall be filed with the Department, on or
21 before October 1, whereupon the Department shall proceed to
22 administer and enforce the rate increase against tangible
23 personal property titled or registered with an agency of this
24 State's government as of the following January 1. After
25 December 31, 1995, any reimposed rate increase in effect under
26 this subsection shall no longer apply to tangible personal

1 property titled or registered with an agency of this State's
2 government. Beginning January 1, 1996, the Board of Trustees of
3 any Metro East Mass Transit District may never reimpose a
4 previously excluded tax rate increase on tangible personal
5 property titled or registered with an agency of this State's
6 government. After July 1, 2004, if the voters have approved a
7 referendum under this subsection to increase the tax rate under
8 this subsection, the Metro East Mass Transit District Board of
9 Trustees may adopt by a majority vote an ordinance that
10 excludes from the rate increase tangible personal property that
11 is titled or registered with an agency of this State's
12 government. The ordinance excluding titled or registered
13 tangible personal property from the rate increase shall be
14 adopted, and a certified copy of that ordinance shall be filed
15 with the Department on or before October 1, whereupon the
16 Department shall administer and enforce this exclusion from the
17 rate increase as of the following January 1, or on or before
18 April 1, whereupon the Department shall administer and enforce
19 this exclusion from the rate increase as of the following July
20 1. The Board of Trustees of any Metro East Mass Transit
21 District may never reimpose a previously excluded tax rate
22 increase on tangible personal property titled or registered
23 with an agency of this State's government.

24 (d-6) If the Board of Trustees of any Metro East Mass
25 Transit District has imposed a rate increase under subsection
26 (d-5) and filed an ordinance with the Department of Revenue

1 excluding titled property from the higher rate, then that Board
2 may, by ordinance adopted with the concurrence of two-thirds of
3 the then trustees, impose throughout the District a fee. The
4 fee on the excluded property shall not exceed \$20 per retail
5 transaction or an amount equal to the amount of tax excluded,
6 whichever is less, on tangible personal property that is titled
7 or registered with an agency of this State's government.
8 Beginning July 1, 2004, the fee shall apply only to titled
9 property that is subject to either the Metro East Mass Transit
10 District Retailers' Occupation Tax or the Metro East Mass
11 Transit District Service Occupation Tax. No fee shall be
12 imposed or collected under this subsection on the sale of a
13 motor vehicle in this State to a resident of another state if
14 that motor vehicle will not be titled in this State.

15 (d-7) Until June 30, 2004, if a fee has been imposed under
16 subsection (d-6), a fee shall also be imposed upon the
17 privilege of using, in the district, any item of tangible
18 personal property that is titled or registered with any agency
19 of this State's government, in an amount equal to the amount of
20 the fee imposed under subsection (d-6).

21 (d-7.1) Beginning July 1, 2004, any fee imposed by the
22 Board of Trustees of any Metro East Mass Transit District under
23 subsection (d-6) and all civil penalties that may be assessed
24 as an incident of the fees shall be collected and enforced by
25 the State Department of Revenue. Reference to "taxes" in this
26 Section shall be construed to apply to the administration,

1 payment, and remittance of all fees under this Section. For
2 purposes of any fee imposed under subsection (d-6), 4% of the
3 fee, penalty, and interest received by the Department in the
4 first 12 months that the fee is collected and enforced by the
5 Department and 2% of the fee, penalty, and interest following
6 the first 12 months (except the amount collected on aviation
7 fuel sold on or after December 1, 2017) shall be deposited into
8 the Tax Compliance and Administration Fund and shall be used by
9 the Department, subject to appropriation, to cover the costs of
10 the Department. No retailers' discount shall apply to any fee
11 imposed under subsection (d-6).

12 (d-8) No item of titled property shall be subject to both
13 the higher rate approved by referendum, as authorized under
14 subsection (d-5), and any fee imposed under subsection (d-6) or
15 (d-7).

16 (d-9) (Blank).

17 (d-10) (Blank).

18 (e) A certificate of registration issued by the State
19 Department of Revenue to a retailer under the Retailers'
20 Occupation Tax Act or under the Service Occupation Tax Act
21 shall permit the registrant to engage in a business that is
22 taxed under the tax imposed under paragraphs (b), (c) or (d) of
23 this Section and no additional registration shall be required
24 under the tax. A certificate issued under the Use Tax Act or
25 the Service Use Tax Act shall be applicable with regard to any
26 tax imposed under paragraph (c) of this Section.

1 (f) (Blank).

2 (g) Any ordinance imposing or discontinuing any tax under
3 this Section shall be adopted and a certified copy thereof
4 filed with the Department on or before June 1, whereupon the
5 Department of Revenue shall proceed to administer and enforce
6 this Section on behalf of the Metro East Mass Transit District
7 as of September 1 next following such adoption and filing.
8 Beginning January 1, 1992, an ordinance or resolution imposing
9 or discontinuing the tax hereunder shall be adopted and a
10 certified copy thereof filed with the Department on or before
11 the first day of July, whereupon the Department shall proceed
12 to administer and enforce this Section as of the first day of
13 October next following such adoption and filing. Beginning
14 January 1, 1993, except as provided in subsection (d-5) of this
15 Section, an ordinance or resolution imposing or discontinuing
16 the tax hereunder shall be adopted and a certified copy thereof
17 filed with the Department on or before the first day of
18 October, whereupon the Department shall proceed to administer
19 and enforce this Section as of the first day of January next
20 following such adoption and filing, or, beginning January 1,
21 2004, on or before the first day of April, whereupon the
22 Department shall proceed to administer and enforce this Section
23 as of the first day of July next following the adoption and
24 filing.

25 (h) Except as provided in subsection (d-7.1), the State
26 Department of Revenue shall, upon collecting any taxes as

1 provided in this Section, pay the taxes over to the State
2 Treasurer as trustee for the District. The taxes shall be held
3 in a trust fund outside the State Treasury. Taxes and penalties
4 collected in St. Clair Counties on aviation fuel sold on or
5 after December 1, 2017 from the 0.50% of the .75% rate shall be
6 immediately paid over by the Department to the State Treasurer,
7 ex officio, as trustee, for deposit into the Local Government
8 Aviation Trust Fund. The Department shall only pay moneys into
9 the Local Government Aviation Trust Fund under this Act for so
10 long as the revenue use requirements of 49 U.S.C. §47107(b) and
11 49 U.S.C. §47133 are binding on the District.

12 As soon as possible after the first day of each month,
13 beginning January 1, 2011, upon certification of the Department
14 of Revenue, the Comptroller shall order transferred, and the
15 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
16 local sales tax increment, as defined in the Innovation
17 Development and Economy Act, collected under this Section
18 during the second preceding calendar month for sales within a
19 STAR bond district. The Department shall make this
20 certification only if the local mass transit district imposes a
21 tax on real property as provided in the definition of "local
22 sales taxes" under the Innovation Development and Economy Act.

23 After the monthly transfer to the STAR Bonds Revenue Fund,
24 on or before the 25th day of each calendar month, the State
25 Department of Revenue shall prepare and certify to the
26 Comptroller of the State of Illinois the amount to be paid to

1 the District, which shall be the amount (not including credit
2 memoranda and not including taxes and penalties collected on
3 aviation fuel sold on or after December 1, 2017) collected
4 under this Section during the second preceding calendar month
5 by the Department plus an amount the Department determines is
6 necessary to offset any amounts that were erroneously paid to a
7 different taxing body, and not including any amount equal to
8 the amount of refunds made during the second preceding calendar
9 month by the Department on behalf of the District, and not
10 including any amount that the Department determines is
11 necessary to offset any amounts that were payable to a
12 different taxing body but were erroneously paid to the
13 District, and less any amounts that are transferred to the STAR
14 Bonds Revenue Fund. Within 10 days after receipt by the
15 Comptroller of the certification of the amount to be paid to
16 the District, the Comptroller shall cause an order to be drawn
17 for payment for the amount in accordance with the direction in
18 the certification.

19 (Source: P.A. 98-298, eff. 8-9-13; 99-217, eff. 7-31-15.)

20 Section 70. The Regional Transportation Authority Act is
21 amended by changing Sections 4.03 and 4.03.3 as follows:

22 (70 ILCS 3615/4.03) (from Ch. 111 2/3, par. 704.03)

23 Sec. 4.03. Taxes.

24 (a) In order to carry out any of the powers or purposes of

1 the Authority, the Board may by ordinance adopted with the
2 concurrence of 12 of the then Directors, impose throughout the
3 metropolitan region any or all of the taxes provided in this
4 Section. Except as otherwise provided in this Act, taxes
5 imposed under this Section and civil penalties imposed incident
6 thereto shall be collected and enforced by the State Department
7 of Revenue. The Department shall have the power to administer
8 and enforce the taxes and to determine all rights for refunds
9 for erroneous payments of the taxes. Nothing in Public Act
10 95-708 is intended to invalidate any taxes currently imposed by
11 the Authority. The increased vote requirements to impose a tax
12 shall only apply to actions taken after January 1, 2008 (the
13 effective date of Public Act 95-708).

14 (b) The Board may impose a public transportation tax upon
15 all persons engaged in the metropolitan region in the business
16 of selling at retail motor fuel for operation of motor vehicles
17 upon public highways. The tax shall be at a rate not to exceed
18 5% of the gross receipts from the sales of motor fuel in the
19 course of the business. As used in this Act, the term "motor
20 fuel" shall have the same meaning as in the Motor Fuel Tax Law.
21 The Board may provide for details of the tax. The provisions of
22 any tax shall conform, as closely as may be practicable, to the
23 provisions of the Municipal Retailers Occupation Tax Act,
24 including without limitation, conformity to penalties with
25 respect to the tax imposed and as to the powers of the State
26 Department of Revenue to promulgate and enforce rules and

1 regulations relating to the administration and enforcement of
2 the provisions of the tax imposed, except that reference in the
3 Act to any municipality shall refer to the Authority and the
4 tax shall be imposed only with regard to receipts from sales of
5 motor fuel in the metropolitan region, at rates as limited by
6 this Section.

7 (c) In connection with the tax imposed under paragraph (b)
8 of this Section the Board may impose a tax upon the privilege
9 of using in the metropolitan region motor fuel for the
10 operation of a motor vehicle upon public highways, the tax to
11 be at a rate not in excess of the rate of tax imposed under
12 paragraph (b) of this Section. The Board may provide for
13 details of the tax.

14 (d) The Board may impose a motor vehicle parking tax upon
15 the privilege of parking motor vehicles at off-street parking
16 facilities in the metropolitan region at which a fee is
17 charged, and may provide for reasonable classifications in and
18 exemptions to the tax, for administration and enforcement
19 thereof and for civil penalties and refunds thereunder and may
20 provide criminal penalties thereunder, the maximum penalties
21 not to exceed the maximum criminal penalties provided in the
22 Retailers' Occupation Tax Act. The Authority may collect and
23 enforce the tax itself or by contract with any unit of local
24 government. The State Department of Revenue shall have no
25 responsibility for the collection and enforcement unless the
26 Department agrees with the Authority to undertake the

1 collection and enforcement. As used in this paragraph, the term
2 "parking facility" means a parking area or structure having
3 parking spaces for more than 2 vehicles at which motor vehicles
4 are permitted to park in return for an hourly, daily, or other
5 periodic fee, whether publicly or privately owned, but does not
6 include parking spaces on a public street, the use of which is
7 regulated by parking meters.

8 (e) The Board may impose a Regional Transportation
9 Authority Retailers' Occupation Tax upon all persons engaged in
10 the business of selling tangible personal property at retail in
11 the metropolitan region. In Cook County the tax rate shall be
12 1.25% of the gross receipts from sales of food for human
13 consumption that is to be consumed off the premises where it is
14 sold (other than alcoholic beverages, soft drinks and food that
15 has been prepared for immediate consumption) and prescription
16 and nonprescription medicines, drugs, medical appliances and
17 insulin, urine testing materials, syringes and needles used by
18 diabetics, and 1% of the gross receipts from other taxable
19 sales made in the course of that business. In DuPage, Kane,
20 Lake, McHenry, and Will Counties, the tax rate shall be 0.75%
21 of the gross receipts from all taxable sales made in the course
22 of that business except that the rate of tax imposed in these
23 Counties under this Section on sales of aviation fuel on or
24 after December 1, 2017 shall be 0.25% unless the Regional
25 Transportation Authority in DuPage, Kane, Lake, McHenry and
26 Will Counties has an "airport-related purpose" and the

1 additional 0.50% of the 0.75% tax on aviation fuel is expended
2 for airport-related purposes. If there is no airport-related
3 purpose to which aviation fuel tax revenue is dedicated, then
4 aviation fuel is excluded from the tax.

5 On or before September 1, 2017, and on or before each April
6 1 and October 1 thereafter, the Authority and Cook, DuPage,
7 Kane, Lake, McHenry, and Will Counties must certify to the
8 Department of Transportation, in the form and manner required
9 by the Department, whether they have an airport-related
10 purpose, which would allow any Retailers' Occupation Tax and
11 Service Occupation Tax imposed under this Act to include tax on
12 aviation fuel. On or before October 1, 2017, and on or before
13 each May 1 and November 1 thereafter, the Department of
14 Transportation shall provide to the Department of Revenue, a
15 list of units of local government which have certified to the
16 Department of Transportation that they have airport-related
17 purposes, which would allow any Retailers' Occupation Tax and
18 Service Occupation Tax imposed by the unit of local government
19 to include tax on aviation fuel. All disputes regarding whether
20 or not a unit of local government has an airport-related
21 purpose shall be resolved by the Department of Transportation.

22 For purposes of this Act, "airport-related purposes" has
23 the meaning ascribed in Section 6z-20.2 of the State Finance
24 Act. This exclusion for aviation fuel only applies for so long
25 as the revenue use requirements of 49 U.S.C. §47107(b) and 49
26 U.S.C. §47133 are binding on the Authority.

1 The tax imposed under this Section and all civil penalties
2 that may be assessed as an incident thereof shall be collected
3 and enforced by the State Department of Revenue. The Department
4 shall have full power to administer and enforce this Section;
5 to collect all taxes and penalties so collected in the manner
6 hereinafter provided; and to determine all rights to credit
7 memoranda arising on account of the erroneous payment of tax or
8 penalty hereunder. In the administration of, and compliance
9 with this Section, the Department and persons who are subject
10 to this Section shall have the same rights, remedies,
11 privileges, immunities, powers and duties, and be subject to
12 the same conditions, restrictions, limitations, penalties,
13 exclusions, exemptions and definitions of terms, and employ the
14 same modes of procedure, as are prescribed in Sections 1, 1a,
15 1a-1, 1c, 1d, 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all
16 provisions therein other than the State rate of tax), 2c, 3
17 (except as to the disposition of taxes and penalties collected,
18 and except that the retailer's discount is not allowed for
19 taxes paid on aviation fuel that are deposited into the Local
20 Government Aviation Trust Fund), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f,
21 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 12
22 and 13 of the Retailers' Occupation Tax Act and Section 3-7 of
23 the Uniform Penalty and Interest Act, as fully as if those
24 provisions were set forth herein.

25 Persons subject to any tax imposed under the authority
26 granted in this Section may reimburse themselves for their

1 seller's tax liability hereunder by separately stating the tax
2 as an additional charge, which charge may be stated in
3 combination in a single amount with State taxes that sellers
4 are required to collect under the Use Tax Act, under any
5 bracket schedules the Department may prescribe.

6 Whenever the Department determines that a refund should be
7 made under this Section to a claimant instead of issuing a
8 credit memorandum, the Department shall notify the State
9 Comptroller, who shall cause the warrant to be drawn for the
10 amount specified, and to the person named, in the notification
11 from the Department. The refund shall be paid by the State
12 Treasurer out of the Regional Transportation Authority tax fund
13 established under paragraph (n) of this Section.

14 If a tax is imposed under this subsection (e), a tax shall
15 also be imposed under subsections (f) and (g) of this Section.

16 For the purpose of determining whether a tax authorized
17 under this Section is applicable, a retail sale by a producer
18 of coal or other mineral mined in Illinois, is a sale at retail
19 at the place where the coal or other mineral mined in Illinois
20 is extracted from the earth. This paragraph does not apply to
21 coal or other mineral when it is delivered or shipped by the
22 seller to the purchaser at a point outside Illinois so that the
23 sale is exempt under the Federal Constitution as a sale in
24 interstate or foreign commerce.

25 No tax shall be imposed or collected under this subsection
26 on the sale of a motor vehicle in this State to a resident of

1 another state if that motor vehicle will not be titled in this
2 State.

3 Nothing in this Section shall be construed to authorize the
4 Regional Transportation Authority to impose a tax upon the
5 privilege of engaging in any business that under the
6 Constitution of the United States may not be made the subject
7 of taxation by this State.

8 (f) If a tax has been imposed under paragraph (e), a
9 Regional Transportation Authority Service Occupation Tax shall
10 also be imposed upon all persons engaged, in the metropolitan
11 region in the business of making sales of service, who as an
12 incident to making the sales of service, transfer tangible
13 personal property within the metropolitan region, either in the
14 form of tangible personal property or in the form of real
15 estate as an incident to a sale of service. In Cook County, the
16 tax rate shall be: (1) 1.25% of the serviceman's cost price of
17 food prepared for immediate consumption and transferred
18 incident to a sale of service subject to the service occupation
19 tax by an entity licensed under the Hospital Licensing Act, the
20 Nursing Home Care Act, the Specialized Mental Health
21 Rehabilitation Act of 2013, the ID/DD Community Care Act, or
22 the MC/DD Act that is located in the metropolitan region; (2)
23 1.25% of the selling price of food for human consumption that
24 is to be consumed off the premises where it is sold (other than
25 alcoholic beverages, soft drinks and food that has been
26 prepared for immediate consumption) and prescription and

1 nonprescription medicines, drugs, medical appliances and
2 insulin, urine testing materials, syringes and needles used by
3 diabetics; and (3) 1% of the selling price from other taxable
4 sales of tangible personal property transferred. In DuPage,
5 Kane, Lake, McHenry and Will Counties the rate shall be 0.75%
6 of the selling price of all tangible personal property
7 transferred except that the rate of tax imposed in these
8 Counties under this Section on sales of aviation fuel on or
9 after December 1, 2017 shall be 0.25% unless the Regional
10 Transportation Authority in DuPage, Kane, Lake, McHenry and
11 Will Counties has an "airport-related purpose" and the
12 additional 0.50% of the 0.75% tax on aviation fuel is expended
13 for airport-related purposes. If there is no airport-related
14 purpose to which aviation fuel tax revenue is dedicated, then
15 aviation fuel is excluded from the tax..

16 On or before September 1, 2017, and on or before each April
17 1 and October 1 thereafter, the Authority and Cook, DuPage,
18 Kane, Lake, McHenry, and Will Counties must certify to the
19 Department of Transportation, in the form and manner required
20 by the Department, whether they have an airport-related
21 purpose, which would allow any Retailers' Occupation Tax and
22 Service Occupation Tax imposed under this Act to include tax on
23 aviation fuel. On or before October 1, 2017, and on or before
24 each May 1 and November 1 thereafter, the Department of
25 Transportation shall provide to the Department of Revenue, a
26 list of units of local government which have certified to the

1 Department of Transportation that they have airport-related
2 purposes, which would allow any Retailers' Occupation Tax and
3 Service Occupation Tax imposed by the unit of local government
4 to include tax on aviation fuel. All disputes regarding whether
5 or not a unit of local government has an airport-related
6 purpose shall be resolved by the Department of Transportation.

7 For purposes of this Act, "airport-related purposes" has
8 the meaning ascribed in Section 6z-20.2 of the State Finance
9 Act. This exclusion for aviation fuel only applies for so long
10 as the revenue use requirements of 49 U.S.C. §47107(b) and 49
11 U.S.C. §47133 are binding on the Authority.

12 The tax imposed under this paragraph and all civil
13 penalties that may be assessed as an incident thereof shall be
14 collected and enforced by the State Department of Revenue. The
15 Department shall have full power to administer and enforce this
16 paragraph; to collect all taxes and penalties due hereunder; to
17 dispose of taxes and penalties collected in the manner
18 hereinafter provided; and to determine all rights to credit
19 memoranda arising on account of the erroneous payment of tax or
20 penalty hereunder. In the administration of and compliance with
21 this paragraph, the Department and persons who are subject to
22 this paragraph shall have the same rights, remedies,
23 privileges, immunities, powers and duties, and be subject to
24 the same conditions, restrictions, limitations, penalties,
25 exclusions, exemptions and definitions of terms, and employ the
26 same modes of procedure, as are prescribed in Sections 1a-1, 2,

1 2a, 3 through 3-50 (in respect to all provisions therein other
2 than the State rate of tax), 4 (except that the reference to
3 the State shall be to the Authority), 5, 7, 8 (except that the
4 jurisdiction to which the tax shall be a debt to the extent
5 indicated in that Section 8 shall be the Authority), 9 (except
6 as to the disposition of taxes and penalties collected, and
7 except that the returned merchandise credit for this tax may
8 not be taken against any State tax, and except that the
9 retailer's discount is not allowed for taxes paid on aviation
10 fuel that are deposited into the Local Government Aviation
11 Trust Fund), 10, 11, 12 (except the reference therein to
12 Section 2b of the Retailers' Occupation Tax Act), 13 (except
13 that any reference to the State shall mean the Authority), the
14 first paragraph of Section 15, 16, 17, 18, 19 and 20 of the
15 Service Occupation Tax Act and Section 3-7 of the Uniform
16 Penalty and Interest Act, as fully as if those provisions were
17 set forth herein.

18 Persons subject to any tax imposed under the authority
19 granted in this paragraph may reimburse themselves for their
20 serviceman's tax liability hereunder by separately stating the
21 tax as an additional charge, that charge may be stated in
22 combination in a single amount with State tax that servicemen
23 are authorized to collect under the Service Use Tax Act, under
24 any bracket schedules the Department may prescribe.

25 Whenever the Department determines that a refund should be
26 made under this paragraph to a claimant instead of issuing a

1 credit memorandum, the Department shall notify the State
2 Comptroller, who shall cause the warrant to be drawn for the
3 amount specified, and to the person named in the notification
4 from the Department. The refund shall be paid by the State
5 Treasurer out of the Regional Transportation Authority tax fund
6 established under paragraph (n) of this Section.

7 Nothing in this paragraph shall be construed to authorize
8 the Authority to impose a tax upon the privilege of engaging in
9 any business that under the Constitution of the United States
10 may not be made the subject of taxation by the State.

11 (g) If a tax has been imposed under paragraph (e), a tax
12 shall also be imposed upon the privilege of using in the
13 metropolitan region, any item of tangible personal property
14 that is purchased outside the metropolitan region at retail
15 from a retailer, and that is titled or registered with an
16 agency of this State's government. In Cook County the tax rate
17 shall be 1% of the selling price of the tangible personal
18 property, as "selling price" is defined in the Use Tax Act. In
19 DuPage, Kane, Lake, McHenry and Will counties the tax rate
20 shall be 0.75% of the selling price of the tangible personal
21 property, as "selling price" is defined in the Use Tax Act. The
22 tax shall be collected from persons whose Illinois address for
23 titling or registration purposes is given as being in the
24 metropolitan region. The tax shall be collected by the
25 Department of Revenue for the Regional Transportation
26 Authority. The tax must be paid to the State, or an exemption

1 determination must be obtained from the Department of Revenue,
2 before the title or certificate of registration for the
3 property may be issued. The tax or proof of exemption may be
4 transmitted to the Department by way of the State agency with
5 which, or the State officer with whom, the tangible personal
6 property must be titled or registered if the Department and the
7 State agency or State officer determine that this procedure
8 will expedite the processing of applications for title or
9 registration.

10 The Department shall have full power to administer and
11 enforce this paragraph; to collect all taxes, penalties and
12 interest due hereunder; to dispose of taxes, penalties and
13 interest collected in the manner hereinafter provided; and to
14 determine all rights to credit memoranda or refunds arising on
15 account of the erroneous payment of tax, penalty or interest
16 hereunder. In the administration of and compliance with this
17 paragraph, the Department and persons who are subject to this
18 paragraph shall have the same rights, remedies, privileges,
19 immunities, powers and duties, and be subject to the same
20 conditions, restrictions, limitations, penalties, exclusions,
21 exemptions and definitions of terms and employ the same modes
22 of procedure, as are prescribed in Sections 2 (except the
23 definition of "retailer maintaining a place of business in this
24 State"), 3 through 3-80 (except provisions pertaining to the
25 State rate of tax, and except provisions concerning collection
26 or refunding of the tax by retailers), 4, 11, 12, 12a, 14, 15,

1 19 (except the portions pertaining to claims by retailers and
2 except the last paragraph concerning refunds), 20, 21 and 22 of
3 the Use Tax Act, and are not inconsistent with this paragraph,
4 as fully as if those provisions were set forth herein.

5 Whenever the Department determines that a refund should be
6 made under this paragraph to a claimant instead of issuing a
7 credit memorandum, the Department shall notify the State
8 Comptroller, who shall cause the order to be drawn for the
9 amount specified, and to the person named in the notification
10 from the Department. The refund shall be paid by the State
11 Treasurer out of the Regional Transportation Authority tax fund
12 established under paragraph (n) of this Section.

13 (h) The Authority may impose a replacement vehicle tax of
14 \$50 on any passenger car as defined in Section 1-157 of the
15 Illinois Vehicle Code purchased within the metropolitan region
16 by or on behalf of an insurance company to replace a passenger
17 car of an insured person in settlement of a total loss claim.
18 The tax imposed may not become effective before the first day
19 of the month following the passage of the ordinance imposing
20 the tax and receipt of a certified copy of the ordinance by the
21 Department of Revenue. The Department of Revenue shall collect
22 the tax for the Authority in accordance with Sections 3-2002
23 and 3-2003 of the Illinois Vehicle Code.

24 Except as otherwise provided in this paragraph, the ~~The~~
25 Department shall immediately pay over to the State Treasurer,
26 ex officio, as trustee, all taxes collected hereunder. Taxes

1 and penalties collected in DuPage, Kane, Lake, McHenry and Will
2 Counties on aviation fuel sold on or after December 1, 2017
3 from the 0.50% of the 0.75% rate shall be immediately paid over
4 by the Department to the State Treasurer, ex officio, as
5 trustee, for deposit into the Local Government Aviation Trust
6 Fund. The Department shall only pay moneys into the Local
7 Government Aviation Trust Fund under this Act for so long as
8 the revenue use requirements of 49 U.S.C. §47107(b) and 49
9 U.S.C. §47133 are binding on the Authority.

10 As soon as possible after the first day of each month,
11 beginning January 1, 2011, upon certification of the Department
12 of Revenue, the Comptroller shall order transferred, and the
13 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
14 local sales tax increment, as defined in the Innovation
15 Development and Economy Act, collected under this Section
16 during the second preceding calendar month for sales within a
17 STAR bond district.

18 After the monthly transfer to the STAR Bonds Revenue Fund,
19 on or before the 25th day of each calendar month, the
20 Department shall prepare and certify to the Comptroller the
21 disbursement of stated sums of money to the Authority. The
22 amount to be paid to the Authority shall be the amount
23 collected hereunder during the second preceding calendar month
24 by the Department, less any amount determined by the Department
25 to be necessary for the payment of refunds, and less any
26 amounts that are transferred to the STAR Bonds Revenue Fund.

1 Within 10 days after receipt by the Comptroller of the
2 disbursement certification to the Authority provided for in
3 this Section to be given to the Comptroller by the Department,
4 the Comptroller shall cause the orders to be drawn for that
5 amount in accordance with the directions contained in the
6 certification.

7 (i) The Board may not impose any other taxes except as it
8 may from time to time be authorized by law to impose.

9 (j) A certificate of registration issued by the State
10 Department of Revenue to a retailer under the Retailers'
11 Occupation Tax Act or under the Service Occupation Tax Act
12 shall permit the registrant to engage in a business that is
13 taxed under the tax imposed under paragraphs (b), (e), (f) or
14 (g) of this Section and no additional registration shall be
15 required under the tax. A certificate issued under the Use Tax
16 Act or the Service Use Tax Act shall be applicable with regard
17 to any tax imposed under paragraph (c) of this Section.

18 (k) The provisions of any tax imposed under paragraph (c)
19 of this Section shall conform as closely as may be practicable
20 to the provisions of the Use Tax Act, including without
21 limitation conformity as to penalties with respect to the tax
22 imposed and as to the powers of the State Department of Revenue
23 to promulgate and enforce rules and regulations relating to the
24 administration and enforcement of the provisions of the tax
25 imposed. The taxes shall be imposed only on use within the
26 metropolitan region and at rates as provided in the paragraph.

1 (1) The Board in imposing any tax as provided in paragraphs
2 (b) and (c) of this Section, shall, after seeking the advice of
3 the State Department of Revenue, provide means for retailers,
4 users or purchasers of motor fuel for purposes other than those
5 with regard to which the taxes may be imposed as provided in
6 those paragraphs to receive refunds of taxes improperly paid,
7 which provisions may be at variance with the refund provisions
8 as applicable under the Municipal Retailers Occupation Tax Act.
9 The State Department of Revenue may provide for certificates of
10 registration for users or purchasers of motor fuel for purposes
11 other than those with regard to which taxes may be imposed as
12 provided in paragraphs (b) and (c) of this Section to
13 facilitate the reporting and nontaxability of the exempt sales
14 or uses.

15 (m) Any ordinance imposing or discontinuing any tax under
16 this Section shall be adopted and a certified copy thereof
17 filed with the Department on or before June 1, whereupon the
18 Department of Revenue shall proceed to administer and enforce
19 this Section on behalf of the Regional Transportation Authority
20 as of September 1 next following such adoption and filing.
21 Beginning January 1, 1992, an ordinance or resolution imposing
22 or discontinuing the tax hereunder shall be adopted and a
23 certified copy thereof filed with the Department on or before
24 the first day of July, whereupon the Department shall proceed
25 to administer and enforce this Section as of the first day of
26 October next following such adoption and filing. Beginning

1 January 1, 1993, an ordinance or resolution imposing,
2 increasing, decreasing, or discontinuing the tax hereunder
3 shall be adopted and a certified copy thereof filed with the
4 Department, whereupon the Department shall proceed to
5 administer and enforce this Section as of the first day of the
6 first month to occur not less than 60 days following such
7 adoption and filing. Any ordinance or resolution of the
8 Authority imposing a tax under this Section and in effect on
9 August 1, 2007 shall remain in full force and effect and shall
10 be administered by the Department of Revenue under the terms
11 and conditions and rates of tax established by such ordinance
12 or resolution until the Department begins administering and
13 enforcing an increased tax under this Section as authorized by
14 Public Act 95-708. The tax rates authorized by Public Act
15 95-708 are effective only if imposed by ordinance of the
16 Authority.

17 (n) The State Department of Revenue shall, upon collecting
18 any taxes as provided in this Section, pay the taxes over to
19 the State Treasurer as trustee for the Authority. The taxes
20 shall be held in a trust fund outside the State Treasury. On or
21 before the 25th day of each calendar month, the State
22 Department of Revenue shall prepare and certify to the
23 Comptroller of the State of Illinois and to the Authority (i)
24 the amount of taxes collected in each County other than Cook
25 County in the metropolitan region, (ii) the amount of taxes
26 collected within the City of Chicago, and (iii) the amount

1 collected in that portion of Cook County outside of Chicago,
2 each amount less the amount necessary for the payment of
3 refunds to taxpayers located in those areas described in items
4 (i), (ii), and (iii). Within 10 days after receipt by the
5 Comptroller of the certification of the amounts, the
6 Comptroller shall cause an order to be drawn for the payment of
7 two-thirds of the amounts certified in item (i) of this
8 subsection to the Authority and one-third of the amounts
9 certified in item (i) of this subsection to the respective
10 counties other than Cook County and the amount certified in
11 items (ii) and (iii) of this subsection to the Authority.

12 In addition to the disbursement required by the preceding
13 paragraph, an allocation shall be made in July 1991 and each
14 year thereafter to the Regional Transportation Authority. The
15 allocation shall be made in an amount equal to the average
16 monthly distribution during the preceding calendar year
17 (excluding the 2 months of lowest receipts) and the allocation
18 shall include the amount of average monthly distribution from
19 the Regional Transportation Authority Occupation and Use Tax
20 Replacement Fund. The distribution made in July 1992 and each
21 year thereafter under this paragraph and the preceding
22 paragraph shall be reduced by the amount allocated and
23 disbursed under this paragraph in the preceding calendar year.
24 The Department of Revenue shall prepare and certify to the
25 Comptroller for disbursement the allocations made in
26 accordance with this paragraph.

1 (o) Failure to adopt a budget ordinance or otherwise to
2 comply with Section 4.01 of this Act or to adopt a Five-year
3 Capital Program or otherwise to comply with paragraph (b) of
4 Section 2.01 of this Act shall not affect the validity of any
5 tax imposed by the Authority otherwise in conformity with law.

6 (p) At no time shall a public transportation tax or motor
7 vehicle parking tax authorized under paragraphs (b), (c) and
8 (d) of this Section be in effect at the same time as any
9 retailers' occupation, use or service occupation tax
10 authorized under paragraphs (e), (f) and (g) of this Section is
11 in effect.

12 Any taxes imposed under the authority provided in
13 paragraphs (b), (c) and (d) shall remain in effect only until
14 the time as any tax authorized by paragraphs (e), (f) or (g) of
15 this Section are imposed and becomes effective. Once any tax
16 authorized by paragraphs (e), (f) or (g) is imposed the Board
17 may not reimpose taxes as authorized in paragraphs (b), (c) and
18 (d) of the Section unless any tax authorized by paragraphs (e),
19 (f) or (g) of this Section becomes ineffective by means other
20 than an ordinance of the Board.

21 (q) Any existing rights, remedies and obligations
22 (including enforcement by the Regional Transportation
23 Authority) arising under any tax imposed under paragraphs (b),
24 (c) or (d) of this Section shall not be affected by the
25 imposition of a tax under paragraphs (e), (f) or (g) of this
26 Section.

1 (Source: P.A. 98-104, eff. 7-22-13; 99-180, eff. 7-29-15;
2 99-217, eff. 7-31-15; 99-642, eff. 7-28-16.)

3 (70 ILCS 3615/4.03.3)

4 Sec. 4.03.3. Distribution of Revenues. This Section
5 applies only after the Department begins administering and
6 enforcing an increased tax under Section 4.03(m) as authorized
7 by this amendatory Act of the 95th General Assembly. After
8 providing for payment of its obligations with respect to bonds
9 and notes issued under the provisions of Section 4.04 and
10 obligations related to those bonds and notes, the Authority
11 shall disburse the remaining proceeds from taxes it has
12 received from the Department of Revenue under this Article IV
13 and the remaining proceeds it has received from the State under
14 Section 4.09(a) as follows:

15 (a) With respect to taxes imposed by the Authority under
16 Section 4.03, after withholding 15% of 80% of the receipts from
17 those taxes collected in Cook County at a rate of 1.25%, 15% of
18 75% of the receipts from those taxes collected in Cook County
19 at the rate of 1%, 15% of one-half of the receipts from those
20 taxes collected in DuPage, Kane, Lake, McHenry, and Will
21 Counties, and 15% of money received by the Authority from the
22 Regional Transportation Authority Occupation and Use Tax
23 Replacement Fund or from the Regional Transportation Authority
24 tax fund created in Section 4.03(n), the Board shall allocate
25 the proceeds and money remaining to the Service Boards as

1 follows:

2 (1) an amount equal to (i) 85% of 80% of the receipts
3 from those taxes collected within the City of Chicago at a
4 rate of 1.25%, (ii) 85% of 75% of the receipts from those
5 taxes collected in the City of Chicago at the rate of 1%,
6 and (iii) 85% of the money received by the Authority on
7 account of transfers to the Regional Transportation
8 Authority Occupation and Use Tax Replacement Fund or to the
9 Regional Transportation Authority tax fund created in
10 Section 4.03(n) from the County and Mass Transit District
11 Fund attributable to retail sales within the City of
12 Chicago shall be allocated to the Chicago Transit
13 Authority;

14 (2) an amount equal to (i) 85% of 80% of the receipts
15 from those taxes collected within Cook County outside of
16 the City of Chicago at a rate of 1.25%, (ii) 85% of 75% of
17 the receipts from those taxes collected within Cook County
18 outside the City of Chicago at a rate of 1%, and (iii) 85%
19 of the money received by the Authority on account of
20 transfers to the Regional Transportation Authority
21 Occupation and Use Tax Replacement Fund or to the Regional
22 Transportation Authority tax fund created in Section
23 4.03(n) from the County and Mass Transit District Fund
24 attributable to retail sales within Cook County outside of
25 the City of Chicago shall be allocated 30% to the Chicago
26 Transit Authority, 55% to the Commuter Rail Board, and 15%

1 to the Suburban Bus Board; and

2 (3) an amount equal to 85% of one-half of the receipts
3 from the taxes collected within the Counties of DuPage,
4 Kane, Lake, McHenry, and Will shall be allocated 70% to the
5 Commuter Rail Board and 30% to the Suburban Bus Board.

6 (b) Moneys received by the Authority on account of
7 transfers to the Regional Transportation Authority Occupation
8 and Use Tax Replacement Fund from the State and Local Sales Tax
9 Reform Fund shall be allocated among the Authority and the
10 Service Boards as follows: 15% of such moneys shall be retained
11 by the Authority and the remaining 85% shall be transferred to
12 the Service Boards as soon as may be practicable after the
13 Authority receives payment. Moneys which are distributable to
14 the Service Boards pursuant to the preceding sentence shall be
15 allocated among the Service Boards on the basis of each Service
16 Board's distribution ratio. The term "distribution ratio"
17 means, for purposes of this subsection (b), the ratio of the
18 total amount distributed to a Service Board pursuant to
19 subsection (a) of Section 4.03.3 for the immediately preceding
20 calendar year to the total amount distributed to all of the
21 Service Boards pursuant to subsection (a) of Section 4.03.3 for
22 the immediately preceding calendar year.

23 (c) (i) 20% of the receipts from those taxes collected in
24 Cook County under Section 4.03 at the rate of 1.25%, (ii) 25%
25 of the receipts from those taxes collected in Cook County under
26 Section 4.03 at the rate of 1%, (iii) 50% of the receipts from

1 those taxes collected in DuPage, Kane, Lake, McHenry, and Will
2 Counties under Section 4.03, and (iv) amounts received from the
3 State under Section 4.09 (a) (2) and items (i), (ii), and (iii)
4 of Section 4.09 (a) (3) shall be allocated as follows: the
5 amount required to be deposited into the ADA Paratransit Fund
6 described in Section 2.01d, the amount required to be deposited
7 into the Suburban Community Mobility Fund described in Section
8 2.01e, and the amount required to be deposited into the
9 Innovation, Coordination and Enhancement Fund described in
10 Section 2.01c, and the balance shall be allocated 48% to the
11 Chicago Transit Authority, 39% to the Commuter Rail Board, and
12 13% to the Suburban Bus Board.

13 (d) Amounts received from the State under Section 4.09
14 (a) (3) (iv) shall be distributed 100% to the Chicago Transit
15 Authority.

16 (e) With respect to those taxes collected in DuPage, Kane,
17 Lake, McHenry, and Will Counties and paid directly to the
18 counties under Section 4.03, the County Board of each county
19 shall use those amounts to fund operating and capital costs of
20 public safety and public transportation services or facilities
21 or to fund operating, capital, right-of-way, construction, and
22 maintenance costs of other transportation purposes, including
23 road, bridge, public safety, and transit purposes intended to
24 improve mobility or reduce congestion in the county. The
25 receipt of funding by such counties pursuant to this paragraph
26 shall not be used as the basis for reducing any funds that such

1 counties would otherwise have received from the State of
2 Illinois, any agency or instrumentality thereof, the
3 Authority, or the Service Boards.

4 (f) The Authority by ordinance adopted by 12 of its then
5 Directors shall apportion to the Service Boards funds provided
6 by the State of Illinois under Section 4.09(a)(1) as it shall
7 determine and shall make payment of the amounts to each Service
8 Board as soon as may be practicable upon their receipt provided
9 the Authority has adopted a balanced budget as required by
10 Section 4.01 and further provided the Service Board is in
11 compliance with the requirements in Section 4.11.

12 (g) Beginning January 1, 2009, before making any payments,
13 transfers, or expenditures under this Section to a Service
14 Board, the Authority must first comply with Section 4.02a or
15 4.02b of this Act, whichever may be applicable.

16 (h) Moneys may be appropriated from the Public
17 Transportation Fund to the Office of the Executive Inspector
18 General for the costs incurred by the Executive Inspector
19 General while serving as the inspector general for the
20 Authority and each of the Service Boards. Beginning December
21 31, 2012, and each year thereafter, the Office of the Executive
22 Inspector General shall annually report to the General Assembly
23 the expenses incurred while serving as the inspector general
24 for the Authority and each of the Service Boards.

25 (Source: P.A. 97-399, eff. 8-16-11; 97-641, eff. 12-19-11.)

1 Section 75. The Water Commission Act of 1985 is amended by
2 changing Section 4 as follows:

3 (70 ILCS 3720/4) (from Ch. 111 2/3, par. 254)

4 Sec. 4. Taxes.

5 (a) The board of commissioners of any county water
6 commission may, by ordinance, impose throughout the territory
7 of the commission any or all of the taxes provided in this
8 Section for its corporate purposes. However, no county water
9 commission may impose any such tax unless the commission
10 certifies the proposition of imposing the tax to the proper
11 election officials, who shall submit the proposition to the
12 voters residing in the territory at an election in accordance
13 with the general election law, and the proposition has been
14 approved by a majority of those voting on the proposition.

15 The proposition shall be in the form provided in Section 5
16 or shall be substantially in the following form:

17 -----

18 Shall the (insert corporate
19 name of county water commission) YES
20 impose (state type of tax or -----
21 taxes to be imposed) at the NO
22 rate of 1/4%?

23 -----

24 Taxes imposed under this Section and civil penalties
25 imposed incident thereto shall be collected and enforced by the

1 State Department of Revenue. The Department shall have the
2 power to administer and enforce the taxes and to determine all
3 rights for refunds for erroneous payments of the taxes.

4 (b) The board of commissioners may impose a County Water
5 Commission Retailers' Occupation Tax upon all persons engaged
6 in the business of selling tangible personal property at retail
7 in the territory of the commission at a rate of 1/4% of the
8 gross receipts from the sales made in the course of such
9 business within the territory. The tax imposed under this
10 paragraph and all civil penalties that may be assessed as an
11 incident thereof shall be collected and enforced by the State
12 Department of Revenue. The Department shall have full power to
13 administer and enforce this paragraph; to collect all taxes and
14 penalties due hereunder; to dispose of taxes and penalties so
15 collected in the manner hereinafter provided; and to determine
16 all rights to credit memoranda arising on account of the
17 erroneous payment of tax or penalty hereunder. In the
18 administration of, and compliance with, this paragraph, the
19 Department and persons who are subject to this paragraph shall
20 have the same rights, remedies, privileges, immunities, powers
21 and duties, and be subject to the same conditions,
22 restrictions, limitations, penalties, exclusions, exemptions
23 and definitions of terms, and employ the same modes of
24 procedure, as are prescribed in Sections 1, 1a, 1a-1, 1c, 1d,
25 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all provisions
26 therein other than the State rate of tax except that food for

1 human consumption that is to be consumed off the premises where
2 it is sold (other than alcoholic beverages, soft drinks, and
3 food that has been prepared for immediate consumption) and
4 prescription and nonprescription medicine, drugs, medical
5 appliances and insulin, urine testing materials, syringes, and
6 needles used by diabetics, for human use, shall not be subject
7 to tax hereunder), 2c, 3 (except as to the disposition of taxes
8 and penalties collected, and except that the retailer's
9 discount is not allowed for taxes paid on aviation fuel sold on
10 or after December 1, 2017), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g,
11 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 12 and
12 13 of the Retailers' Occupation Tax Act and Section 3-7 of the
13 Uniform Penalty and Interest Act, as fully as if those
14 provisions were set forth herein.

15 Persons subject to any tax imposed under the authority
16 granted in this paragraph may reimburse themselves for their
17 seller's tax liability hereunder by separately stating the tax
18 as an additional charge, which charge may be stated in
19 combination, in a single amount, with State taxes that sellers
20 are required to collect under the Use Tax Act and under
21 subsection (e) of Section 4.03 of the Regional Transportation
22 Authority Act, in accordance with such bracket schedules as the
23 Department may prescribe.

24 Whenever the Department determines that a refund should be
25 made under this paragraph to a claimant instead of issuing a
26 credit memorandum, the Department shall notify the State

1 Comptroller, who shall cause the warrant to be drawn for the
2 amount specified, and to the person named, in the notification
3 from the Department. The refund shall be paid by the State
4 Treasurer out of a county water commission tax fund established
5 under paragraph (g) of this Section.

6 For the purpose of determining whether a tax authorized
7 under this paragraph is applicable, a retail sale by a producer
8 of coal or other mineral mined in Illinois is a sale at retail
9 at the place where the coal or other mineral mined in Illinois
10 is extracted from the earth. This paragraph does not apply to
11 coal or other mineral when it is delivered or shipped by the
12 seller to the purchaser at a point outside Illinois so that the
13 sale is exempt under the Federal Constitution as a sale in
14 interstate or foreign commerce.

15 If a tax is imposed under this subsection (b) a tax shall
16 also be imposed under subsections (c) and (d) of this Section.

17 No tax shall be imposed or collected under this subsection
18 on the sale of a motor vehicle in this State to a resident of
19 another state if that motor vehicle will not be titled in this
20 State.

21 Nothing in this paragraph shall be construed to authorize a
22 county water commission to impose a tax upon the privilege of
23 engaging in any business which under the Constitution of the
24 United States may not be made the subject of taxation by this
25 State.

26 (c) If a tax has been imposed under subsection (b), a

1 County Water Commission Service Occupation Tax shall also be
2 imposed upon all persons engaged, in the territory of the
3 commission, in the business of making sales of service, who, as
4 an incident to making the sales of service, transfer tangible
5 personal property within the territory. The tax rate shall be
6 1/4% of the selling price of tangible personal property so
7 transferred within the territory. The tax imposed under this
8 paragraph and all civil penalties that may be assessed as an
9 incident thereof shall be collected and enforced by the State
10 Department of Revenue. The Department shall have full power to
11 administer and enforce this paragraph; to collect all taxes and
12 penalties due hereunder; to dispose of taxes and penalties so
13 collected in the manner hereinafter provided; and to determine
14 all rights to credit memoranda arising on account of the
15 erroneous payment of tax or penalty hereunder. In the
16 administration of, and compliance with, this paragraph, the
17 Department and persons who are subject to this paragraph shall
18 have the same rights, remedies, privileges, immunities, powers
19 and duties, and be subject to the same conditions,
20 restrictions, limitations, penalties, exclusions, exemptions
21 and definitions of terms, and employ the same modes of
22 procedure, as are prescribed in Sections 1a-1, 2 (except that
23 the reference to State in the definition of supplier
24 maintaining a place of business in this State shall mean the
25 territory of the commission), 2a, 3 through 3-50 (in respect to
26 all provisions therein other than the State rate of tax except

1 that food for human consumption that is to be consumed off the
2 premises where it is sold (other than alcoholic beverages, soft
3 drinks, and food that has been prepared for immediate
4 consumption) and prescription and nonprescription medicines,
5 drugs, medical appliances and insulin, urine testing
6 materials, syringes, and needles used by diabetics, for human
7 use, shall not be subject to tax hereunder), 4 (except that the
8 reference to the State shall be to the territory of the
9 commission), 5, 7, 8 (except that the jurisdiction to which the
10 tax shall be a debt to the extent indicated in that Section 8
11 shall be the commission), 9 (except as to the disposition of
12 taxes and penalties collected and except that the returned
13 merchandise credit for this tax may not be taken against any
14 State tax, and except that the retailer's discount is not
15 allowed for taxes paid on aviation fuel sold on or after
16 December 1, 2017), 10, 11, 12 (except the reference therein to
17 Section 2b of the Retailers' Occupation Tax Act), 13 (except
18 that any reference to the State shall mean the territory of the
19 commission), the first paragraph of Section 15, 15.5, 16, 17,
20 18, 19 and 20 of the Service Occupation Tax Act as fully as if
21 those provisions were set forth herein.

22 Persons subject to any tax imposed under the authority
23 granted in this paragraph may reimburse themselves for their
24 serviceman's tax liability hereunder by separately stating the
25 tax as an additional charge, which charge may be stated in
26 combination, in a single amount, with State tax that servicemen

1 are authorized to collect under the Service Use Tax Act, and
2 any tax for which servicemen may be liable under subsection (f)
3 of Section 4.03 of the Regional Transportation Authority Act,
4 in accordance with such bracket schedules as the Department may
5 prescribe.

6 Whenever the Department determines that a refund should be
7 made under this paragraph to a claimant instead of issuing a
8 credit memorandum, the Department shall notify the State
9 Comptroller, who shall cause the warrant to be drawn for the
10 amount specified, and to the person named, in the notification
11 from the Department. The refund shall be paid by the State
12 Treasurer out of a county water commission tax fund established
13 under paragraph (g) of this Section.

14 Nothing in this paragraph shall be construed to authorize a
15 county water commission to impose a tax upon the privilege of
16 engaging in any business which under the Constitution of the
17 United States may not be made the subject of taxation by the
18 State.

19 (d) If a tax has been imposed under subsection (b), a tax
20 shall also imposed upon the privilege of using, in the
21 territory of the commission, any item of tangible personal
22 property that is purchased outside the territory at retail from
23 a retailer, and that is titled or registered with an agency of
24 this State's government, at a rate of 1/4% of the selling price
25 of the tangible personal property within the territory, as
26 "selling price" is defined in the Use Tax Act. The tax shall be

1 collected from persons whose Illinois address for titling or
2 registration purposes is given as being in the territory. The
3 tax shall be collected by the Department of Revenue for a
4 county water commission. The tax must be paid to the State, or
5 an exemption determination must be obtained from the Department
6 of Revenue, before the title or certificate of registration for
7 the property may be issued. The tax or proof of exemption may
8 be transmitted to the Department by way of the State agency
9 with which, or the State officer with whom, the tangible
10 personal property must be titled or registered if the
11 Department and the State agency or State officer determine that
12 this procedure will expedite the processing of applications for
13 title or registration.

14 The Department shall have full power to administer and
15 enforce this paragraph; to collect all taxes, penalties and
16 interest due hereunder; to dispose of taxes, penalties and
17 interest so collected in the manner hereinafter provided; and
18 to determine all rights to credit memoranda or refunds arising
19 on account of the erroneous payment of tax, penalty or interest
20 hereunder. In the administration of, and compliance with this
21 paragraph, the Department and persons who are subject to this
22 paragraph shall have the same rights, remedies, privileges,
23 immunities, powers and duties, and be subject to the same
24 conditions, restrictions, limitations, penalties, exclusions,
25 exemptions and definitions of terms and employ the same modes
26 of procedure, as are prescribed in Sections 2 (except the

1 definition of "retailer maintaining a place of business in this
2 State"), 3 through 3-80 (except provisions pertaining to the
3 State rate of tax, and except provisions concerning collection
4 or refunding of the tax by retailers, and except that food for
5 human consumption that is to be consumed off the premises where
6 it is sold (other than alcoholic beverages, soft drinks, and
7 food that has been prepared for immediate consumption) and
8 prescription and nonprescription medicines, drugs, medical
9 appliances and insulin, urine testing materials, syringes, and
10 needles used by diabetics, for human use, shall not be subject
11 to tax hereunder), 4, 11, 12, 12a, 14, 15, 19 (except the
12 portions pertaining to claims by retailers and except the last
13 paragraph concerning refunds), 20, 21 and 22 of the Use Tax Act
14 and Section 3-7 of the Uniform Penalty and Interest Act that
15 are not inconsistent with this paragraph, as fully as if those
16 provisions were set forth herein.

17 Whenever the Department determines that a refund should be
18 made under this paragraph to a claimant instead of issuing a
19 credit memorandum, the Department shall notify the State
20 Comptroller, who shall cause the order to be drawn for the
21 amount specified, and to the person named, in the notification
22 from the Department. The refund shall be paid by the State
23 Treasurer out of a county water commission tax fund established
24 under paragraph (g) of this Section.

25 (e) A certificate of registration issued by the State
26 Department of Revenue to a retailer under the Retailers'

1 Occupation Tax Act or under the Service Occupation Tax Act
2 shall permit the registrant to engage in a business that is
3 taxed under the tax imposed under paragraphs (b), (c) or (d) of
4 this Section and no additional registration shall be required
5 under the tax. A certificate issued under the Use Tax Act or
6 the Service Use Tax Act shall be applicable with regard to any
7 tax imposed under paragraph (c) of this Section.

8 (f) Any ordinance imposing or discontinuing any tax under
9 this Section shall be adopted and a certified copy thereof
10 filed with the Department on or before June 1, whereupon the
11 Department of Revenue shall proceed to administer and enforce
12 this Section on behalf of the county water commission as of
13 September 1 next following the adoption and filing. Beginning
14 January 1, 1992, an ordinance or resolution imposing or
15 discontinuing the tax hereunder shall be adopted and a
16 certified copy thereof filed with the Department on or before
17 the first day of July, whereupon the Department shall proceed
18 to administer and enforce this Section as of the first day of
19 October next following such adoption and filing. Beginning
20 January 1, 1993, an ordinance or resolution imposing or
21 discontinuing the tax hereunder shall be adopted and a
22 certified copy thereof filed with the Department on or before
23 the first day of October, whereupon the Department shall
24 proceed to administer and enforce this Section as of the first
25 day of January next following such adoption and filing.

26 (g) The State Department of Revenue shall, upon collecting

1 any taxes as provided in this Section, pay the taxes over to
2 the State Treasurer as trustee for the commission. The taxes
3 shall be held in a trust fund outside the State Treasury.

4 As soon as possible after the first day of each month,
5 beginning January 1, 2011, upon certification of the Department
6 of Revenue, the Comptroller shall order transferred, and the
7 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
8 local sales tax increment, as defined in the Innovation
9 Development and Economy Act, collected under this Section
10 during the second preceding calendar month for sales within a
11 STAR bond district.

12 After the monthly transfer to the STAR Bonds Revenue Fund,
13 on or before the 25th day of each calendar month, the State
14 Department of Revenue shall prepare and certify to the
15 Comptroller of the State of Illinois the amount to be paid to
16 the commission, which shall be the amount (not including credit
17 memoranda) collected under this Section during the second
18 preceding calendar month by the Department plus an amount the
19 Department determines is necessary to offset any amounts that
20 were erroneously paid to a different taxing body, and not
21 including any amount equal to the amount of refunds made during
22 the second preceding calendar month by the Department on behalf
23 of the commission, and not including any amount that the
24 Department determines is necessary to offset any amounts that
25 were payable to a different taxing body but were erroneously
26 paid to the commission, and less any amounts that are

1 transferred to the STAR Bonds Revenue Fund. Within 10 days
2 after receipt by the Comptroller of the certification of the
3 amount to be paid to the commission, the Comptroller shall
4 cause an order to be drawn for the payment for the amount in
5 accordance with the direction in the certification.

6 (h) Beginning June 1, 2016, any tax imposed pursuant to
7 this Section may no longer be imposed or collected, unless a
8 continuation of the tax is approved by the voters at a
9 referendum as set forth in this Section.

10 (Source: P.A. 98-298, eff. 8-9-13; 99-217, eff. 7-31-15;
11 99-642, eff. 7-28-16.)

12 Section 80. The Environmental Impact Fee Law is amended by
13 changing Sections 315 and 320 as follows:

14 (415 ILCS 125/315)

15 (Section scheduled to be repealed on January 1, 2025)

16 Sec. 315. Fee on receivers of fuel for sale or use;
17 collection and reporting. A person that is required to pay the
18 fee imposed by this Law shall pay the fee to the Department by
19 return showing all fuel purchased, acquired, or received and
20 sold, distributed or used during the preceding calendar month,
21 including losses of fuel as the result of evaporation or
22 shrinkage due to temperature variations, and such other
23 reasonable information as the Department may require. Losses of
24 fuel as the result of evaporation or shrinkage due to

1 temperature variations may not exceed 1% of the total gallons
2 in storage at the beginning of the month, plus the receipts of
3 gallonage during the month, minus the gallonage remaining in
4 storage at the end of the month. Any loss reported that is in
5 excess of this amount shall be subject to the fee imposed by
6 Section 310 of this Law. On and after July 1, 2001, for each
7 6-month period January through June, net losses of fuel (for
8 each category of fuel that is required to be reported on a
9 return) as the result of evaporation or shrinkage due to
10 temperature variations may not exceed 1% of the total gallons
11 in storage at the beginning of each January, plus the receipts
12 of gallonage each January through June, minus the gallonage
13 remaining in storage at the end of each June. On and after July
14 1, 2001, for each 6-month period July through December, net
15 losses of fuel (for each category of fuel that is required to
16 be reported on a return) as the result of evaporation or
17 shrinkage due to temperature variations may not exceed 1% of
18 the total gallons in storage at the beginning of each July,
19 plus the receipts of gallonage each July through December,
20 minus the gallonage remaining in storage at the end of each
21 December. Any net loss reported that is in excess of this
22 amount shall be subject to the fee imposed by Section 310 of
23 this Law. For purposes of this Section, "net loss" means the
24 number of gallons gained through temperature variations minus
25 the number of gallons lost through temperature variations or
26 evaporation for each of the respective 6-month periods.

1 The return shall be prescribed by the Department and shall
2 be filed between the 1st and 20th days of each calendar month.
3 The Department may, in its discretion, combine the return filed
4 under this Law with the return filed under Section 2b of the
5 Motor Fuel Tax Law. If the return is timely filed, the receiver
6 may take a discount of 2% through June 30, 2003 and 1.75%
7 thereafter to reimburse himself for the expenses incurred in
8 keeping records, preparing and filing returns, collecting and
9 remitting the fee, and supplying data to the Department on
10 request. However, the discount applies only to the amount of
11 the fee payment that accompanies a return that is timely filed
12 in accordance with this Section. The discount is not permitted
13 on fees paid on aviation fuel sold or used on and after
14 December 1, 2017. This exception for aviation fuel only applies
15 for so long as the revenue use requirements of 49 U.S.C. §47017
16 (b) and 49 U.S.C. §47133 are binding on the State.

17 Beginning on January 1, 2018, each retailer required or
18 authorized to collect the fee imposed by this Act on aviation
19 fuel at retail in this State during the preceding calendar
20 month shall, instead of reporting and paying tax on aviation
21 fuel as otherwise required by this Section, file an aviation
22 fuel tax return with the Department, on or before the twentieth
23 day of each calendar month. The requirements related to the
24 return shall be as otherwise provided in this Section.
25 Notwithstanding any other provisions of this Act to the
26 contrary, retailers collecting fees on aviation fuel shall file

1 all aviation fuel tax returns and shall make all aviation fuel
2 fee payments by electronic means in the manner and form
3 required by the Department. For purposes of this paragraph,
4 "aviation fuel" means a product that is intended for use or
5 offered for sale as fuel for an aircraft.

6 (Source: P.A. 92-30, eff. 7-1-01; 93-32, eff. 6-20-03.)

7 (415 ILCS 125/320)

8 (Section scheduled to be repealed on January 1, 2025)

9 Sec. 320. Deposit of fee receipts. Except as otherwise
10 provided in this paragraph, all ~~All~~ money received by the
11 Department under this Law shall be deposited in the Underground
12 Storage Tank Fund created by Section 57.11 of the Environmental
13 Protection Act. All money received for aviation fuel by the
14 Department under this Law on or after December 1, 2017, shall
15 be immediately paid over by the Department to the State
16 Aviation Program Fund. The Department shall only pay such
17 moneys into the State Aviation Program Fund under this Act for
18 so long as the revenue use requirements of 49 U.S.C. §47107(b)
19 and 49 U.S.C. §47133 are binding on the State. For purposes of
20 this Section, "aviation fuel" means a product that is intended
21 for use or offered for sale as fuel for an aircraft.

22 (Source: P.A. 89-428, eff. 1-1-96; 89-457, eff. 5-22-96; 90-14,
23 eff. 7-1-97.)".