



Rep. Michael J. Zalewski

Adopted in House on Nov 13, 2019

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LRB101 06854 HLH 64635 a

1 AMENDMENT TO SENATE BILL 119

2 AMENDMENT NO. _____. Amend Senate Bill 119 by replacing
3 everything after the enacting clause with the following:

4 "ARTICLE 5. SECOND FY2020 BUDGET IMPLEMENTATION ACT

5 Section 5-1. Short title. This Article may be cited as the
6 Second FY2020 Budget Implementation Act.

7 Section 5-5. Purpose. It is the purpose of this Article to
8 make additional changes in State programs that are necessary to
9 implement the State operating and capital budgets for State
10 fiscal year 2020.

11 Section 5-10. The Department of Commerce and Economic
12 Opportunity Law of the Civil Administrative Code of Illinois is
13 amended by renumbering and changing Section 605-1025 as added
14 by Public Act 101-10 as follows:

1 (20 ILCS 605/605-1030)

2 Sec. 605-1030 ~~605-1025~~. Human Services Capital Investment
3 Grant Program.

4 (a) The Department of Commerce and Economic Opportunity, in
5 coordination with the Department of Human Services, shall
6 establish a Human Services Capital Investment Grant Program.
7 The Department shall, subject to appropriation, make capital
8 improvement grants to human services providers serving
9 low-income or marginalized populations. The Build Illinois
10 Bond Fund and the Rebuild Illinois Projects Fund shall be the
11 sources ~~source~~ of funding for the program. Eligible grant
12 recipients shall be human services providers that offer
13 facilities and services in a manner that supports and fulfills
14 the mission of Department of Human Services. Eligible grant
15 recipients include, but are not limited to, domestic violence
16 shelters, rape crisis centers, comprehensive youth services,
17 teen REACH providers, supportive housing providers,
18 developmental disability community providers, behavioral
19 health providers, and other community-based providers.
20 Eligible grant recipients have no entitlement to a grant under
21 this Section.

22 (b) The Department, in consultation with the Department of
23 Human Services, shall adopt rules to implement this Section and
24 shall create a competitive application procedure for grants to
25 be awarded. The rules shall specify the manner of applying for

1 grants; grantee eligibility requirements; project eligibility
2 requirements; restrictions on the use of grant moneys; the
3 manner in which grantees must account for the use of grant
4 moneys; and any other provision that the Department of Commerce
5 and Economic Opportunity or Department of Human Services
6 determine to be necessary or useful for the administration of
7 this Section. Rules may include a requirement for grantees to
8 provide local matching funds in an amount equal to a specific
9 percentage of the grant.

10 (c) The Department of Human Services shall establish
11 standards for determining the priorities concerning the
12 necessity for capital facilities for the provision of human
13 services based on data available to the Department.

14 (d) No portion of a human services capital investment grant
15 awarded under this Section may be used by a grantee to pay for
16 any on-going operational costs or outstanding debt.

17 (Source: P.A. 101-10, eff. 6-5-19; revised 10-18-19.)

18 Section 5-15. The Capital Development Board Act is amended
19 by changing Section 20 as follows:

20 (20 ILCS 3105/20)

21 Sec. 20. Hospital and Healthcare Transformation Capital
22 Investment Grant Program.

23 (a) The Capital Development Board, in coordination with the
24 Department of Healthcare and Family Services, shall establish a

1 Hospital and Healthcare Transformation Capital Investment
2 Grant Program. The Board shall, subject to appropriation, make
3 capital improvement grants to Illinois hospitals licensed
4 under the Hospital Licensing Act and other qualified healthcare
5 providers serving the people of Illinois. The Build Illinois
6 Bond Fund and the Capital Development Fund shall be the sources
7 ~~source~~ of funding for the program. Eligible grant recipients
8 shall be hospitals and other healthcare providers that offer
9 facilities and services in a manner that supports and fulfills
10 the mission of the Department of Healthcare and Family
11 Services. Eligible grant recipients have no entitlement to a
12 grant under this Section.

13 (b) The Capital Development Board, in consultation with the
14 Department of Healthcare and Family Services shall adopt rules
15 to implement this Section and shall create a competitive
16 application procedure for grants to be awarded. The rules shall
17 specify: the manner of applying for grants; grantee eligibility
18 requirements; project eligibility requirements; restrictions
19 on the use of grant moneys; the manner in grantees must account
20 for the use of grant moneys; and any other provision that the
21 Capital Development Board or Department of Healthcare and
22 Family Services determine to be necessary or useful for the
23 administration of this Section. Rules may include a requirement
24 for grantees to provide local matching funds in an amount equal
25 to a certain percentage of the grant.

26 (c) The Department of Healthcare and Family Services shall

1 establish standards for the determination of priority needs
2 concerning health care transformation based on projects
3 located in communities in the State with the greatest
4 utilization of Medicaid services or underserved communities,
5 including, but not limited to Safety Net Hospitals and Critical
6 Access Hospitals, utilizing data available to the Department.

7 (d) Nothing in this Section shall exempt nor relieve any
8 healthcare provider receiving a grant under this Section from
9 any requirement of the Illinois Health Facilities Planning Act.

10 (e) No portion of a healthcare transformation capital
11 investment program grant awarded under this Section may be used
12 by a hospital or other healthcare provider to pay for any
13 on-going operational costs, pay outstanding debt, or be
14 allocated to an endowment or other invested fund.

15 (Source: P.A. 101-10, eff. 6-5-19; revised 7-16-19.)

16 Section 5-20. The State Finance Act is amended by changing
17 Section 6z-78 as follows:

18 (30 ILCS 105/6z-78)

19 Sec. 6z-78. Capital Projects Fund; bonded indebtedness;
20 transfers. Money in the Capital Projects Fund shall, if and
21 when the State of Illinois incurs any bonded indebtedness using
22 the bond authorizations for capital projects enacted in Public
23 Act 96-36, Public Act 96-1554, Public Act 97-771, Public Act
24 98-94, and using the general obligation bond authorizations for

1 capital projects enacted in Public Act 101-30 ~~and this~~
2 ~~amendatory Act of the 101st General Assembly~~, be set aside and
3 used for the purpose of paying and discharging annually the
4 principal and interest on that bonded indebtedness then due and
5 payable.

6 In addition to other transfers to the General Obligation
7 Bond Retirement and Interest Fund made pursuant to Section 15
8 of the General Obligation Bond Act, upon each delivery of
9 general obligation bonds for capital projects using bond
10 authorizations enacted in Public Act 96-36, Public Act 96-1554,
11 Public Act 97-771, Public Act 98-94, and Public Act 101-30 ~~this~~
12 ~~amendatory Act of the 101st General Assembly~~ (except for
13 amounts in Public Act 101-30 ~~this amendatory Act of the 101st~~
14 ~~General Assembly~~ that increase bond authorization under
15 paragraph (1) of subsection (a) of Section 4 and subsection (e)
16 of Section 4 of the General Obligation Bond Act), the State
17 Comptroller shall compute and certify to the State Treasurer
18 the total amount of principal of, interest on, and premium, if
19 any, on such bonds during the then current and each succeeding
20 fiscal year. With respect to the interest payable on variable
21 rate bonds, such certifications shall be calculated at the
22 maximum rate of interest that may be payable during the fiscal
23 year, after taking into account any credits permitted in the
24 related indenture or other instrument against the amount of
25 such interest required to be appropriated for the period.

26 (a) Except as provided for in subsection (b), on or before

1 the last day of each month, the State Treasurer and State
2 Comptroller shall transfer from the Capital Projects Fund to
3 the General Obligation Bond Retirement and Interest Fund an
4 amount sufficient to pay the aggregate of the principal of,
5 interest on, and premium, if any, on the bonds payable on their
6 next payment date, divided by the number of monthly transfers
7 occurring between the last previous payment date (or the
8 delivery date if no payment date has yet occurred) and the next
9 succeeding payment date. Interest payable on variable rate
10 bonds shall be calculated at the maximum rate of interest that
11 may be payable for the relevant period, after taking into
12 account any credits permitted in the related indenture or other
13 instrument against the amount of such interest required to be
14 appropriated for that period. Interest for which moneys have
15 already been deposited into the capitalized interest account
16 within the General Obligation Bond Retirement and Interest Fund
17 shall not be included in the calculation of the amounts to be
18 transferred under this subsection.

19 (b) On or before the last day of each month, the State
20 Treasurer and State Comptroller shall transfer from the Capital
21 Projects Fund to the General Obligation Bond Retirement and
22 Interest Fund an amount sufficient to pay the aggregate of the
23 principal of, interest on, and premium, if any, on the bonds
24 issued prior to January 1, 2012 pursuant to Section 4(d) of the
25 General Obligation Bond Act payable on their next payment date,
26 divided by the number of monthly transfers occurring between

1 the last previous payment date (or the delivery date if no
2 payment date has yet occurred) and the next succeeding payment
3 date. If the available balance in the Capital Projects Fund is
4 not sufficient for the transfer required in this subsection,
5 the State Treasurer and State Comptroller shall transfer the
6 difference from the Road Fund to the General Obligation Bond
7 Retirement and Interest Fund; except that such Road Fund
8 transfers shall constitute a debt of the Capital Projects Fund
9 which shall be repaid according to subsection (c). Interest
10 payable on variable rate bonds shall be calculated at the
11 maximum rate of interest that may be payable for the relevant
12 period, after taking into account any credits permitted in the
13 related indenture or other instrument against the amount of
14 such interest required to be appropriated for that period.
15 Interest for which moneys have already been deposited into the
16 capitalized interest account within the General Obligation
17 Bond Retirement and Interest Fund shall not be included in the
18 calculation of the amounts to be transferred under this
19 subsection.

20 (c) On the first day of any month when the Capital Projects
21 Fund is carrying a debt to the Road Fund due to the provisions
22 of subsection (b), the State Treasurer and State Comptroller
23 shall transfer from the Capital Projects Fund to the Road Fund
24 an amount sufficient to discharge that debt. These transfers to
25 the Road Fund shall continue until the Capital Projects Fund
26 has repaid to the Road Fund all transfers made from the Road

1 Fund pursuant to subsection (b). Notwithstanding any other law
2 to the contrary, transfers to the Road Fund from the Capital
3 Projects Fund shall be made prior to any other expenditures or
4 transfers out of the Capital Projects Fund.

5 (Source: P.A. 101-30, eff. 6-28-19.)

6 Section 5-25. The General Obligation Bond Act is amended by
7 changing Section 7.6 as follows:

8 (30 ILCS 330/7.6)

9 Sec. 7.6. Income Tax Proceed Bonds.

10 (a) As used in this Act, "Income Tax Proceed Bonds" means
11 Bonds (i) authorized by this amendatory Act of the 100th
12 General Assembly or any other Public Act of the 100th General
13 Assembly authorizing the issuance of Income Tax Proceed Bonds
14 and (ii) used for the payment of unpaid obligations of the
15 State as incurred from time to time and as authorized by the
16 General Assembly.

17 (b) Income Tax Proceed Bonds in the amount of
18 \$6,000,000,000 are hereby authorized to be used for the purpose
19 of paying vouchers incurred by the State prior to July 1, 2017.
20 Additional Income Tax Proceed Bonds in the amount of
21 \$1,200,000,000 are hereby authorized to be used for the purpose
22 of paying vouchers incurred by the State and accruing interest
23 payable by the State ~~more than 90 days~~ prior to the date on
24 which the Income Tax Proceed Bonds are issued.

1 (c) The Income Tax Bond Fund is hereby created as a special
2 fund in the State treasury. All moneys from the proceeds of the
3 sale of the Income Tax Proceed Bonds, less the amounts
4 authorized in the Bond Sale Order to be directly paid out for
5 bond sale expenses under Section 8, shall be deposited into the
6 Income Tax Bond Fund. All moneys in the Income Tax Bond Fund
7 shall be used for the purpose of paying vouchers incurred by
8 the State prior to July 1, 2017 or for paying vouchers incurred
9 by the State more than 90 days prior to the date on which the
10 Income Tax Proceed Bonds are issued. For the purpose of paying
11 such vouchers, the Comptroller has the authority to transfer
12 moneys from the Income Tax Bond Fund to general funds and the
13 Health Insurance Reserve Fund. "General funds" has the meaning
14 provided in Section 50-40 of the State Budget Law.

15 (Source: P.A. 100-23, eff. 7-6-17; 101-30, eff. 6-28-19.)

16 Section 5-30. The Private Colleges and Universities
17 Capital Distribution Formula Act is amended by changing Section
18 25-7 as follows:

19 (30 ILCS 769/25-7)

20 Sec. 25-7. Capital Investment Grant Program.

21 (a) The Board of Higher Education, jointly Capital
22 ~~Development Board, in coordination~~ with the Capital
23 Development Board ~~of Higher Education,~~ shall establish a
24 Capital Investment Grant Program for independent colleges. The

1 Capital Development Board shall, subject to appropriation, and
2 subject to direction by the Board of Higher Education, make
3 capital improvement grants to independent colleges in
4 Illinois. The Build Illinois Bond Fund shall be the source of
5 funding for the program. Eligible grant recipients shall be
6 independent colleges that offer facilities and services in a
7 manner that supports and fulfills the mission of the Board of
8 Higher Education. Eligible grant recipients have no
9 entitlement to a grant under this Section.

10 (b) Board of Higher Education, jointly ~~The Capital~~
11 ~~Development Board, in consultation~~ with the Capital
12 Development Board ~~of Higher Education~~, shall adopt rules to
13 implement this Section and shall create an application
14 procedure for grants to be awarded. The rules shall specify:
15 the manner of applying for grants; grantee eligibility
16 requirements; project eligibility requirements; restrictions
17 on the use of grant moneys; the manner in which grantees must
18 account for the use of grant moneys; and any other provision
19 that the Capital Development Board or Board of Higher Education
20 determine to be necessary or useful for the administration of
21 this Section.

22 (c) No portion of an independent college capital investment
23 program grant awarded under this Section may be used by an
24 independent college to pay for any on-going operational costs,
25 pay outstanding debt, or be allocated to an endowment or other
26 invested fund.

1 (Source: P.A. 101-10, eff. 6-5-19; revised 7-22-19.)

2 Section 5-35. The Motor Fuel Tax Law is amended by changing
3 Section 8b as follows:

4 (35 ILCS 505/8b)

5 Sec. 8b. Transportation Renewal Fund; creation;
6 distribution of proceeds.

7 (a) The Transportation Renewal Fund is hereby created as a
8 special fund in the State treasury. Moneys in the Fund shall be
9 used as provided in this Section:

10 (1) 80% of the moneys in the Fund shall be used for
11 highway maintenance, highway construction, bridge repair,
12 congestion relief, and construction of aviation
13 facilities; of that 80%:

14 (A) the State Comptroller shall order transferred
15 and the State Treasurer shall transfer 60% to the State
16 Construction Account Fund; those moneys shall be used
17 solely for construction, reconstruction, improvement,
18 repair, maintenance, operation, and administration of
19 highways and are limited to payments made pursuant to
20 design and construction contracts awarded by the
21 Department of Transportation;

22 (B) 40% shall be distributed by the Department of
23 Transportation to municipalities, counties, and road
24 districts of the State using the percentages set forth

1 in subdivisions (A), (B), (C), and (D) of paragraph (2)
2 of subsection (e) of Section 8; distributions to
3 particular municipalities, counties, and road
4 districts under this subdivision (B) shall be made
5 according to the allocation procedures described for
6 municipalities, counties, and road districts in
7 subsection (e) of Section 8 and shall be subject to the
8 same requirements and limitations described in that
9 subsection; and as follows:

10 ~~(i) 49.10% to the municipalities of the State;~~

11 ~~(ii) 16.74% to the counties of the State having~~
12 ~~1,000,000 or more inhabitants;~~

13 ~~(iii) 18.27% to the counties of the State~~
14 ~~having less than 1,000,000 inhabitants; and~~

15 ~~(iv) 15.89% to the road districts of the State;~~

16 and

17 (2) 20% of the moneys in the Fund shall be used for
18 projects related to rail facilities and mass transit
19 facilities, as defined in Section 2705-305 of the
20 Department of Transportation Law of the Civil
21 Administrative Code of Illinois, including rapid transit,
22 rail, high-speed rail, bus and other equipment in
23 connection with the State or a unit of local government,
24 special district, municipal corporation, or other public
25 agency authorized to provide and promote public
26 transportation within the State; of that 20%:

1 (A) 90% shall be deposited into the Regional
2 Transportation Authority Capital Improvement Fund, a
3 special fund created in the State Treasury; moneys in
4 the Regional Transportation Authority Capital
5 Improvement Fund shall be used by the Regional
6 Transportation Authority for construction,
7 improvements, and deferred maintenance on mass transit
8 facilities and acquisition of buses and other
9 equipment; and

10 (B) 10% shall be deposited into the Downstate Mass
11 Transportation Capital Improvement Fund, a special
12 fund created in the State Treasury; moneys in the
13 Downstate Mass Transportation Capital Improvement Fund
14 shall be used by local mass transit districts other
15 than the Regional Transportation Authority for
16 construction, improvements, and deferred maintenance
17 on mass transit facilities and acquisition of buses and
18 other equipment.

19 (b) Beginning on July 1, 2020, the Auditor General shall
20 conduct an annual financial audit of the obligations,
21 expenditures, receipt, and use of the funds deposited into the
22 Transportation Renewal ~~Reform~~ Fund and provide specific
23 recommendations to help ensure compliance with State and
24 federal statutes, rules, and regulations.

25 (Source: P.A. 101-32, eff. 6-28-19.)

1 ARTICLE 10. ADDITIONAL AMENDATORY PROVISIONS

2 Section 10-5. The New Markets Development Program Act is
3 amended by changing Section 25 as follows:

4 (20 ILCS 663/25)

5 Sec. 25. Certification of qualified equity investments.

6 (a) A qualified community development entity that seeks to
7 have an equity investment or long-term debt security designated
8 as a qualified equity investment and eligible for tax credits
9 under this Section shall apply to the Department. The qualified
10 community development entity must submit an application on a
11 form that the Department provides that includes:

12 (1) The name, address, tax identification number of the
13 entity, and evidence of the entity's certification as a
14 qualified community development entity.

15 (2) A copy of the allocation agreement executed by the
16 entity, or its controlling entity, and the Community
17 Development Financial Institutions Fund.

18 (3) A certificate executed by an executive officer of
19 the entity attesting that the allocation agreement remains
20 in effect and has not been revoked or cancelled by the
21 Community Development Financial Institutions Fund.

22 (4) A description of the proposed amount, structure,
23 and purchaser of the equity investment or long-term debt
24 security.

1 (5) The name and tax identification number of any
2 taxpayer eligible to utilize tax credits earned as a result
3 of the issuance of the qualified equity investment.

4 (6) Information regarding the proposed use of proceeds
5 from the issuance of the qualified equity investment.

6 (7) A nonrefundable application fee of \$5,000. This fee
7 shall be paid to the Department and shall be required of
8 each application submitted.

9 (8) With respect to qualified equity investments made
10 on or after January 1, 2017, the amount of qualified equity
11 investment authority the applicant agrees to designate as a
12 federal qualified equity investment under Section 45D of
13 the Internal Revenue Code, including a copy of the screen
14 shot from the Community Development Financial Institutions
15 Fund's Allocation Tracking System of the applicant's
16 remaining federal qualified equity investment authority.

17 (b) Within 30 days after receipt of a completed application
18 containing the information necessary for the Department to
19 certify a potential qualified equity investment, including the
20 payment of the application fee, the Department shall grant or
21 deny the application in full or in part. If the Department
22 denies any part of the application, it shall inform the
23 qualified community development entity of the grounds for the
24 denial. If the qualified community development entity provides
25 any additional information required by the Department or
26 otherwise completes its application within 15 days of the

1 notice of denial, the application shall be considered completed
2 as of the original date of submission. If the qualified
3 community development entity fails to provide the information
4 or complete its application within the 15-day period, the
5 application remains denied and must be resubmitted in full with
6 a new submission date.

7 (c) If the application is deemed complete, the Department
8 shall certify the proposed equity investment or long-term debt
9 security as a qualified equity investment that is eligible for
10 tax credits under this Section, subject to the limitations
11 contained in Section 20. The Department shall provide written
12 notice of the certification to the qualified community
13 development entity. The notice shall include the names of those
14 taxpayers who are eligible to utilize the credits and their
15 respective credit amounts. If the names of the taxpayers who
16 are eligible to utilize the credits change due to a transfer of
17 a qualified equity investment or a change in an allocation
18 pursuant to Section 15, the qualified community development
19 entity shall notify the Department of such change.

20 (d) With respect to applications received before January 1,
21 2017, the Department shall certify qualified equity
22 investments in the order applications are received by the
23 Department. Applications received on the same day shall be
24 deemed to have been received simultaneously. For applications
25 received on the same day and deemed complete, the Department
26 shall certify, consistent with remaining tax credit capacity,

1 qualified equity investments in proportionate percentages
2 based upon the ratio of the amount of qualified equity
3 investment requested in an application to the total amount of
4 qualified equity investments requested in all applications
5 received on the same day.

6 (d-5) With respect to applications received on or after
7 January 1, 2017, the Department shall certify applications by
8 applicants that agree to designate qualified equity
9 investments as federal qualified equity investments in
10 accordance with item (8) of subsection (a) of this Section in
11 proportionate percentages based upon the ratio of the amount of
12 qualified equity investments requested in an application to be
13 designated as federal qualified equity investments to the total
14 amount of qualified equity investments to be designated as
15 federal qualified equity investments requested in all
16 applications received on the same day.

17 (d-10) With respect to applications received on or after
18 January 1, 2017, after complying with subsection (d-5), the
19 Department shall certify the qualified equity investments of
20 all other applicants, including the remaining qualified equity
21 investment authority requested by applicants not designated as
22 federal qualified equity investments in accordance with item
23 (8) of subsection (a) of this Section, in proportionate
24 percentages based upon the ratio of the amount of qualified
25 equity investments requested in the applications to the total
26 amount of qualified equity investments requested in all

1 applications received on the same day.

2 (e) Once the Department has certified qualified equity
3 investments that, on a cumulative basis, are eligible for
4 \$20,000,000 in tax credits, the Department may not certify any
5 more qualified equity investments. If a pending request cannot
6 be fully certified, the Department shall certify the portion
7 that may be certified unless the qualified community
8 development entity elects to withdraw its request rather than
9 receive partial credit.

10 (f) Within 30 days after receiving notice of certification,
11 the qualified community development entity shall (i) issue the
12 qualified equity investment and receive cash in the amount of
13 the certified amount and (ii) with respect to qualified equity
14 investments made on or after January 1, 2017, if applicable,
15 designate the required amount of qualified equity investment
16 authority as a federal qualified equity investment. The
17 qualified community development entity must provide the
18 Department with evidence of the receipt of the cash investment
19 within 10 business days after receipt and, with respect to
20 qualified equity investments made on or after January 1, 2017,
21 if applicable, provide evidence that the required amount of
22 qualified equity investment authority was designated as a
23 federal qualified equity investment. If the qualified
24 community development entity does not receive the cash
25 investment and issue the qualified equity investment within 30
26 days following receipt of the certification notice, the

1 certification shall lapse and the entity may not issue the
2 qualified equity investment without reapplying to the
3 Department for certification. A certification that lapses
4 reverts back to the Department and may be reissued only in
5 accordance with the application process outline in this Section
6 25.

7 (g) Allocation rounds enabled by this Act shall be applied
8 for according to the following schedule:

9 (1) on January 2, 2019, \$125,000,000 of qualified
10 equity investments; and

11 (2) not less than 45 days after but not more than 90
12 days after the Community Development Financial
13 Institutions Fund of the United States Department of the
14 Treasury announces allocation awards under a Notice of
15 Funding Availability that is published in the Federal
16 Register after September 6, 2019, ~~on January 2, 2020,~~
17 \$125,000,000 of qualified equity investments.

18 (Source: P.A. 100-408, eff. 8-25-17.)

19 Section 10-10. The Department of Commerce and Economic
20 Opportunity Law of the Civil Administrative Code of Illinois is
21 amended by changing Section 605-1025 as follows:

22 (20 ILCS 605/605-1025)

23 Sec. 605-1025. Data center investment.

24 (a) The Department shall issue certificates of exemption

1 from the Retailers' Occupation Tax Act, the Use Tax Act, the
2 Service Use Tax Act, and the Service Occupation Tax Act, all
3 locally-imposed retailers' occupation taxes administered and
4 collected by the Department, the Chicago non-titled Use Tax,
5 ~~the Electricity Excise Tax Act,~~ and a credit certification
6 against the taxes imposed under subsections (a) and (b) of
7 Section 201 of the Illinois Income Tax Act to qualifying
8 Illinois data centers.

9 (b) For taxable years beginning on or after January 1,
10 2019, the Department shall award credits against the taxes
11 imposed under subsections (a) and (b) of Section 201 of the
12 Illinois Income Tax Act as provided in Section 229 of the
13 Illinois Income Tax Act.

14 (c) For purposes of this Section:

15 "Data center" means a facility: (1) whose primary
16 services are the storage, management, and processing of
17 digital data; and (2) that is used to house (i) computer
18 and network systems, including associated components such
19 as servers, network equipment and appliances,
20 telecommunications, and data storage systems, (ii) systems
21 for monitoring and managing infrastructure performance,
22 (iii) Internet-related equipment and services, (iv) data
23 communications connections, (v) environmental controls,
24 (vi) fire protection systems, and (vii) security systems
25 and services.

26 "Qualifying Illinois data center" means a new or

1 existing data center that:

2 (1) is located in the State of Illinois;

3 (2) in the case of an existing data center, made a
4 capital investment of at least \$250,000,000
5 collectively by the data center operator and the
6 tenants of the data center ~~all of its data centers~~ over
7 the 60-month period immediately prior to January 1,
8 2020 or committed to make a capital investment of at
9 least \$250,000,000 over a 60-month period commencing
10 before January 1, 2020 and ending after January 1,
11 2020; or

12 (3) in the case of a new data center, or an
13 existing data center making an upgrade, makes a capital
14 investment of at least \$250,000,000 over a 60-month
15 period beginning on or after January 1, 2020; and

16 (4) in the case of both existing and new data
17 centers, results in the creation of at least 20
18 full-time or full-time equivalent new jobs over a
19 period of 60 months by the data center operator and the
20 tenants of the data center, collectively, associated
21 with the operation or maintenance of the data center;
22 those jobs must have a total compensation equal to or
23 greater than 120% of the average ~~median~~ wage paid to
24 full-time employees in the county where the data center
25 is located, as determined by the U.S. Bureau of Labor
26 Statistics; and

1 (5) within 90 days after being placed in service,
2 certifies to the Department that it is carbon neutral
3 or has attained ~~attains~~ certification under one or more
4 of the following green building standards:

5 (A) BREEAM for New Construction or BREEAM
6 In-Use;

7 (B) ENERGY STAR;

8 (C) Envision;

9 (D) ISO 50001-energy management;

10 (E) LEED for Building Design and Construction
11 or LEED for Operations and Maintenance;

12 (F) Green Globes for New Construction or Green
13 Globes for Existing Buildings;

14 (G) UL 3223; or

15 (H) an equivalent program approved by the
16 Department of Commerce and Economic Opportunity.

17 "Full-time equivalent job" means a job in which the new
18 employee works for the owner, operator, contractor, or
19 tenant of a data center or for a corporation under contract
20 with the owner, operator or tenant of a data center at a
21 rate of at least 35 hours per week. An owner, operator or
22 tenant who employs labor or services at a specific site or
23 facility under contract with another may declare one
24 full-time, permanent job for every 1,820 man hours worked
25 per year under that contract. Vacations, paid holidays, and
26 sick time are included in this computation. Overtime is not

1 considered a part of regular hours.

2 "Qualified tangible personal property" means:
3 electrical systems and equipment; climate control and
4 chilling equipment and systems; mechanical systems and
5 equipment; monitoring and secure systems; emergency
6 generators; hardware; computers; servers; data storage
7 devices; network connectivity equipment; racks; cabinets;
8 telecommunications cabling infrastructure; raised floor
9 systems; peripheral components or systems; software;
10 mechanical, electrical, or plumbing systems; battery
11 systems; cooling systems and towers; temperature control
12 systems; other cabling; and other data center
13 infrastructure equipment and systems necessary to operate
14 qualified tangible personal property, including fixtures;
15 and component parts of any of the foregoing, including
16 installation, maintenance, repair, refurbishment, and
17 replacement of qualified tangible personal property to
18 generate, transform, transmit, distribute, or manage
19 electricity necessary to operate qualified tangible
20 personal property; and all other tangible personal
21 property that is essential to the operations of a computer
22 data center. "Qualified tangible personal property" also
23 includes building materials physically incorporated in to
24 the qualifying data center.

25 To document the exemption allowed under this Section, the
26 retailer must obtain from the purchaser a copy of the

1 certificate of eligibility issued by the Department.

2 (d) New and existing data centers seeking a certificate of
3 exemption for new or existing facilities shall apply to the
4 Department in the manner specified by the Department. The
5 Department shall determine the duration of the certificate of
6 exemption awarded under this Act. The duration of the
7 certificate of exemption may not exceed 20 calendar years. The
8 Department and any data center seeking the exemption, including
9 a data center operator on behalf of itself and its tenants,
10 must enter into a memorandum of understanding that at a minimum
11 provides:

12 (1) the details for determining the amount of capital
13 investment to be made;

14 (2) the number of new jobs created;

15 (3) the timeline for achieving the capital investment
16 and new job goals;

17 (4) the repayment obligation should those goals not be
18 achieved and any conditions under which repayment by the
19 qualifying data center or data center tenant claiming the
20 exemption will be required;

21 (5) the duration of the exemption; and

22 (6) other provisions as deemed necessary by the
23 Department.

24 (e) Beginning July 1, 2021, and each year thereafter, the
25 Department shall annually report to the Governor and the
26 General Assembly on the outcomes and effectiveness of Public

1 ~~Act 101-31 this amendatory Act of the 101st General Assembly~~
2 that shall include the following:

3 (1) the name of each recipient business;

4 (2) the location of the project;

5 (3) the estimated value of the credit;

6 (4) the number of new jobs and, if applicable, retained
7 jobs pledged as a result of the project; and

8 (5) whether or not the project is located in an
9 underserved area.

10 (f) New and existing data centers seeking a certificate of
11 exemption related to the rehabilitation or construction of data
12 centers in the State shall require the contractor and all
13 subcontractors to comply with the requirements of Section 30-22
14 of the Illinois Procurement Code as they apply to responsible
15 bidders and to present satisfactory evidence of that compliance
16 to the Department.

17 (g) New and existing data centers seeking a certificate of
18 exemption for the rehabilitation or construction of data
19 centers in the State shall require the contractor to enter into
20 a project labor agreement approved by the Department.

21 (h) Any qualifying data center issued a certificate of
22 exemption under this Section must annually report to the
23 Department the total data center tax benefits that are received
24 by the business. Reports are due no later than May 31 of each
25 year and shall cover the previous calendar year. The first
26 report is for the 2019 calendar year and is due no later than

1 May 31, 2020.

2 To the extent that a business issued a certificate of
3 exemption under this Section has obtained an Enterprise Zone
4 Building Materials Exemption Certificate or a High Impact
5 Business Building Materials Exemption Certificate, no
6 additional reporting for those building materials exemption
7 benefits is required under this Section.

8 Failure to file a report under this subsection (h) may
9 result in suspension or revocation of the certificate of
10 exemption. ~~The Department shall adopt rules governing~~
11 ~~suspension or revocation of the certificate of exemption,~~
12 ~~including the length of suspension.~~ Factors to be considered in
13 determining whether a data center certificate of exemption
14 shall be suspended or revoked include, but are not limited to,
15 prior compliance with the reporting requirements, cooperation
16 in discontinuing and correcting violations, the extent of the
17 violation, and whether the violation was willful or
18 inadvertent.

19 (i) The Department shall not issue any new certificates of
20 exemption under the provisions of this Section after July 1,
21 2029. This sunset shall not affect any existing certificates of
22 exemption in effect on July 1, 2029.

23 (j) The Department shall adopt rules to implement and
24 administer this Section.

25 (Source: P.A. 101-31, eff. 6-28-19; revised 10-18-19.)

1 Section 10-15. The State Finance Act is amended by adding
2 Section 8.53 as follows:

3 (30 ILCS 105/8.53 new)

4 Sec. 8.53. Fund transfers. As soon as practical after the
5 effective date of this amendatory Act of the 101st General
6 Assembly, for Fiscal Year 2020 only, the State Comptroller
7 shall direct and the State Treasurer shall transfer the amount
8 of \$1,500,000 from the State and Local Sales Tax Reform Fund to
9 the Sound-Reducing Windows and Doors Replacement Fund. Any
10 amounts transferred under this Section shall be repaid no later
11 than June 30, 2020.

12 Section 10-20. The Illinois Income Tax Act is amended by
13 changing Section 229 as follows:

14 (35 ILCS 5/229)

15 Sec. 229. Data center construction employment tax credit.

16 (a) A taxpayer who has been awarded a credit by the
17 Department of Commerce and Economic Opportunity under Section
18 605-1025 of the Department of Commerce and Economic Opportunity
19 Law of the Civil Administrative Code of Illinois is entitled to
20 a credit against the taxes imposed under subsections (a) and
21 (b) of Section 201 of this Act. The amount of the credit shall
22 be 20% of the wages paid during the taxable year to a full-time
23 or part-time employee of a construction contractor employed by

1 a certified data center if those wages are paid for the
2 construction of a new data center in a geographic area that
3 meets any one of the following criteria:

4 (1) the area has a poverty rate of at least 20%,
5 according to the U.S. Census Bureau American Community
6 Survey 5-Year Estimates ~~latest federal decennial census~~;

7 (2) 75% or more of the children in the area participate
8 in the federal free lunch program, according to reported
9 statistics from the State Board of Education;

10 (3) 20% or more of the households in the area receive
11 assistance under the Supplemental Nutrition Assistance
12 Program (SNAP), according to data from the U.S. Census
13 Bureau American Community Survey 5-year Estimates; or

14 (4) the area has an average unemployment rate, as
15 determined by the Department of Employment Security, that
16 is more than 120% of the national unemployment average, as
17 determined by the U.S. Department of Labor, for a period of
18 at least 2 consecutive calendar years preceding the date of
19 the application.

20 If the taxpayer is a partnership, a Subchapter S
21 corporation, or a limited liability company that has elected
22 partnership tax treatment, the credit shall be allowed to the
23 partners, shareholders, or members in accordance with the
24 determination of income and distributive share of income under
25 Sections 702 and 704 and subchapter S of the Internal Revenue
26 Code, as applicable. The Department, in cooperation with the

1 Department of Commerce and Economic Opportunity, shall adopt
2 rules to enforce and administer this Section. This Section is
3 exempt from the provisions of Section 250 of this Act.

4 (b) In no event shall a credit under this Section reduce
5 the taxpayer's liability to less than zero. If the amount of
6 the credit exceeds the tax liability for the year, the excess
7 may be carried forward and applied to the tax liability of the
8 5 taxable years following the excess credit year. The tax
9 credit shall be applied to the earliest year for which there is
10 a tax liability. If there are credits for more than one year
11 that are available to offset a liability, the earlier credit
12 shall be applied first.

13 (c) No credit shall be allowed with respect to any
14 certification for any taxable year ending after the revocation
15 of the certification by the Department of Commerce and Economic
16 Opportunity. Upon receiving notification by the Department of
17 Commerce and Economic Opportunity of the revocation of
18 certification, the Department shall notify the taxpayer that no
19 credit is allowed for any taxable year ending after the
20 revocation date, as stated in such notification. If any credit
21 has been allowed with respect to a certification for a taxable
22 year ending after the revocation date, any refund paid to the
23 taxpayer for that taxable year shall, to the extent of that
24 credit allowed, be an erroneous refund within the meaning of
25 Section 912 of this Act.

26 (Source: P.A. 101-31, eff. 6-28-19.)

1 Section 10-25. The Use Tax Act is amended by changing
2 Sections 3-50 and 9 as follows:

3 (35 ILCS 105/3-50) (from Ch. 120, par. 439.3-50)

4 Sec. 3-50. Manufacturing and assembly exemption. The
5 manufacturing and assembling machinery and equipment exemption
6 includes machinery and equipment that replaces machinery and
7 equipment in an existing manufacturing facility as well as
8 machinery and equipment that are for use in an expanded or new
9 manufacturing facility. The machinery and equipment exemption
10 also includes machinery and equipment used in the general
11 maintenance or repair of exempt machinery and equipment or for
12 in-house manufacture of exempt machinery and equipment.
13 Beginning on July 1, 2017, the manufacturing and assembling
14 machinery and equipment exemption also includes graphic arts
15 machinery and equipment, as defined in paragraph (6) of Section
16 3-5. The machinery and equipment exemption does not include
17 machinery and equipment used in (i) the generation of
18 electricity for wholesale or retail sale; (ii) the generation
19 or treatment of natural or artificial gas for wholesale or
20 retail sale that is delivered to customers through pipes,
21 pipelines, or mains; or (iii) the treatment of water for
22 wholesale or retail sale that is delivered to customers through
23 pipes, pipelines, or mains. The provisions of this amendatory
24 Act of the 98th General Assembly are declaratory of existing

1 law as to the meaning and scope of this exemption. For the
2 purposes of this exemption, terms have the following meanings:

3 (1) "Manufacturing process" means the production of an
4 article of tangible personal property, whether the article
5 is a finished product or an article for use in the process
6 of manufacturing or assembling a different article of
7 tangible personal property, by a procedure commonly
8 regarded as manufacturing, processing, fabricating, or
9 refining that changes some existing material into a
10 material with a different form, use, or name. In relation
11 to a recognized integrated business composed of a series of
12 operations that collectively constitute manufacturing, or
13 individually constitute manufacturing operations, the
14 manufacturing process commences with the first operation
15 or stage of production in the series and does not end until
16 the completion of the final product in the last operation
17 or stage of production in the series. For purposes of this
18 exemption, photoprocessing is a manufacturing process of
19 tangible personal property for wholesale or retail sale.

20 (2) "Assembling process" means the production of an
21 article of tangible personal property, whether the article
22 is a finished product or an article for use in the process
23 of manufacturing or assembling a different article of
24 tangible personal property, by the combination of existing
25 materials in a manner commonly regarded as assembling that
26 results in an article or material of a different form, use,

1 or name.

2 (3) "Machinery" means major mechanical machines or
3 major components of those machines contributing to a
4 manufacturing or assembling process.

5 (4) "Equipment" includes an independent device or tool
6 separate from machinery but essential to an integrated
7 manufacturing or assembly process; including computers
8 used primarily in a manufacturer's computer assisted
9 design, computer assisted manufacturing (CAD/CAM) system;
10 any subunit or assembly comprising a component of any
11 machinery or auxiliary, adjunct, or attachment parts of
12 machinery, such as tools, dies, jigs, fixtures, patterns,
13 and molds; and any parts that require periodic replacement
14 in the course of normal operation; but does not include
15 hand tools. Equipment includes chemicals or chemicals
16 acting as catalysts but only if the chemicals or chemicals
17 acting as catalysts effect a direct and immediate change
18 upon a product being manufactured or assembled for
19 wholesale or retail sale or lease.

20 (5) "Production related tangible personal property"
21 means all tangible personal property that is used or
22 consumed by the purchaser in a manufacturing facility in
23 which a manufacturing process takes place and includes,
24 without limitation, tangible personal property that is
25 purchased for incorporation into real estate within a
26 manufacturing facility, supplies and consumables used in a

1 manufacturing facility including fuels, coolants,
2 solvents, oils, lubricants, and adhesives, hand tools,
3 protective apparel, and fire and safety equipment used or
4 consumed within a manufacturing facility, and tangible
5 personal property that is used or consumed in activities
6 such as research and development, preproduction material
7 handling, receiving, quality control, inventory control,
8 storage, staging, and packaging for shipping and
9 transportation purposes. "Production related tangible
10 personal property" does not include (i) tangible personal
11 property that is used, within or without a manufacturing
12 facility, in sales, purchasing, accounting, fiscal
13 management, marketing, personnel recruitment or selection,
14 or landscaping or (ii) tangible personal property that is
15 required to be titled or registered with a department,
16 agency, or unit of federal, State, or local government.

17 The manufacturing and assembling machinery and equipment
18 exemption includes production related tangible personal
19 property that is purchased on or after July 1, 2007 and on or
20 before June 30, 2008 and on or after July 1, 2019. The
21 exemption for production related tangible personal property
22 purchased on or after July 1, 2007 and on or before June 30,
23 2008 is subject to both of the following limitations:

24 (1) The maximum amount of the exemption for any one
25 taxpayer may not exceed 5% of the purchase price of
26 production related tangible personal property that is

1 purchased on or after July 1, 2007 and on or before June
2 30, 2008. A credit under Section 3-85 of this Act may not
3 be earned by the purchase of production related tangible
4 personal property for which an exemption is received under
5 this Section.

6 (2) The maximum aggregate amount of the exemptions for
7 production related tangible personal property purchased on
8 or after July 1, 2007 and on or before June 30, 2008
9 awarded under this Act and the Retailers' Occupation Tax
10 Act to all taxpayers may not exceed \$10,000,000. If the
11 claims for the exemption exceed \$10,000,000, then the
12 Department shall reduce the amount of the exemption to each
13 taxpayer on a pro rata basis.

14 The Department shall adopt rules to implement and administer
15 the exemption for production related tangible personal
16 property.

17 The manufacturing and assembling machinery and equipment
18 exemption includes the sale of materials to a purchaser who
19 produces exempted types of machinery, equipment, or tools and
20 who rents or leases that machinery, equipment, or tools to a
21 manufacturer of tangible personal property. This exemption
22 also includes the sale of materials to a purchaser who
23 manufactures those materials into an exempted type of
24 machinery, equipment, or tools that the purchaser uses himself
25 or herself in the manufacturing of tangible personal property.
26 This exemption includes the sale of exempted types of machinery

1 or equipment to a purchaser who is not the manufacturer, but
2 who rents or leases the use of the property to a manufacturer.
3 The purchaser of the machinery and equipment who has an active
4 resale registration number shall furnish that number to the
5 seller at the time of purchase. A purchaser ~~user~~ of the
6 machinery, equipment, or tools without an active resale
7 registration number shall prepare a certificate of exemption
8 ~~for each transaction~~ stating facts establishing the exemption
9 ~~for that transaction~~, and that certificate shall be available
10 to the Department for inspection or audit. The Department shall
11 prescribe the form of the certificate. Informal rulings,
12 opinions, or letters issued by the Department in response to an
13 inquiry or request for an opinion from any person regarding the
14 coverage and applicability of this exemption to specific
15 devices shall be published, maintained as a public record, and
16 made available for public inspection and copying. If the
17 informal ruling, opinion, or letter contains trade secrets or
18 other confidential information, where possible, the Department
19 shall delete that information before publication. Whenever
20 informal rulings, opinions, or letters contain a policy of
21 general applicability, the Department shall formulate and
22 adopt that policy as a rule in accordance with the Illinois
23 Administrative Procedure Act.

24 The manufacturing and assembling machinery and equipment
25 exemption is exempt from the provisions of Section 3-90.

26 (Source: P.A. 100-22, eff. 7-6-17; 101-9, eff. 6-5-19.)

1 (35 ILCS 105/9) (from Ch. 120, par. 439.9)

2 Sec. 9. Except as to motor vehicles, watercraft, aircraft,
3 and trailers that are required to be registered with an agency
4 of this State, each retailer required or authorized to collect
5 the tax imposed by this Act shall pay to the Department the
6 amount of such tax (except as otherwise provided) at the time
7 when he is required to file his return for the period during
8 which such tax was collected, less a discount of 2.1% prior to
9 January 1, 1990, and 1.75% on and after January 1, 1990, or \$5
10 per calendar year, whichever is greater, which is allowed to
11 reimburse the retailer for expenses incurred in collecting the
12 tax, keeping records, preparing and filing returns, remitting
13 the tax and supplying data to the Department on request. The
14 discount under this Section is not allowed for the 1.25%
15 portion of taxes paid on aviation fuel that is subject to the
16 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.
17 47133 ~~are deposited into the State Aviation Program Fund under~~
18 ~~this Act.~~ In the case of retailers who report and pay the tax
19 on a transaction by transaction basis, as provided in this
20 Section, such discount shall be taken with each such tax
21 remittance instead of when such retailer files his periodic
22 return. The discount allowed under this Section is allowed only
23 for returns that are filed in the manner required by this Act.
24 The Department may disallow the discount for retailers whose
25 certificate of registration is revoked at the time the return

1 is filed, but only if the Department's decision to revoke the
2 certificate of registration has become final. A retailer need
3 not remit that part of any tax collected by him to the extent
4 that he is required to remit and does remit the tax imposed by
5 the Retailers' Occupation Tax Act, with respect to the sale of
6 the same property.

7 Where such tangible personal property is sold under a
8 conditional sales contract, or under any other form of sale
9 wherein the payment of the principal sum, or a part thereof, is
10 extended beyond the close of the period for which the return is
11 filed, the retailer, in collecting the tax (except as to motor
12 vehicles, watercraft, aircraft, and trailers that are required
13 to be registered with an agency of this State), may collect for
14 each tax return period, only the tax applicable to that part of
15 the selling price actually received during such tax return
16 period.

17 Except as provided in this Section, on or before the
18 twentieth day of each calendar month, such retailer shall file
19 a return for the preceding calendar month. Such return shall be
20 filed on forms prescribed by the Department and shall furnish
21 such information as the Department may reasonably require. On
22 and after January 1, 2018, except for returns for motor
23 vehicles, watercraft, aircraft, and trailers that are required
24 to be registered with an agency of this State, with respect to
25 retailers whose annual gross receipts average \$20,000 or more,
26 all returns required to be filed pursuant to this Act shall be

1 filed electronically. Retailers who demonstrate that they do
2 not have access to the Internet or demonstrate hardship in
3 filing electronically may petition the Department to waive the
4 electronic filing requirement.

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

12 1. The name of the seller;

13 2. The address of the principal place of business from
14 which he engages in the business of selling tangible
15 personal property at retail in this State;

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

21 4. The amount of credit provided in Section 2d of this
22 Act;

23 5. The amount of tax due;

24 5-5. The signature of the taxpayer; and

25 6. Such other reasonable information as the Department
26 may require.

1 ~~Each Beginning on January 1, 2020, each~~ retailer required
2 or authorized to collect the tax imposed by this Act on
3 aviation fuel sold at retail in this State during the preceding
4 calendar month shall, instead of reporting and paying tax on
5 aviation fuel as otherwise required by this Section, report
6 ~~file~~ and pay such tax ~~to the Department~~ on a separate ~~an~~
7 aviation fuel tax return, ~~on or before the twentieth day of~~
8 ~~each calendar month~~. The requirements related to the return
9 shall be as otherwise provided in this Section. Notwithstanding
10 any other provisions of this Act to the contrary, retailers
11 collecting tax on aviation fuel shall file all aviation fuel
12 tax returns and shall make all aviation fuel tax ~~fee~~ payments
13 by electronic means in the manner and form required by the
14 Department. For purposes of this Section ~~paragraph~~, "aviation
15 fuel" means jet fuel and aviation gasoline ~~a product that is~~
16 ~~intended for use or offered for sale as fuel for an aircraft~~.

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

21 Notwithstanding any other provision of this Act to the
22 contrary, retailers subject to tax on cannabis shall file all
23 cannabis tax returns and shall make all cannabis tax payments
24 by electronic means in the manner and form required by the
25 Department.

26 Beginning October 1, 1993, a taxpayer who has an average

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

25 Before August 1 of each year beginning in 1993, the
26 Department shall notify all taxpayers required to make payments

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

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

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

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

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

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

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

1 taxpayer's reporting status. On and after October 1, 2000, once
2 applicable, the requirement of the making of quarter monthly
3 payments to the Department shall continue until such taxpayer's
4 average monthly liability to the Department during the
5 preceding 4 complete calendar quarters (excluding the month of
6 highest liability and the month of lowest liability) is less
7 than \$19,000 or until such taxpayer's average monthly liability
8 to the Department as computed for each calendar quarter of the
9 4 preceding complete calendar quarter period is less than
10 \$20,000. However, if a taxpayer can show the Department that a
11 substantial change in the taxpayer's business has occurred
12 which causes the taxpayer to anticipate that his average
13 monthly tax liability for the reasonably foreseeable future
14 will fall below the \$20,000 threshold stated above, then such
15 taxpayer may petition the Department for a change in such
16 taxpayer's reporting status. The Department shall change such
17 taxpayer's reporting status unless it finds that such change is
18 seasonal in nature and not likely to be long term. If any such
19 quarter monthly payment is not paid at the time or in the
20 amount required by this Section, then the taxpayer shall be
21 liable for penalties and interest on the difference between the
22 minimum amount due and the amount of such quarter monthly
23 payment actually and timely paid, except insofar as the
24 taxpayer has previously made payments for that month to the
25 Department in excess of the minimum payments previously due as
26 provided in this Section. The Department shall make reasonable

1 rules and regulations to govern the quarter monthly payment
2 amount and quarter monthly payment dates for taxpayers who file
3 on other than a calendar monthly basis.

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

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

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

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

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

25 Notwithstanding any other provision in this Act concerning
26 the time within which a retailer may file his return, in the

1 case of any retailer who ceases to engage in a kind of business
2 which makes him responsible for filing returns under this Act,
3 such retailer shall file a final return under this Act with the
4 Department not more than one month after discontinuing such
5 business.

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

1 3-2 of the Boat Registration and Safety Act, a personal
2 watercraft, or any boat equipped with an inboard motor.

3 In addition, with respect to motor vehicles, watercraft,
4 aircraft, and trailers that are required to be registered with
5 an agency of this State, every person who is engaged in the
6 business of leasing or renting such items and who, in
7 connection with such business, sells any such item to a
8 retailer for the purpose of resale is, notwithstanding any
9 other provision of this Section to the contrary, authorized to
10 meet the return-filing requirement of this Act by reporting the
11 transfer of all the aircraft, watercraft, motor vehicles, or
12 trailers transferred for resale during a month to the
13 Department on the same uniform invoice-transaction reporting
14 return form on or before the 20th of the month following the
15 month in which the transfer takes place. Notwithstanding any
16 other provision of this Act to the contrary, all returns filed
17 under this paragraph must be filed by electronic means in the
18 manner and form as required by the Department.

19 The transaction reporting return in the case of motor
20 vehicles or trailers that are required to be registered with an
21 agency of this State, shall be the same document as the Uniform
22 Invoice referred to in Section 5-402 of the Illinois Vehicle
23 Code and must show the name and address of the seller; the name
24 and address of the purchaser; the amount of the selling price
25 including the amount allowed by the retailer for traded-in
26 property, if any; the amount allowed by the retailer for the

1 traded-in tangible personal property, if any, to the extent to
2 which Section 2 of this Act allows an exemption for the value
3 of traded-in property; the balance payable after deducting such
4 trade-in allowance from the total selling price; the amount of
5 tax due from the retailer with respect to such transaction; the
6 amount of tax collected from the purchaser by the retailer on
7 such transaction (or satisfactory evidence that such tax is not
8 due in that particular instance, if that is claimed to be the
9 fact); the place and date of the sale; a sufficient
10 identification of the property sold; such other information as
11 is required in Section 5-402 of the Illinois Vehicle Code, and
12 such other information as the Department may reasonably
13 require.

14 The transaction reporting return in the case of watercraft
15 and aircraft must show the name and address of the seller; the
16 name and address of the purchaser; the amount of the selling
17 price including the amount allowed by the retailer for
18 traded-in property, if any; the amount allowed by the retailer
19 for the traded-in tangible personal property, if any, to the
20 extent to which Section 2 of this Act allows an exemption for
21 the value of traded-in property; the balance payable after
22 deducting such trade-in allowance from the total selling price;
23 the amount of tax due from the retailer with respect to such
24 transaction; the amount of tax collected from the purchaser by
25 the retailer on such transaction (or satisfactory evidence that
26 such tax is not due in that particular instance, if that is

1 claimed to be the fact); the place and date of the sale, a
2 sufficient identification of the property sold, and such other
3 information as the Department may reasonably require.

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

16 With each such transaction reporting return, the retailer
17 shall remit the proper amount of tax due (or shall submit
18 satisfactory evidence that the sale is not taxable if that is
19 the case), to the Department or its agents, whereupon the
20 Department shall issue, in the purchaser's name, a tax receipt
21 (or a certificate of exemption if the Department is satisfied
22 that the particular sale is tax exempt) which such purchaser
23 may submit to the agency with which, or State officer with
24 whom, he must title or register the tangible personal property
25 that is involved (if titling or registration is required) in
26 support of such purchaser's application for an Illinois

1 certificate or other evidence of title or registration to such
2 tangible personal property.

3 No retailer's failure or refusal to remit tax under this
4 Act precludes a user, who has paid the proper tax to the
5 retailer, from obtaining his certificate of title or other
6 evidence of title or registration (if titling or registration
7 is required) upon satisfying the Department that such user has
8 paid the proper tax (if tax is due) to the retailer. The
9 Department shall adopt appropriate rules to carry out the
10 mandate of this paragraph.

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

1 same amount and in the same form in which it would be remitted
2 if the tax had been remitted to the Department by the retailer.

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

19 Any retailer filing a return under this Section shall also
20 include (for the purpose of paying tax thereon) the total tax
21 covered by such return upon the selling price of tangible
22 personal property purchased by him at retail from a retailer,
23 but as to which the tax imposed by this Act was not collected
24 from the retailer filing such return, and such retailer shall
25 remit the amount of such tax to the Department when filing such
26 return.

1 If experience indicates such action to be practicable, the
2 Department may prescribe and furnish a combination or joint
3 return which will enable retailers, who are required to file
4 returns hereunder and also under the Retailers' Occupation Tax
5 Act, to furnish all the return information required by both
6 Acts on the one form.

7 Where the retailer has more than one business registered
8 with the Department under separate registration under this Act,
9 such retailer may not file each return that is due as a single
10 return covering all such registered businesses, but shall file
11 separate returns for each such registered business.

12 Beginning January 1, 1990, each month the Department shall
13 pay into the State and Local Sales Tax Reform Fund, a special
14 fund in the State Treasury which is hereby created, the net
15 revenue realized for the preceding month from the 1% tax
16 imposed under this Act.

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

24 Beginning January 1, 1990, each month the Department shall
25 pay into the State and Local Sales Tax Reform Fund, a special
26 fund in the State Treasury, 20% of the net revenue realized for

1 the preceding month from the 6.25% general rate on the selling
2 price of tangible personal property, other than (i) tangible
3 personal property which is purchased outside Illinois at retail
4 from a retailer and which is titled or registered by an agency
5 of this State's government and (ii) aviation fuel sold on or
6 after December 1, 2019. This exception for aviation fuel only
7 applies for so long as the revenue use requirements of 49
8 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the State.

9 For aviation fuel sold on or after December 1, 2019, each
10 month the Department shall pay into the State Aviation Program
11 Fund 20% of the net revenue realized for the preceding month
12 from the 6.25% general rate on the selling price of aviation
13 fuel, less an amount estimated by the Department to be required
14 for refunds of the 20% portion of the tax on aviation fuel
15 under this Act, which amount shall be deposited into the
16 Aviation Fuel Sales Tax Refund Fund. The Department shall only
17 pay moneys into the State Aviation Program Fund and the
18 Aviation Fuels Sales Tax Refund Fund under this Act for so long
19 as the revenue use requirements of 49 U.S.C. 47107(b) and 49
20 U.S.C. 47133 are binding on the State.

21 Beginning August 1, 2000, each month the Department shall
22 pay into the State and Local Sales Tax Reform Fund 100% of the
23 net revenue realized for the preceding month from the 1.25%
24 rate on the selling price of motor fuel and gasohol. Beginning
25 September 1, 2010, each month the Department shall pay into the
26 State and Local Sales Tax Reform Fund 100% of the net revenue

1 realized for the preceding month from the 1.25% rate on the
2 selling price of sales tax holiday items.

3 Beginning January 1, 1990, each month the Department shall
4 pay into the Local Government Tax Fund 16% of the net revenue
5 realized for the preceding month from the 6.25% general rate on
6 the selling price of tangible personal property which is
7 purchased outside Illinois at retail from a retailer and which
8 is titled or registered by an agency of this State's
9 government.

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

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

26 Beginning July 1, 2013, each month the Department shall pay

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

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

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

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

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

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

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

19	Fiscal Year	Total Deposit
20	1993	\$0
21	1994	53,000,000
22	1995	58,000,000
23	1996	61,000,000
24	1997	64,000,000
25	1998	68,000,000
26	1999	71,000,000

1	2000	75,000,000
2	2001	80,000,000
3	2002	93,000,000
4	2003	99,000,000
5	2004	103,000,000
6	2005	108,000,000
7	2006	113,000,000
8	2007	119,000,000
9	2008	126,000,000
10	2009	132,000,000
11	2010	139,000,000
12	2011	146,000,000
13	2012	153,000,000
14	2013	161,000,000
15	2014	170,000,000
16	2015	179,000,000
17	2016	189,000,000
18	2017	199,000,000
19	2018	210,000,000
20	2019	221,000,000
21	2020	233,000,000
22	2021	246,000,000
23	2022	260,000,000
24	2023	275,000,000
25	2024	275,000,000
26	2025	275,000,000

1	2026	279,000,000
2	2027	292,000,000
3	2028	307,000,000
4	2029	322,000,000
5	2030	338,000,000
6	2031	350,000,000
7	2032	350,000,000

8 and

9 each fiscal year

10 thereafter that bonds

11 are outstanding under

12 Section 13.2 of the

13 Metropolitan Pier and

14 Exposition Authority Act,

15 but not after fiscal year 2060.

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

1 not in excess of the amount specified above as "Total Deposit",
2 has been deposited.

3 Subject to payment of amounts into the Capital Projects
4 Fund, the Clean Air Act Permit Fund, 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, for aviation fuel sold on or after December 1, 2019,
8 the Department shall each month deposit into the Aviation Fuel
9 Sales Tax Refund Fund an amount estimated by the Department to
10 be required for refunds of the 80% portion of the tax on
11 aviation fuel under this Act. The Department shall only deposit
12 moneys into the Aviation Fuel Sales Tax Refund Fund under this
13 paragraph for so long as the revenue use requirements of 49
14 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the State.

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

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 with the receipt of the first report of

1 taxes paid by an eligible business and continuing for a 25-year
2 period, the Department shall each month pay into the Energy
3 Infrastructure Fund 80% of the net revenue realized from the
4 6.25% general rate on the selling price of Illinois-mined coal
5 that was sold to an eligible business. For purposes of this
6 paragraph, the term "eligible business" means a new electric
7 generating facility certified pursuant to Section 605-332 of
8 the Department of Commerce and Economic Opportunity Law of the
9 Civil Administrative Code of Illinois.

10 Subject to payment of amounts into the Build Illinois Fund,
11 the McCormick Place Expansion Project Fund, the Illinois Tax
12 Increment Fund, and the Energy Infrastructure Fund pursuant to
13 the preceding paragraphs or in any amendments to this Section
14 hereafter enacted, beginning on the first day of the first
15 calendar month to occur on or after August 26, 2014 (the
16 effective date of Public Act 98-1098), each month, from the
17 collections made under Section 9 of the Use Tax Act, Section 9
18 of the Service Use Tax Act, Section 9 of the Service Occupation
19 Tax Act, and Section 3 of the Retailers' Occupation Tax Act,
20 the Department shall pay into the Tax Compliance and
21 Administration Fund, to be used, subject to appropriation, to
22 fund additional auditors and compliance personnel at the
23 Department of Revenue, an amount equal to 1/12 of 5% of 80% of
24 the cash receipts collected during the preceding fiscal year by
25 the Audit Bureau of the Department under the Use Tax Act, the
26 Service Use Tax Act, the Service Occupation Tax Act, the

1 Retailers' Occupation Tax Act, and associated local occupation
2 and use taxes administered by the Department ~~(except the amount~~
3 ~~collected on aviation fuel sold on or after December 1, 2019)~~.

4 Subject to payments of amounts into the Build Illinois
5 Fund, the McCormick Place Expansion Project Fund, the Illinois
6 Tax Increment Fund, the Energy Infrastructure Fund, and the Tax
7 Compliance and Administration Fund as provided in this Section,
8 beginning on July 1, 2018 the Department shall pay each month
9 into the Downstate Public Transportation Fund the moneys
10 required to be so paid under Section 2-3 of the Downstate
11 Public Transportation Act.

12 Subject to successful execution and delivery of a
13 public-private ~~public-private~~ agreement between the public
14 agency and private entity and completion of the civic build,
15 beginning on July 1, 2023, of the remainder of the moneys
16 received by the Department under the Use Tax Act, the Service
17 Use Tax Act, the Service Occupation Tax Act, and this Act, the
18 Department shall deposit the following specified deposits in
19 the aggregate from collections under the Use Tax Act, the
20 Service Use Tax Act, the Service Occupation Tax Act, and the
21 Retailers' Occupation Tax Act, as required under Section 8.25g
22 of the State Finance Act for distribution consistent with the
23 Public-Private Partnership for Civic and Transit
24 Infrastructure Project Act. The moneys received by the
25 Department pursuant to this Act and required to be deposited
26 into the Civic and Transit Infrastructure Fund are subject to

1 the pledge, claim, and charge set forth in Section 25-55 ~~55~~ of
 2 the Public-Private Partnership for Civic and Transit
 3 Infrastructure Project Act. As used in this paragraph, "civic
 4 build", "private entity", "public-private ~~private~~ ~~public~~
 5 agreement", and "public agency" have the meanings provided in
 6 Section 25-10 of the Public-Private Partnership for Civic and
 7 Transit Infrastructure Project Act.

8	Fiscal Year	Total Deposit
9	2024	\$200,000,000
10	2025	\$206,000,000
11	2026	\$212,200,000
12	2027	\$218,500,000
13	2028	\$225,100,000
14	2029	\$288,700,000
15	2030	\$298,900,000
16	2031	\$309,300,000
17	2032	\$320,100,000
18	2033	\$331,200,000
19	2034	\$341,200,000
20	2035	\$351,400,000
21	2036	\$361,900,000
22	2037	\$372,800,000
23	2038	\$384,000,000
24	2039	\$395,500,000
25	2040	\$407,400,000
26	2041	\$419,600,000

1 2042 \$432,200,000

2 2043 \$445,100,000

3 Beginning July 1, 2021 and until July 1, 2022, subject to
4 the payment of amounts into the State and Local Sales Tax
5 Reform Fund, the Build Illinois Fund, the McCormick Place
6 Expansion Project Fund, the Illinois Tax Increment Fund, the
7 Energy Infrastructure Fund, and the Tax Compliance and
8 Administration Fund as provided in this Section, the Department
9 shall pay each month into the Road Fund the amount estimated to
10 represent 16% of the net revenue realized from the taxes
11 imposed on motor fuel and gasohol. Beginning July 1, 2022 and
12 until July 1, 2023, subject to the payment of amounts into the
13 State and Local Sales Tax Reform Fund, the Build Illinois Fund,
14 the McCormick Place Expansion Project Fund, the Illinois Tax
15 Increment Fund, the Energy Infrastructure Fund, and the Tax
16 Compliance and Administration Fund as provided in this Section,
17 the Department shall pay each month into the Road Fund the
18 amount estimated to represent 32% of the net revenue realized
19 from the taxes imposed on motor fuel and gasohol. Beginning
20 July 1, 2023 and until July 1, 2024, subject to the payment of
21 amounts into the State and Local Sales Tax Reform Fund, the
22 Build Illinois Fund, the McCormick Place Expansion Project
23 Fund, the Illinois Tax Increment Fund, the Energy
24 Infrastructure Fund, and the Tax Compliance and Administration
25 Fund as provided in this Section, the Department shall pay each
26 month into the Road Fund the amount estimated to represent 48%

1 of the net revenue realized from the taxes imposed on motor
2 fuel and gasohol. Beginning July 1, 2024 and until July 1,
3 2025, subject to the payment of amounts into the State and
4 Local Sales Tax Reform Fund, the Build Illinois Fund, the
5 McCormick Place Expansion Project Fund, the Illinois Tax
6 Increment Fund, the Energy Infrastructure Fund, and the Tax
7 Compliance and Administration Fund as provided in this Section,
8 the Department shall pay each month into the Road Fund the
9 amount estimated to represent 64% of the net revenue realized
10 from the taxes imposed on motor fuel and gasohol. Beginning on
11 July 1, 2025, subject to the payment of amounts into the State
12 and Local Sales Tax Reform Fund, the Build Illinois Fund, the
13 McCormick Place Expansion Project Fund, the Illinois Tax
14 Increment Fund, the Energy Infrastructure Fund, and the Tax
15 Compliance and Administration Fund as provided in this Section,
16 the Department shall pay each month into the Road Fund the
17 amount estimated to represent 80% of the net revenue realized
18 from the taxes imposed on motor fuel and gasohol. As used in
19 this paragraph "motor fuel" has the meaning given to that term
20 in Section 1.1 of the Motor Fuel Tax Act, and "gasohol" has the
21 meaning given to that term in Section 3-40 of this Act.

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

1 accordance with Section 8a of the State Finance Act.

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

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

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

20 (Source: P.A. 100-303, eff. 8-24-17; 100-363, eff. 7-1-18;
21 100-863, eff. 8-14-18; 100-1171, eff. 1-4-19; 101-10, Article
22 15, Section 15-10, eff. 6-5-19; 101-10, Article 25, Section
23 25-105, eff. 6-5-19; 101-27, eff. 6-25-19; 101-32, eff.
24 6-28-19; revised 7-29-19.)

25 Section 10-30. The Service Use Tax Act is amended by

1 changing Sections 2 and 9 as follows:

2 (35 ILCS 110/2) (from Ch. 120, par. 439.32)

3 Sec. 2. Definitions. In this Act:

4 "Use" means the exercise by any person of any right or
5 power over tangible personal property incident to the ownership
6 of that property, but does not include the sale or use for
7 demonstration by him of that property in any form as tangible
8 personal property in the regular course of business. "Use" does
9 not mean the interim use of tangible personal property nor the
10 physical incorporation of tangible personal property, as an
11 ingredient or constituent, into other tangible personal
12 property, (a) which is sold in the regular course of business
13 or (b) which the person incorporating such ingredient or
14 constituent therein has undertaken at the time of such purchase
15 to cause to be transported in interstate commerce to
16 destinations outside the State of Illinois.

17 "Purchased from a serviceman" means the acquisition of the
18 ownership of, or title to, tangible personal property through a
19 sale of service.

20 "Purchaser" means any person who, through a sale of
21 service, acquires the ownership of, or title to, any tangible
22 personal property.

23 "Cost price" means the consideration paid by the serviceman
24 for a purchase valued in money, whether paid in money or
25 otherwise, including cash, credits and services, and shall be

1 determined without any deduction on account of the supplier's
2 cost of the property sold or on account of any other expense
3 incurred by the supplier. When a serviceman contracts out part
4 or all of the services required in his sale of service, it
5 shall be presumed that the cost price to the serviceman of the
6 property transferred to him or her by his or her subcontractor
7 is equal to 50% of the subcontractor's charges to the
8 serviceman in the absence of proof of the consideration paid by
9 the subcontractor for the purchase of such property.

10 "Selling price" means the consideration for a sale valued
11 in money whether received in money or otherwise, including
12 cash, credits and service, and shall be determined without any
13 deduction on account of the serviceman's cost of the property
14 sold, the cost of materials used, labor or service cost or any
15 other expense whatsoever, but does not include interest or
16 finance charges which appear as separate items on the bill of
17 sale or sales contract nor charges that are added to prices by
18 sellers on account of the seller's duty to collect, from the
19 purchaser, the tax that is imposed by this Act.

20 "Department" means the Department of Revenue.

21 "Person" means any natural individual, firm, partnership,
22 association, joint stock company, joint venture, public or
23 private corporation, limited liability company, and any
24 receiver, executor, trustee, guardian or other representative
25 appointed by order of any court.

26 "Sale of service" means any transaction except:

1 (1) a retail sale of tangible personal property taxable
2 under the Retailers' Occupation Tax Act or under the Use
3 Tax Act.

4 (2) a sale of tangible personal property for the
5 purpose of resale made in compliance with Section 2c of the
6 Retailers' Occupation Tax Act.

7 (3) except as hereinafter provided, a sale or transfer
8 of tangible personal property as an incident to the
9 rendering of service for or by any governmental body, or
10 for or by any corporation, society, association,
11 foundation or institution organized and operated
12 exclusively for charitable, religious or educational
13 purposes or any not-for-profit corporation, society,
14 association, foundation, institution or organization which
15 has no compensated officers or employees and which is
16 organized and operated primarily for the recreation of
17 persons 55 years of age or older. A limited liability
18 company may qualify for the exemption under this paragraph
19 only if the limited liability company is organized and
20 operated exclusively for educational purposes.

21 (4) (blank).

22 (4a) a sale or transfer of tangible personal property
23 as an incident to the rendering of service for owners,
24 lessors, or shippers of tangible personal property which is
25 utilized by interstate carriers for hire for use as rolling
26 stock moving in interstate commerce so long as so used by

1 interstate carriers for hire, and equipment operated by a
2 telecommunications provider, licensed as a common carrier
3 by the Federal Communications Commission, which is
4 permanently installed in or affixed to aircraft moving in
5 interstate commerce.

6 (4a-5) on and after July 1, 2003 and through June 30,
7 2004, a sale or transfer of a motor vehicle of the second
8 division with a gross vehicle weight in excess of 8,000
9 pounds as an incident to the rendering of service if that
10 motor vehicle is subject to the commercial distribution fee
11 imposed under Section 3-815.1 of the Illinois Vehicle Code.
12 Beginning on July 1, 2004 and through June 30, 2005, the
13 use in this State of motor vehicles of the second division:
14 (i) with a gross vehicle weight rating in excess of 8,000
15 pounds; (ii) that are subject to the commercial
16 distribution fee imposed under Section 3-815.1 of the
17 Illinois Vehicle Code; and (iii) that are primarily used
18 for commercial purposes. Through June 30, 2005, this
19 exemption applies to repair and replacement parts added
20 after the initial purchase of such a motor vehicle if that
21 motor vehicle is used in a manner that would qualify for
22 the rolling stock exemption otherwise provided for in this
23 Act. For purposes of this paragraph, "used for commercial
24 purposes" means the transportation of persons or property
25 in furtherance of any commercial or industrial enterprise
26 whether for-hire or not.

1 (5) a sale or transfer of machinery and equipment used
2 primarily in the process of the manufacturing or
3 assembling, either in an existing, an expanded or a new
4 manufacturing facility, of tangible personal property for
5 wholesale or retail sale or lease, whether such sale or
6 lease is made directly by the manufacturer or by some other
7 person, whether the materials used in the process are owned
8 by the manufacturer or some other person, or whether such
9 sale or lease is made apart from or as an incident to the
10 seller's engaging in a service occupation and the
11 applicable tax is a Service Use Tax or Service Occupation
12 Tax, rather than Use Tax or Retailers' Occupation Tax. The
13 exemption provided by this paragraph (5) includes
14 production related tangible personal property, as defined
15 in Section 3-50 of the Use Tax Act, purchased on or after
16 July 1, 2019. The exemption provided by this paragraph (5)
17 does not include machinery and equipment used in (i) the
18 generation of electricity for wholesale or retail sale;
19 (ii) the generation or treatment of natural or artificial
20 gas for wholesale or retail sale that is delivered to
21 customers through pipes, pipelines, or mains; or (iii) the
22 treatment of water for wholesale or retail sale that is
23 delivered to customers through pipes, pipelines, or mains.
24 The provisions of Public Act 98-583 are declaratory of
25 existing law as to the meaning and scope of this exemption.
26 The exemption under this paragraph (5) is exempt from the

1 provisions of Section 3-75.

2 (5a) the repairing, reconditioning or remodeling, for
3 a common carrier by rail, of tangible personal property
4 which belongs to such carrier for hire, and as to which
5 such carrier receives the physical possession of the
6 repaired, reconditioned or remodeled item of tangible
7 personal property in Illinois, and which such carrier
8 transports, or shares with another common carrier in the
9 transportation of such property, out of Illinois on a
10 standard uniform bill of lading showing the person who
11 repaired, reconditioned or remodeled the property to a
12 destination outside Illinois, for use outside Illinois.

13 (5b) a sale or transfer of tangible personal property
14 which is produced by the seller thereof on special order in
15 such a way as to have made the applicable tax the Service
16 Occupation Tax or the Service Use Tax, rather than the
17 Retailers' Occupation Tax or the Use Tax, for an interstate
18 carrier by rail which receives the physical possession of
19 such property in Illinois, and which transports such
20 property, or shares with another common carrier in the
21 transportation of such property, out of Illinois on a
22 standard uniform bill of lading showing the seller of the
23 property as the shipper or consignor of such property to a
24 destination outside Illinois, for use outside Illinois.

25 (6) until July 1, 2003, a sale or transfer of
26 distillation machinery and equipment, sold as a unit or kit

1 and assembled or installed by the retailer, which machinery
2 and equipment is certified by the user to be used only for
3 the production of ethyl alcohol that will be used for
4 consumption as motor fuel or as a component of motor fuel
5 for the personal use of such user and not subject to sale
6 or resale.

7 (7) at the election of any serviceman not required to
8 be otherwise registered as a retailer under Section 2a of
9 the Retailers' Occupation Tax Act, made for each fiscal
10 year sales of service in which the aggregate annual cost
11 price of tangible personal property transferred as an
12 incident to the sales of service is less than 35%, or 75%
13 in the case of servicemen transferring prescription drugs
14 or servicemen engaged in graphic arts production, of the
15 aggregate annual total gross receipts from all sales of
16 service. The purchase of such tangible personal property by
17 the serviceman shall be subject to tax under the Retailers'
18 Occupation Tax Act and the Use Tax Act. However, if a
19 primary serviceman who has made the election described in
20 this paragraph subcontracts service work to a secondary
21 serviceman who has also made the election described in this
22 paragraph, the primary serviceman does not incur a Use Tax
23 liability if the secondary serviceman (i) has paid or will
24 pay Use Tax on his or her cost price of any tangible
25 personal property transferred to the primary serviceman
26 and (ii) certifies that fact in writing to the primary

1 serviceman.

2 Tangible personal property transferred incident to the
3 completion of a maintenance agreement is exempt from the tax
4 imposed pursuant to this Act.

5 Exemption (5) also includes machinery and equipment used in
6 the general maintenance or repair of such exempt machinery and
7 equipment or for in-house manufacture of exempt machinery and
8 equipment. On and after July 1, 2017, exemption (5) also
9 includes graphic arts machinery and equipment, as defined in
10 paragraph (5) of Section 3-5. The machinery and equipment
11 exemption does not include machinery and equipment used in (i)
12 the generation of electricity for wholesale or retail sale;
13 (ii) the generation or treatment of natural or artificial gas
14 for wholesale or retail sale that is delivered to customers
15 through pipes, pipelines, or mains; or (iii) the treatment of
16 water for wholesale or retail sale that is delivered to
17 customers through pipes, pipelines, or mains. The provisions of
18 Public Act 98-583 are declaratory of existing law as to the
19 meaning and scope of this exemption. For the purposes of
20 exemption (5), each of these terms shall have the following
21 meanings: (1) "manufacturing process" shall mean the
22 production of any article of tangible personal property,
23 whether such article is a finished product or an article for
24 use in the process of manufacturing or assembling a different
25 article of tangible personal property, by procedures commonly
26 regarded as manufacturing, processing, fabricating, or

1 refining which changes some existing material or materials into
2 a material with a different form, use or name. In relation to a
3 recognized integrated business composed of a series of
4 operations which collectively constitute manufacturing, or
5 individually constitute manufacturing operations, the
6 manufacturing process shall be deemed to commence with the
7 first operation or stage of production in the series, and shall
8 not be deemed to end until the completion of the final product
9 in the last operation or stage of production in the series; and
10 further, for purposes of exemption (5), photoprocessing is
11 deemed to be a manufacturing process of tangible personal
12 property for wholesale or retail sale; (2) "assembling process"
13 shall mean the production of any article of tangible personal
14 property, whether such article is a finished product or an
15 article for use in the process of manufacturing or assembling a
16 different article of tangible personal property, by the
17 combination of existing materials in a manner commonly regarded
18 as assembling which results in a material of a different form,
19 use or name; (3) "machinery" shall mean major mechanical
20 machines or major components of such machines contributing to a
21 manufacturing or assembling process; and (4) "equipment" shall
22 include any independent device or tool separate from any
23 machinery but essential to an integrated manufacturing or
24 assembly process; including computers used primarily in a
25 manufacturer's computer assisted design, computer assisted
26 manufacturing (CAD/CAM) system; or any subunit or assembly

1 comprising a component of any machinery or auxiliary, adjunct
2 or attachment parts of machinery, such as tools, dies, jigs,
3 fixtures, patterns and molds; or any parts which require
4 periodic replacement in the course of normal operation; but
5 shall not include hand tools. Equipment includes chemicals or
6 chemicals acting as catalysts but only if the chemicals or
7 chemicals acting as catalysts effect a direct and immediate
8 change upon a product being manufactured or assembled for
9 wholesale or retail sale or lease. The purchaser of such
10 machinery and equipment who has an active resale registration
11 number shall furnish such number to the seller at the time of
12 purchase. The purchaser ~~user~~ of such machinery and equipment
13 and tools without an active resale registration number shall
14 prepare a certificate of exemption ~~for each transaction~~ stating
15 facts establishing the exemption ~~for that transaction~~, which
16 certificate shall be available to the Department for inspection
17 or audit. The Department shall prescribe the form of the
18 certificate.

19 Any informal rulings, opinions or letters issued by the
20 Department in response to an inquiry or request for any opinion
21 from any person regarding the coverage and applicability of
22 exemption (5) to specific devices shall be published,
23 maintained as a public record, and made available for public
24 inspection and copying. If the informal ruling, opinion or
25 letter contains trade secrets or other confidential
26 information, where possible the Department shall delete such

1 information prior to publication. Whenever such informal
2 rulings, opinions, or letters contain any policy of general
3 applicability, the Department shall formulate and adopt such
4 policy as a rule in accordance with the provisions of the
5 Illinois Administrative Procedure Act.

6 On and after July 1, 1987, no entity otherwise eligible
7 under exemption (3) of this Section shall make tax-free
8 purchases unless it has an active exemption identification
9 number issued by the Department.

10 The purchase, employment and transfer of such tangible
11 personal property as newsprint and ink for the primary purpose
12 of conveying news (with or without other information) is not a
13 purchase, use or sale of service or of tangible personal
14 property within the meaning of this Act.

15 "Serviceman" means any person who is engaged in the
16 occupation of making sales of service.

17 "Sale at retail" means "sale at retail" as defined in the
18 Retailers' Occupation Tax Act.

19 "Supplier" means any person who makes sales of tangible
20 personal property to servicemen for the purpose of resale as an
21 incident to a sale of service.

22 "Serviceman maintaining a place of business in this State",
23 or any like term, means and includes any serviceman:

- 24 (1) having or maintaining within this State, directly
25 or by a subsidiary, an office, distribution house, sales
26 house, warehouse or other place of business, or any agent

1 or other representative operating within this State under
2 the authority of the serviceman or its subsidiary,
3 irrespective of whether such place of business or agent or
4 other representative is located here permanently or
5 temporarily, or whether such serviceman or subsidiary is
6 licensed to do business in this State;

7 (1.1) having a contract with a person located in this
8 State under which the person, for a commission or other
9 consideration based on the sale of service by the
10 serviceman, directly or indirectly refers potential
11 customers to the serviceman by providing to the potential
12 customers a promotional code or other mechanism that allows
13 the serviceman to track purchases referred by such persons.
14 Examples of mechanisms that allow the serviceman to track
15 purchases referred by such persons include but are not
16 limited to the use of a link on the person's Internet
17 website, promotional codes distributed through the
18 person's hand-delivered or mailed material, and
19 promotional codes distributed by the person through radio
20 or other broadcast media. The provisions of this paragraph
21 (1.1) shall apply only if the cumulative gross receipts
22 from sales of service by the serviceman to customers who
23 are referred to the serviceman by all persons in this State
24 under such contracts exceed \$10,000 during the preceding 4
25 quarterly periods ending on the last day of March, June,
26 September, and December; a serviceman meeting the

1 requirements of this paragraph (1.1) shall be presumed to
2 be maintaining a place of business in this State but may
3 rebut this presumption by submitting proof that the
4 referrals or other activities pursued within this State by
5 such persons were not sufficient to meet the nexus
6 standards of the United States Constitution during the
7 preceding 4 quarterly periods;

8 (1.2) beginning July 1, 2011, having a contract with a
9 person located in this State under which:

10 (A) the serviceman sells the same or substantially
11 similar line of services as the person located in this
12 State and does so using an identical or substantially
13 similar name, trade name, or trademark as the person
14 located in this State; and

15 (B) the serviceman provides a commission or other
16 consideration to the person located in this State based
17 upon the sale of services by the serviceman.

18 The provisions of this paragraph (1.2) shall apply only if
19 the cumulative gross receipts from sales of service by the
20 serviceman to customers in this State under all such
21 contracts exceed \$10,000 during the preceding 4 quarterly
22 periods ending on the last day of March, June, September,
23 and December;

24 (2) soliciting orders for tangible personal property
25 by means of a telecommunication or television shopping
26 system (which utilizes toll free numbers) which is intended

1 by the retailer to be broadcast by cable television or
2 other means of broadcasting, to consumers located in this
3 State;

4 (3) pursuant to a contract with a broadcaster or
5 publisher located in this State, soliciting orders for
6 tangible personal property by means of advertising which is
7 disseminated primarily to consumers located in this State
8 and only secondarily to bordering jurisdictions;

9 (4) soliciting orders for tangible personal property
10 by mail if the solicitations are substantial and recurring
11 and if the retailer benefits from any banking, financing,
12 debt collection, telecommunication, or marketing
13 activities occurring in this State or benefits from the
14 location in this State of authorized installation,
15 servicing, or repair facilities;

16 (5) being owned or controlled by the same interests
17 which own or control any retailer engaging in business in
18 the same or similar line of business in this State;

19 (6) having a franchisee or licensee operating under its
20 trade name if the franchisee or licensee is required to
21 collect the tax under this Section;

22 (7) pursuant to a contract with a cable television
23 operator located in this State, soliciting orders for
24 tangible personal property by means of advertising which is
25 transmitted or distributed over a cable television system
26 in this State;

1 (8) engaging in activities in Illinois, which
2 activities in the state in which the supply business
3 engaging in such activities is located would constitute
4 maintaining a place of business in that state; or

5 (9) beginning October 1, 2018, making sales of service
6 to purchasers in Illinois from outside of Illinois if:

7 (A) the cumulative gross receipts from sales of
8 service to purchasers in Illinois are \$100,000 or more;
9 or

10 (B) the serviceman enters into 200 or more separate
11 transactions for sales of service to purchasers in
12 Illinois.

13 The serviceman shall determine on a quarterly basis,
14 ending on the last day of March, June, September, and
15 December, whether he or she meets the criteria of either
16 subparagraph (A) or (B) of this paragraph (9) for the
17 preceding 12-month period. If the serviceman meets the
18 criteria of either subparagraph (A) or (B) for a 12-month
19 period, he or she is considered a serviceman maintaining a
20 place of business in this State and is required to collect
21 and remit the tax imposed under this Act and file returns
22 for one year. At the end of that one-year period, the
23 serviceman shall determine whether the serviceman met the
24 criteria of either subparagraph (A) or (B) during the
25 preceding 12-month period. If the serviceman met the
26 criteria in either subparagraph (A) or (B) for the

1 preceding 12-month period, he or she is considered a
2 serviceman maintaining a place of business in this State
3 and is required to collect and remit the tax imposed under
4 this Act and file returns for the subsequent year. If at
5 the end of a one-year period a serviceman that was required
6 to collect and remit the tax imposed under this Act
7 determines that he or she did not meet the criteria in
8 either subparagraph (A) or (B) during the preceding
9 12-month period, the serviceman subsequently shall
10 determine on a quarterly basis, ending on the last day of
11 March, June, September, and December, whether he or she
12 meets the criteria of either subparagraph (A) or (B) for
13 the preceding 12-month period.

14 Beginning January 1, 2020, neither the gross receipts
15 from nor the number of separate transactions for sales of
16 service to purchasers in Illinois that a serviceman makes
17 through a marketplace facilitator and for which the
18 serviceman has received a certification from the
19 marketplace facilitator pursuant to Section 2d of this Act
20 shall be included for purposes of determining whether he or
21 she has met the thresholds of this paragraph (9).

22 (10) Beginning January 1, 2020, a marketplace
23 facilitator, as defined in Section 2d of this Act.

24 (Source: P.A. 100-22, eff. 7-6-17; 100-321, eff. 8-24-17;
25 100-587, eff. 6-4-18; 100-863, eff. 8-14-18; 101-9, Article 10,
26 Section 10-15, eff. 6-5-19; 101-9, Article 25, Section 25-10,

1 eff. 6-5-19; revised 7-10-19.)

2 (35 ILCS 110/9) (from Ch. 120, par. 439.39)

3 Sec. 9. Each serviceman required or authorized to collect
4 the tax herein imposed shall pay to the Department the amount
5 of such tax (except as otherwise provided) at the time when he
6 is required to file his return for the period during which such
7 tax was collected, less a discount of 2.1% prior to January 1,
8 1990 and 1.75% on and after January 1, 1990, or \$5 per calendar
9 year, whichever is greater, which is allowed to reimburse the
10 serviceman for expenses incurred in collecting the tax, keeping
11 records, preparing and filing returns, remitting the tax and
12 supplying data to the Department on request. The discount under
13 this Section is not allowed for the 1.25% portion of taxes paid
14 on aviation fuel that is subject to the revenue use
15 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 ~~are~~
16 ~~deposited into the State Aviation Program Fund under this Act.~~
17 The discount allowed under this Section is allowed only for
18 returns that are filed in the manner required by this Act. The
19 Department may disallow the discount for servicemen whose
20 certificate of registration is revoked at the time the return
21 is filed, but only if the Department's decision to revoke the
22 certificate of registration has become final. A serviceman need
23 not remit that part of any tax collected by him to the extent
24 that he is required to pay and does pay the tax imposed by the
25 Service Occupation Tax Act with respect to his sale of service

1 involving the incidental transfer by him of the same property.

2 Except as provided hereinafter in this Section, on or
3 before the twentieth day of each calendar month, such
4 serviceman shall file a return for the preceding calendar month
5 in accordance with reasonable Rules and Regulations to be
6 promulgated by the Department. Such return shall be filed on a
7 form prescribed by the Department and shall contain such
8 information as the Department may reasonably require. On and
9 after January 1, 2018, with respect to servicemen whose annual
10 gross receipts average \$20,000 or more, all returns required to
11 be filed pursuant to this Act shall be filed electronically.
12 Servicemen who demonstrate that they do not have access to the
13 Internet or demonstrate hardship in filing electronically may
14 petition the Department to waive the electronic filing
15 requirement.

16 The Department may require returns to be filed on a
17 quarterly basis. If so required, a return for each calendar
18 quarter shall be filed on or before the twentieth day of the
19 calendar month following the end of such calendar quarter. The
20 taxpayer shall also file a return with the Department for each
21 of the first two months of each calendar quarter, on or before
22 the twentieth day of the following calendar month, stating:

- 23 1. The name of the seller;
- 24 2. The address of the principal place of business from
25 which he engages in business as a serviceman in this State;
- 26 3. The total amount of taxable receipts received by him

1 during the preceding calendar month, including receipts
2 from charge and time sales, but less all deductions allowed
3 by law;

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

6 5. The amount of tax due;

7 5-5. The signature of the taxpayer; and

8 6. Such other reasonable information as the Department
9 may require.

10 ~~Each Beginning on January 1, 2020, each~~ serviceman required
11 or authorized to collect the tax imposed by this Act on
12 aviation fuel transferred as an incident of a sale of service
13 in this State during the preceding calendar month shall,
14 instead of reporting and paying tax on aviation fuel as
15 otherwise required by this Section, report and pay such ~~the~~ tax
16 on a separate ~~by filing an~~ aviation fuel tax return ~~with the~~
17 ~~Department on or before the twentieth day of each calendar~~
18 ~~month~~. The requirements related to the return shall be as
19 otherwise provided in this Section. Notwithstanding any other
20 provisions of this Act to the contrary, servicemen collecting
21 tax on aviation fuel shall file all aviation fuel tax returns
22 and shall make all aviation fuel tax payments by electronic
23 means in the manner and form required by the Department. For
24 purposes of this Section ~~paragraph~~, "aviation fuel" means jet
25 fuel and aviation gasoline ~~a product that is intended for use~~
26 ~~or offered for sale as fuel for an aircraft.~~

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

5 Notwithstanding any other provision of this Act to the
6 contrary, servicemen subject to tax on cannabis shall file all
7 cannabis tax returns and shall make all cannabis tax payments
8 by electronic means in the manner and form required by the
9 Department.

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

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

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

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

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

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

24 If the serviceman is otherwise required to file a monthly
25 return and if the serviceman's average monthly tax liability to
26 the Department does not exceed \$200, the Department may

1 authorize his returns to be filed on a quarter annual basis,
2 with the return for January, February and March of a given year
3 being due by April 20 of such year; with the return for April,
4 May and June of a given year being due by July 20 of such year;
5 with the return for July, August and September of a given year
6 being due by October 20 of such year, and with the return for
7 October, November and December of a given year being due by
8 January 20 of the following year.

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

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

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

25 Where a serviceman collects the tax with respect to the
26 selling price of property which he sells and the purchaser

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

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

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

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

6 Beginning January 1, 1990, each month the Department shall
7 pay into the State and Local Tax Reform Fund, a special fund in
8 the State Treasury, the net revenue realized for the preceding
9 month from the 1% tax imposed under this Act.

10 Beginning January 1, 1990, each month the Department shall
11 pay into the State and Local Sales Tax Reform Fund 20% of the
12 net revenue realized for the preceding month from the 6.25%
13 general rate on transfers of tangible personal property, other
14 than (i) tangible personal property which is purchased outside
15 Illinois at retail from a retailer and which is titled or
16 registered by an agency of this State's government and (ii)
17 aviation fuel sold on or after December 1, 2019. This exception
18 for aviation fuel only applies 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 State.

21 For aviation fuel sold on or after December 1, 2019, each
22 month the Department shall pay into the State Aviation Program
23 Fund 20% of the net revenue realized for the preceding month
24 from the 6.25% general rate on the selling price of aviation
25 fuel, less an amount estimated by the Department to be required
26 for refunds of the 20% portion of the tax on aviation fuel

1 under this Act, which amount shall be deposited into the
2 Aviation Fuel Sales Tax Refund Fund. The Department shall only
3 pay moneys into the State Aviation Program Fund and the
4 Aviation Fuel Sales Tax Refund Fund under this Act for so long
5 as the revenue use requirements of 49 U.S.C. 47107(b) and 49
6 U.S.C. 47133 are binding on the State.

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

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

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

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

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

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

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

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

25 Subject to payment of amounts into the Build Illinois Fund
26 as provided in the preceding paragraph or in any amendment

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

	Fiscal Year	Total Deposit
11		
12	1993	\$0
13	1994	53,000,000
14	1995	58,000,000
15	1996	61,000,000
16	1997	64,000,000
17	1998	68,000,000
18	1999	71,000,000
19	2000	75,000,000
20	2001	80,000,000
21	2002	93,000,000
22	2003	99,000,000
23	2004	103,000,000
24	2005	108,000,000
25	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 Permit Fund, 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, for aviation fuel sold on or after December 1, 2019,

1 the Department shall each month deposit into the Aviation Fuel
2 Sales Tax Refund Fund an amount estimated by the Department to
3 be required for refunds of the 80% portion of the tax on
4 aviation fuel under this Act. The Department shall only deposit
5 moneys into the Aviation Fuel Sales Tax Refund Fund under this
6 paragraph for so long as the revenue use requirements of 49
7 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the State.

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

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

1 the Department of Commerce and Economic Opportunity Law of the
2 Civil Administrative Code of Illinois.

3 Subject to payment of amounts into the Build Illinois Fund,
4 the McCormick Place Expansion Project Fund, the Illinois Tax
5 Increment Fund, and the Energy Infrastructure Fund pursuant to
6 the preceding paragraphs or in any amendments to this Section
7 hereafter enacted, beginning on the first day of the first
8 calendar month to occur on or after August 26, 2014 (the
9 effective date of Public Act 98-1098), each month, from the
10 collections made under Section 9 of the Use Tax Act, Section 9
11 of the Service Use Tax Act, Section 9 of the Service Occupation
12 Tax Act, and Section 3 of the Retailers' Occupation Tax Act,
13 the Department shall pay into the Tax Compliance and
14 Administration Fund, to be used, subject to appropriation, to
15 fund additional auditors and compliance personnel at the
16 Department of Revenue, an amount equal to 1/12 of 5% of 80% of
17 the cash receipts collected during the preceding fiscal year by
18 the Audit Bureau of the Department under the Use Tax Act, the
19 Service Use Tax Act, the Service Occupation Tax Act, the
20 Retailers' Occupation Tax Act, and associated local occupation
21 and use taxes administered by the Department ~~(except the amount~~
22 ~~collected on aviation fuel sold on or after December 1, 2019)~~.

23 Subject to payments of amounts into the Build Illinois
24 Fund, the McCormick Place Expansion Project Fund, the Illinois
25 Tax Increment Fund, the Energy Infrastructure Fund, and the Tax
26 Compliance and Administration Fund as provided in this Section,

1 beginning on July 1, 2018 the Department shall pay each month
2 into the Downstate Public Transportation Fund the moneys
3 required to be so paid under Section 2-3 of the Downstate
4 Public Transportation Act.

5 Subject to successful execution and delivery of a
6 public-private ~~public-private~~ agreement between the public
7 agency and private entity and completion of the civic build,
8 beginning on July 1, 2023, of the remainder of the moneys
9 received by the Department under the Use Tax Act, the Service
10 Use Tax Act, the Service Occupation Tax Act, and this Act, the
11 Department shall deposit the following specified deposits in
12 the aggregate from collections under the Use Tax Act, the
13 Service Use Tax Act, the Service Occupation Tax Act, and the
14 Retailers' Occupation Tax Act, as required under Section 8.25g
15 of the State Finance Act for distribution consistent with the
16 Public-Private Partnership for Civic and Transit
17 Infrastructure Project Act. The moneys received by the
18 Department pursuant to this Act and required to be deposited
19 into the Civic and Transit Infrastructure Fund are subject to
20 the pledge, claim, and charge set forth in Section 25-55 ~~55~~ of
21 the Public-Private Partnership for Civic and Transit
22 Infrastructure Project Act. As used in this paragraph, "civic
23 build", "private entity", "public-private ~~private-public~~
24 agreement", and "public agency" have the meanings provided in
25 Section 25-10 of the Public-Private Partnership for Civic and
26 Transit Infrastructure Project Act.

1	Fiscal Year	Total Deposit
2	2024	\$200,000,000
3	2025	\$206,000,000
4	2026	\$212,200,000
5	2027	\$218,500,000
6	2028	\$225,100,000
7	2029	\$288,700,000
8	2030	\$298,900,000
9	2031	\$309,300,000
10	2032	\$320,100,000
11	2033	\$331,200,000
12	2034	\$341,200,000
13	2035	\$351,400,000
14	2036	\$361,900,000
15	2037	\$372,800,000
16	2038	\$384,000,000
17	2039	\$395,500,000
18	2040	\$407,400,000
19	2041	\$419,600,000
20	2042	\$432,200,000
21	2043	\$445,100,000

22 Beginning July 1, 2021 and until July 1, 2022, subject to
23 the payment of amounts into the State and Local Sales Tax
24 Reform Fund, the Build Illinois Fund, the McCormick Place
25 Expansion Project Fund, the Illinois Tax Increment Fund, the
26 Energy Infrastructure Fund, and the Tax Compliance and

1 Administration Fund as provided in this Section, the Department
2 shall pay each month into the Road Fund the amount estimated to
3 represent 16% of the net revenue realized from the taxes
4 imposed on motor fuel and gasohol. Beginning July 1, 2022 and
5 until July 1, 2023, subject to the payment of amounts into the
6 State and Local Sales Tax Reform Fund, the Build Illinois Fund,
7 the McCormick Place Expansion Project Fund, the Illinois Tax
8 Increment Fund, the Energy Infrastructure Fund, and the Tax
9 Compliance and Administration Fund as provided in this Section,
10 the Department shall pay each month into the Road Fund the
11 amount estimated to represent 32% of the net revenue realized
12 from the taxes imposed on motor fuel and gasohol. Beginning
13 July 1, 2023 and until July 1, 2024, subject to the payment of
14 amounts into the State and Local Sales Tax Reform Fund, the
15 Build Illinois Fund, the McCormick Place Expansion Project
16 Fund, the Illinois Tax Increment Fund, the Energy
17 Infrastructure Fund, and the Tax Compliance and Administration
18 Fund as provided in this Section, the Department shall pay each
19 month into the Road Fund the amount estimated to represent 48%
20 of the net revenue realized from the taxes imposed on motor
21 fuel and gasohol. Beginning July 1, 2024 and until July 1,
22 2025, subject to the payment of amounts into the State and
23 Local Sales Tax Reform Fund, the Build Illinois Fund, the
24 McCormick Place Expansion Project Fund, the Illinois Tax
25 Increment Fund, the Energy Infrastructure Fund, and the Tax
26 Compliance and Administration Fund as provided in this Section,

1 the Department shall pay each month into the Road Fund the
2 amount estimated to represent 64% of the net revenue realized
3 from the taxes imposed on motor fuel and gasohol. Beginning on
4 July 1, 2025, subject to the payment of amounts into the State
5 and Local Sales Tax Reform Fund, the Build Illinois Fund, the
6 McCormick Place Expansion Project Fund, the Illinois Tax
7 Increment Fund, the Energy Infrastructure Fund, and the Tax
8 Compliance and Administration Fund as provided in this Section,
9 the Department shall pay each month into the Road Fund the
10 amount estimated to represent 80% of the net revenue realized
11 from the taxes imposed on motor fuel and gasohol. As used in
12 this paragraph "motor fuel" has the meaning given to that term
13 in Section 1.1 of the Motor Fuel Tax Act, and "gasohol" has the
14 meaning given to that term in Section 3-40 of the Use Tax Act.

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

22 As soon as possible after the first day of each month, upon
23 certification of the Department of Revenue, the Comptroller
24 shall order transferred and the Treasurer shall transfer from
25 the General Revenue Fund to the Motor Fuel Tax Fund an amount
26 equal to 1.7% of 80% of the net revenue realized under this Act

1 for the second preceding month. Beginning April 1, 2000, this
2 transfer is no longer required and shall not be made.

3 Net revenue realized for a month shall be the revenue
4 collected by the State pursuant to this Act, less the amount
5 paid out during that month as refunds to taxpayers for
6 overpayment of liability.

7 (Source: P.A. 100-303, eff. 8-24-17; 100-363, eff. 7-1-18;
8 100-863, eff. 8-14-18; 100-1171, eff. 1-4-19; 101-10, Article
9 15, Section 15-15, eff. 6-5-19; 101-10, Article 25, Section
10 25-110, eff. 6-5-19; 101-27, eff. 6-25-19; 101-32, eff.
11 6-28-19; revised 8-20-19.)

12 Section 10-35. The Service Occupation Tax Act is amended by
13 changing Sections 2 and 9 as follows:

14 (35 ILCS 115/2) (from Ch. 120, par. 439.102)

15 Sec. 2. In this Act:

16 "Transfer" means any transfer of the title to property or
17 of the ownership of property whether or not the transferor
18 retains title as security for the payment of amounts due him
19 from the transferee.

20 "Cost Price" means the consideration paid by the serviceman
21 for a purchase valued in money, whether paid in money or
22 otherwise, including cash, credits and services, and shall be
23 determined without any deduction on account of the supplier's
24 cost of the property sold or on account of any other expense

1 incurred by the supplier. When a serviceman contracts out part
2 or all of the services required in his sale of service, it
3 shall be presumed that the cost price to the serviceman of the
4 property transferred to him by his or her subcontractor is
5 equal to 50% of the subcontractor's charges to the serviceman
6 in the absence of proof of the consideration paid by the
7 subcontractor for the purchase of such property.

8 "Department" means the Department of Revenue.

9 "Person" means any natural individual, firm, partnership,
10 association, joint stock company, joint venture, public or
11 private corporation, limited liability company, and any
12 receiver, executor, trustee, guardian or other representative
13 appointed by order of any court.

14 "Sale of Service" means any transaction except:

15 (a) A retail sale of tangible personal property taxable
16 under the Retailers' Occupation Tax Act or under the Use Tax
17 Act.

18 (b) A sale of tangible personal property for the purpose of
19 resale made in compliance with Section 2c of the Retailers'
20 Occupation Tax Act.

21 (c) Except as hereinafter provided, a sale or transfer of
22 tangible personal property as an incident to the rendering of
23 service for or by any governmental body or for or by any
24 corporation, society, association, foundation or institution
25 organized and operated exclusively for charitable, religious
26 or educational purposes or any not-for-profit corporation,

1 society, association, foundation, institution or organization
2 which has no compensated officers or employees and which is
3 organized and operated primarily for the recreation of persons
4 55 years of age or older. A limited liability company may
5 qualify for the exemption under this paragraph only if the
6 limited liability company is organized and operated
7 exclusively for educational purposes.

8 (d) (Blank).

9 (d-1) A sale or transfer of tangible personal property as
10 an incident to the rendering of service for owners, lessors or
11 shippers of tangible personal property which is utilized by
12 interstate carriers for hire for use as rolling stock moving in
13 interstate commerce, and equipment operated by a
14 telecommunications provider, licensed as a common carrier by
15 the Federal Communications Commission, which is permanently
16 installed in or affixed to aircraft moving in interstate
17 commerce.

18 (d-1.1) On and after July 1, 2003 and through June 30,
19 2004, a sale or transfer of a motor vehicle of the second
20 division with a gross vehicle weight in excess of 8,000 pounds
21 as an incident to the rendering of service if that motor
22 vehicle is subject to the commercial distribution fee imposed
23 under Section 3-815.1 of the Illinois Vehicle Code. Beginning
24 on July 1, 2004 and through June 30, 2005, the use in this
25 State of motor vehicles of the second division: (i) with a
26 gross vehicle weight rating in excess of 8,000 pounds; (ii)

1 that are subject to the commercial distribution fee imposed
2 under Section 3-815.1 of the Illinois Vehicle Code; and (iii)
3 that are primarily used for commercial purposes. Through June
4 30, 2005, this exemption applies to repair and replacement
5 parts added after the initial purchase of such a motor vehicle
6 if that motor vehicle is used in a manner that would qualify
7 for the rolling stock exemption otherwise provided for in this
8 Act. For purposes of this paragraph, "used for commercial
9 purposes" means the transportation of persons or property in
10 furtherance of any commercial or industrial enterprise whether
11 for-hire or not.

12 (d-2) The repairing, reconditioning or remodeling, for a
13 common carrier by rail, of tangible personal property which
14 belongs to such carrier for hire, and as to which such carrier
15 receives the physical possession of the repaired,
16 reconditioned or remodeled item of tangible personal property
17 in Illinois, and which such carrier transports, or shares with
18 another common carrier in the transportation of such property,
19 out of Illinois on a standard uniform bill of lading showing
20 the person who repaired, reconditioned or remodeled the
21 property as the shipper or consignor of such property to a
22 destination outside Illinois, for use outside Illinois.

23 (d-3) A sale or transfer of tangible personal property
24 which is produced by the seller thereof on special order in
25 such a way as to have made the applicable tax the Service
26 Occupation Tax or the Service Use Tax, rather than the

1 Retailers' Occupation Tax or the Use Tax, for an interstate
2 carrier by rail which receives the physical possession of such
3 property in Illinois, and which transports such property, or
4 shares with another common carrier in the transportation of
5 such property, out of Illinois on a standard uniform bill of
6 lading showing the seller of the property as the shipper or
7 consignor of such property to a destination outside Illinois,
8 for use outside Illinois.

9 (d-4) Until January 1, 1997, a sale, by a registered
10 serviceman paying tax under this Act to the Department, of
11 special order printed materials delivered outside Illinois and
12 which are not returned to this State, if delivery is made by
13 the seller or agent of the seller, including an agent who
14 causes the product to be delivered outside Illinois by a common
15 carrier or the U.S. postal service.

16 (e) A sale or transfer of machinery and equipment used
17 primarily in the process of the manufacturing or assembling,
18 either in an existing, an expanded or a new manufacturing
19 facility, of tangible personal property for wholesale or retail
20 sale or lease, whether such sale or lease is made directly by
21 the manufacturer or by some other person, whether the materials
22 used in the process are owned by the manufacturer or some other
23 person, or whether such sale or lease is made apart from or as
24 an incident to the seller's engaging in a service occupation
25 and the applicable tax is a Service Occupation Tax or Service
26 Use Tax, rather than Retailers' Occupation Tax or Use Tax. The

1 exemption provided by this paragraph (e) includes production
2 related tangible personal property, as defined in Section 3-50
3 of the Use Tax Act, purchased on or after July 1, 2019. The
4 exemption provided by this paragraph (e) does not include
5 machinery and equipment used in (i) the generation of
6 electricity for wholesale or retail sale; (ii) the generation
7 or treatment of natural or artificial gas for wholesale or
8 retail sale that is delivered to customers through pipes,
9 pipelines, or mains; or (iii) the treatment of water for
10 wholesale or retail sale that is delivered to customers through
11 pipes, pipelines, or mains. The provisions of Public Act 98-583
12 are declaratory of existing law as to the meaning and scope of
13 this exemption. The exemption under this subsection (e) is
14 exempt from the provisions of Section 3-75.

15 (f) Until July 1, 2003, the sale or transfer of
16 distillation machinery and equipment, sold as a unit or kit and
17 assembled or installed by the retailer, which machinery and
18 equipment is certified by the user to be used only for the
19 production of ethyl alcohol that will be used for consumption
20 as motor fuel or as a component of motor fuel for the personal
21 use of such user and not subject to sale or resale.

22 (g) At the election of any serviceman not required to be
23 otherwise registered as a retailer under Section 2a of the
24 Retailers' Occupation Tax Act, made for each fiscal year sales
25 of service in which the aggregate annual cost price of tangible
26 personal property transferred as an incident to the sales of

1 service is less than 35% (75% in the case of servicemen
2 transferring prescription drugs or servicemen engaged in
3 graphic arts production) of the aggregate annual total gross
4 receipts from all sales of service. The purchase of such
5 tangible personal property by the serviceman shall be subject
6 to tax under the Retailers' Occupation Tax Act and the Use Tax
7 Act. However, if a primary serviceman who has made the election
8 described in this paragraph subcontracts service work to a
9 secondary serviceman who has also made the election described
10 in this paragraph, the primary serviceman does not incur a Use
11 Tax liability if the secondary serviceman (i) has paid or will
12 pay Use Tax on his or her cost price of any tangible personal
13 property transferred to the primary serviceman and (ii)
14 certifies that fact in writing to the primary serviceman.

15 Tangible personal property transferred incident to the
16 completion of a maintenance agreement is exempt from the tax
17 imposed pursuant to this Act.

18 Exemption (e) also includes machinery and equipment used in
19 the general maintenance or repair of such exempt machinery and
20 equipment or for in-house manufacture of exempt machinery and
21 equipment. On and after July 1, 2017, exemption (e) also
22 includes graphic arts machinery and equipment, as defined in
23 paragraph (5) of Section 3-5. The machinery and equipment
24 exemption does not include machinery and equipment used in (i)
25 the generation of electricity for wholesale or retail sale;
26 (ii) the generation or treatment of natural or artificial gas

1 for wholesale or retail sale that is delivered to customers
2 through pipes, pipelines, or mains; or (iii) the treatment of
3 water for wholesale or retail sale that is delivered to
4 customers through pipes, pipelines, or mains. The provisions of
5 Public Act 98-583 are declaratory of existing law as to the
6 meaning and scope of this exemption. For the purposes of
7 exemption (e), each of these terms shall have the following
8 meanings: (1) "manufacturing process" shall mean the
9 production of any article of tangible personal property,
10 whether such article is a finished product or an article for
11 use in the process of manufacturing or assembling a different
12 article of tangible personal property, by procedures commonly
13 regarded as manufacturing, processing, fabricating, or
14 refining which changes some existing material or materials into
15 a material with a different form, use or name. In relation to a
16 recognized integrated business composed of a series of
17 operations which collectively constitute manufacturing, or
18 individually constitute manufacturing operations, the
19 manufacturing process shall be deemed to commence with the
20 first operation or stage of production in the series, and shall
21 not be deemed to end until the completion of the final product
22 in the last operation or stage of production in the series; and
23 further for purposes of exemption (e), photoprocessing is
24 deemed to be a manufacturing process of tangible personal
25 property for wholesale or retail sale; (2) "assembling process"
26 shall mean the production of any article of tangible personal

1 property, whether such article is a finished product or an
2 article for use in the process of manufacturing or assembling a
3 different article of tangible personal property, by the
4 combination of existing materials in a manner commonly regarded
5 as assembling which results in a material of a different form,
6 use or name; (3) "machinery" shall mean major mechanical
7 machines or major components of such machines contributing to a
8 manufacturing or assembling process; and (4) "equipment" shall
9 include any independent device or tool separate from any
10 machinery but essential to an integrated manufacturing or
11 assembly process; including computers used primarily in a
12 manufacturer's computer assisted design, computer assisted
13 manufacturing (CAD/CAM) system; or any subunit or assembly
14 comprising a component of any machinery or auxiliary, adjunct
15 or attachment parts of machinery, such as tools, dies, jigs,
16 fixtures, patterns and molds; or any parts which require
17 periodic replacement in the course of normal operation; but
18 shall not include hand tools. Equipment includes chemicals or
19 chemicals acting as catalysts but only if the chemicals or
20 chemicals acting as catalysts effect a direct and immediate
21 change upon a product being manufactured or assembled for
22 wholesale or retail sale or lease. The purchaser of such
23 machinery and equipment who has an active resale registration
24 number shall furnish such number to the seller at the time of
25 purchase. The purchaser of such machinery and equipment and
26 tools without an active resale registration number shall

1 furnish to the seller a certificate of exemption ~~for each~~
2 ~~transaction~~ stating facts establishing the exemption ~~for that~~
3 ~~transaction~~, which certificate shall be available to the
4 Department for inspection or audit.

5 Except as provided in Section 2d of this Act, the rolling
6 stock exemption applies to rolling stock used by an interstate
7 carrier for hire, even just between points in Illinois, if such
8 rolling stock transports, for hire, persons whose journeys or
9 property whose shipments originate or terminate outside
10 Illinois.

11 Any informal rulings, opinions or letters issued by the
12 Department in response to an inquiry or request for any opinion
13 from any person regarding the coverage and applicability of
14 exemption (e) to specific devices shall be published,
15 maintained as a public record, and made available for public
16 inspection and copying. If the informal ruling, opinion or
17 letter contains trade secrets or other confidential
18 information, where possible the Department shall delete such
19 information prior to publication. Whenever such informal
20 rulings, opinions, or letters contain any policy of general
21 applicability, the Department shall formulate and adopt such
22 policy as a rule in accordance with the provisions of the
23 Illinois Administrative Procedure Act.

24 On and after July 1, 1987, no entity otherwise eligible
25 under exemption (c) of this Section shall make tax-free
26 purchases unless it has an active exemption identification

1 number issued by the Department.

2 "Serviceman" means any person who is engaged in the
3 occupation of making sales of service.

4 "Sale at Retail" means "sale at retail" as defined in the
5 Retailers' Occupation Tax Act.

6 "Supplier" means any person who makes sales of tangible
7 personal property to servicemen for the purpose of resale as an
8 incident to a sale of service.

9 (Source: P.A. 100-22, eff. 7-6-17; 100-321, eff. 8-24-17;
10 100-863, eff. 8-14-18; 101-9, eff. 6-5-19.)

11 (35 ILCS 115/9) (from Ch. 120, par. 439.109)

12 Sec. 9. Each serviceman required or authorized to collect
13 the tax herein imposed shall pay to the Department the amount
14 of such tax at the time when he is required to file his return
15 for the period during which such tax was collectible, less a
16 discount of 2.1% prior to January 1, 1990, and 1.75% on and
17 after January 1, 1990, or \$5 per calendar year, whichever is
18 greater, which is allowed to reimburse the serviceman for
19 expenses incurred in collecting the tax, keeping records,
20 preparing and filing returns, remitting the tax and supplying
21 data to the Department on request. The discount under this
22 Section is not allowed for the 1.25% portion of taxes paid on
23 aviation fuel that is subject to the revenue use requirements
24 of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 ~~are deposited into~~
25 ~~the State Aviation Program Fund under this Act.~~ The discount

1 allowed under this Section is allowed only for returns that are
2 filed in the manner required by this Act. The Department may
3 disallow the discount for servicemen whose certificate of
4 registration is revoked at the time the return is filed, but
5 only if the Department's decision to revoke the certificate of
6 registration has become final.

7 Where such tangible personal property is sold under a
8 conditional sales contract, or under any other form of sale
9 wherein the payment of the principal sum, or a part thereof, is
10 extended beyond the close of the period for which the return is
11 filed, the serviceman, in collecting the tax may collect, for
12 each tax return period, only the tax applicable to the part of
13 the selling price actually received during such tax return
14 period.

15 Except as provided hereinafter in this Section, on or
16 before the twentieth day of each calendar month, such
17 serviceman shall file a return for the preceding calendar month
18 in accordance with reasonable rules and regulations to be
19 promulgated by the Department of Revenue. Such return shall be
20 filed on a form prescribed by the Department and shall contain
21 such information as the Department may reasonably require. On
22 and after January 1, 2018, with respect to servicemen whose
23 annual gross receipts average \$20,000 or more, all returns
24 required to be filed pursuant to this Act shall be filed
25 electronically. Servicemen who demonstrate that they do not
26 have access to the Internet or demonstrate hardship in filing

1 electronically may petition the Department to waive the
2 electronic filing requirement.

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

- 10 1. The name of the seller;
- 11 2. The address of the principal place of business from
12 which he engages in business as a serviceman in this State;
- 13 3. The total amount of taxable receipts received by him
14 during the preceding calendar month, including receipts
15 from charge and time sales, but less all deductions allowed
16 by law;
- 17 4. The amount of credit provided in Section 2d of this
18 Act;
- 19 5. The amount of tax due;
- 20 5-5. The signature of the taxpayer; and
- 21 6. Such other reasonable information as the Department
22 may require.

23 ~~Each Beginning on January 1, 2020, each~~ serviceman required
24 or authorized to collect the tax herein imposed on aviation
25 fuel acquired as an incident to the purchase of a service in
26 this State during the preceding calendar month shall, instead

1 of reporting and paying tax as otherwise required by this
2 Section, report and pay such tax on a separate file ~~an~~ aviation
3 fuel tax return ~~with the Department on or before the twentieth~~
4 ~~day of each calendar month~~. The requirements related to the
5 return shall be as otherwise provided in this Section.
6 Notwithstanding any other provisions of this Act to the
7 contrary, servicemen transferring aviation fuel incident to
8 sales of service shall file all aviation fuel tax returns and
9 shall make all aviation fuel tax payments by electronic means
10 in the manner and form required by the Department. For purposes
11 of this Section ~~paragraph~~, "aviation fuel" means jet fuel and
12 aviation gasoline ~~a product that is intended for use or offered~~
13 ~~for sale as fuel for an aircraft~~.

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

18 Notwithstanding any other provision of this Act to the
19 contrary, servicemen subject to tax on cannabis shall file all
20 cannabis tax returns and shall make all cannabis tax payments
21 by electronic means in the manner and form required by the
22 Department.

23 Prior to October 1, 2003, and on and after September 1,
24 2004 a serviceman may accept a Manufacturer's Purchase Credit
25 certification from a purchaser in satisfaction of Service Use
26 Tax as provided in Section 3-70 of the Service Use Tax Act if

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

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

1 January 20 of the following year.

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

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

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

16 Beginning October 1, 1993, a taxpayer who has an average
17 monthly tax liability of \$150,000 or more shall make all
18 payments required by rules of the Department by electronic
19 funds transfer. Beginning October 1, 1994, a taxpayer who has
20 an average monthly tax liability of \$100,000 or more shall make
21 all payments required by rules of the Department by electronic
22 funds transfer. Beginning October 1, 1995, a taxpayer who has
23 an average monthly tax liability of \$50,000 or more shall make
24 all payments required by rules of the Department by electronic
25 funds transfer. Beginning October 1, 2000, a taxpayer who has
26 an annual tax liability of \$200,000 or more shall make all

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

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

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

23 All taxpayers required to make payment by electronic funds
24 transfer and any taxpayers authorized to voluntarily make
25 payments by electronic funds transfer shall make those payments
26 in the manner authorized by the Department.

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

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

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

1 form.

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

6 Beginning January 1, 1990, each month the Department shall
7 pay into the Local Government Tax Fund the revenue realized for
8 the preceding month from the 1% tax imposed under this Act.

9 Beginning January 1, 1990, each month the Department shall
10 pay into the County and Mass Transit District Fund 4% of the
11 revenue realized for the preceding month from the 6.25% general
12 rate on sales of tangible personal property other than aviation
13 fuel sold on or after December 1, 2019. This exception for
14 aviation fuel only applies for so long as the revenue use
15 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are
16 binding on the State.

17 ~~For aviation fuel sold on or after December 1, 2019, each~~
18 ~~month the Department shall pay into the State Aviation Program~~
19 ~~Fund 4% of the net revenue realized for the preceding month~~
20 ~~from the 6.25% general rate on the selling price of aviation~~
21 ~~fuel, less an amount estimated by the Department to be required~~
22 ~~for refunds of the 4% portion of the tax on aviation fuel under~~
23 ~~this Act, which amount shall be deposited into the Aviation~~
24 ~~Fuel Sales Tax Refund Fund. The Department shall only pay~~
25 ~~moneys into the State Aviation Program Fund and the Aviation~~
26 ~~Fuel Sales Tax Refund Fund under this Act for so long as the~~

1 ~~revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.~~
2 ~~47133 are binding on the State.~~

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

7 Beginning January 1, 1990, each month the Department shall
8 pay into the Local Government Tax Fund 16% of the revenue
9 realized for the preceding month from the 6.25% general rate on
10 transfers of tangible personal property other than aviation
11 fuel sold on or after December 1, 2019. This exception for
12 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, 2019, each
16 month the Department shall pay into the State Aviation Program
17 Fund 20% ~~16%~~ of the net revenue realized for the preceding
18 month from the 6.25% general rate on the selling price of
19 aviation fuel, less an amount estimated by the Department to be
20 required for refunds of the 20% ~~16%~~ portion of the tax on
21 aviation fuel under this Act, which amount shall be deposited
22 into the Aviation Fuel Sales Tax Refund Fund. The Department
23 shall only pay moneys into the State Aviation Program Fund and
24 the Aviation Fuel Sales Tax Refund Fund under this Act for so
25 long as the revenue use requirements of 49 U.S.C. 47107(b) and
26 49 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.

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

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

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

6 Of the remainder of the moneys received by the Department
7 pursuant to this Act, (a) 1.75% thereof shall be paid into the
8 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on
9 and after July 1, 1989, 3.8% thereof shall be paid into the
10 Build Illinois Fund; provided, however, that if in any fiscal
11 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case
12 may be, of the moneys received by the Department and required
13 to be paid into the Build Illinois Fund pursuant to Section 3
14 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax
15 Act, Section 9 of the Service Use Tax Act, and Section 9 of the
16 Service Occupation Tax Act, such Acts being hereinafter called
17 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case
18 may be, of moneys being hereinafter called the "Tax Act
19 Amount", and (2) the amount transferred to the Build Illinois
20 Fund from the State and Local Sales Tax Reform Fund shall be
21 less than the Annual Specified Amount (as defined in Section 3
22 of the Retailers' Occupation Tax Act), an amount equal to the
23 difference shall be immediately paid into the Build Illinois
24 Fund from other moneys received by the Department pursuant to
25 the Tax Acts; and further provided, that if on the last
26 business day of any month the sum of (1) the Tax Act Amount

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

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

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

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

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

1	2013	161,000,000
2	2014	170,000,000
3	2015	179,000,000
4	2016	189,000,000
5	2017	199,000,000
6	2018	210,000,000
7	2019	221,000,000
8	2020	233,000,000
9	2021	246,000,000
10	2022	260,000,000
11	2023	275,000,000
12	2024	275,000,000
13	2025	275,000,000
14	2026	279,000,000
15	2027	292,000,000
16	2028	307,000,000
17	2029	322,000,000
18	2030	338,000,000
19	2031	350,000,000
20	2032	350,000,000

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

1 Exposition Authority Act,

2 but not after fiscal year 2060.

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

16 Subject to payment of amounts into the Capital Projects
17 Fund, the Build Illinois Fund, and the McCormick Place
18 Expansion Project Fund pursuant to the preceding paragraphs or
19 in any amendments thereto hereafter enacted, for aviation fuel
20 sold on or after December 1, 2019, the Department shall each
21 month deposit into the Aviation Fuel Sales Tax Refund Fund an
22 amount estimated by the Department to be required for refunds
23 of the 80% portion of the tax on aviation fuel under this Act.
24 The Department shall only deposit moneys into the Aviation Fuel
25 Sales Tax Refund Fund under this paragraph for so long as the
26 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.

1 47133 are binding on the State.

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

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

23 Subject to payment of amounts into the Build Illinois Fund,
24 the McCormick Place Expansion Project Fund, the Illinois Tax
25 Increment Fund, and the Energy Infrastructure Fund pursuant to
26 the preceding paragraphs or in any amendments to this Section

1 hereafter enacted, beginning on the first day of the first
2 calendar month to occur on or after August 26, 2014 (the
3 effective date of Public Act 98-1098), each month, from the
4 collections made under Section 9 of the Use Tax Act, Section 9
5 of the Service Use Tax Act, Section 9 of the Service Occupation
6 Tax Act, and Section 3 of the Retailers' Occupation Tax Act,
7 the Department shall pay into the Tax Compliance and
8 Administration Fund, to be used, subject to appropriation, to
9 fund additional auditors and compliance personnel at the
10 Department of Revenue, an amount equal to 1/12 of 5% of 80% of
11 the cash receipts collected during the preceding fiscal year by
12 the Audit Bureau of the Department under the Use Tax Act, the
13 Service Use Tax Act, the Service Occupation Tax Act, the
14 Retailers' Occupation Tax Act, and associated local occupation
15 and use taxes administered by the Department ~~(except the amount~~
16 ~~collected on aviation fuel sold on or after December 1, 2019)~~.

17 Subject to payments of amounts into the Build Illinois
18 Fund, the McCormick Place Expansion Project Fund, the Illinois
19 Tax Increment Fund, the Energy Infrastructure Fund, and the Tax
20 Compliance and Administration Fund as provided in this Section,
21 beginning on July 1, 2018 the Department shall pay each month
22 into the Downstate Public Transportation Fund the moneys
23 required to be so paid under Section 2-3 of the Downstate
24 Public Transportation Act.

25 Subject to successful execution and delivery of a
26 public-private ~~public-private~~ agreement between the public

1 agency and private entity and completion of the civic build,
 2 beginning on July 1, 2023, of the remainder of the moneys
 3 received by the Department under the Use Tax Act, the Service
 4 Use Tax Act, the Service Occupation Tax Act, and this Act, the
 5 Department shall deposit the following specified deposits in
 6 the aggregate from collections under the Use Tax Act, the
 7 Service Use Tax Act, the Service Occupation Tax Act, and the
 8 Retailers' Occupation Tax Act, as required under Section 8.25g
 9 of the State Finance Act for distribution consistent with the
 10 Public-Private Partnership for Civic and Transit
 11 Infrastructure Project Act. The moneys received by the
 12 Department pursuant to this Act and required to be deposited
 13 into the Civic and Transit Infrastructure Fund are subject to
 14 the pledge, claim and charge set forth in Section 25-55 ~~55~~ of
 15 the Public-Private Partnership for Civic and Transit
 16 Infrastructure Project Act. As used in this paragraph, "civic
 17 build", "private entity", "public-private ~~private-public~~
 18 agreement", and "public agency" have the meanings provided in
 19 Section 25-10 of the Public-Private Partnership for Civic and
 20 Transit Infrastructure Project Act.

21	Fiscal Year	Total Deposit
22	2024	\$200,000,000
23	2025	\$206,000,000
24	2026	\$212,200,000
25	2027	\$218,500,000
26	2028	\$225,100,000

1	2029	.....	\$288,700,000
2	2030	.....	\$298,900,000
3	2031	.....	\$309,300,000
4	2032	.....	\$320,100,000
5	2033	.....	\$331,200,000
6	2034	.....	\$341,200,000
7	2035	.....	\$351,400,000
8	2036	.....	\$361,900,000
9	2037	.....	\$372,800,000
10	2038	.....	\$384,000,000
11	2039	.....	\$395,500,000
12	2040	.....	\$407,400,000
13	2041	.....	\$419,600,000
14	2042	.....	\$432,200,000
15	2043	.....	\$445,100,000

16 Beginning July 1, 2021 and until July 1, 2022, subject to
17 the payment of amounts into the County and Mass Transit
18 District Fund, the Local Government Tax Fund, the Build
19 Illinois Fund, the McCormick Place Expansion Project Fund, the
20 Illinois Tax Increment Fund, the Energy Infrastructure Fund,
21 and the Tax Compliance and Administration Fund as provided in
22 this Section, the Department shall pay each month into the Road
23 Fund the amount estimated to represent 16% of the net revenue
24 realized from the taxes imposed on motor fuel and gasohol.
25 Beginning July 1, 2022 and until July 1, 2023, subject to the
26 payment of amounts into the County and Mass Transit District

1 Fund, the Local Government Tax Fund, the Build Illinois Fund,
2 the McCormick Place Expansion Project Fund, the Illinois Tax
3 Increment Fund, the Energy Infrastructure Fund, and the Tax
4 Compliance and Administration Fund as provided in this Section,
5 the Department shall pay each month into the Road Fund the
6 amount estimated to represent 32% of the net revenue realized
7 from the taxes imposed on motor fuel and gasohol. Beginning
8 July 1, 2023 and until July 1, 2024, subject to the payment of
9 amounts into the County and Mass Transit District Fund, the
10 Local Government Tax Fund, the Build Illinois Fund, the
11 McCormick Place Expansion Project Fund, the Illinois Tax
12 Increment Fund, the Energy Infrastructure Fund, and the Tax
13 Compliance and Administration Fund as provided in this Section,
14 the Department shall pay each month into the Road Fund the
15 amount estimated to represent 48% of the net revenue realized
16 from the taxes imposed on motor fuel and gasohol. Beginning
17 July 1, 2024 and until July 1, 2025, subject to the payment of
18 amounts into the County and Mass Transit District Fund, the
19 Local Government Tax Fund, the Build Illinois Fund, the
20 McCormick Place Expansion Project Fund, the Illinois Tax
21 Increment Fund, the Energy Infrastructure Fund, and the Tax
22 Compliance and Administration Fund as provided in this Section,
23 the Department shall pay each month into the Road Fund the
24 amount estimated to represent 64% of the net revenue realized
25 from the taxes imposed on motor fuel and gasohol. Beginning on
26 July 1, 2025, subject to the payment of amounts into the County

1 and Mass Transit District Fund, the Local Government Tax Fund,
2 the Build Illinois Fund, the McCormick Place Expansion Project
3 Fund, the Illinois Tax Increment Fund, the Energy
4 Infrastructure Fund, and the Tax Compliance and Administration
5 Fund as provided in this Section, the Department shall pay each
6 month into the Road Fund the amount estimated to represent 80%
7 of the net revenue realized from the taxes imposed on motor
8 fuel and gasohol. As used in this paragraph "motor fuel" has
9 the meaning given to that term in Section 1.1 of the Motor Fuel
10 Tax Act, and "gasohol" has the meaning given to that term in
11 Section 3-40 of the Use Tax Act.

12 Of the remainder of the moneys received by the Department
13 pursuant to this Act, 75% shall be paid into the General
14 Revenue Fund of the State Treasury and 25% shall be reserved in
15 a special account and used only for the transfer to the Common
16 School Fund as part of the monthly transfer from the General
17 Revenue Fund in accordance with Section 8a of the State Finance
18 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 taxpayer'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 taxpayer shall attach to his annual return a
4 schedule showing a reconciliation of the 2 amounts and the
5 reasons for the difference. The taxpayer's annual return to the
6 Department shall also disclose the cost of goods sold by the
7 taxpayer during the year covered by such return, opening and
8 closing inventories of such goods for such year, cost of goods
9 used from stock or taken from stock and given away by the
10 taxpayer during such year, pay roll information of the
11 taxpayer'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 taxpayer as hereinbefore
15 provided for in 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 $\frac{1}{6}$ 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 foregoing portion of this Section concerning the filing
12 of an annual information return shall not apply to a serviceman
13 who is not required to file an income tax return with the
14 United States 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, it shall be

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

8 (Source: P.A. 100-303, eff. 8-24-17; 100-363, eff. 7-1-18;
9 100-863, eff. 8-14-18; 100-1171, eff. 1-4-19; 101-10, Article
10 15, Section 15-20, eff. 6-5-19; 101-10, Article 25, Section
11 25-115, eff. 6-5-19; 101-27, eff. 6-25-19; 101-32, eff.
12 6-28-19; revised 7-23-19.)

13 Section 10-40. The Retailers' Occupation Tax Act is amended
14 by changing Sections 2-45 and 3 and by adding Section 2-22 as
15 follows:

16 (35 ILCS 120/2-22 new)

17 Sec. 2-22. Certification of airport-related purpose.

18 (a) Initial certification and annual recertification. If a
19 unit of local government has an airport-related purpose, as
20 defined in Section 6z-20.2 of the State Finance Act, which
21 would allow any retailers' occupation tax and service
22 occupation tax imposed by the unit of local government and
23 administered by the Department to include tax on aviation fuel,
24 then, on or before September 1, 2019, and on or before each

1 April 1 thereafter, the unit of local government must certify
2 to the Department of Transportation, in the form and manner
3 required by the Department of Transportation, that it has an
4 airport-related purpose. All disputes regarding whether or not
5 a unit of local government has an airport-related purpose shall
6 be resolved by the Department of Transportation.

7 On or before October 1, 2019, and on or before each May 1
8 thereafter, the Department of Transportation shall provide to
9 the Department a list of units of local government that have
10 certified to the Department of Transportation that they have an
11 airport-related purpose. If a unit of local government is
12 included in the list of units of local government that have
13 certified that they have an airport-related purpose that is
14 provided by the Department of Transportation to the Department
15 on or before October 1, 2019, then, beginning on December 1,
16 2019, any retailers' occupation tax and service occupation tax
17 imposed by the unit of local government and administered by the
18 Department shall continue to be collected on aviation fuel sold
19 in that unit of local government. Failure by a unit of local
20 government to file an initial certification shall be treated as
21 confirmation that the unit of local government does not have an
22 airport-related purpose, thereby exempting, beginning on
23 December 1, 2019, aviation fuel from any retailers' occupation
24 tax and service occupation tax imposed by the unit of local
25 government and administered by the Department.

26 Beginning in 2020 and in each year thereafter, if a unit of

1 local government is included in the list of units of local
2 government that have certified that they have an
3 airport-related purpose that is provided by the Department of
4 Transportation to the Department on or before May 1, then any
5 retailers' occupation tax and service occupation tax imposed by
6 the unit of local government and administered by the Department
7 shall continue to be (or begin to be, as the case may be)
8 collected on aviation fuel sold in that unit of local
9 government beginning on the following July 1. Once a unit of
10 local government has certified that it has an airport-related
11 purpose, failure during an annual recertification period to
12 file a certification that it has an airport-related purpose
13 shall be treated as confirmation that it no longer has an
14 airport-related purpose, thereby exempting, beginning on July
15 1 of that year, aviation fuel from any retailers' occupation
16 tax and service occupation tax imposed by the unit of local
17 government and administered by the Department.

18 (b) Penalties. If a unit of local government certifies that
19 it has an airport-related purpose and therefore receives tax
20 revenues from a tax imposed by the unit of local government and
21 administered by the Department of Revenue on sales of aviation
22 fuel, but the Federal Aviation Administration thereafter
23 determines that the tax revenues on aviation fuel generated by
24 that tax were expended by the unit of local government for a
25 purpose other than an airport-related purpose and the Federal
26 Aviation Administration imposes a penalty on the State of

1 Illinois as a result, then the State is authorized to pass this
2 penalty on to the unit of local government by withholding an
3 amount up to the amount of the penalty out of local retailers'
4 occupation taxes and service occupation taxes to be allocated
5 to the unit of local government by the State.

6 (35 ILCS 120/2-45) (from Ch. 120, par. 441-45)

7 Sec. 2-45. Manufacturing and assembly exemption. The
8 manufacturing and assembly machinery and equipment exemption
9 includes machinery and equipment that replaces machinery and
10 equipment in an existing manufacturing facility as well as
11 machinery and equipment that are for use in an expanded or new
12 manufacturing facility.

13 The machinery and equipment exemption also includes
14 machinery and equipment used in the general maintenance or
15 repair of exempt machinery and equipment or for in-house
16 manufacture of exempt machinery and equipment. Beginning on
17 July 1, 2017, the manufacturing and assembling machinery and
18 equipment exemption also includes graphic arts machinery and
19 equipment, as defined in paragraph (4) of Section 2-5. The
20 machinery and equipment exemption does not include machinery
21 and equipment used in (i) the generation of electricity for
22 wholesale or retail sale; (ii) the generation or treatment of
23 natural or artificial gas for wholesale or retail sale that is
24 delivered to customers through pipes, pipelines, or mains; or
25 (iii) the treatment of water for wholesale or retail sale that

1 is delivered to customers through pipes, pipelines, or mains.
2 The provisions of this amendatory Act of the 98th General
3 Assembly are declaratory of existing law as to the meaning and
4 scope of this exemption. For the purposes of this exemption,
5 terms have the following meanings:

6 (1) "Manufacturing process" means the production of an
7 article of tangible personal property, whether the article
8 is a finished product or an article for use in the process
9 of manufacturing or assembling a different article of
10 tangible personal property, by a procedure commonly
11 regarded as manufacturing, processing, fabricating, or
12 refining that changes some existing material or materials
13 into a material with a different form, use, or name. In
14 relation to a recognized integrated business composed of a
15 series of operations that collectively constitute
16 manufacturing, or individually constitute manufacturing
17 operations, the manufacturing process commences with the
18 first operation or stage of production in the series and
19 does not end until the completion of the final product in
20 the last operation or stage of production in the series.
21 For purposes of this exemption, photoprocessing is a
22 manufacturing process of tangible personal property for
23 wholesale or retail sale.

24 (2) "Assembling process" means the production of an
25 article of tangible personal property, whether the article
26 is a finished product or an article for use in the process

1 of manufacturing or assembling a different article of
2 tangible personal property, by the combination of existing
3 materials in a manner commonly regarded as assembling that
4 results in a material of a different form, use, or name.

5 (3) "Machinery" means major mechanical machines or
6 major components of those machines contributing to a
7 manufacturing or assembling process.

8 (4) "Equipment" includes an independent device or tool
9 separate from machinery but essential to an integrated
10 manufacturing or assembly process; including computers
11 used primarily in a manufacturer's computer assisted
12 design, computer assisted manufacturing (CAD/CAM) system;
13 any subunit or assembly comprising a component of any
14 machinery or auxiliary, adjunct, or attachment parts of
15 machinery, such as tools, dies, jigs, fixtures, patterns,
16 and molds; and any parts that require periodic replacement
17 in the course of normal operation; but does not include
18 hand tools. Equipment includes chemicals or chemicals
19 acting as catalysts but only if the chemicals or chemicals
20 acting as catalysts effect a direct and immediate change
21 upon a product being manufactured or assembled for
22 wholesale or retail sale or lease.

23 (5) "Production related tangible personal property"
24 means all tangible personal property that is used or
25 consumed by the purchaser in a manufacturing facility in
26 which a manufacturing process takes place and includes,

1 without limitation, tangible personal property that is
2 purchased for incorporation into real estate within a
3 manufacturing facility, supplies and consumables used in a
4 manufacturing facility including fuels, coolants,
5 solvents, oils, lubricants, and adhesives, hand tools,
6 protective apparel, and fire and safety equipment used or
7 consumed within a manufacturing facility, and tangible
8 personal property that is used or consumed in activities
9 such as research and development, preproduction material
10 handling, receiving, quality control, inventory control,
11 storage, staging, and packaging for shipping and
12 transportation purposes. "Production related tangible
13 personal property" does not include (i) tangible personal
14 property that is used, within or without a manufacturing
15 facility, in sales, purchasing, accounting, fiscal
16 management, marketing, personnel recruitment or selection,
17 or landscaping or (ii) tangible personal property that is
18 required to be titled or registered with a department,
19 agency, or unit of federal, State, or local government.

20 The manufacturing and assembling machinery and equipment
21 exemption includes production related tangible personal
22 property that is purchased on or after July 1, 2007 and on or
23 before June 30, 2008 and on or after July 1, 2019. The
24 exemption for production related tangible personal property
25 purchased on or after July 1, 2007 and before June 30, 2008 is
26 subject to both of the following limitations:

1 (1) The maximum amount of the exemption for any one
2 taxpayer may not exceed 5% of the purchase price of
3 production related tangible personal property that is
4 purchased on or after July 1, 2007 and on or before June
5 30, 2008. A credit under Section 3-85 of this Act may not
6 be earned by the purchase of production related tangible
7 personal property for which an exemption is received under
8 this Section.

9 (2) The maximum aggregate amount of the exemptions for
10 production related tangible personal property awarded
11 under this Act and the Use Tax Act to all taxpayers may not
12 exceed \$10,000,000. If the claims for the exemption exceed
13 \$10,000,000, then the Department shall reduce the amount of
14 the exemption to each taxpayer on a pro rata basis.

15 The Department shall adopt rules to implement and administer
16 the exemption for production related tangible personal
17 property.

18 The manufacturing and assembling machinery and equipment
19 exemption includes the sale of materials to a purchaser who
20 produces exempted types of machinery, equipment, or tools and
21 who rents or leases that machinery, equipment, or tools to a
22 manufacturer of tangible personal property. This exemption
23 also includes the sale of materials to a purchaser who
24 manufactures those materials into an exempted type of
25 machinery, equipment, or tools that the purchaser uses himself
26 or herself in the manufacturing of tangible personal property.

1 The purchaser of the machinery and equipment who has an active
2 resale registration number shall furnish that number to the
3 seller at the time of purchase. A purchaser of the machinery,
4 equipment, and tools without an active resale registration
5 number shall furnish to the seller a certificate of exemption
6 ~~for each transaction~~ stating facts establishing the exemption
7 ~~for that transaction~~, and that certificate shall be available
8 to the Department for inspection or audit. Informal rulings,
9 opinions, or letters issued by the Department in response to an
10 inquiry or request for an opinion from any person regarding the
11 coverage and applicability of this exemption to specific
12 devices shall be published, maintained as a public record, and
13 made available for public inspection and copying. If the
14 informal ruling, opinion, or letter contains trade secrets or
15 other confidential information, where possible, the Department
16 shall delete that information before publication. Whenever
17 informal rulings, opinions, or letters contain a policy of
18 general applicability, the Department shall formulate and
19 adopt that policy as a rule in accordance with the Illinois
20 Administrative Procedure Act.

21 The manufacturing and assembling machinery and equipment
22 exemption is exempt from the provisions of Section 2-70.

23 (Source: P.A. 100-22, eff. 7-6-17; 101-9, eff. 6-5-19.)

24 (35 ILCS 120/3) (from Ch. 120, par. 442)

25 Sec. 3. Except as provided in this Section, on or before

1 the twentieth day of each calendar month, every person engaged
2 in the business of selling tangible personal property at retail
3 in this State during the preceding calendar month shall file a
4 return with the Department, stating:

5 1. The name of the seller;

6 2. His residence address and the address of his
7 principal place of business and the address of the
8 principal place of business (if that is a different
9 address) from which he engages in the business of selling
10 tangible personal property at retail in this State;

11 3. Total amount of receipts received by him during the
12 preceding calendar month or quarter, as the case may be,
13 from sales of tangible personal property, and from services
14 furnished, by him during such preceding calendar month or
15 quarter;

16 4. Total amount received by him during the preceding
17 calendar month or quarter on charge and time sales of
18 tangible personal property, and from services furnished,
19 by him prior to the month or quarter for which the return
20 is filed;

21 5. Deductions allowed by law;

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

25 7. The amount of credit provided in Section 2d of this
26 Act;

- 1 8. The amount of tax due;
- 2 9. The signature of the taxpayer; and
- 3 10. Such other reasonable information as the
- 4 Department may require.

5 On and after January 1, 2018, except for returns for motor
6 vehicles, watercraft, aircraft, and trailers that are required
7 to be registered with an agency of this State, with respect to
8 retailers whose annual gross receipts average \$20,000 or more,
9 all returns required to be filed pursuant to this Act shall be
10 filed electronically. Retailers who demonstrate that they do
11 not have access to the Internet or demonstrate hardship in
12 filing electronically may petition the Department to waive the
13 electronic filing requirement.

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

18 Each return shall be accompanied by the statement of
19 prepaid tax issued pursuant to Section 2e for which credit is
20 claimed.

21 Prior to October 1, 2003, and on and after September 1,
22 2004 a retailer may accept a Manufacturer's Purchase Credit
23 certification from a purchaser in satisfaction of Use Tax as
24 provided in Section 3-85 of the Use Tax Act if the purchaser
25 provides the appropriate documentation as required by Section
26 3-85 of the Use Tax Act. A Manufacturer's Purchase Credit

1 certification, accepted by a retailer prior to October 1, 2003
2 and on and after September 1, 2004 as provided in Section 3-85
3 of the Use Tax Act, may be used by that retailer to satisfy
4 Retailers' Occupation Tax liability in the amount claimed in
5 the certification, not to exceed 6.25% of the receipts subject
6 to tax from a qualifying purchase. A Manufacturer's Purchase
7 Credit reported on any original or amended return filed under
8 this Act after October 20, 2003 for reporting periods prior to
9 September 1, 2004 shall be disallowed. Manufacturer's
10 Purchaser Credit reported on annual returns due on or after
11 January 1, 2005 will be disallowed for periods prior to
12 September 1, 2004. No Manufacturer's Purchase Credit may be
13 used after September 30, 2003 through August 31, 2004 to
14 satisfy any tax liability imposed under this Act, including any
15 audit liability.

16 The Department may require returns to be filed on a
17 quarterly basis. If so required, a return for each calendar
18 quarter shall be filed on or before the twentieth day of the
19 calendar month following the end of such calendar quarter. The
20 taxpayer shall also file a return with the Department for each
21 of the first two months of each calendar quarter, on or before
22 the twentieth day of the following calendar month, stating:

- 23 1. The name of the seller;
- 24 2. The address of the principal place of business from
25 which he engages in the business of selling tangible
26 personal property at retail in this State;

1 3. The total amount of taxable receipts received by him
2 during the preceding calendar month from sales of tangible
3 personal property by him during such preceding calendar
4 month, including receipts from charge and time sales, but
5 less all deductions allowed by law;

6 4. The amount of credit provided in Section 2d of this
7 Act;

8 5. The amount of tax due; and

9 6. Such other reasonable information as the Department
10 may require.

11 ~~Every Beginning on January 1, 2020, every~~ person engaged in
12 the business of selling aviation fuel at retail in this State
13 during the preceding calendar month shall, instead of reporting
14 and paying tax as otherwise required by this Section, report
15 and pay such tax on a separate file ~~an~~ aviation fuel tax return
16 ~~with the Department on or before the twentieth day of each~~
17 ~~calendar month~~. The requirements related to the return shall be
18 as otherwise provided in this Section. Notwithstanding any
19 other provisions of this Act to the contrary, retailers selling
20 aviation fuel shall file all aviation fuel tax returns and
21 shall make all aviation fuel tax payments by electronic means
22 in the manner and form required by the Department. For purposes
23 of this Section ~~paragraph~~, "aviation fuel" means jet fuel and
24 aviation gasoline ~~a product that is intended for use or offered~~
25 ~~for sale as fuel for an aircraft.~~

26 Beginning on October 1, 2003, any person who is not a

1 licensed distributor, importing distributor, or manufacturer,
2 as defined in the Liquor Control Act of 1934, but is engaged in
3 the business of selling, at retail, alcoholic liquor shall file
4 a statement with the Department of Revenue, in a format and at
5 a time prescribed by the Department, showing the total amount
6 paid for alcoholic liquor purchased during the preceding month
7 and such other information as is reasonably required by the
8 Department. The Department may adopt rules to require that this
9 statement be filed in an electronic or telephonic format. Such
10 rules may provide for exceptions from the filing requirements
11 of this paragraph. For the purposes of this paragraph, the term
12 "alcoholic liquor" shall have the meaning prescribed in the
13 Liquor Control Act of 1934.

14 Beginning on October 1, 2003, every distributor, importing
15 distributor, and manufacturer of alcoholic liquor as defined in
16 the Liquor Control Act of 1934, shall file a statement with the
17 Department of Revenue, no later than the 10th day of the month
18 for the preceding month during which transactions occurred, by
19 electronic means, showing the total amount of gross receipts
20 from the sale of alcoholic liquor sold or distributed during
21 the preceding month to purchasers; identifying the purchaser to
22 whom it was sold or distributed; the purchaser's tax
23 registration number; and such other information reasonably
24 required by the Department. A distributor, importing
25 distributor, or manufacturer of alcoholic liquor must
26 personally deliver, mail, or provide by electronic means to

1 each retailer listed on the monthly statement a report
2 containing a cumulative total of that distributor's, importing
3 distributor's, or manufacturer's total sales of alcoholic
4 liquor to that retailer no later than the 10th day of the month
5 for the preceding month during which the transaction occurred.
6 The distributor, importing distributor, or manufacturer shall
7 notify the retailer as to the method by which the distributor,
8 importing distributor, or manufacturer will provide the sales
9 information. If the retailer is unable to receive the sales
10 information by electronic means, the distributor, importing
11 distributor, or manufacturer shall furnish the sales
12 information by personal delivery or by mail. For purposes of
13 this paragraph, the term "electronic means" includes, but is
14 not limited to, the use of a secure Internet website, e-mail,
15 or facsimile.

16 If a total amount of less than \$1 is payable, refundable or
17 creditable, such amount shall be disregarded if it is less than
18 50 cents and shall be increased to \$1 if it is 50 cents or more.

19 Notwithstanding any other provision of this Act to the
20 contrary, retailers subject to tax on cannabis shall file all
21 cannabis tax returns and shall make all cannabis tax payments
22 by electronic means in the manner and form required by the
23 Department.

24 Beginning October 1, 1993, a taxpayer who has an average
25 monthly tax liability of \$150,000 or more shall make all
26 payments required by rules of the Department by electronic

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

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

1 for a minimum of one year beginning on October 1.

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

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

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

12 Any amount which is required to be shown or reported on any
13 return or other document under this Act shall, if such amount
14 is not a whole-dollar amount, be increased to the nearest
15 whole-dollar amount in any case where the fractional part of a
16 dollar is 50 cents or more, and decreased to the nearest
17 whole-dollar amount where the fractional part of a dollar is
18 less than 50 cents.

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

1 being due by October 20 of such year, and with the return for
2 October, November and December of a given year being due by
3 January 20 of the following year.

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

10 Such quarter annual and annual returns, as to form and
11 substance, shall be subject to the same requirements as monthly
12 returns.

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

20 Where the same person has more than one business registered
21 with the Department under separate registrations under this
22 Act, such person may not file each return that is due as a
23 single return covering all such registered businesses, but
24 shall file separate returns for each such registered business.

25 In addition, with respect to motor vehicles, watercraft,
26 aircraft, and trailers that are required to be registered with

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

22 In addition, with respect to motor vehicles, watercraft,
23 aircraft, and trailers that are required to be registered with
24 an agency of this State, every person who is engaged in the
25 business of leasing or renting such items and who, in
26 connection with such business, sells any such item to a

1 retailer for the purpose of resale is, notwithstanding any
2 other provision of this Section to the contrary, authorized to
3 meet the return-filing requirement of this Act by reporting the
4 transfer of all the aircraft, watercraft, motor vehicles, or
5 trailers transferred for resale during a month to the
6 Department on the same uniform invoice-transaction reporting
7 return form on or before the 20th of the month following the
8 month in which the transfer takes place. Notwithstanding any
9 other provision of this Act to the contrary, all returns filed
10 under this paragraph must be filed by electronic means in the
11 manner and form as required by the Department.

12 Any retailer who sells only motor vehicles, watercraft,
13 aircraft, or trailers that are required to be registered with
14 an agency of this State, so that all retailers' occupation tax
15 liability is required to be reported, and is reported, on such
16 transaction reporting returns and who is not otherwise required
17 to file monthly or quarterly returns, need not file monthly or
18 quarterly returns. However, those retailers shall be required
19 to file returns on an annual basis.

20 The transaction reporting return, in the case of motor
21 vehicles or trailers that are required to be registered with an
22 agency of this State, shall be the same document as the Uniform
23 Invoice referred to in Section 5-402 of the Illinois Vehicle
24 Code and must show the name and address of the seller; the name
25 and address of the purchaser; the amount of the selling price
26 including the amount allowed by the retailer for traded-in

1 property, if any; the amount allowed by the retailer for the
2 traded-in tangible personal property, if any, to the extent to
3 which Section 1 of this Act allows an exemption for the value
4 of traded-in property; the balance payable after deducting such
5 trade-in allowance from the total selling price; the amount of
6 tax due from the retailer with respect to such transaction; the
7 amount of tax collected from the purchaser by the retailer on
8 such transaction (or satisfactory evidence that such tax is not
9 due in that particular instance, if that is claimed to be the
10 fact); the place and date of the sale; a sufficient
11 identification of the property sold; such other information as
12 is required in Section 5-402 of the Illinois Vehicle Code, and
13 such other information as the Department may reasonably
14 require.

15 The transaction reporting return in the case of watercraft
16 or aircraft must show the name and address of the seller; the
17 name and address of the purchaser; the amount of the selling
18 price including the amount allowed by the retailer for
19 traded-in property, if any; the amount allowed by the retailer
20 for the traded-in tangible personal property, if any, to the
21 extent to which Section 1 of this Act allows an exemption for
22 the value of traded-in property; the balance payable after
23 deducting such trade-in allowance from the total selling price;
24 the amount of tax due from the retailer with respect to such
25 transaction; the amount of tax collected from the purchaser by
26 the retailer on such transaction (or satisfactory evidence that

1 such tax is not due in that particular instance, if that is
2 claimed to be the fact); the place and date of the sale, a
3 sufficient identification of the property sold, and such other
4 information as the Department may reasonably require.

5 Such transaction reporting return shall be filed not later
6 than 20 days after the day of delivery of the item that is
7 being sold, but may be filed by the retailer at any time sooner
8 than that if he chooses to do so. The transaction reporting
9 return and tax remittance or proof of exemption from the
10 Illinois use tax may be transmitted to the Department by way of
11 the State agency with which, or State officer with whom the
12 tangible personal property must be titled or registered (if
13 titling or registration is required) if the Department and such
14 agency or State officer determine that this procedure will
15 expedite the processing of applications for title or
16 registration.

17 With each such transaction reporting return, the retailer
18 shall remit the proper amount of tax due (or shall submit
19 satisfactory evidence that the sale is not taxable if that is
20 the case), to the Department or its agents, whereupon the
21 Department shall issue, in the purchaser's name, a use tax
22 receipt (or a certificate of exemption if the Department is
23 satisfied that the particular sale is tax exempt) which such
24 purchaser may submit to the agency with which, or State officer
25 with whom, he must title or register the tangible personal
26 property that is involved (if titling or registration is

1 required) in support of such purchaser's application for an
2 Illinois certificate or other evidence of title or registration
3 to such tangible personal property.

4 No retailer's failure or refusal to remit tax under this
5 Act precludes a user, who has paid the proper tax to the
6 retailer, from obtaining his certificate of title or other
7 evidence of title or registration (if titling or registration
8 is required) upon satisfying the Department that such user has
9 paid the proper tax (if tax is due) to the retailer. The
10 Department shall adopt appropriate rules to carry out the
11 mandate of this paragraph.

12 If the user who would otherwise pay tax to the retailer
13 wants the transaction reporting return filed and the payment of
14 the tax or proof of exemption made to the Department before the
15 retailer is willing to take these actions and such user has not
16 paid the tax to the retailer, such user may certify to the fact
17 of such delay by the retailer and may (upon the Department
18 being satisfied of the truth of such certification) transmit
19 the information required by the transaction reporting return
20 and the remittance for tax or proof of exemption directly to
21 the Department and obtain his tax receipt or exemption
22 determination, in which event the transaction reporting return
23 and tax remittance (if a tax payment was required) shall be
24 credited by the Department to the proper retailer's account
25 with the Department, but without the 2.1% or 1.75% discount
26 provided for in this Section being allowed. When the user pays

1 the tax directly to the Department, he shall pay the tax in the
2 same amount and in the same form in which it would be remitted
3 if the tax had been remitted to the Department by the retailer.

4 Refunds made by the seller during the preceding return
5 period to purchasers, on account of tangible personal property
6 returned to the seller, shall be allowed as a deduction under
7 subdivision 5 of his monthly or quarterly return, as the case
8 may be, in case the seller had theretofore included the
9 receipts from the sale of such tangible personal property in a
10 return filed by him and had paid the tax imposed by this Act
11 with respect to such receipts.

12 Where the seller is a corporation, the return filed on
13 behalf of such corporation shall be signed by the president,
14 vice-president, secretary or treasurer or by the properly
15 accredited agent of such corporation.

16 Where the seller is a limited liability company, the return
17 filed on behalf of the limited liability company shall be
18 signed by a manager, member, or properly accredited agent of
19 the limited liability company.

20 Except as provided in this Section, the retailer filing the
21 return under this Section shall, at the time of filing such
22 return, pay to the Department the amount of tax imposed by this
23 Act less a discount of 2.1% prior to January 1, 1990 and 1.75%
24 on and after January 1, 1990, or \$5 per calendar year,
25 whichever is greater, which is allowed to reimburse the
26 retailer for the expenses incurred in keeping records,

1 preparing and filing returns, remitting the tax and supplying
2 data to the Department on request. The discount under this
3 Section is not allowed for the 1.25% portion of taxes paid on
4 aviation fuel that is subject to the revenue use requirements
5 of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 ~~are deposited into~~
6 ~~the State Aviation Program Fund under this Act.~~ Any prepayment
7 made pursuant to Section 2d of this Act shall be included in
8 the amount on which such 2.1% or 1.75% discount is computed. In
9 the case of retailers who report and pay the tax on a
10 transaction by transaction basis, as provided in this Section,
11 such discount shall be taken with each such tax remittance
12 instead of when such retailer files his periodic return. The
13 discount allowed under this Section is allowed only for returns
14 that are filed in the manner required by this Act. The
15 Department may disallow the discount for retailers whose
16 certificate of registration is revoked at the time the return
17 is filed, but only if the Department's decision to revoke the
18 certificate of registration has become final.

19 Before October 1, 2000, if the taxpayer's average monthly
20 tax liability to the Department under this Act, the Use Tax
21 Act, the Service Occupation Tax Act, and the Service Use Tax
22 Act, excluding any liability for prepaid sales tax to be
23 remitted in accordance with Section 2d of this Act, was \$10,000
24 or more during the preceding 4 complete calendar quarters, he
25 shall file a return with the Department each month by the 20th
26 day of the month next following the month during which such tax

1 liability is incurred and shall make payments to the Department
2 on or before the 7th, 15th, 22nd and last day of the month
3 during which such liability is incurred. On and after October
4 1, 2000, if the taxpayer's average monthly tax liability to the
5 Department under this Act, the Use Tax Act, the Service
6 Occupation Tax Act, and the Service Use Tax Act, excluding any
7 liability for prepaid sales tax to be remitted in accordance
8 with Section 2d of this Act, was \$20,000 or more during the
9 preceding 4 complete calendar quarters, he shall file a return
10 with the Department each month by the 20th day of the month
11 next following the month during which such tax liability is
12 incurred and shall make payment to the Department on or before
13 the 7th, 15th, 22nd and last day of the month during which such
14 liability is incurred. If the month during which such tax
15 liability is incurred began prior to January 1, 1985, each
16 payment shall be in an amount equal to 1/4 of the taxpayer's
17 actual liability for the month or an amount set by the
18 Department not to exceed 1/4 of the average monthly liability
19 of the taxpayer to the Department for the preceding 4 complete
20 calendar quarters (excluding the month of highest liability and
21 the month of lowest liability in such 4 quarter period). If the
22 month during which such tax liability is incurred begins on or
23 after January 1, 1985 and prior to January 1, 1987, each
24 payment shall be in an amount equal to 22.5% of the taxpayer's
25 actual liability for the month or 27.5% of the taxpayer's
26 liability for the same calendar month of the preceding year. If

1 the month during which such tax liability is incurred begins on
2 or after January 1, 1987 and prior to January 1, 1988, each
3 payment shall be in an amount equal to 22.5% of the taxpayer's
4 actual liability for the month or 26.25% of the taxpayer's
5 liability for the same calendar month of the preceding year. If
6 the month during which such tax liability is incurred begins on
7 or after January 1, 1988, and prior to January 1, 1989, or
8 begins on or after January 1, 1996, each payment shall be in an
9 amount equal to 22.5% of the taxpayer's actual liability for
10 the month or 25% of the taxpayer's liability for the same
11 calendar month of the preceding year. If the month during which
12 such tax liability is incurred begins on or after January 1,
13 1989, and prior to January 1, 1996, each payment shall be in an
14 amount equal to 22.5% of the taxpayer's actual liability for
15 the month or 25% of the taxpayer's liability for the same
16 calendar month of the preceding year or 100% of the taxpayer's
17 actual liability for the quarter monthly reporting period. The
18 amount of such quarter monthly payments shall be credited
19 against the final tax liability of the taxpayer's return for
20 that month. Before October 1, 2000, once applicable, the
21 requirement of the making of quarter monthly payments to the
22 Department by taxpayers having an average monthly tax liability
23 of \$10,000 or more as determined in the manner provided above
24 shall continue until such taxpayer's average monthly liability
25 to the Department during the preceding 4 complete calendar
26 quarters (excluding the month of highest liability and the

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

1 change in such taxpayer's reporting status. The Department
2 shall change such taxpayer's reporting status unless it finds
3 that such change is seasonal in nature and not likely to be
4 long term. If any such quarter monthly payment is not paid at
5 the time or in the amount required by this Section, then the
6 taxpayer shall be liable for penalties and interest on the
7 difference between the minimum amount due as a payment and the
8 amount of such quarter monthly payment actually and timely
9 paid, except insofar as the taxpayer has previously made
10 payments for that month to the Department in excess of the
11 minimum payments previously due as provided in this Section.
12 The Department shall make reasonable rules and regulations to
13 govern the quarter monthly payment amount and quarter monthly
14 payment dates for taxpayers who file on other than a calendar
15 monthly basis.

16 The provisions of this paragraph apply before October 1,
17 2001. Without regard to whether a taxpayer is required to make
18 quarter monthly payments as specified above, any taxpayer who
19 is required by Section 2d of this Act to collect and remit
20 prepaid taxes and has collected prepaid taxes which average in
21 excess of \$25,000 per month during the preceding 2 complete
22 calendar quarters, shall file a return with the Department as
23 required by Section 2f and shall make payments to the
24 Department on or before the 7th, 15th, 22nd and last day of the
25 month during which such liability is incurred. If the month
26 during which such tax liability is incurred began prior to

1 September 1, 1985 (the effective date of Public Act 84-221),
2 each payment shall be in an amount not less than 22.5% of the
3 taxpayer's actual liability under Section 2d. If the month
4 during which such tax liability is incurred begins on or after
5 January 1, 1986, each payment shall be in an amount equal to
6 22.5% of the taxpayer's actual liability for the month or 27.5%
7 of the taxpayer's liability for the same calendar month of the
8 preceding calendar year. If the month during which such tax
9 liability is incurred begins on or after 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 26.25% of the taxpayer's
12 liability for the same calendar month of the preceding year.
13 The amount of such quarter monthly payments shall be credited
14 against the final tax liability of the taxpayer's return for
15 that month filed under this Section or Section 2f, as the case
16 may be. Once applicable, the requirement of the making of
17 quarter monthly payments to the Department pursuant to this
18 paragraph shall continue until such taxpayer's average monthly
19 prepaid tax collections during the preceding 2 complete
20 calendar quarters is \$25,000 or less. If any such quarter
21 monthly payment is not paid at the time or in the amount
22 required, the taxpayer shall be liable for penalties and
23 interest on such difference, except insofar as the taxpayer has
24 previously made payments for that month in excess of the
25 minimum payments previously due.

26 The provisions of this paragraph apply on and after October

1 1, 2001. Without regard to whether a taxpayer is required to
2 make quarter monthly payments as specified above, any taxpayer
3 who is required by Section 2d of this Act to collect and remit
4 prepaid taxes and has collected prepaid taxes that average in
5 excess of \$20,000 per month during the preceding 4 complete
6 calendar quarters shall file a return with the Department as
7 required by Section 2f and shall make payments to the
8 Department on or before the 7th, 15th, 22nd and last day of the
9 month during which the liability is incurred. Each payment
10 shall be in an amount equal to 22.5% of the taxpayer's actual
11 liability for the month or 25% of the taxpayer's liability for
12 the same calendar month of the preceding year. The amount of
13 the quarter monthly payments shall be credited against the
14 final tax liability of the taxpayer's return for that month
15 filed under this Section or Section 2f, as the case may be.
16 Once applicable, the requirement of the making of quarter
17 monthly payments to the Department pursuant to this paragraph
18 shall continue until the taxpayer's average monthly prepaid tax
19 collections during the preceding 4 complete calendar quarters
20 (excluding the month of highest liability and the month of
21 lowest liability) is less than \$19,000 or until such taxpayer's
22 average monthly liability to the Department as computed for
23 each calendar quarter of the 4 preceding complete calendar
24 quarters is less than \$20,000. If any such quarter monthly
25 payment is not paid at the time or in the amount required, the
26 taxpayer shall be liable for penalties and interest on such

1 difference, except insofar as the taxpayer has previously made
2 payments for that month in excess of the minimum payments
3 previously due.

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

26 If a retailer of motor fuel is entitled to a credit under

1 Section 2d of this Act which exceeds the taxpayer's liability
2 to the Department under this Act for the month which the
3 taxpayer is filing a return, the Department shall issue the
4 taxpayer a credit memorandum for the excess.

5 Beginning January 1, 1990, each month the Department shall
6 pay into the Local Government Tax Fund, a special fund in the
7 State treasury which is hereby created, the net revenue
8 realized for the preceding month from the 1% tax imposed under
9 this Act.

10 Beginning January 1, 1990, each month the Department shall
11 pay into the County and Mass Transit District Fund, a special
12 fund in the State treasury which is hereby created, 4% of the
13 net revenue realized for the preceding month from the 6.25%
14 general rate other than aviation fuel sold on or after December
15 1, 2019. This exception for aviation fuel only applies for so
16 long as the revenue use requirements of 49 U.S.C. 47107(b) and
17 49 U.S.C. 47133 are binding on the State.

18 ~~For aviation fuel sold on or after December 1, 2019, each~~
19 ~~month the Department shall pay into the State Aviation Program~~
20 ~~Fund 4% of the net revenue realized for the preceding month~~
21 ~~from the 6.25% general rate on the selling price of aviation~~
22 ~~fuel, less an amount estimated by the Department to be required~~
23 ~~for refunds of the 4% portion of the tax on aviation fuel under~~
24 ~~this Act, which amount shall be deposited into the Aviation~~
25 ~~Fuel Sales Tax Refund Fund. The Department shall only pay~~
26 ~~moneys into the State Aviation Program Fund and the Aviation~~

1 ~~Fuel Sales Tax Refund Fund under this Act for so long as the~~
2 ~~revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.~~
3 ~~47133 are binding on the State.~~

4 Beginning August 1, 2000, each month the Department shall
5 pay into the County and Mass Transit District Fund 20% of the
6 net revenue realized for the preceding month from the 1.25%
7 rate on the selling price of motor fuel and gasohol. Beginning
8 September 1, 2010, each month the Department shall pay into the
9 County and Mass Transit District Fund 20% of the net revenue
10 realized for the preceding month from the 1.25% rate on the
11 selling price of sales tax holiday items.

12 Beginning January 1, 1990, each month the Department shall
13 pay into the Local Government Tax Fund 16% of the net revenue
14 realized for the preceding month from the 6.25% general rate on
15 the selling price of tangible personal property other than
16 aviation fuel sold on or after December 1, 2019. This exception
17 for aviation fuel only applies for so long as the revenue use
18 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are
19 binding on the State.

20 For aviation fuel sold on or after December 1, 2019, each
21 month the Department shall pay into the State Aviation Program
22 Fund 20% ~~16%~~ of the net revenue realized for the preceding
23 month from the 6.25% general rate on the selling price of
24 aviation fuel, less an amount estimated by the Department to be
25 required for refunds of the 20% ~~16%~~ portion of the tax on
26 aviation fuel under this Act, which amount shall be deposited

1 into the Aviation Fuel Sales Tax Refund Fund. The Department
2 shall only pay moneys into the State Aviation Program Fund and
3 the Aviation Fuel Sales Tax Refund Fund under this Act for so
4 long as the revenue use requirements of 49 U.S.C. 47107(b) and
5 49 U.S.C. 47133 are binding on the State.

6 Beginning August 1, 2000, each month the Department shall
7 pay into the Local Government Tax Fund 80% of the net revenue
8 realized for the preceding month from the 1.25% rate on the
9 selling price of motor fuel and gasohol. Beginning September 1,
10 2010, each month the Department shall pay into the Local
11 Government Tax Fund 80% of the net revenue realized for the
12 preceding month from the 1.25% rate on the selling price of
13 sales tax holiday items.

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

21 Beginning July 1, 2011, each month the Department shall pay
22 into the Clean Air Act Permit Fund 80% of the net revenue
23 realized for the preceding month from the 6.25% general rate on
24 the selling price of sorbents used in Illinois in the process
25 of sorbent injection as used to comply with the Environmental
26 Protection Act or the federal Clean Air Act, but the total

1 payment into the Clean Air Act Permit Fund under this Act and
2 the Use Tax Act shall not exceed \$2,000,000 in any fiscal year.

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

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

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

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

Fiscal Year	Annual Specified Amount
1986	\$54,800,000
1987	\$76,650,000
1988	\$80,480,000
1989	\$88,510,000
1990	\$115,330,000
1991	\$145,470,000
1992	\$182,730,000
1993	\$206,520,000;

26 and means the Certified Annual Debt Service Requirement (as

1 defined in Section 13 of the Build Illinois Bond Act) or the
2 Tax Act Amount, whichever is greater, for fiscal year 1994 and
3 each fiscal year thereafter; and further provided, that if on
4 the last business day of any month the sum of (1) the Tax Act
5 Amount required to be deposited into the Build Illinois Bond
6 Account in the Build Illinois Fund during such month and (2)
7 the amount transferred to the Build Illinois Fund from the
8 State and Local Sales Tax Reform Fund shall have been less than
9 1/12 of the Annual Specified Amount, an amount equal to the
10 difference shall be immediately paid into the Build Illinois
11 Fund from other moneys received by the Department pursuant to
12 the Tax Acts; and, further provided, that in no event shall the
13 payments required under the preceding proviso result in
14 aggregate payments into the Build Illinois Fund pursuant to
15 this clause (b) for any fiscal year in excess of the greater of
16 (i) the Tax Act Amount or (ii) the Annual Specified Amount for
17 such fiscal year. The amounts payable into the Build Illinois
18 Fund under clause (b) of the first sentence in this paragraph
19 shall be payable only until such time as the aggregate amount
20 on deposit under each trust indenture securing Bonds issued and
21 outstanding pursuant to the Build Illinois Bond Act is
22 sufficient, taking into account any future investment income,
23 to fully provide, in accordance with such indenture, for the
24 defeasance of or the payment of the principal of, premium, if
25 any, and interest on the Bonds secured by such indenture and on
26 any Bonds expected to be issued thereafter and all fees and

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

23 Subject to payment of amounts into the Build Illinois Fund
24 as provided in the preceding paragraph or in any amendment
25 thereto hereafter enacted, the following specified monthly
26 installment of the amount requested in the certificate of the

1 Chairman of the Metropolitan Pier and Exposition Authority
2 provided under Section 8.25f of the State Finance Act, but not
3 in excess of sums designated as "Total Deposit", shall be
4 deposited in the aggregate from collections under Section 9 of
5 the Use Tax Act, Section 9 of the Service Use Tax Act, Section
6 9 of the Service Occupation Tax Act, and Section 3 of the
7 Retailers' Occupation Tax Act into the McCormick Place
8 Expansion Project Fund in the specified fiscal years.

	Fiscal Year	Total Deposit
9		
10	1993	\$0
11	1994	53,000,000
12	1995	58,000,000
13	1996	61,000,000
14	1997	64,000,000
15	1998	68,000,000
16	1999	71,000,000
17	2000	75,000,000
18	2001	80,000,000
19	2002	93,000,000
20	2003	99,000,000
21	2004	103,000,000
22	2005	108,000,000
23	2006	113,000,000
24	2007	119,000,000
25	2008	126,000,000

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

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

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

20 Subject to payment of amounts into the Capital Projects
21 Fund, the Clean Air Act Permit Fund, the Build Illinois Fund,
22 and the McCormick Place Expansion Project Fund pursuant to the
23 preceding paragraphs or in any amendments thereto hereafter
24 enacted, for aviation fuel sold on or after December 1, 2019,
25 the Department shall each month deposit into the Aviation Fuel
26 Sales Tax Refund Fund an amount estimated by the Department to

1 be required for refunds of the 80% portion of the tax on
2 aviation fuel under this Act. The Department shall only deposit
3 moneys into the Aviation Fuel Sales Tax Refund Fund under this
4 paragraph for so long as the revenue use requirements of 49
5 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the State.

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

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 with the receipt of the first report of
18 taxes paid by an eligible business and continuing for a 25-year
19 period, the Department shall each month pay into the Energy
20 Infrastructure Fund 80% of the net revenue realized from the
21 6.25% general rate on the selling price of Illinois-mined coal
22 that was sold to an eligible business. For purposes of this
23 paragraph, the term "eligible business" means a new electric
24 generating facility certified pursuant to Section 605-332 of
25 the Department of Commerce and Economic Opportunity Law of the
26 Civil Administrative Code of Illinois.

1 Subject to payment of amounts into the Build Illinois Fund,
2 the McCormick Place Expansion Project Fund, the Illinois Tax
3 Increment Fund, and the Energy Infrastructure Fund pursuant to
4 the preceding paragraphs or in any amendments to this Section
5 hereafter enacted, beginning on the first day of the first
6 calendar month to occur on or after August 26, 2014 (the
7 effective date of Public Act 98-1098), each month, from the
8 collections made under Section 9 of the Use Tax Act, Section 9
9 of the Service Use Tax Act, Section 9 of the Service Occupation
10 Tax Act, and Section 3 of the Retailers' Occupation Tax Act,
11 the Department shall pay into the Tax Compliance and
12 Administration Fund, to be used, subject to appropriation, to
13 fund additional auditors and compliance personnel at the
14 Department of Revenue, an amount equal to 1/12 of 5% of 80% of
15 the cash receipts collected during the preceding fiscal year by
16 the Audit Bureau of the Department under the Use Tax Act, the
17 Service Use Tax Act, the Service Occupation Tax Act, the
18 Retailers' Occupation Tax Act, and associated local occupation
19 and use taxes administered by the Department ~~(except the amount~~
20 ~~collected on aviation fuel sold on or after December 1, 2019).~~

21 Subject to payments of amounts into the Build Illinois
22 Fund, the McCormick Place Expansion Project Fund, the Illinois
23 Tax Increment Fund, the Energy Infrastructure Fund, and the Tax
24 Compliance and Administration Fund as provided in this Section,
25 beginning on July 1, 2018 the Department shall pay each month
26 into the Downstate Public Transportation Fund the moneys

1 required to be so paid under Section 2-3 of the Downstate
2 Public Transportation Act.

3 Subject to successful execution and delivery of a
4 public-private ~~public-private~~ agreement between the public
5 agency and private entity and completion of the civic build,
6 beginning on July 1, 2023, of the remainder of the moneys
7 received by the Department under the Use Tax Act, the Service
8 Use Tax Act, the Service Occupation Tax Act, and this Act, the
9 Department shall deposit the following specified deposits in
10 the aggregate from collections under the Use Tax Act, the
11 Service Use Tax Act, the Service Occupation Tax Act, and the
12 Retailers' Occupation Tax Act, as required under Section 8.25g
13 of the State Finance Act for distribution consistent with the
14 Public-Private Partnership for Civic and Transit
15 Infrastructure Project Act. The moneys received by the
16 Department pursuant to this Act and required to be deposited
17 into the Civic and Transit Infrastructure Fund are subject to
18 the pledge, claim and charge set forth in Section 25-55 ~~55~~ of
19 the Public-Private Partnership for Civic and Transit
20 Infrastructure Project Act. As used in this paragraph, "civic
21 build", "private entity", "public-private ~~private-public~~
22 agreement", and "public agency" have the meanings provided in
23 Section 25-10 of the Public-Private Partnership for Civic and
24 Transit Infrastructure Project Act.

25	Fiscal Year.....	Total Deposit
26	2024	\$200,000,000

1	2025	.....	\$206,000,000
2	2026	.....	\$212,200,000
3	2027	.....	\$218,500,000
4	2028	.....	\$225,100,000
5	2029	.....	\$288,700,000
6	2030	.....	\$298,900,000
7	2031	.....	\$309,300,000
8	2032	.....	\$320,100,000
9	2033	.....	\$331,200,000
10	2034	.....	\$341,200,000
11	2035	.....	\$351,400,000
12	2036	.....	\$361,900,000
13	2037	.....	\$372,800,000
14	2038	.....	\$384,000,000
15	2039	.....	\$395,500,000
16	2040	.....	\$407,400,000
17	2041	.....	\$419,600,000
18	2042	.....	\$432,200,000
19	2043	.....	\$445,100,000

20 Beginning July 1, 2021 and until July 1, 2022, subject to
21 the payment of amounts into the County and Mass Transit
22 District Fund, the Local Government Tax Fund, the Build
23 Illinois Fund, the McCormick Place Expansion Project Fund, the
24 Illinois Tax Increment Fund, the Energy Infrastructure Fund,
25 and the Tax Compliance and Administration Fund as provided in
26 this Section, the Department shall pay each month into the Road

1 Fund the amount estimated to represent 16% of the net revenue
2 realized from the taxes imposed on motor fuel and gasohol.
3 Beginning July 1, 2022 and until July 1, 2023, subject to the
4 payment of amounts into the County and Mass Transit District
5 Fund, the Local Government Tax Fund, the Build Illinois Fund,
6 the McCormick Place Expansion Project Fund, the Illinois Tax
7 Increment Fund, the Energy Infrastructure Fund, and the Tax
8 Compliance and Administration Fund as provided in this Section,
9 the Department shall pay each month into the Road Fund the
10 amount estimated to represent 32% of the net revenue realized
11 from the taxes imposed on motor fuel and gasohol. Beginning
12 July 1, 2023 and until July 1, 2024, subject to the payment of
13 amounts into the County and Mass Transit District Fund, the
14 Local Government Tax Fund, the Build Illinois Fund, the
15 McCormick Place Expansion Project Fund, the Illinois Tax
16 Increment Fund, the Energy Infrastructure Fund, and the Tax
17 Compliance and Administration Fund as provided in this Section,
18 the Department shall pay each month into the Road Fund the
19 amount estimated to represent 48% of the net revenue realized
20 from the taxes imposed on motor fuel and gasohol. Beginning
21 July 1, 2024 and until July 1, 2025, subject to the payment of
22 amounts into the County and Mass Transit District Fund, the
23 Local Government Tax Fund, the Build Illinois Fund, the
24 McCormick Place Expansion Project Fund, the Illinois Tax
25 Increment Fund, the Energy Infrastructure Fund, and the Tax
26 Compliance and Administration Fund as provided in this Section,

1 the Department shall pay each month into the Road Fund the
2 amount estimated to represent 64% of the net revenue realized
3 from the taxes imposed on motor fuel and gasohol. Beginning on
4 July 1, 2025, subject to the payment of amounts into the County
5 and Mass Transit District Fund, the Local Government Tax Fund,
6 the Build Illinois Fund, the McCormick Place Expansion Project
7 Fund, the Illinois Tax Increment Fund, the Energy
8 Infrastructure Fund, and the Tax Compliance and Administration
9 Fund as provided in this Section, the Department shall pay each
10 month into the Road Fund the amount estimated to represent 80%
11 of the net revenue realized from the taxes imposed on motor
12 fuel and gasohol. As used in this paragraph "motor fuel" has
13 the meaning given to that term in Section 1.1 of the Motor Fuel
14 Tax Act, and "gasohol" has the meaning given to that term in
15 Section 3-40 of the Use Tax Act.

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

22 The Department may, upon separate written notice to a
23 taxpayer, require the taxpayer to prepare and file with the
24 Department on a form prescribed by the Department within not
25 less than 60 days after receipt of the notice an annual
26 information return for the tax year specified in the notice.

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

19 If the annual information return required by this Section
20 is not filed when and as required, the taxpayer shall be liable
21 as follows:

22 (i) Until January 1, 1994, the taxpayer shall be liable
23 for a penalty equal to 1/6 of 1% of the tax due from such
24 taxpayer under this Act during the period to be covered by
25 the annual return for each month or fraction of a month
26 until such return is filed as required, the penalty to be

1 assessed and collected in the same manner as any other
2 penalty provided for in this Act.

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

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

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

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

25 Net revenue realized for a month shall be the revenue
26 collected by the State pursuant to this Act, less the amount

1 paid out during that month as refunds to taxpayers for
2 overpayment of liability.

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

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

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

21 (Source: P.A. 100-303, eff. 8-24-17; 100-363, eff. 7-1-18;
22 100-863, eff. 8-14-18; 100-1171, eff. 1-4-19; 101-10, Article
23 15, Section 15-25, eff. 6-5-19; 101-10, Article 25, Section
24 25-120, eff. 6-5-19; 101-27, eff. 6-25-19; 101-32, eff.
25 6-28-19; revised 7-17-19.)

1 Section 10-45. The Cigarette Tax Act is amended by changing
2 Section 2 as follows:

3 (35 ILCS 130/2) (from Ch. 120, par. 453.2)

4 Sec. 2. Tax imposed; rate; collection, payment, and
5 distribution; discount.

6 (a) Beginning on July 1, 2019, in place of the aggregate
7 tax rate of 99 mills previously imposed by this Act, a tax is
8 imposed upon any person engaged in business as a retailer of
9 cigarettes at the rate of 149 mills per cigarette sold or
10 otherwise disposed of in the course of such business in this
11 State.

12 (b) The payment of such taxes shall be evidenced by a stamp
13 affixed to each original package of cigarettes, or an
14 authorized substitute for such stamp imprinted on each original
15 package of such cigarettes underneath the sealed transparent
16 outside wrapper of such original package, as hereinafter
17 provided. However, such taxes are not imposed upon any activity
18 in such business in interstate commerce or otherwise, which
19 activity may not under the Constitution and statutes of the
20 United States be made the subject of taxation by this State.

21 Out of the 149 mills per cigarette tax imposed by
22 subsection (a), the revenues received from 4 mills shall be
23 paid into the Common School Fund each month, not to exceed
24 \$9,000,000 per month. Out of the 149 mills per cigarette tax
25 imposed by subsection (a), all of the revenues received from 7

1 mills shall be paid into the Common School Fund each month. Out
2 of the 149 mills per cigarette tax imposed by subsection (a),
3 50 mills per cigarette each month shall be paid into the
4 Healthcare Provider Relief Fund.

5 Beginning on July 1, 2006, all of the moneys received by
6 the Department of Revenue pursuant to this Act and the
7 Cigarette Use Tax Act, other than the moneys that are dedicated
8 to the Common School Fund and, beginning on the effective date
9 of this amendatory Act of the 97th General Assembly, other than
10 the moneys from the additional taxes imposed by this amendatory
11 Act of the 97th General Assembly that must be paid each month
12 into the Healthcare Provider Relief Fund, and other than the
13 moneys from the additional taxes imposed by this amendatory Act
14 of the 101st General Assembly that must be paid each month
15 under subsection (c), shall be distributed each month as
16 follows: first, there shall be paid into the General Revenue
17 Fund an amount that, when added to the amount paid into the
18 Common School Fund for that month, equals \$29,200,000; then,
19 from the moneys remaining, if any amounts required to be paid
20 into the General Revenue Fund in previous months remain unpaid,
21 those amounts shall be paid into the General Revenue Fund; then
22 from the moneys remaining, \$5,000,000 per month shall be paid
23 into the School Infrastructure Fund; then, if any amounts
24 required to be paid into the School Infrastructure Fund in
25 previous months remain unpaid, those amounts shall be paid into
26 the School Infrastructure Fund; then the moneys remaining, if

1 any, shall be paid into the Long-Term Care Provider Fund.

2 (c) Beginning on July 1, 2019, all of the moneys from the
3 additional taxes imposed by Public Act 101-31, except for
4 moneys received from the tax on electronic cigarettes, this
5 ~~amendatory Act of the 101st General Assembly~~ received by the
6 Department of Revenue pursuant to this Act, ~~and~~ the Cigarette
7 Use Tax Act, and the Tobacco Products Tax Act of 1995 shall be
8 distributed each month into the Capital Projects Fund.

9 (d) Except for moneys received from the additional taxes
10 imposed by Public Act 101-31, moneys ~~Moneys~~ collected from the
11 tax imposed on little cigars under Section 10-10 of the Tobacco
12 Products Tax Act of 1995 shall be included with the moneys
13 collected under the Cigarette Tax Act and the Cigarette Use Tax
14 Act when making distributions to the Common School Fund, the
15 Healthcare Provider Relief Fund, the General Revenue Fund, the
16 School Infrastructure Fund, and the Long-Term Care Provider
17 Fund under this Section.

18 (e) If the tax imposed herein terminates or has terminated,
19 distributors who have bought stamps while such tax was in
20 effect and who therefore paid such tax, but who can show, to
21 the Department's satisfaction, that they sold the cigarettes to
22 which they affixed such stamps after such tax had terminated
23 and did not recover the tax or its equivalent from purchasers,
24 shall be allowed by the Department to take credit for such
25 absorbed tax against subsequent tax stamp purchases from the
26 Department by such distributor.

1 (f) The impact of the tax levied by this Act is imposed
2 upon the retailer and shall be prepaid or pre-collected by the
3 distributor for the purpose of convenience and facility only,
4 and the amount of the tax shall be added to the price of the
5 cigarettes sold by such distributor. Collection of the tax
6 shall be evidenced by a stamp or stamps affixed to each
7 original package of cigarettes, as hereinafter provided. Any
8 distributor who purchases stamps may credit any excess payments
9 verified by the Department against amounts subsequently due for
10 the purchase of additional stamps, until such time as no excess
11 payment remains.

12 (g) Each distributor shall collect the tax from the
13 retailer at or before the time of the sale, shall affix the
14 stamps as hereinafter required, and shall remit the tax
15 collected from retailers to the Department, as hereinafter
16 provided. Any distributor who fails to properly collect and pay
17 the tax imposed by this Act shall be liable for the tax.

18 (h) Any distributor having cigarettes in his or her
19 possession on July 1, 2019 to which tax stamps have been
20 affixed, and any distributor having stamps in his or her
21 possession on July 1, 2019 that have not been affixed to
22 packages of cigarettes before July 1, 2019, is required to pay
23 the additional tax that begins on July 1, 2019 imposed by this
24 amendatory Act of the 101st General Assembly to the extent that
25 the volume of affixed and unaffixed stamps in the distributor's
26 possession on July 1, 2019 exceeds the average monthly volume

1 of cigarette stamps purchased by the distributor in calendar
2 year 2018. This payment, less the discount provided in
3 subsection (1), is due when the distributor first makes a
4 purchase of cigarette stamps on or after July 1, 2019 or on the
5 first due date of a return under this Act occurring on or after
6 July 1, 2019, whichever occurs first. Those distributors may
7 elect to pay the additional tax on packages of cigarettes to
8 which stamps have been affixed and on any stamps in the
9 distributor's possession that have not been affixed to packages
10 of cigarettes in their possession on July 1, 2019 over a period
11 not to exceed 12 months from the due date of the additional tax
12 by notifying the Department in writing. The first payment for
13 distributors making such election is due when the distributor
14 first makes a purchase of cigarette tax stamps on or after July
15 1, 2019 or on the first due date of a return under this Act
16 occurring on or after July 1, 2019, whichever occurs first.
17 Distributors making such an election are not entitled to take
18 the discount provided in subsection (1) on such payments.

19 (i) Any retailer having cigarettes in its possession on
20 July 1, 2019 to which tax stamps have been affixed is not
21 required to pay the additional tax that begins on July 1, 2019
22 imposed by this amendatory Act of the 101st General Assembly on
23 those stamped cigarettes.

24 (j) Distributors making sales of cigarettes to secondary
25 distributors shall add the amount of the tax to the price of
26 the cigarettes sold by the distributors. Secondary

1 distributors making sales of cigarettes to retailers shall
2 include the amount of the tax in the price of the cigarettes
3 sold to retailers. The amount of tax shall not be less than the
4 amount of taxes imposed by the State and all local
5 jurisdictions. The amount of local taxes shall be calculated
6 based on the location of the retailer's place of business shown
7 on the retailer's certificate of registration or
8 sub-registration issued to the retailer pursuant to Section 2a
9 of the Retailers' Occupation Tax Act. The original packages of
10 cigarettes sold to the retailer shall bear all the required
11 stamps, or other indicia, for the taxes included in the price
12 of cigarettes.

13 (k) The amount of the Cigarette Tax imposed by this Act
14 shall be separately stated, apart from the price of the goods,
15 by distributors, manufacturer representatives, secondary
16 distributors, and retailers, in all bills and sales invoices.

17 (l) The distributor shall be required to collect the tax
18 provided under paragraph (a) hereof, and, to cover the costs of
19 such collection, shall be allowed a discount during any year
20 commencing July 1st and ending the following June 30th in
21 accordance with the schedule set out hereinbelow, which
22 discount shall be allowed at the time of purchase of the stamps
23 when purchase is required by this Act, or at the time when the
24 tax is remitted to the Department without the purchase of
25 stamps from the Department when that method of paying the tax
26 is required or authorized by this Act.

1 On and after December 1, 1985, a discount equal to 1.75% of
2 the amount of the tax payable under this Act up to and
3 including the first \$3,000,000 paid hereunder by such
4 distributor to the Department during any such year and 1.5% of
5 the amount of any additional tax paid hereunder by such
6 distributor to the Department during any such year shall apply.

7 Two or more distributors that use a common means of
8 affixing revenue tax stamps or that are owned or controlled by
9 the same interests shall be treated as a single distributor for
10 the purpose of computing the discount.

11 (m) The taxes herein imposed are in addition to all other
12 occupation or privilege taxes imposed by the State of Illinois,
13 or by any political subdivision thereof, or by any municipal
14 corporation.

15 (Source: P.A. 100-1171, eff. 1-4-19; 101-31, eff. 6-28-19.)

16 Section 10-50. The Motor Fuel Tax Law is amended by
17 changing Sections 2, 2a, 2b, and 8a as follows:

18 (35 ILCS 505/2) (from Ch. 120, par. 418)

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

22 (a) Prior to August 1, 1989, the tax is imposed at the rate
23 of 13 cents per gallon on all motor fuel used in motor vehicles
24 operating on the public highways and recreational type

1 watercraft operating upon the waters of this State. Beginning
2 on August 1, 1989 and until January 1, 1990, the rate of the
3 tax imposed in this paragraph shall be 16 cents per gallon.
4 Beginning January 1, 1990 and until July 1, 2019, the rate of
5 tax imposed in this paragraph, including the tax on compressed
6 natural gas, shall be 19 cents per gallon. Beginning July 1,
7 2019, the rate of tax imposed in this paragraph shall be 38
8 cents per gallon and increased on July 1 of each subsequent
9 year by an amount equal to the percentage increase, if any, in
10 the Consumer Price Index for All Urban Consumers for all items
11 published by the United States Department of Labor for the 12
12 months ending in March of each year. The rate shall be rounded
13 to the nearest one-tenth of one cent.

14 (b) Until July 1, 2019, the ~~The~~ tax on the privilege of
15 operating motor vehicles which use diesel fuel, liquefied
16 natural gas, or propane shall be the rate according to
17 paragraph (a) plus an additional 2 1/2 cents per gallon.
18 Beginning July 1, 2019, the tax on the privilege of operating
19 motor vehicles which use diesel fuel, liquefied natural gas, or
20 propane ~~rate of tax imposed in this paragraph~~ shall be the rate
21 according to subsection (a) plus an additional 7.5 cents per
22 gallon. "Diesel fuel" is defined as any product intended for
23 use or offered for sale as a fuel for engines in which the fuel
24 is injected into the combustion chamber and ignited by pressure
25 without electric spark.

26 (c) A tax is imposed upon the privilege of engaging in the

1 business of selling motor fuel as a retailer or reseller on all
2 motor fuel used in motor vehicles operating on the public
3 highways and recreational type watercraft operating upon the
4 waters of this State: (1) at the rate of 3 cents per gallon on
5 motor fuel owned or possessed by such retailer or reseller at
6 12:01 a.m. on August 1, 1989; and (2) at the rate of 3 cents per
7 gallon on motor fuel owned or possessed by such retailer or
8 reseller at 12:01 A.M. on January 1, 1990.

9 Retailers and resellers who are subject to this additional
10 tax shall be required to inventory such motor fuel and pay this
11 additional tax in a manner prescribed by the Department of
12 Revenue.

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

16 (d) Except as provided in Section 2a, the collection of a
17 tax based on gallonage of gasoline used for the propulsion of
18 any aircraft is prohibited on and after October 1, 1979, and
19 the collection of a tax based on gallonage of special fuel used
20 for the propulsion of any aircraft is prohibited on and after
21 December 1, 2019.

22 (e) The collection of a tax, based on gallonage of all
23 products commonly or commercially known or sold as 1-K
24 kerosene, regardless of its classification or uses, is
25 prohibited (i) on and after July 1, 1992 until December 31,
26 1999, except when the 1-K kerosene is either: (1) delivered

1 into bulk storage facilities of a bulk user, or (2) delivered
2 directly into the fuel supply tanks of motor vehicles and (ii)
3 on and after January 1, 2000. Beginning on January 1, 2000, the
4 collection of a tax, based on gallonage of all products
5 commonly or commercially known or sold as 1-K kerosene,
6 regardless of its classification or uses, is prohibited except
7 when the 1-K kerosene is delivered directly into a storage tank
8 that is located at a facility that has withdrawal facilities
9 that are readily accessible to and are capable of dispensing
10 1-K kerosene into the fuel supply tanks of motor vehicles. For
11 purposes of this subsection (e), a facility is considered to
12 have withdrawal facilities that are not "readily accessible to
13 and capable of dispensing 1-K kerosene into the fuel supply
14 tanks of motor vehicles" only if the 1-K kerosene is delivered
15 from: (i) a dispenser hose that is short enough so that it will
16 not reach the fuel supply tank of a motor vehicle or (ii) a
17 dispenser that is enclosed by a fence or other physical barrier
18 so that a vehicle cannot pull alongside the dispenser to permit
19 fueling.

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

24 (Source: P.A. 100-9, eff. 7-1-17; 101-10, eff. 6-5-19; 101-32,
25 eff. 6-28-19; revised 7-12-19.)

1 (35 ILCS 505/2a) (from Ch. 120, par. 418a)

2 Sec. 2a. Except as hereinafter provided, on and after
3 January 1, 1990 and before January 1, 2025, a tax of
4 three-tenths of a cent per gallon is imposed upon the privilege
5 of being a receiver in this State of fuel for sale or use.
6 Beginning January 1, 2021, this tax is not imposed on sales of
7 aviation fuel for so long as the revenue use requirements of 49
8 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the State.

9 The tax shall be paid by the receiver in this State who
10 first sells or uses fuel. In the case of a sale, the tax shall
11 be stated as a separate item on the invoice.

12 For the purpose of the tax imposed by this Section, being a
13 receiver of "motor fuel" as defined by Section 1.1 of this Act,
14 and aviation fuels, home heating oil and kerosene, but
15 excluding liquified petroleum gases, is subject to tax without
16 regard to whether the fuel is intended to be used for operation
17 of motor vehicles on the public highways and waters. However,
18 no such tax shall be imposed upon the importation or receipt of
19 aviation fuels and kerosene at airports with over 300,000
20 operations per year, for years prior to 1991, and over 170,000
21 operations per year beginning in 1991, located in a city of
22 more than 1,000,000 inhabitants for sale to or use by holders
23 of certificates of public convenience and necessity or foreign
24 air carrier permits, issued by the United States Department of
25 Transportation, and their air carrier affiliates, or upon the
26 importation or receipt of aviation fuels and kerosene at

1 facilities owned or leased by those certificate or permit
2 holders and used in their activities at an airport described
3 above. In addition, no such tax shall be imposed upon the
4 importation or receipt of diesel fuel or liquefied natural gas
5 sold to or used by a rail carrier registered pursuant to
6 Section 18c-7201 of the Illinois Vehicle Code or otherwise
7 recognized by the Illinois Commerce Commission as a rail
8 carrier, to the extent used directly in railroad operations. In
9 addition, no such tax shall be imposed when the sale is made
10 with delivery to a purchaser outside this State or when the
11 sale is made to a person holding a valid license as a receiver.
12 In addition, no tax shall be imposed upon diesel fuel or
13 liquefied natural gas consumed or used in the operation of
14 ships, barges, or vessels, that are used primarily in or for
15 the transportation of property in interstate commerce for hire
16 on rivers bordering on this State, if the diesel fuel or
17 liquefied natural gas is delivered by a licensed receiver to
18 the purchaser's barge, ship, or vessel while it is afloat upon
19 that bordering river. A specific notation thereof shall be made
20 on the invoices or sales slips covering each sale.

21 (Source: P.A. 100-9, eff. 7-1-17.)

22 (35 ILCS 505/2b) (from Ch. 120, par. 418b)

23 Sec. 2b. Receiver's monthly return. In addition to the tax
24 collection and reporting responsibilities imposed elsewhere in
25 this Act, a person who is required to pay the tax imposed by

1 Section 2a of this Act shall pay the tax to the Department by
2 return showing all fuel purchased, acquired or received and
3 sold, distributed or used during the preceding calendar month
4 including losses of fuel as the result of evaporation or
5 shrinkage due to temperature variations, and such other
6 reasonable information as the Department may require. Losses of
7 fuel as the result of evaporation or shrinkage due to
8 temperature variations may not exceed 1% of the total gallons
9 in storage at the beginning of the month, plus the receipts of
10 gallonage during the month, minus the gallonage remaining in
11 storage at the end of the month. Any loss reported that is in
12 excess of this amount shall be subject to the tax imposed by
13 Section 2a of this Law. On and after July 1, 2001, for each
14 6-month period January through June, net losses of fuel (for
15 each category of fuel that is required to be reported on a
16 return) as the result of evaporation or shrinkage due to
17 temperature variations may not exceed 1% of the total gallons
18 in storage at the beginning of each January, plus the receipts
19 of gallonage each January through June, minus the gallonage
20 remaining in storage at the end of each June. On and after July
21 1, 2001, for each 6-month period July through December, net
22 losses of fuel (for each category of fuel that is required to
23 be reported on a return) as the result of evaporation or
24 shrinkage due to temperature variations may not exceed 1% of
25 the total gallons in storage at the beginning of each July,
26 plus the receipts of gallonage each July through December,

1 minus the gallonage remaining in storage at the end of each
2 December. Any net loss reported that is in excess of this
3 amount shall be subject to the tax imposed by Section 2a of
4 this Law. For purposes of this Section, "net loss" means the
5 number of gallons gained through temperature variations minus
6 the number of gallons lost through temperature variations or
7 evaporation for each of the respective 6-month periods.

8 The return shall be prescribed by the Department and shall
9 be filed between the 1st and 20th days of each calendar month.
10 The Department may, in its discretion, combine the returns
11 filed under this Section, Section 5, and Section 5a of this
12 Act. The return must be accompanied by appropriate
13 computer-generated magnetic media supporting schedule data in
14 the format required by the Department, unless, as provided by
15 rule, the Department grants an exception upon petition of a
16 taxpayer. If the return is filed timely, the seller shall take
17 a discount of 2% through June 30, 2003 and 1.75% thereafter
18 which is allowed to reimburse the seller for the expenses
19 incurred in keeping records, preparing and filing returns,
20 collecting and remitting the tax and supplying data to the
21 Department on request. The discount, however, shall be
22 applicable only to the amount of payment which accompanies a
23 return that is filed timely in accordance with this Section.
24 The discount under this Section is not allowed for taxes paid
25 on aviation fuel that are subject to the revenue use
26 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 ~~are~~

1 ~~deposited into the State Aviation Program Fund under this Act.~~

2 Beginning on January 1, 2020 and ending with returns due on
3 January 20, 2021, each person who is required to pay the tax
4 imposed under Section 2a of this Act on aviation fuel sold or
5 used in this State during the preceding calendar month shall,
6 instead of reporting and paying tax on aviation fuel as
7 otherwise required by this Section, report and pay such tax on
8 a separate aviation fuel tax return or a separate line on the
9 return ~~, on or before the twentieth day of each calendar month.~~

10 The requirements related to the return shall be as otherwise
11 provided in this Section. Notwithstanding any other provisions
12 of this Act to the contrary, a person required to pay the tax
13 imposed by Section 2a of this Act on aviation fuel shall file
14 all aviation fuel tax returns and shall make all aviation fuel
15 tax payments by electronic means in the manner and form
16 required by the Department. For purposes of this Law paragraph,
17 "aviation fuel" means jet fuel and aviation gasoline ~~a product~~
18 ~~that is intended for use or offered for sale as fuel for an~~
19 ~~aircraft.~~

20 If any payment provided for in this Section exceeds the
21 receiver's liabilities under this Act, as shown on an original
22 return, the Department may authorize the receiver to credit
23 such excess payment against liability subsequently to be
24 remitted to the Department under this Act, in accordance with
25 reasonable rules adopted by the Department. If the Department
26 subsequently determines that all or any part of the credit

1 taken was not actually due to the receiver, the receiver's
2 discount shall be reduced by an amount equal to the difference
3 between the discount as applied to the credit taken and that
4 actually due, and that receiver shall be liable for penalties
5 and interest on such difference.

6 (Source: P.A. 100-1171, eff. 1-4-19; 101-10, eff. 6-5-19.)

7 (35 ILCS 505/8a) (from Ch. 120, par. 424a)

8 Sec. 8a. All money received by the Department under Section
9 2a of this Act, except money received from taxes on aviation
10 fuel sold or used on or after December 1, 2019 and through
11 December 31, 2020, shall be deposited in the Underground
12 Storage Tank Fund created by Section 57.11 of the Environmental
13 Protection Act, as now or hereafter amended. All money received
14 by the Department under Section 2a of this Act for aviation
15 fuel sold or used on or after December 1, 2019, shall be
16 deposited into the State Aviation Program Fund. This exception
17 for aviation fuel only applies for so long as the revenue use
18 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are
19 binding on the State. For purposes of this Section, "aviation
20 fuel" means jet fuel and aviation gasoline ~~a product that is~~
21 ~~intended for use or offered for sale as fuel for an aircraft.~~

22 (Source: P.A. 101-10, eff. 6-5-19.)

23 Section 10-55. The Innovation Development and Economy Act
24 is 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

1 having at least 150,000 square feet of sales floor area; (ii)
2 that at the time of opening does not have another Illinois
3 location within a 70 mile radius; (iii) that has an annual
4 average of not less than 30% of customers who travel from at
5 least 75 miles away or from out-of-state, as demonstrated by
6 data from a comparable existing store or stores, or, if there
7 is no comparable existing store, as demonstrated by an economic
8 analysis that shows that the proposed retailer will have an
9 annual average of not less than 30% of customers who travel
10 from at least 75 miles away or from out-of-state; and (iv) that
11 makes an initial capital investment, including project costs
12 and other direct costs, of not less than \$30,000,000 for such
13 retail store.

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

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

25 "Director" means the Director of Revenue, who shall consult
26 with the Director of Commerce and Economic Opportunity in any

1 approvals or decisions required by the Director under this Act.

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

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

1 in subsection (d) of Section 15:

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

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

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

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

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

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

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

1 (v) that without the availability of STAR bonds,
2 the projects described in the STAR bond district plan
3 would not be possible;

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

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

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

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

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

1 bond district, and makes an initial capital investment,
2 including project costs and other direct and indirect costs, of
3 not less than \$25,000,000 for that venue.

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

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

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

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

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

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

1 Act. Any party otherwise entitled to receipt of incremental
2 local sales tax revenues through an existing tax increment
3 financing district shall be entitled to continue to receive
4 such revenues up to the amount frozen in the base year. Nothing
5 in this Act shall affect the prior qualification of existing
6 redevelopment project costs incurred that are eligible for
7 reimbursement under the Tax Increment Allocation Redevelopment
8 Act. In such event, prior to approving a STAR bond district,
9 the political subdivision forming the STAR bond district shall
10 take such action as is necessary, including amending the
11 existing tax increment financing district redevelopment plan,
12 to carry out the provisions of this Act. The Illinois
13 Department of Revenue shall allocate the local sales tax
14 increment only if the local sales tax is administered by the
15 Department. "Local sales tax increment" does not include taxes
16 and penalties collected on aviation fuel, as defined in Section
17 3 of the Retailers' Occupation Tax, sold on or after December
18 1, 2019 and through December 31, 2020.

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

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

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

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

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

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

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

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

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

25 (a) costs of studies, surveys, development of plans and
26 specifications, formation, implementation, and

1 administration of a STAR bond district, STAR bond district
2 plan, any STAR bond projects, or any STAR bond project
3 plans, including, but not limited to, staff and
4 professional service costs for architectural, engineering,
5 legal, financial, planning, or other services, provided
6 however that no charges for professional services may be
7 based on a percentage of the tax increment collected and no
8 contracts for professional services, excluding
9 architectural and engineering services, may be entered
10 into if the terms of the contract extend beyond a period of
11 3 years;

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

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

1 limitation police and fire stations, educational
2 facilities, and public restrooms and rest areas;

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

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

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

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

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

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

1 district;

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

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

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

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

1 STAR bond projects during that year; and

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

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

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

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

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

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

25 (i) the cost of construction of buildings that are
26 privately owned or owned by a municipality and leased to a

1 developer or retail user for non-entertainment retail
2 uses;

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

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

7 (iv) lobbying costs; and

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

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

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

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

26 "STAR bond" means a sales tax and revenue bond, note, or

1 other obligation payable from pledged STAR revenues and issued
2 by a political subdivision, the proceeds of which shall be used
3 only to pay project costs as defined in this Act.

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

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

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

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

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

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

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

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

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

1 existing tax increment financing district redevelopment plan,
2 to carry out the provisions of this Act.

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

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

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

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

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

24 (Source: P.A. 101-10, eff. 6-5-19; 101-455, eff. 8-23-19;
25 revised 9-25-19.)

1 (50 ILCS 470/31)

2 Sec. 31. STAR bond occupation taxes.

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

1 designated as pledged STAR revenues by resolution or ordinance.

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

11 (b) The corporate authorities of a political subdivision
12 that has established a STAR bond district under this Act may,
13 by ordinance or resolution, impose a STAR Bond Retailers'
14 Occupation Tax upon all persons engaged in the business of
15 selling tangible personal property, other than an item of
16 tangible personal property titled or registered with an agency
17 of this State's government, at retail in the STAR bond district
18 at a rate not to exceed 1% of the gross receipts from the sales
19 made in the course of that business, to be imposed only in
20 0.25% increments. The tax may not be imposed on tangible
21 personal property taxed at the 1% rate under the Retailers'
22 Occupation Tax Act. Beginning December 1, 2019 and through
23 December 31, 2020, this tax is not imposed on sales of aviation
24 fuel unless the tax revenue is expended for airport-related
25 purposes. If the District does not have an airport-related
26 purpose to which aviation fuel tax revenue is dedicated, then

1 aviation fuel is excluded from the tax. The municipality must
2 comply with the certification requirements for airport-related
3 purposes under Section 2-22 of the Retailers' Occupation Tax
4 Act ~~8-11-22 of the Illinois Municipal Code~~. For purposes of
5 this Act, "airport-related purposes" has the meaning ascribed
6 in Section 6z-20.2 of the State Finance Act. Beginning January
7 1, 2021, this tax is not imposed on sales of aviation fuel ~~This~~
8 ~~exclusion for aviation fuel only applies~~ for so long as the
9 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.
10 47133 are binding on the District.

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

1 subsection shall have the same rights, remedies, privileges,
2 immunities, powers, and duties, and be subject to the same
3 conditions, restrictions, limitations, penalties, exclusions,
4 exemptions, and definitions of terms and employ the same modes
5 of procedure, as are prescribed in Sections 1, 1a through 1o, 2
6 through 2-65 (in respect to all provisions therein other than
7 the State rate of tax), 2c through 2h, 3 (except as to the
8 disposition of taxes and penalties collected, and except that
9 the retailer's discount is not allowed for taxes paid on
10 aviation fuel that are subject to the revenue use requirements
11 of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 ~~deposited into the~~
12 ~~Local Government Aviation Trust Fund~~), 4, 5, 5a, 5b, 5c, 5d,
13 5e, 5f, 5g, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 12,
14 13, and 14 of the Retailers' Occupation Tax Act and all
15 provisions of the Uniform Penalty and Interest Act, as fully as
16 if those provisions were set forth herein.

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

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

1 tax imposed in subsection (b) and shall not exceed 1% of the
2 selling price of tangible personal property so transferred
3 within the STAR bond district, to be imposed only in 0.25%
4 increments. The tax may not be imposed on tangible personal
5 property taxed at the 1% rate under the Service Occupation Tax
6 Act. Beginning December 1, 2019 and through December 31, 2020,
7 this tax is not imposed on sales of aviation fuel unless the
8 tax revenue is expended for airport-related purposes. If the
9 District does not have an airport-related purpose to which
10 aviation fuel tax revenue is dedicated, then aviation fuel is
11 excluded from the tax. The municipality must comply with the
12 certification requirements for airport-related purposes under
13 Section 2-22 of the Retailers' Occupation Tax Act ~~8-11-22 of~~
14 ~~the Illinois Municipal Code~~. For purposes of this Act,
15 "airport-related purposes" has the meaning ascribed in Section
16 6z-20.2 of the State Finance Act. Beginning January 1, 2021,
17 this tax is not imposed on sales of aviation fuel ~~This~~
18 ~~exclusion for aviation fuel only applies~~ for so long as the
19 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.
20 47133 are binding on the District.

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 certificate of registration that is issued by the Department to
25 a retailer under the Retailers' Occupation Tax Act or under the
26 Service Occupation Tax Act shall permit the registrant to

1 engage in a business that is taxable under any ordinance or
2 resolution enacted pursuant to this subsection without
3 registering separately with the Department under that
4 ordinance or resolution or under this subsection. The
5 Department of Revenue shall have full power to administer and
6 enforce this subsection, to collect all taxes and penalties due
7 under this subsection, to dispose of taxes and penalties so
8 collected in the manner hereinafter provided, and to determine
9 all rights to credit memoranda arising on account of the
10 erroneous payment of tax or penalty under this subsection. In
11 the administration of, and compliance with this subsection, the
12 Department and persons who are subject to this subsection shall
13 have the same rights, remedies, privileges, immunities,
14 powers, and duties, and be subject to the same conditions,
15 restrictions, limitations, penalties, exclusions, exemptions,
16 and definitions of terms and employ the same modes of procedure
17 as are prescribed in Sections 2, 2a through 2d, 3 through 3-50
18 (in respect to all provisions therein other than the State rate
19 of tax), 4 (except that the reference to the State shall be to
20 the STAR bond district), 5, 7, 8 (except that the jurisdiction
21 to which the tax shall be a debt to the extent indicated in
22 that Section 8 shall be the political subdivision), 9 (except
23 as to the disposition of taxes and penalties collected, and
24 except that the returned merchandise credit for this tax may
25 not be taken against any State tax, and except that the
26 retailer's discount is not allowed for taxes paid on aviation

1 fuel that are subject to the revenue use requirements of 49
2 U.S.C. 47107(b) and 49 U.S.C. 47133 ~~deposited into the Local~~
3 ~~Government Aviation Trust Fund~~), 10, 11, 12 (except the
4 reference therein to Section 2b of the Retailers' Occupation
5 Tax Act), 13 (except that any reference to the State shall mean
6 the political subdivision), the first paragraph of Section 15,
7 and Sections 16, 17, 18, 19 and 20 of the Service Occupation
8 Tax Act and all provisions of the Uniform Penalty and Interest
9 Act, as fully as if those provisions were set forth herein.

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

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

19 Whenever the Department determines that a refund should be
20 made under this Section to a claimant instead of issuing a
21 credit memorandum, the Department shall notify the State
22 Comptroller, who shall cause the order to be drawn for the
23 amount specified and to the person named in the notification
24 from the Department. The refund shall be paid by the State
25 Treasurer out of the STAR Bond Retailers' Occupation Tax Fund
26 or the Local Government Aviation Trust Fund, as appropriate.

1 Except as otherwise provided in this paragraph, the
2 Department shall immediately pay over to the State Treasurer,
3 ex officio, as trustee, all taxes, penalties, and interest
4 collected under this Section for deposit into the STAR Bond
5 Retailers' Occupation Tax Fund. Taxes and penalties collected
6 on aviation fuel sold on or after December 1, 2019, shall be
7 immediately paid over by the Department to the State Treasurer,
8 ex officio, as trustee, for deposit into the Local Government
9 Aviation Trust Fund. The Department shall only pay moneys into
10 the Local Government ~~State~~ Aviation Trust ~~Program~~ Fund under
11 this Section ~~Act~~ for so long as the revenue use requirements of
12 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the
13 District. 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 political
16 subdivisions from the STAR Bond Retailers' Occupation Tax Fund,
17 the political subdivisions to be those from which retailers
18 have paid taxes or penalties under this Section to the
19 Department during the second preceding calendar month. The
20 amount to be paid to each political subdivision shall be the
21 amount (not including credit memoranda and not including taxes
22 and penalties collected on aviation fuel sold on or after
23 December 1, 2019) collected under this Section during the
24 second preceding calendar month by the Department plus an
25 amount the Department determines is necessary to offset any
26 amounts that were erroneously paid to a different taxing body,

1 and not including an amount equal to the amount of refunds made
2 during the second preceding calendar month by the Department,
3 less 3% of that amount, 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 Section, on behalf of such political subdivision, 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 political subdivision. Within 10 days after receipt by the
12 Comptroller of the disbursement certification to the political
13 subdivisions provided for in this Section to be given to the
14 Comptroller by the Department, the Comptroller shall cause the
15 orders to be drawn for the respective amounts in accordance
16 with the directions contained in the certification. The
17 proceeds of the tax paid to political subdivisions under this
18 Section shall be deposited into either (i) the STAR Bonds Tax
19 Allocation Fund by the political subdivision if the political
20 subdivision has designated them as pledged STAR revenues by
21 resolution or ordinance or (ii) the political subdivision's
22 general corporate fund if the political subdivision has not
23 designated them as pledged STAR revenues.

24 An ordinance or resolution imposing or discontinuing the
25 tax under this Section or effecting a change in the rate
26 thereof shall either (i) be adopted and a certified copy

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

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

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

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

21 When certifying the amount of a monthly disbursement to a
22 political subdivision under this Section, the Department shall
23 increase or decrease the amount by an amount necessary to
24 offset any misallocation of previous disbursements. The offset
25 amount shall be the amount erroneously disbursed within the
26 previous 6 months from the time a misallocation is discovered.

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

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

20 (Source: P.A. 100-1171, eff. 1-4-19; 101-10, eff. 6-5-19.)

21 Section 10-60. The Counties Code is amended by changing
22 Sections 5-1006, 5-1006.5, 5-1006.7, 5-1007, 5-1008.5, and
23 5-1035.1 as follows:

24 (55 ILCS 5/5-1006) (from Ch. 34, par. 5-1006)

1 Sec. 5-1006. Home Rule County Retailers' Occupation Tax
2 Law. Any county that is a home rule unit may impose a tax upon
3 all persons engaged in the business of selling tangible
4 personal property, other than an item of tangible personal
5 property titled or registered with an agency of this State's
6 government, at retail in the county on the gross receipts from
7 such sales made in the course of their business. If imposed,
8 this tax shall only be imposed in 1/4% increments. On and after
9 September 1, 1991, this additional tax may not be imposed on
10 tangible personal property taxed at the 1% rate under the
11 Retailers' Occupation Tax Act. Beginning December 1, 2019, this
12 tax is not imposed on sales of aviation fuel unless the tax
13 revenue is expended for airport-related purposes. If the county
14 does 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 2-22
18 of the Retailers' Occupation Tax Act ~~5-1184~~. For purposes of
19 this Section Act, "airport-related purposes" has the meaning
20 ascribed in Section 6z-20.2 of the State Finance Act. This
21 exclusion for aviation fuel only applies for so long as the
22 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.
23 47133 are binding on the county. The changes made to this
24 Section by this amendatory Act of the 101st General Assembly
25 are a denial and limitation of home rule powers and functions
26 under subsection (g) of Section 6 of Article VII of the

1 Illinois Constitution. The tax imposed by a home rule county
2 pursuant to this Section and all civil penalties that may be
3 assessed as an incident thereof shall be collected and enforced
4 by the State Department of Revenue. The certificate of
5 registration that is issued by the Department to a retailer
6 under the Retailers' Occupation Tax Act shall permit the
7 retailer to engage in a business that is taxable under any
8 ordinance or resolution enacted pursuant to this Section
9 without registering separately with the Department under such
10 ordinance or resolution or under this Section. The Department
11 shall have full power to administer and enforce this Section;
12 to collect all taxes and penalties due hereunder; to dispose of
13 taxes and penalties so collected in the manner hereinafter
14 provided; 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 have the same rights, remedies, privileges,
19 immunities, powers and duties, and be subject to the same
20 conditions, restrictions, limitations, penalties and
21 definitions of terms, and employ the same modes of procedure,
22 as are prescribed in Sections 1, 1a, 1a-1, 1d, 1e, 1f, 1i, 1j,
23 1k, 1m, 1n, 2 through 2-65 (in respect to all provisions
24 therein other than the State rate of tax), 3 (except as to the
25 disposition of taxes and penalties collected, and except that
26 the retailer's discount is not allowed for taxes paid on

1 aviation fuel that are subject to the revenue use requirements
2 of 49 U.S.C. 47107(b) and 49 U.S.C. 47133), 4, 5, 5a, 5b, 5c,
3 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9,
4 10, 11, 12 and 13 of the Retailers' Occupation Tax Act and
5 Section 3-7 of the Uniform Penalty and Interest Act, as fully
6 as if those provisions were set forth herein.

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

10 Persons subject to any tax imposed pursuant to the
11 authority granted in this Section may reimburse themselves for
12 their seller's tax liability hereunder by separately stating
13 such tax as an additional charge, which charge may be stated in
14 combination, in a single amount, with State tax which sellers
15 are required to collect under the Use Tax Act, pursuant to such
16 bracket 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 home rule county retailers' occupation tax
24 fund or the Local Government Aviation Trust Fund, as
25 appropriate.

26 Except as otherwise provided in this paragraph, 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, 2019, 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 Section ~~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 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, 2019) 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, less 1.5% of the
14 remainder, which the Department shall transfer into the Tax
15 Compliance and Administration Fund. The Department, at the time
16 of each monthly disbursement to the counties, shall prepare and
17 certify to the State Comptroller the amount to be transferred
18 into the Tax Compliance and Administration Fund under this
19 Section. Within 10 days after receipt, by the Comptroller, of
20 the disbursement certification to the counties and the Tax
21 Compliance and Administration Fund provided for in this Section
22 to be given to the Comptroller by the Department, the
23 Comptroller shall cause the orders to be drawn for the
24 respective amounts in accordance with the directions contained
25 in the certification.

26 In addition to the disbursement required by the preceding

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

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

24 Nothing in this Section shall be construed to authorize a
25 county to impose a tax upon the privilege of engaging in any
26 business which under the Constitution of the United States may

1 not be made the subject of taxation by this State.

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

1 the adoption and filing; or (ii) be adopted and a certified
2 copy thereof filed with the Department on or before the first
3 day of October, whereupon the Department shall proceed to
4 administer and enforce this Section as of the first day of
5 January next following the adoption and filing.

6 When certifying the amount of a monthly disbursement to a
7 county under this Section, the Department shall increase or
8 decrease such amount by an amount necessary to offset any
9 misallocation of previous disbursements. The offset amount
10 shall be the amount erroneously disbursed within the previous 6
11 months from the time a misallocation is discovered.

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

14 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
15 100-1171, eff. 1-4-19; 101-10, eff. 6-5-19; 101-81, eff.
16 7-12-19.)

17 (55 ILCS 5/5-1006.5)

18 Sec. 5-1006.5. Special County Retailers' Occupation Tax
19 For Public Safety, Public Facilities, Mental Health, Substance
20 Abuse, or Transportation.

21 (a) The county board of any county may impose a tax upon
22 all persons engaged in the business of selling tangible
23 personal property, other than personal property titled or
24 registered with an agency of this State's government, at retail
25 in the county on the gross receipts from the sales made in the

1 course of business to provide revenue to be used exclusively
2 for public safety, public facility, mental health, substance
3 abuse, or transportation purposes in that county (except as
4 otherwise provided in this Section), if a proposition for the
5 tax has been submitted to the electors of that county and
6 approved by a majority of those voting on the question. If
7 imposed, this tax shall be imposed only in one-quarter percent
8 increments. By resolution, the county board may order the
9 proposition to be submitted at any election. If the tax is
10 imposed for transportation purposes for expenditures for
11 public highways or as authorized under the Illinois Highway
12 Code, the county board must publish notice of the existence of
13 its long-range highway transportation plan as required or
14 described in Section 5-301 of the Illinois Highway Code and
15 must make the plan publicly available prior to approval of the
16 ordinance or resolution imposing the tax. If the tax is imposed
17 for transportation purposes for expenditures for passenger
18 rail transportation, the county board must publish notice of
19 the existence of its long-range passenger rail transportation
20 plan and must make the plan publicly available prior to
21 approval of the ordinance or resolution imposing the tax.

22 If a tax is imposed for public facilities purposes, then
23 the name of the project may be included in the proposition at
24 the discretion of the county board as determined in the
25 enabling resolution. For example, the "XXX Nursing Home" or the
26 "YYY Museum".

1 The county clerk shall certify the question to the proper
2 election authority, who shall submit the proposition at an
3 election in accordance with the general election law.

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

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

9 As additional information on the ballot below the
10 question shall appear the following:

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

14 The county board may also opt to establish a sunset
15 provision at which time the additional sales tax would
16 cease being collected, if not terminated earlier by a vote
17 of the county board. If the county board votes to include a
18 sunset provision, the proposition for public safety
19 purposes shall be in substantially the following form:

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

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

26 "This would mean that a consumer would pay an

1 additional (insert amount) in sales tax for every \$100 of
2 tangible personal property bought at retail. If imposed,
3 the additional tax would cease being collected at the end
4 of (insert number of years), if not terminated earlier by a
5 vote of the county board."

6 For the purposes of the paragraph, "public safety
7 purposes" means crime prevention, detention, fire
8 fighting, police, medical, ambulance, or other emergency
9 services.

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

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

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

22 "To pay for improvements to roads and other
23 transportation purposes, shall (name of county) be
24 authorized to impose an increase on its share of local
25 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 transportation
10 purposes shall be in substantially the following form:

11 "To pay for road improvements and other transportation
12 purposes, shall (name of county) be authorized to impose an
13 increase on its share of local sales taxes by (insert rate)
14 for a period not to 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 this paragraph, transportation
24 purposes means construction, maintenance, operation, and
25 improvement of public highways, any other purpose for which
26 a county may expend funds under the Illinois Highway Code,

1 and passenger rail transportation.

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

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

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

8 As additional information on the ballot below the
9 question shall appear the following:

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

13 The county board may also opt to establish a sunset
14 provision at which time the additional sales tax would
15 cease being collected, if not terminated earlier by a vote
16 of the county board. If the county board votes to include a
17 sunset provision, the proposition for public facilities
18 purposes shall be in substantially the following form:

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

23 As additional information on the ballot below the
24 question shall appear the following:

25 "This would mean that a consumer would pay an
26 additional (insert amount) in sales tax for every \$100 of

1 tangible personal property bought at retail. If imposed,
2 the additional tax would cease being collected at the end
3 of (insert number of years), if not terminated earlier by a
4 vote of the county board."

5 For purposes of this Section, "public facilities
6 purposes" means the acquisition, development,
7 construction, reconstruction, rehabilitation, improvement,
8 financing, architectural planning, and installation of
9 capital facilities consisting of buildings, structures,
10 and durable equipment and for the acquisition and
11 improvement of real property and interest in real property
12 required, or expected to be required, in connection with
13 the public facilities, for use by the county for the
14 furnishing of governmental services to its citizens,
15 including, but not limited to, museums and nursing homes.

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

17 (4) The proposition for mental health purposes shall be
18 in substantially the following form:

19 "To pay for mental health purposes, shall (name of
20 county) be authorized to impose an increase on its share of
21 local sales taxes by (insert rate)?"

22 As additional information on the ballot below the
23 question shall appear the following:

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

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

7 "To pay for mental health purposes, shall (name of
8 county) be authorized to impose an increase on its share of
9 local sales taxes by (insert rate) for a period not to
10 exceed (insert number of years)?"

11 As additional information on the ballot below the
12 question shall appear the following:

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

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

20 (5) The proposition for substance abuse purposes shall
21 be in substantially the following form:

22 "To pay for substance abuse 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 substance abuse 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 The votes shall be recorded as "Yes" or "No".

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

1 This additional tax may not be imposed on tangible personal
2 property taxed at the 1% rate under the Retailers' Occupation
3 Tax Act. Beginning December 1, 2019 and through December 31,
4 2020, this tax is not imposed on sales of aviation fuel unless
5 the tax revenue is expended for airport-related purposes. If
6 the county does not have an airport-related purpose to which it
7 dedicates aviation fuel tax revenue, then aviation fuel is
8 excluded from the tax. The county must comply with the
9 certification requirements for airport-related purposes under
10 Section 2-22 of the Retailers' Occupation Tax Act ~~5-1184~~. For
11 purposes of this Section Act, "airport-related purposes" has
12 the meaning ascribed in Section 6z-20.2 of the State Finance
13 Act. Beginning January 1, 2021, this tax is not imposed on
14 sales of aviation fuel ~~This exclusion for aviation fuel only~~
15 ~~applies~~ for so long as the revenue use requirements of 49
16 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the county.
17 The tax imposed by a county under this Section and all civil
18 penalties that may be assessed as an incident of the tax shall
19 be collected and enforced by the Illinois Department of Revenue
20 and deposited into a special fund created for that purpose. The
21 certificate of registration that is issued by the Department to
22 a retailer under the Retailers' Occupation Tax Act shall permit
23 the retailer to engage in a business that is taxable without
24 registering separately with the Department under an ordinance
25 or resolution under this Section. The Department has full power
26 to administer and enforce this Section, to collect all taxes

1 and penalties due under this Section, to dispose of taxes and
2 penalties so collected in the manner provided in this Section,
3 and to determine all rights to credit memoranda arising on
4 account of the erroneous payment of a tax or penalty under this
5 Section. In the administration of and compliance with this
6 Section, the Department and persons who are subject to this
7 Section shall (i) have the same rights, remedies, privileges,
8 immunities, powers, and duties, (ii) be subject to the same
9 conditions, restrictions, limitations, penalties, and
10 definitions of terms, and (iii) employ the same modes of
11 procedure as are prescribed in Sections 1, 1a, 1a-1, 1d, 1e,
12 1f, 1i, 1j, 1k, 1m, 1n, 2 through 2-70 (in respect to all
13 provisions contained in those Sections other than the State
14 rate of tax), 2a, 2b, 2c, 3 (except provisions relating to
15 transaction returns and quarter monthly payments, 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 Section 3-7 of the
21 Uniform Penalty and Interest Act as if those provisions were
22 set forth in this Section.

23 Persons subject to any tax imposed under the authority
24 granted in this Section may reimburse themselves for their
25 sellers' tax liability by separately stating the tax as an
26 additional charge, which charge may be stated in combination,

1 in a single amount, with State tax which sellers are required
2 to collect under the Use Tax Act, pursuant to such bracketed
3 schedules as the Department may prescribe.

4 Whenever the Department determines that a refund should be
5 made under this Section to a claimant instead of issuing a
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 the notification
9 from the Department. The refund shall be paid by the State
10 Treasurer out of the County Public Safety, Public Facilities,
11 Mental Health, Substance Abuse, or Transportation Retailers'
12 Occupation Tax Fund or the Local Government Aviation Trust
13 Fund, as appropriate.

14 (b) If a tax has been imposed under subsection (a), a
15 service occupation tax shall also be imposed at the same rate
16 upon all persons engaged, in the county, in the business of
17 making sales of service, who, as an incident to making those
18 sales of service, transfer tangible personal property within
19 the county as an incident to a sale of service. This tax may
20 not be imposed on tangible personal property taxed at the 1%
21 rate under the Service Occupation Tax Act. Beginning December
22 1, 2019 and through December 31, 2020, this tax is not imposed
23 on sales of aviation fuel unless the tax revenue is expended
24 for airport-related purposes. If the county 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. The

1 county must comply with the certification requirements for
2 airport-related purposes under Section 2-22 of the Retailers'
3 Occupation Tax Act 5-1184. For purposes of this Section Act,
4 "airport-related purposes" has the meaning ascribed in Section
5 6z-20.2 of the State Finance Act. Beginning January 1, 2021,
6 this tax is not imposed on sales of aviation fuel ~~This~~
7 ~~exclusion for aviation fuel only applies~~ for so long as the
8 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.
9 47133 are binding on the county. The tax imposed under this
10 subsection and all civil penalties that may be assessed as an
11 incident thereof shall be collected and enforced by the
12 Department of Revenue. The Department has full power to
13 administer and enforce this subsection; to collect all taxes
14 and penalties due hereunder; to dispose of taxes and penalties
15 so collected in the manner hereinafter provided; and to
16 determine all rights to credit memoranda arising on account of
17 the erroneous payment of tax or penalty hereunder. In the
18 administration of ~~7~~ and compliance with this subsection, the
19 Department and persons who are subject to this paragraph shall
20 (i) have the same rights, remedies, privileges, immunities,
21 powers, and duties, (ii) be subject to the same conditions,
22 restrictions, limitations, penalties, exclusions, exemptions,
23 and definitions of terms, and (iii) employ the same modes of
24 procedure as are prescribed in Sections 2 (except that the
25 reference to State in the definition of supplier maintaining a
26 place of business in this State shall mean the county), 2a, 2b,

1 2c, 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 county), 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 county), 9 (except as
6 to the disposition of taxes and penalties collected, and except
7 that the retailer's discount is not allowed for taxes paid on
8 aviation fuel that are deposited into the Local Government
9 Aviation Trust Fund), 10, 11, 12 (except the reference therein
10 to Section 2b of the Retailers' Occupation Tax Act), 13 (except
11 that any reference to the State shall mean the county), Section
12 15, 16, 17, 18, 19, and 20 of the Service Occupation Tax Act,
13 and Section 3-7 of the Uniform Penalty and Interest Act, as
14 fully as if those provisions were set 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 charge may be stated in combination,
19 in a single amount, with State tax that servicemen are
20 authorized to collect under the Service Use Tax Act, in
21 accordance with such bracket schedules as the Department may
22 prescribe.

23 Whenever the Department determines that a refund should be
24 made under this subsection to a claimant instead of issuing a
25 credit memorandum, the Department shall notify the State
26 Comptroller, who shall cause the warrant 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 County Public Safety, Public Facilities,
4 Mental Health, Substance Abuse, or Transportation Retailers'
5 Occupation Fund or the Local Government Aviation Trust Fund, as
6 appropriate.

7 Nothing in this subsection shall be construed to authorize
8 the county 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 the State.

11 (c) Except as otherwise provided in this paragraph, the
12 Department shall immediately pay over to the State Treasurer,
13 ex officio, as trustee, all taxes and penalties collected under
14 this Section to be deposited into the County Public Safety,
15 Public Facilities, Mental Health, Substance Abuse, or
16 Transportation Retailers' Occupation Tax Fund, which shall be
17 an unappropriated trust fund held outside of the State
18 treasury. Taxes and penalties collected on aviation fuel sold
19 on or after December 1, 2019 and through December 31, 2020,
20 shall be immediately paid over by the Department to the State
21 Treasurer, ex officio, as trustee, for deposit into the Local
22 Government Aviation Trust Fund. The Department shall only pay
23 moneys into the Local Government Aviation Trust Fund under this
24 Act for so long as the revenue use requirements of 49 U.S.C.
25 47107(b) and 49 U.S.C. 47133 are binding on the county.

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

1 beginning January 1, 2011, upon certification of the Department
2 of Revenue, the Comptroller shall order transferred, and the
3 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
4 local sales tax increment, as defined in the Innovation
5 Development and Economy Act, collected under this Section
6 during the second preceding calendar month for sales within a
7 STAR bond district.

8 After the monthly transfer to the STAR Bonds Revenue Fund,
9 on or before the 25th day of each calendar month, the
10 Department shall prepare and certify to the Comptroller the
11 disbursement of stated sums of money to the counties from which
12 retailers have paid taxes or penalties to the Department during
13 the second preceding calendar month. The amount to be paid to
14 each county, and deposited by the county into its special fund
15 created for the purposes of this Section, shall be the amount
16 (not including credit memoranda and not including taxes and
17 penalties collected on aviation fuel sold on or after December
18 1, 2019 and through December 31, 2020) collected under this
19 Section during the second preceding calendar month by the
20 Department plus an amount the Department determines is
21 necessary to offset any amounts that were erroneously paid to a
22 different taxing body, and not including (i) an amount equal to
23 the amount of refunds made during the second preceding calendar
24 month by the Department on behalf of the county, (ii) any
25 amount that the Department determines is necessary to offset
26 any amounts that were payable to a different taxing body but

1 were erroneously paid to the county, (iii) any amounts that are
2 transferred to the STAR Bonds Revenue Fund, and (iv) 1.5% of
3 the remainder, which shall be transferred into the Tax
4 Compliance and Administration Fund. The Department, at the time
5 of each monthly disbursement to the counties, shall prepare and
6 certify to the State Comptroller the amount to be transferred
7 into the Tax Compliance and Administration Fund under this
8 subsection. Within 10 days after receipt by the Comptroller of
9 the disbursement certification to the counties and the Tax
10 Compliance and Administration Fund provided for in this Section
11 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 directions contained in
14 the certification.

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

1 year. The Department shall prepare and certify to the
2 Comptroller for disbursement the allocations made in
3 accordance with this paragraph.

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

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

17 (e-5) If a county imposes a tax under this Section, the
18 county board may, by ordinance, discontinue or lower the rate
19 of the tax. If the county board lowers the tax rate or
20 discontinues the tax, a referendum must be held in accordance
21 with subsection (a) of this Section in order to increase the
22 rate of the tax or to reimpose the discontinued tax.

23 (f) Beginning April 1, 1998 and through December 31, 2013,
24 the results of any election authorizing a proposition to impose
25 a tax under this Section or effecting a change in the rate of
26 tax, or any ordinance lowering the rate or discontinuing the

1 tax, shall be certified by the county clerk and filed with the
2 Illinois Department of Revenue either (i) on or before the
3 first day of April, whereupon the Department shall proceed to
4 administer and enforce the tax as of the first day of July next
5 following the filing; or (ii) on or before the first day of
6 October, whereupon the Department shall proceed to administer
7 and enforce the tax as of the first day of January next
8 following the filing.

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

22 (g) When certifying the amount of a monthly disbursement to
23 a county under this Section, the Department shall increase or
24 decrease the amounts by an amount necessary to offset any
25 miscalculation of previous disbursements. The offset amount
26 shall be the amount erroneously disbursed within the previous 6

1 months from the time a miscalculation is discovered.

2 (h) This Section may be cited as the "Special County
3 Occupation Tax For Public Safety, Public Facilities, Mental
4 Health, Substance Abuse, or Transportation Law".

5 (i) For purposes of this Section, "public safety" includes,
6 but is not limited to, crime prevention, detention, fire
7 fighting, police, medical, ambulance, or other emergency
8 services. The county may share tax proceeds received under this
9 Section for public safety purposes, including proceeds
10 received before August 4, 2009 (the effective date of Public
11 Act 96-124), with any fire protection district located in the
12 county. For the purposes of this Section, "transportation"
13 includes, but is not limited to, the construction, maintenance,
14 operation, and improvement of public highways, any other
15 purpose for which a county may expend funds under the Illinois
16 Highway Code, and passenger rail transportation. For the
17 purposes of this Section, "public facilities purposes"
18 includes, but is not limited to, the acquisition, development,
19 construction, reconstruction, rehabilitation, improvement,
20 financing, architectural planning, and installation of capital
21 facilities consisting of buildings, structures, and durable
22 equipment and for the acquisition and improvement of real
23 property and interest in real property required, or expected to
24 be required, in connection with the public facilities, for use
25 by the county for the furnishing of governmental services to
26 its citizens, including, but not limited to, museums and

1 nursing homes.

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

6 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
7 100-1167, eff. 1-4-19; 100-1171, eff. 1-4-19; 101-10, eff.
8 6-5-19; 101-81, eff. 7-12-19; 101-275, eff. 8-9-19; revised
9 9-10-19.)

10 (55 ILCS 5/5-1006.7)

11 Sec. 5-1006.7. School facility and resources occupation
12 taxes.

13 (a) In any county, a tax shall be imposed upon all persons
14 engaged in the business of selling tangible personal property,
15 other than personal property titled or registered with an
16 agency of this State's government, at retail in the county on
17 the gross receipts from the sales made in the course of
18 business to provide revenue to be used exclusively ~~(i)~~ for (i)
19 school facility purposes (except as otherwise provided in this
20 Section), (ii) school resource officers and mental health
21 professionals, or (iii) school facility purposes, school
22 resource officers, and mental health professionals if a
23 proposition for the tax has been submitted to the electors of
24 that county and approved by a majority of those voting on the
25 question as provided in subsection (c). The tax under this

1 Section shall be imposed only in one-quarter percent increments
2 and may not exceed 1%.

3 This additional tax may not be imposed on tangible personal
4 property taxed at the 1% rate under the Retailers' Occupation
5 Tax Act. Beginning December 1, 2019 and through December 31,
6 2020, this tax is not imposed on sales of aviation fuel unless
7 the tax revenue is expended for airport-related purposes. If
8 the county does not have an airport-related purpose to which it
9 dedicates aviation fuel tax revenue, then aviation fuel is
10 excluded from the tax. The county must comply with the
11 certification requirements for airport-related purposes under
12 Section 2-22 of the Retailers' Occupation Tax Act ~~5-1184~~. For
13 purposes of this Section Act, "airport-related purposes" has
14 the meaning ascribed in Section 6z-20.2 of the State Finance
15 Act. Beginning January 1, 2021, this tax is not imposed on
16 sales of aviation fuel ~~This exclusion for aviation fuel only~~
17 ~~applies~~ for so long as the revenue use requirements of 49
18 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the county.
19 The Department of Revenue has full power to administer and
20 enforce this subsection, to collect all taxes and penalties due
21 under this subsection, to dispose of taxes and penalties so
22 collected in the manner provided in this subsection, and to
23 determine all rights to credit memoranda arising on account of
24 the erroneous payment of a tax or penalty under this
25 subsection. The Department shall deposit all taxes and
26 penalties collected under this subsection into a special fund

1 created for that purpose.

2 In the administration of and compliance with this
3 subsection, the Department and persons who are subject to this
4 subsection (i) have the same rights, remedies, privileges,
5 immunities, powers, and duties, (ii) are subject to the same
6 conditions, restrictions, limitations, penalties, and
7 definitions of terms, and (iii) shall employ the same modes of
8 procedure as are set forth in Sections 1 through 10, 2 through
9 2-70 (in respect to all provisions contained in those Sections
10 other than the State rate of tax), 2a through 2h, 3 (except as
11 to the disposition of taxes and penalties collected, and except
12 that the retailer's discount is not allowed for taxes paid on
13 aviation fuel that are subject to the revenue use requirements
14 of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 ~~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 all provisions of the Uniform Penalty and Interest Act as
19 if those provisions were set forth in this subsection.

20 The certificate of registration that is issued by the
21 Department to a retailer under the Retailers' Occupation Tax
22 Act permits the retailer to engage in a business that is
23 taxable without registering separately with the Department
24 under an ordinance or resolution under this subsection.

25 Persons subject to any tax imposed under the authority
26 granted in this subsection may reimburse themselves for their

1 seller's tax liability by separately stating that tax as an
2 additional charge, which may be stated in combination, in a
3 single amount, with State tax that sellers are required to
4 collect under the Use Tax Act, pursuant to any bracketed
5 schedules set forth by the Department.

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

12 This tax may not be imposed on tangible personal property
13 taxed at the 1% rate under the Service Occupation Tax Act.
14 Beginning December 1, 2019 and through December 31, 2020, this
15 tax is not imposed on sales of aviation fuel unless the tax
16 revenue is expended for airport-related purposes. If the county
17 does not have an airport-related purpose to which it dedicates
18 aviation fuel tax revenue, then aviation fuel is excluded from
19 the tax. The county must comply with the certification
20 requirements for airport-related purposes under Section 2-22
21 of the Retailers' Occupation Tax Act 5-1184. For purposes of
22 this Section Act, "airport-related purposes" has the meaning
23 ascribed in Section 6z-20.2 of the State Finance Act. Beginning
24 January 1, 2021, this tax is not imposed on sales of aviation
25 fuel ~~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 county.

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

12 In the administration of and compliance with this
13 subsection, the Department and persons who are subject to this
14 subsection shall (i) have the same rights, remedies,
15 privileges, immunities, powers and duties, (ii) be subject to
16 the same conditions, restrictions, limitations, penalties and
17 definition of terms, and (iii) employ the same modes of
18 procedure as are set forth in Sections 2 (except that that
19 reference to State in the definition of supplier maintaining a
20 place of business in this State means the county), 2a through
21 2d, 3 through 3-50 (in respect to all provisions contained in
22 those Sections other than the State rate of tax), 4 (except
23 that the reference to the State shall be to the county), 5, 7,
24 8 (except that the jurisdiction to which the tax is a debt to
25 the extent indicated in that Section 8 is the county), 9
26 (except as to the disposition of taxes and penalties collected,

1 and except that the retailer's discount is not allowed for
2 taxes paid on aviation fuel that are subject to the revenue use
3 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 ~~that are~~
4 ~~deposited into the Local Government Aviation Trust Fund), 10,~~
5 11, 12 (except the reference therein to Section 2b of the
6 Retailers' Occupation Tax Act), 13 (except that any reference
7 to the State means the county), Section 15, 16, 17, 18, 19, and
8 20 of the Service Occupation Tax Act and all provisions of the
9 Uniform Penalty and Interest Act, as fully as if those
10 provisions were set forth herein.

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

18 (c) The tax under this Section may not be imposed until the
19 question of imposing the tax has been submitted to the electors
20 of the county at a regular election and approved by a majority
21 of the electors voting on the question. For all regular
22 elections held prior to August 23, 2011 (the effective date of
23 Public Act 97-542), upon a resolution by the county board or a
24 resolution by school district boards that represent at least
25 51% of the student enrollment within the county, the county
26 board must certify the question to the proper election

1 authority in accordance with the Election Code.

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

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

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

13 If a majority of the electors voting on the question vote
14 in the affirmative, then the county may, thereafter, impose the
15 tax.

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

26 For all regular elections held on or after August 23, 2011

1 (the effective date of Public Act 97-542) and before August 23,
2 2019 (the effective date of Public Act 101-455) ~~this amendatory~~
3 ~~Act of the 101st General Assembly~~, the election authority must
4 submit the question in substantially the following form:

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

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

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

14 For all regular elections held on or after August 23, 2019
15 (the effective date of Public Act 101-455) ~~this amendatory Act~~
16 ~~of the 101st General Assembly~~, the election authority must
17 submit the question as follows:

18 (1) If the referendum is to expand the use of revenues
19 from a currently imposed tax exclusively for school
20 facility purposes to include school resource officers and
21 mental health professionals, the question shall be in
22 substantially the following form:

23 In addition to school facility purposes, shall
24 (name of county) school districts be authorized to use
25 revenues from the tax commonly referred to as the
26 school facility sales tax that is currently imposed in

1 (name of county) at a rate of (insert rate) for school
2 resource officers and mental health professionals?

3 (2) If the referendum is to increase the rate of a tax
4 currently imposed exclusively for school facility purposes
5 at less than 1% and dedicate the additional revenues for
6 school resource officers and mental health professionals,
7 the question shall be in substantially the following form:

8 Shall the tax commonly referred to as the school
9 facility sales tax that is currently imposed in (name
10 of county) at the rate of (insert rate) be increased to
11 a rate of (insert rate) with the additional revenues
12 used exclusively for school resource officers and
13 mental health professionals?

14 (3) If the referendum is to impose a tax in a county
15 that has not previously imposed a tax under this Section
16 exclusively for school facility purposes, the question
17 shall be in substantially the following form:

18 Shall a retailers' occupation tax and a service
19 occupation tax (commonly referred to as a sales tax) be
20 imposed in (name of county) at a rate of (insert rate)
21 to be used exclusively for school facility purposes?

22 (4) If the referendum is to impose a tax in a county
23 that has not previously imposed a tax under this Section
24 exclusively for school resource officers and mental health
25 professionals, the question shall be in substantially the
26 following form:

1 Shall a retailers' occupation tax and a service
2 occupation tax (commonly referred to as a sales tax) be
3 imposed in (name of county) at a rate of (insert rate)
4 to be used exclusively for school resource officers and
5 mental health professionals?

6 (5) If the referendum is to impose a tax in a county
7 that has not previously imposed a tax under this Section
8 exclusively for school facility purposes, school resource
9 officers, and mental health professionals, the question
10 shall be in substantially the following form:

11 Shall a retailers' occupation tax and a service
12 occupation tax (commonly referred to as a sales tax) be
13 imposed in (name of county) at a rate of (insert rate)
14 to be used exclusively for school facility purposes,
15 school resource officers, and mental health
16 professionals?

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

19 If a majority of the electors voting on the question vote
20 in the affirmative, then the tax shall be imposed at the rate
21 set forth in the question.

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

1 (d) Except as otherwise provided, the Department shall
2 immediately pay over to the State Treasurer, ex officio, as
3 trustee, all taxes and penalties collected under this Section
4 to be deposited into the School Facility Occupation Tax Fund,
5 which shall be an unappropriated trust fund held outside the
6 State treasury. Taxes and penalties collected on aviation fuel
7 sold on or after December 1, 2019 and through December 31,
8 2020, shall be immediately paid over by the Department to the
9 State Treasurer, ex officio, as trustee, for deposit into the
10 Local Government Aviation Trust Fund. The Department shall only
11 pay moneys into the Local Government Aviation Trust Fund under
12 this Section ~~Act~~ for so long as the revenue use requirements of
13 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the
14 county.

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 the regional
18 superintendents of schools in counties from which retailers or
19 servicemen have paid taxes or penalties to the Department
20 during the second preceding calendar month. The amount to be
21 paid to each regional superintendent of schools and disbursed
22 to him or her in accordance with Section 3-14.31 of the School
23 Code, is equal to the amount (not including credit memoranda
24 and not including taxes and penalties collected on aviation
25 fuel sold on or after December 1, 2019 and through December 31,
26 2020) collected from the county under this Section during the

1 second preceding calendar month by the Department, (i) less 2%
2 of that amount (except the amount collected on aviation fuel
3 sold on or after December 1, 2019 and through December 31,
4 2020), which shall be deposited into the Tax Compliance and
5 Administration Fund and shall be used by the Department,
6 subject to appropriation, to cover the costs of the Department
7 in administering and enforcing the provisions of this Section,
8 on behalf of the county, (ii) plus an amount that the
9 Department determines is necessary to offset any amounts that
10 were erroneously paid to a different taxing body; (iii) less an
11 amount equal to the amount of refunds made during the second
12 preceding calendar month by the Department on behalf of the
13 county; and (iv) less any amount that the Department determines
14 is necessary to offset any amounts that were payable to a
15 different taxing body but were erroneously paid to the county.
16 When certifying the amount of a monthly disbursement to a
17 regional superintendent of schools under this Section, the
18 Department shall increase or decrease the amounts by an amount
19 necessary to offset any miscalculation of previous
20 disbursements within the previous 6 months from the time a
21 miscalculation is discovered.

22 Within 10 days after receipt by the Comptroller from the
23 Department of the disbursement certification to the regional
24 superintendents of the schools provided for in this Section,
25 the Comptroller shall cause the orders to be drawn for the
26 respective amounts in accordance with directions contained in

1 the certification.

2 If the Department determines that a refund should be made
3 under this Section to a claimant instead of issuing a credit
4 memorandum, then the Department shall notify the Comptroller,
5 who shall cause the order to be drawn for the amount specified
6 and to the person named in the notification from the
7 Department. The refund shall be paid by the Treasurer out of
8 the School Facility Occupation Tax Fund or the Local Government
9 Aviation Trust Fund, as appropriate.

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

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

23 (g) If a county board imposes a tax under this Section
24 pursuant to a referendum held before August 23, 2011 (the
25 effective date of Public Act 97-542) at a rate below the rate
26 set forth in the question approved by a majority of electors of

1 that county voting on the question as provided in subsection
2 (c), then the county board may, by ordinance, increase the rate
3 of the tax up to the rate set forth in the question approved by
4 a majority of electors of that county voting on the question as
5 provided in subsection (c). If a county board imposes a tax
6 under this Section pursuant to a referendum held before August
7 23, 2011 (the effective date of Public Act 97-542), then the
8 board may, by ordinance, discontinue or reduce the rate of the
9 tax. If a tax is imposed under this Section pursuant to a
10 referendum held on or after August 23, 2011 (the effective date
11 of Public Act 97-542) and before August 23, 2019 (the effective
12 date of Public Act 101-455) ~~this amendatory Act of the 101st~~
13 ~~General Assembly~~, then the county board may reduce or
14 discontinue the tax, but only in accordance with subsection
15 (h-5) of this Section. If a tax is imposed under this Section
16 pursuant to a referendum held on or after August 23, 2019 (the
17 effective date of Public Act 101-455) ~~this amendatory Act of~~
18 ~~the 101st General Assembly~~, then the county board may reduce or
19 discontinue the tax, but only in accordance with subsection
20 (h-10). If, however, a school board issues bonds that are
21 secured by the proceeds of the tax under this Section, then the
22 county board may not reduce the tax rate or discontinue the tax
23 if that rate reduction or discontinuance would adversely affect
24 the school board's ability to pay the principal and interest on
25 those bonds as they become due or necessitate the extension of
26 additional property taxes to pay the principal and interest on

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

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

18 Beginning January 1, 2014, the results of any election that
19 imposes, reduces, or discontinues a tax under this Section must
20 be certified by the election authority, and any ordinance that
21 increases or lowers the rate or discontinues the tax must be
22 certified by the county clerk and, in each case, filed with the
23 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 or change in the rate as of the
26 first day of July next following the filing; or (ii) on or

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

4 (h) For purposes of this Section, "school facility
5 purposes" means (i) the acquisition, development,
6 construction, reconstruction, rehabilitation, improvement,
7 financing, architectural planning, and installation of capital
8 facilities consisting of buildings, structures, and durable
9 equipment and for the acquisition and improvement of real
10 property and interest in real property required, or expected to
11 be required, in connection with the capital facilities and (ii)
12 the payment of bonds or other obligations heretofore or
13 hereafter issued, including bonds or other obligations
14 heretofore or hereafter issued to refund or to continue to
15 refund bonds or other obligations issued, for school facility
16 purposes, provided that the taxes levied to pay those bonds are
17 abated by the amount of the taxes imposed under this Section
18 that are used to pay those bonds. "School facility
19 ~~School facility~~ purposes" also includes fire prevention,
20 safety, energy conservation, accessibility, school security,
21 and specified repair purposes set forth under Section 17-2.11
22 of the School Code.

23 (h-5) A county board in a county where a tax has been
24 imposed under this Section pursuant to a referendum held on or
25 after August 23, 2011 (the effective date of Public Act 97-542)
26 and before August 23, 2019 (the effective date of Public Act

1 ~~101-455) this amendatory Act of the 101st General Assembly~~ may,
2 by ordinance or resolution, submit to the voters of the county
3 the question of reducing or discontinuing the tax. In the
4 ordinance or resolution, the county board shall certify the
5 question to the proper election authority in accordance with
6 the Election Code. The election authority must submit the
7 question in substantially the following form:

8 Shall the school facility retailers' occupation tax
9 and service occupation tax (commonly referred to as the
10 "school facility sales tax") currently imposed in (name of
11 county) at a rate of (insert rate) be (reduced to (insert
12 rate)) (discontinued)?

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

17 (h-10) A county board in a county where a tax has been
18 imposed under this Section pursuant to a referendum held on or
19 after August 23, 2019 (the effective date of Public Act
20 ~~101-455) this amendatory Act of the 101st General Assembly~~ may,
21 by ordinance or resolution, submit to the voters of the county
22 the question of reducing or discontinuing the tax. In the
23 ordinance or resolution, the county board shall certify the
24 question to the proper election authority in accordance with
25 the Election Code. The election authority must submit the
26 question in substantially the following form:

1 Shall the school facility and resources retailers'
2 occupation tax and service occupation tax (commonly
3 referred to as the school facility and resources sales tax)
4 currently imposed in (name of county) at a rate of (insert
5 rate) be (reduced to (insert rate)) (discontinued)?

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

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

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

13 (j) This Section may be cited as the County School Facility
14 and Resources Occupation Tax Law.

15 (Source: P.A. 100-1171, eff. 1-4-19; 101-10, eff. 6-5-19;
16 101-455, eff. 8-23-19; revised 9-10-19.)

17 (55 ILCS 5/5-1007) (from Ch. 34, par. 5-1007)

18 Sec. 5-1007. Home Rule County Service Occupation Tax Law.
19 The corporate authorities of a home rule county may impose a
20 tax upon all persons engaged, in such county, in the business
21 of making sales of service at the same rate of tax imposed
22 pursuant to Section 5-1006 of the selling price of all tangible
23 personal property transferred by such servicemen either in the
24 form of tangible personal property or in the form of real
25 estate as an incident to a sale of service. If imposed, such

1 tax shall only be imposed in 1/4% increments. On and after
2 September 1, 1991, this additional tax may not be imposed on
3 tangible personal property taxed at the 1% rate under the
4 Service Occupation Tax Act. Beginning December 1, 2019, this
5 tax is not imposed on sales of aviation fuel unless the tax
6 revenue is expended for airport-related purposes. If the county
7 does not have an airport-related purpose to which it dedicates
8 aviation fuel tax revenue, then aviation fuel is excluded from
9 the tax. The county must comply with the certification
10 requirements for airport-related purposes under Section 2-22
11 of the Retailers' Occupation Tax Act 5-1184. For purposes of
12 this Section Act, "airport-related purposes" has the meaning
13 ascribed in Section 6z-20.2 of the State Finance Act. This
14 exclusion for aviation fuel only applies for so long as the
15 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.
16 47133 are binding on the county. The changes made to this
17 Section by this amendatory Act of the 101st General Assembly
18 are a denial and limitation of home rule powers and functions
19 under subsection (g) of Section 6 of Article VII of the
20 Illinois Constitution. The tax imposed by a home rule county
21 pursuant to this Section and all civil penalties that may be
22 assessed as an incident thereof shall be collected and enforced
23 by the State Department of Revenue. The certificate of
24 registration which is issued by the Department to a retailer
25 under the Retailers' Occupation Tax Act or under the Service
26 Occupation Tax Act shall permit such registrant to engage in a

1 business which is taxable under any ordinance or resolution
2 enacted pursuant to this Section without registering
3 separately with the Department under such ordinance or
4 resolution or under this Section. The Department shall have
5 full power to administer and enforce this Section; to collect
6 all taxes and penalties due hereunder; to dispose of taxes and
7 penalties so collected in the manner hereinafter provided; and
8 to determine all rights to credit memoranda arising on account
9 of the erroneous payment of tax or penalty hereunder. In the
10 administration of, and compliance with, this Section the
11 Department and persons who are subject to this Section shall
12 have the same rights, remedies, privileges, immunities, powers
13 and duties, and be subject to the same conditions,
14 restrictions, limitations, penalties and definitions of terms,
15 and employ the same modes of procedure, as are prescribed in
16 Sections 1a-1, 2, 2a, 3 through 3-50 (in respect to all
17 provisions therein other than the State rate of tax), 4 (except
18 that the reference to the State shall be to the taxing county),
19 5, 7, 8 (except that the jurisdiction to which the tax shall be
20 a debt to the extent indicated in that Section 8 shall be the
21 taxing county), 9 (except as to the disposition of taxes and
22 penalties collected, and except that the returned merchandise
23 credit for this county tax may not be taken against any State
24 tax, and except that the retailer's discount is not allowed for
25 taxes paid on aviation fuel that are subject to the revenue use
26 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133

1 ~~deposited into the Local Government Aviation Trust Fund~~, 10,
2 11, 12 (except the reference therein to Section 2b of the
3 Retailers' Occupation Tax Act), 13 (except that any reference
4 to the State shall mean the taxing county), the first paragraph
5 of Section 15, 16, 17, 18, 19 and 20 of the Service Occupation
6 Tax Act and Section 3-7 of the Uniform Penalty and Interest
7 Act, as 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 such county also imposes a tax at the same
10 rate pursuant to Section 5-1006.

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

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

1 Except as otherwise provided in this paragraph, the
2 Department shall forthwith pay over to the State Treasurer, ex
3 officio, as trustee, all taxes and penalties collected
4 hereunder for deposit into the Home Rule County Retailers'
5 Occupation Tax Fund. Taxes and penalties collected on aviation
6 fuel sold on or after December 1, 2019, shall be immediately
7 paid over by the Department to the State Treasurer, ex officio,
8 as trustee, for deposit into the Local Government Aviation
9 Trust Fund. The Department shall only pay moneys into the Local
10 Government Aviation Trust Fund under this Section ~~Act~~ 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 county.

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

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

1 second preceding calendar month. The amount to be paid to each
2 county shall be the amount (not including credit memoranda and
3 not including taxes and penalties collected on aviation fuel
4 sold on or after December 1, 2019) collected hereunder during
5 the second preceding calendar month by the Department, and not
6 including an amount equal to the amount of refunds made during
7 the second preceding calendar month by the Department on behalf
8 of such county, and not including any amounts that are
9 transferred to the STAR Bonds Revenue Fund, less 1.5% of the
10 remainder, which the Department shall transfer into the Tax
11 Compliance and Administration Fund. The Department, at the time
12 of each monthly disbursement to the counties, shall prepare and
13 certify to the State Comptroller the amount to be transferred
14 into the Tax Compliance and Administration Fund under this
15 Section. Within 10 days after receipt, by the Comptroller, of
16 the disbursement certification to the counties and the Tax
17 Compliance and Administration Fund provided for in this Section
18 to be given to the Comptroller by the Department, the
19 Comptroller shall cause the orders to be drawn for the
20 respective amounts in accordance with the directions contained
21 in such certification.

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

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

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

14 An ordinance or resolution imposing or discontinuing a tax
15 hereunder or effecting a change in the rate thereof shall be
16 adopted and a certified copy thereof filed with the Department
17 on or before the first day of June, whereupon the Department
18 shall proceed to administer and enforce this Section as of the
19 first day of September next following such adoption and filing.
20 Beginning January 1, 1992, an ordinance or resolution imposing
21 or discontinuing the 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 July,
24 whereupon the Department shall proceed to administer and
25 enforce this Section as of the first day of October next
26 following such adoption and filing. Beginning January 1, 1993,

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

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

20 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
21 100-1171, eff. 1-4-19; 101-10, eff. 6-5-19; 101-81, eff.
22 7-12-19.)

23 (55 ILCS 5/5-1008.5)

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

25 (a) The Rock Island County Board may adopt a resolution

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

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

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

21 (b) The county shall impose the retailers' occupation tax
22 upon all persons engaged in the business of selling tangible
23 personal property at retail in the county, at the rate approved
24 by referendum, on the gross receipts from the sales made in the
25 course of those businesses within the county. This additional
26 tax may not be imposed on tangible personal property taxed at

1 the 1% rate under the Retailers' Occupation Tax Act. Beginning
2 December 1, 2019, this tax is not imposed on sales of aviation
3 fuel unless the tax revenue is expended for airport-related
4 purposes. If the county does not have an airport-related
5 purpose to which it dedicates aviation fuel tax revenue, then
6 aviation fuel is excluded from the tax. The county must comply
7 with the certification requirements for airport-related
8 purposes under Section 2-22 of the Retailers' Occupation Tax
9 Act 5-1184. For purposes of this Section Act, "airport-related
10 purposes" has the meaning ascribed in Section 6z-20.2 of the
11 State Finance Act. This exclusion for aviation fuel only
12 applies for so long as the revenue use requirements of 49
13 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the county.
14 The tax imposed under this Section and all civil penalties that
15 may be assessed as an incident of the tax shall be collected
16 and enforced by the Department of Revenue. The Department has
17 full power to administer and enforce this Section; to collect
18 all taxes and penalties so collected in the manner provided in
19 this Section; and to determine all rights to credit memoranda
20 arising on account of the erroneous payment of tax or penalty
21 under this Section. In the administration of, and compliance
22 with, this Section, the Department and persons who are subject
23 to this Section shall (i) have the same rights, remedies,
24 privileges, immunities, powers and duties, (ii) be subject to
25 the same conditions, restrictions, limitations, penalties,
26 exclusions, exemptions, and definitions of terms, and (iii)

1 employ the same modes of procedure as are prescribed in
2 Sections 1, 1a, 1a-1, 1c, 1d, 1e, 1f, 1i, 1j, 1k, 1m, 1n, 2,
3 2-5, 2-5.5, 2-10 (in respect to all provisions other than the
4 State rate of tax), 2-15 through 2-70, 2a, 2b, 2c, 3 (except as
5 to the disposition of taxes and penalties collected and
6 provisions related to quarter monthly payments, and except that
7 the retailer's discount is not allowed for taxes paid on
8 aviation fuel that are subject to the revenue use requirements
9 of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 ~~deposited into the~~
10 ~~Local Government Aviation Trust Fund~~), 4, 5, 5a, 5b, 5c, 5d,
11 5e, 5f, 5g, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 11a,
12 12, and 13 of the Retailers' Occupation Tax Act and Section 3-7
13 of the Uniform Penalty and Interest Act, as fully as if those
14 provisions were set forth in this subsection.

15 Persons subject to any tax imposed under this subsection
16 may reimburse themselves for their seller's tax liability by
17 separately stating the tax as an additional charge, which
18 charge may be stated in combination, in a single amount, with
19 State taxes that sellers are required to collect, in accordance
20 with bracket schedules prescribed by the Department.

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

1 Treasurer out of the tax fund referenced under paragraph (g) of
2 this Section or the Local Government Aviation Trust Fund, as
3 appropriate.

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

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

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

20 (c) If a tax has been imposed under subsection (b), a
21 service occupation tax shall also be imposed at the same rate
22 upon all persons engaged, in the county, 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 county as an incident to a sale of service. This additional
26 tax may not be imposed on tangible personal property taxed at

1 the 1% rate under the Service Occupation Tax Act. Beginning
2 December 1, 2019, this tax is not imposed on sales of aviation
3 fuel unless the tax revenue is expended for airport-related
4 purposes. If the county does not have an airport-related
5 purpose to which it dedicates aviation fuel tax revenue, then
6 aviation fuel is excluded from the tax. The county must comply
7 with the certification requirements for airport-related
8 purposes under Section 2-22 of the Retailers' Occupation Tax
9 Act 5-1184. For purposes of this Section Act, "airport-related
10 purposes" has the meaning ascribed in Section 6z-20.2 of the
11 State Finance Act. This exclusion for aviation fuel only
12 applies for so long as the revenue use requirements of 49
13 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the county.
14 The tax imposed under this subsection and all civil penalties
15 that may be assessed as an incident of the tax shall be
16 collected and enforced by the Department of Revenue. The
17 Department has full power to administer and enforce this
18 paragraph; to collect all taxes and penalties due under this
19 Section; to dispose of taxes and penalties so collected in the
20 manner provided in this Section; and to determine all rights to
21 credit memoranda arising on account of the erroneous payment of
22 tax or penalty under this Section. In the administration of,
23 and compliance with this paragraph, the Department and persons
24 who are subject to this paragraph shall (i) have the same
25 rights, remedies, privileges, immunities, powers, and duties,
26 (ii) be subject to the same conditions, restrictions,

1 limitations, penalties, exclusions, exemptions, and
2 definitions of terms, and (iii) employ the same modes of
3 procedure as are prescribed in Sections 2 (except that the
4 reference to State in the definition of supplier maintaining a
5 place of business in this State shall mean the county), 2a, 2b,
6 3 through 3-55 (in respect to all provisions other than the
7 State rate of tax), 4 (except that the reference to the State
8 shall be to the county), 5, 7, 8 (except that the jurisdiction
9 to which the tax shall be a debt to the extent indicated in
10 that Section 8 shall be the county), 9 (except as to the
11 disposition of taxes and penalties collected, and except that
12 the returned merchandise credit for this tax may not be taken
13 against any State tax, and except that the retailer's discount
14 is not allowed for taxes paid on aviation fuel that are subject
15 to the revenue use requirements of 49 U.S.C. 47107(b) and 49
16 U.S.C. 47133 deposited into the Local Government Aviation Trust
17 Fund), 11, 12 (except the reference to Section 2b of the
18 Retailers' Occupation Tax Act), 13 (except that any reference
19 to the State shall mean the county), 15, 16, 17, 18, 19 and 20
20 of the Service Occupation Tax Act and Section 3-7 of the
21 Uniform Penalty and Interest Act, as fully as if those
22 provisions were set forth in this subsection.

23 Persons subject to any tax imposed under the authority
24 granted in this subsection may reimburse themselves for their
25 serviceman's tax liability by separately stating the tax as an
26 additional charge, which charge may be stated in combination,

1 in a single amount, with State tax that servicemen are
2 authorized to collect under the Service Use Tax Act, in
3 accordance with bracket schedules prescribed by the
4 Department.

5 Whenever the Department determines that a refund should be
6 made under this subsection to a claimant instead of issuing a
7 credit memorandum, the Department shall notify the State
8 Comptroller, who shall cause the warrant 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 tax fund referenced under paragraph (g) of
12 this Section or the Local Government Aviation Trust Fund, as
13 appropriate.

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

18 (d) If a tax has been imposed under subsection (b), a use
19 tax shall also be imposed at the same rate upon the privilege
20 of using, in the county, any item of tangible personal property
21 that is purchased outside the county at retail from a retailer,
22 and that is titled or registered at a location within the
23 county with an agency of this State's government. "Selling
24 price" is defined as in the Use Tax Act. The tax shall be
25 collected from persons whose Illinois address for titling or
26 registration purposes is given as being in the county. The tax

1 shall be collected by the Department of Revenue for the county.
2 The tax must be paid to the State, or an exemption
3 determination must be obtained from the Department of Revenue,
4 before the title or certificate of registration for the
5 property may be issued. The tax or proof of exemption may be
6 transmitted to the Department by way of the State agency with
7 which, or the State officer with whom, the tangible personal
8 property must be titled or registered if the Department and the
9 State agency or State officer determine that this procedure
10 will expedite the processing of applications for title or
11 registration.

12 The Department has full power to administer and enforce
13 this paragraph; to collect all taxes, penalties, and interest
14 due under this Section; to dispose of taxes, penalties, and
15 interest so collected in the manner provided in this Section;
16 and to determine all rights to credit memoranda or refunds
17 arising on account of the erroneous payment of tax, penalty, or
18 interest under this Section. In the administration of, and
19 compliance with, this subsection, the Department and persons
20 who are subject to this paragraph shall (i) have the same
21 rights, remedies, privileges, immunities, powers, and duties,
22 (ii) be subject to the same conditions, restrictions,
23 limitations, penalties, exclusions, exemptions, and
24 definitions of terms, and (iii) employ the same modes of
25 procedure as are prescribed in Sections 2 (except the
26 definition of "retailer maintaining a place of business in this

1 State"), 3, 3-5, 3-10, 3-45, 3-55, 3-65, 3-70, 3-85, 3a, 4, 6,
2 7, 8 (except that the jurisdiction to which the tax shall be a
3 debt to the extent indicated in that Section 8 shall be the
4 county), 9 (except provisions relating to quarter monthly
5 payments), 10, 11, 12, 12a, 12b, 13, 14, 15, 19, 20, 21, and 22
6 of the Use Tax Act and Section 3-7 of the Uniform Penalty and
7 Interest Act, that are not inconsistent with this paragraph, as
8 fully as if those provisions were set forth in this subsection.

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 tax fund referenced under paragraph (g) of
16 this Section.

17 (e) A certificate of registration issued by the State
18 Department of Revenue to a retailer under the Retailers'
19 Occupation Tax Act or under the Service Occupation Tax Act
20 shall permit the registrant to engage in a business that is
21 taxed under the tax imposed under paragraphs (b), (c), or (d)
22 of this Section and no additional registration shall be
23 required. A certificate issued under the Use Tax Act or the
24 Service Use Tax Act shall be applicable with regard to any tax
25 imposed under paragraph (c) of this Section.

26 (f) The results of any election authorizing a proposition

1 to impose a tax under this Section or effecting a change in the
2 rate of tax shall be certified by the proper election
3 authorities and filed with the Illinois Department on or before
4 the first day of October. In addition, an ordinance imposing,
5 discontinuing, or effecting a change in the rate of tax under
6 this Section shall be adopted and a certified copy of the
7 ordinance filed with the Department on or before the first day
8 of October. After proper receipt of the certifications, the
9 Department shall proceed to administer and enforce this Section
10 as of the first day of January next following the adoption and
11 filing.

12 (g) Except as otherwise provided in paragraph (g-2), the
13 Department of Revenue shall, upon collecting any taxes and
14 penalties as provided in this Section, pay the taxes and
15 penalties over to the State Treasurer as trustee for the
16 county. The taxes and penalties shall be held in a trust fund
17 outside the State Treasury. On or before the 25th day of each
18 calendar month, the Department of Revenue shall prepare and
19 certify to the Comptroller of the State of Illinois the amount
20 to be paid to the county, which shall be the balance in the
21 fund, less any amount determined by the Department to be
22 necessary for the payment of refunds. Within 10 days after
23 receipt by the Comptroller of the certification of the amount
24 to be paid to the county, the Comptroller shall cause an order
25 to be drawn for payment for the amount in accordance with the
26 directions contained in the certification. Amounts received

1 from the tax imposed under this Section shall be used only for
2 the economic development activities of the county and
3 communities located within the county.

4 (g-2) Taxes and penalties collected on aviation fuel sold
5 on or after December 1, 2019, shall be immediately paid over by
6 the Department to the State Treasurer, ex officio, as trustee,
7 for deposit into the Local Government Aviation Trust Fund. The
8 Department shall only pay moneys into the Local Government
9 Aviation Trust Fund under this Section Act for so long as the
10 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.
11 47133 are binding on the county.

12 (h) When certifying the amount of a monthly disbursement to
13 the county under this Section, the Department shall increase or
14 decrease the amounts by an amount necessary to offset any
15 miscalculation of previous disbursements. The offset amount
16 shall be the amount erroneously disbursed within the previous 6
17 months from the time a miscalculation is discovered.

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

20 (Source: P.A. 100-1171, eff. 1-4-19; 101-10, eff. 6-5-19.)

21 (55 ILCS 5/5-1035.1) (from Ch. 34, par. 5-1035.1)

22 Sec. 5-1035.1. County Motor Fuel Tax Law.

23 (a) The county board of the counties of DuPage, Kane, Lake,
24 Will, and McHenry may, by an ordinance or resolution adopted by
25 an affirmative vote of a majority of the members elected or

1 appointed to the county board, impose a tax upon all persons
2 engaged in the county in the business of selling motor fuel, as
3 now or hereafter defined in the Motor Fuel Tax Law, at retail
4 for the operation of motor vehicles upon public highways or for
5 the operation of recreational watercraft upon waterways. The
6 collection of a tax under this Section based on gallonage of
7 gasoline used for the propulsion of any aircraft is prohibited,
8 and the collection of a tax based on gallonage of special fuel
9 used for the propulsion of any aircraft is prohibited on and
10 after December 1, 2019. Kane County may exempt diesel fuel from
11 the tax imposed pursuant to this Section. The initial tax rate
12 may not be less than 4 cents per gallon of motor fuel sold at
13 retail within the county for the purpose of use or consumption
14 and not for the purpose of resale and may not exceed 8 cents
15 per gallon of motor fuel sold at retail within the county for
16 the purpose of use or consumption and not for the purpose of
17 resale. The proceeds from the tax shall be used by the county
18 solely for the purposes ~~purpose~~ of operating, constructing, and
19 improving public highways and waterways, and acquiring real
20 property and rights-of-way ~~right-of-ways~~ for public highways
21 and waterways within the county imposing the tax.

22 (a-5) By June 1, 2020, and by June 1 of each year
23 thereafter, the Department of Revenue shall determine an annual
24 rate increase to take effect on July 1 of that calendar year
25 and continue through June 30 of the next calendar year. Not
26 later than June 1 of each year, the Department of Revenue shall

1 publish on its website the rate that will take effect on July 1
2 of that calendar year. The rate shall be equal to the ~~product~~
3 ~~of the~~ rate in effect increased by an amount equal to the
4 percentage increase, if any, in the Consumer Price Index for
5 All Urban Consumers for all items, published by the United
6 States Department of Labor for the 12 months ending in March of
7 each year ~~multiplied by the transportation fee index factor~~
8 ~~determined under Section 2c of the Motor Fuel Tax Law.~~ The rate
9 shall be rounded to the nearest one-tenth of a one cent. Each
10 new rate may not exceed the rate in effect on June 30 of the
11 previous year plus one cent.

12 (b) A tax imposed pursuant to this Section, and all civil
13 penalties that may be assessed as an incident thereof, shall be
14 administered, collected, and enforced by the Illinois
15 Department of Revenue in the same manner as the tax imposed
16 under the Retailers' Occupation Tax Act, as now or hereafter
17 amended, insofar as may be practicable; except that in the
18 event of a conflict with the provisions of this Section, this
19 Section shall control. The Department of Revenue shall have
20 full power: to administer and enforce this Section; to collect
21 all taxes and penalties due hereunder; to dispose of taxes and
22 penalties so collected in the manner hereinafter provided; and
23 to determine all rights to credit memoranda arising on account
24 of the erroneous payment of tax or penalty hereunder.

25 (b-5) Persons subject to any tax imposed under the
26 authority granted in this Section may reimburse themselves for

1 their seller's tax liability hereunder by separately stating
2 that tax as an additional charge, which charge may be stated in
3 combination, in a single amount, with State tax which sellers
4 are required to collect under the Use Tax Act, pursuant to such
5 bracket schedules as the Department may prescribe.

6 (c) Whenever the Department determines that a refund shall
7 be 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 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 County Option Motor Fuel Tax Fund.

13 (d) The Department shall forthwith pay over to the State
14 Treasurer, ex officio ~~ex officio~~, as trustee, all taxes and
15 penalties collected hereunder, which shall be deposited into
16 the County Option Motor Fuel Tax Fund, a special fund in the
17 State Treasury which is hereby created. On or before the 25th
18 day of each calendar month, the Department shall prepare and
19 certify to the State Comptroller the disbursement of stated
20 sums of money to named counties for which taxpayers have paid
21 taxes or penalties hereunder to the Department during the
22 second preceding calendar month. The amount to be paid to each
23 county shall be the amount (not including credit memoranda)
24 collected hereunder from retailers within the county during the
25 second preceding calendar month by the Department, but not
26 including an amount equal to the amount of refunds made during

1 the second preceding calendar month by the Department on behalf
2 of the county; less 2% of the balance, which sum shall be
3 retained by the State Treasurer to cover the costs incurred by
4 the Department in administering and enforcing the provisions of
5 this Section. The Department, at the time of each monthly
6 disbursement to the counties, shall prepare and certify to the
7 Comptroller the amount so retained by the State Treasurer,
8 which shall be transferred into the Tax Compliance and
9 Administration Fund.

10 (e) ~~(f)~~ Nothing in this Section shall be construed to
11 authorize a county to impose a tax upon the privilege of
12 engaging in any business which under the Constitution of the
13 United States may not be made the subject of taxation by this
14 State.

15 (f) Until January 1, 2020, an ~~(g) An~~ ordinance or
16 resolution imposing a tax hereunder or effecting a change in
17 the rate thereof shall be effective on the first day of the
18 second calendar month next following the month in which the
19 ordinance or resolution is adopted and a certified copy thereof
20 is filed with the Department of Revenue, whereupon the
21 Department of Revenue shall proceed to administer and enforce
22 this Section on behalf of the county as of the effective date
23 of the ordinance or resolution.

24 On and after January 1, 2020, an ordinance or resolution
25 imposing or discontinuing the tax hereunder or effecting a
26 change in the rate thereof shall either: (i) be adopted and a

1 certified copy thereof filed with the Department on or before
2 the first day of April, whereupon the Department shall proceed
3 to administer and enforce this Section as of the first day of
4 July next following the adoption and filing; or (ii) be adopted
5 and a certified copy thereof filed with the Department on or
6 before the first day of October, whereupon the Department shall
7 proceed to administer and enforce this Section as of the first
8 day of January next following the adoption and filing.

9 ~~Upon a change in rate of a tax levied hereunder, or upon~~
10 ~~the discontinuance of the tax, the county board of the county~~
11 ~~shall, on or not later than 5 days after the effective date of~~
12 ~~the ordinance or resolution discontinuing the tax or effecting~~
13 ~~a change in rate, transmit to the Department of Revenue a~~
14 ~~certified copy of the ordinance or resolution effecting the~~
15 ~~change or discontinuance.~~

16 (g) ~~(h)~~ This Section shall be known and may be cited as the
17 County Motor Fuel Tax Law.

18 (Source: P.A. 101-10, eff. 6-5-19; 101-32, eff. 6-28-19;
19 101-275, eff. 8-9-19; revised 9-10-19.)

20 (55 ILCS 5/5-1184 rep.)

21 Section 10-65. The Counties Code is amended by repealing
22 Section 5-1184.

23 Section 10-70. The Illinois Municipal Code is amended by
24 changing Sections 8-11-1, 8-11-1.3, 8-11-1.4, 8-11-1.6,

1 8-11-1.7, 8-11-2.3, 8-11-5, 11-74.3-6, and 11-101-3 as
2 follows:

3 (65 ILCS 5/8-11-1) (from Ch. 24, par. 8-11-1)

4 Sec. 8-11-1. Home Rule Municipal Retailers' Occupation Tax
5 Act. The corporate authorities of a home rule municipality may
6 impose a tax upon all persons engaged in the business of
7 selling tangible personal property, other than an item of
8 tangible personal property titled or registered with an agency
9 of this State's government, at retail in the municipality on
10 the gross receipts from these sales made in the course of such
11 business. If imposed, the tax shall only be imposed in 1/4%
12 increments. On and after September 1, 1991, this additional tax
13 may not be imposed on tangible personal property taxed at the
14 1% rate under the Retailers' Occupation Tax Act. Beginning
15 December 1, 2019, this tax is not imposed on sales of aviation
16 fuel unless the tax revenue is expended for airport-related
17 purposes. If a municipality does not have an airport-related
18 purpose to which it dedicates aviation fuel tax revenue, then
19 aviation fuel is excluded from the tax. Each municipality must
20 comply with the certification requirements for airport-related
21 purposes under Section 2-22 of the Retailers' Occupation Tax
22 Act ~~8-11-22~~. For purposes of this Section ~~Act~~, "airport-related
23 purposes" has the meaning ascribed in Section 6z-20.2 of the
24 State Finance Act. This exclusion for aviation fuel only
25 applies for so long as the revenue use requirements of 49

1 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the
2 municipality. The changes made to this Section by this
3 amendatory Act of the 101st General Assembly are a denial and
4 limitation of home rule powers and functions under subsection
5 (g) of Section 6 of Article VII of the Illinois Constitution.
6 The tax imposed by a home rule municipality under this Section
7 and all civil penalties that may be assessed as an incident of
8 the tax shall be collected and enforced by the State Department
9 of Revenue. The certificate of registration that is issued by
10 the Department to a retailer under the Retailers' Occupation
11 Tax Act shall permit the retailer to engage in a business that
12 is taxable under any ordinance or resolution enacted pursuant
13 to this Section without registering separately with the
14 Department under such ordinance or resolution or under this
15 Section. The Department shall have full power to administer and
16 enforce this Section; to collect all taxes and penalties due
17 hereunder; to dispose of taxes and penalties so collected in
18 the manner hereinafter provided; and to determine all rights to
19 credit memoranda arising on account of the erroneous payment of
20 tax or penalty hereunder. In the administration of, and
21 compliance with, this Section the Department and persons who
22 are subject to this Section shall have the same rights,
23 remedies, privileges, immunities, powers and duties, and be
24 subject to the same conditions, restrictions, limitations,
25 penalties and definitions of terms, and employ the same modes
26 of procedure, as are prescribed in Sections 1, 1a, 1d, 1e, 1f,

1 li, 1j, 1k, 1m, 1n, 2 through 2-65 (in respect to all
2 provisions therein other than the State rate of tax), 2c, 3
3 (except as to the disposition of taxes and penalties collected,
4 and except that the retailer's discount is not allowed for
5 taxes paid on aviation fuel that are subject to the revenue use
6 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133
7 ~~deposited into the Local Government Aviation Trust Fund~~), 4, 5,
8 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c,
9 6d, 7, 8, 9, 10, 11, 12 and 13 of the Retailers' Occupation Tax
10 Act and Section 3-7 of the Uniform Penalty and Interest Act, as
11 fully as if those provisions were set forth herein.

12 No tax may be imposed by a home rule municipality under
13 this Section unless the municipality also imposes a tax at the
14 same rate under Section 8-11-5 of this Act.

15 Persons subject to any tax imposed under the authority
16 granted in this Section may reimburse themselves for their
17 seller's tax liability hereunder by separately stating that tax
18 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 the notification

1 from the Department. The refund shall be paid by the State
2 Treasurer out of the home rule municipal retailers' occupation
3 tax fund or the Local Government Aviation Trust Fund, as
4 appropriate.

5 Except as otherwise provided in this paragraph, the
6 Department shall immediately pay over to the State Treasurer,
7 ex officio, as trustee, all taxes and penalties collected
8 hereunder for deposit into the Home Rule Municipal Retailers'
9 Occupation Tax Fund. Taxes and penalties collected on aviation
10 fuel sold on or after December 1, 2019, shall be immediately
11 paid over by the Department to the State Treasurer, ex officio,
12 as trustee, for deposit into the Local Government Aviation
13 Trust Fund. The Department shall only pay moneys into the Local
14 Government Aviation Trust Fund under this Section ~~Act~~ for so
15 long as the revenue use requirements of 49 U.S.C. 47107(b) and
16 49 U.S.C. 47133 are binding on the State.

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

25 After the monthly transfer to the STAR Bonds Revenue Fund,
26 on or before the 25th day of each calendar month, the

1 Department shall prepare and certify to the Comptroller the
2 disbursement of stated sums of money to named municipalities,
3 the municipalities to be those from which retailers have paid
4 taxes or penalties hereunder to the Department during the
5 second preceding calendar month. The amount to be paid to each
6 municipality shall be the amount (not including credit
7 memoranda and not including taxes and penalties collected on
8 aviation fuel sold on or after December 1, 2019) collected
9 hereunder during the second preceding calendar month by the
10 Department plus an amount the Department determines is
11 necessary to offset any amounts that were erroneously paid to a
12 different taxing body, and not including an amount equal to the
13 amount of refunds made during the second preceding calendar
14 month by the Department on behalf of such municipality, and not
15 including any amount that the Department determines is
16 necessary to offset any amounts that were payable to a
17 different taxing body but were erroneously paid to the
18 municipality, and not including any amounts that are
19 transferred to the STAR Bonds Revenue Fund, less 1.5% of the
20 remainder, which the Department shall transfer into the Tax
21 Compliance and Administration Fund. The Department, at the time
22 of each monthly disbursement to the municipalities, shall
23 prepare and certify to the State Comptroller the amount to be
24 transferred into the Tax Compliance and Administration Fund
25 under this Section. Within 10 days after receipt by the
26 Comptroller of the disbursement certification to the

1 municipalities and the Tax Compliance and Administration Fund
2 provided for in this Section to be given to the Comptroller by
3 the Department, the Comptroller shall cause the orders to be
4 drawn for the respective amounts in accordance with the
5 directions contained in the certification.

6 In addition to the disbursement required by the preceding
7 paragraph and in order to mitigate delays caused by
8 distribution procedures, an allocation shall, if requested, be
9 made within 10 days after January 14, 1991, and in November of
10 1991 and each year thereafter, to each municipality that
11 received more than \$500,000 during the preceding fiscal year,
12 (July 1 through June 30) whether collected by the municipality
13 or disbursed by the Department as required by this Section.
14 Within 10 days after January 14, 1991, participating
15 municipalities shall notify the Department in writing of their
16 intent to participate. In addition, for the initial
17 distribution, participating municipalities shall certify to
18 the Department the amounts collected by the municipality for
19 each month under its home rule occupation and service
20 occupation tax during the period July 1, 1989 through June 30,
21 1990. The allocation within 10 days after January 14, 1991,
22 shall be in an amount equal to the monthly average of these
23 amounts, excluding the 2 months of highest receipts. The
24 monthly average for the period of July 1, 1990 through June 30,
25 1991 will be determined as follows: the amounts collected by
26 the municipality under its home rule occupation and service

1 occupation tax during the period of July 1, 1990 through
2 September 30, 1990, plus amounts collected by the Department
3 and paid to such municipality through June 30, 1991, excluding
4 the 2 months of highest receipts. The monthly average for each
5 subsequent period of July 1 through June 30 shall be an amount
6 equal to the monthly distribution made to each such
7 municipality under the preceding paragraph during this period,
8 excluding the 2 months of highest receipts. The distribution
9 made in November 1991 and each year thereafter under this
10 paragraph and the preceding paragraph shall be reduced by the
11 amount allocated and disbursed under this paragraph in the
12 preceding period of July 1 through June 30. The Department
13 shall prepare and certify to the Comptroller for disbursement
14 the allocations made in accordance with this paragraph.

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

24 Nothing in this Section shall be construed to authorize a
25 municipality to impose a tax upon the privilege of engaging in
26 any business which under the Constitution of the United States

1 may not be made the subject of taxation by this State.

2 An ordinance or resolution imposing or discontinuing a tax
3 hereunder or effecting a change in the rate thereof shall be
4 adopted and a certified copy thereof filed with the Department
5 on or before the first day of June, whereupon the Department
6 shall proceed to administer and enforce this Section as of the
7 first day of September next following the adoption and filing.
8 Beginning January 1, 1992, an ordinance or resolution imposing
9 or discontinuing the tax hereunder or effecting a change in the
10 rate thereof shall be adopted and a certified copy thereof
11 filed with the Department on or before the first day of July,
12 whereupon the Department shall proceed to administer and
13 enforce this Section as of the first day of October next
14 following such adoption and filing. Beginning January 1, 1993,
15 an ordinance or resolution imposing or discontinuing the tax
16 hereunder or effecting a change in the rate thereof shall be
17 adopted and a certified copy thereof filed with the Department
18 on or before the first day of October, whereupon the Department
19 shall proceed to administer and enforce this Section as of the
20 first day of January next following the adoption and filing.
21 However, a municipality located in a county with a population
22 in excess of 3,000,000 that elected to become a home rule unit
23 at the general primary election in 1994 may adopt an ordinance
24 or resolution imposing the tax under this Section and file a
25 certified copy of the ordinance or resolution with the
26 Department on or before July 1, 1994. The Department shall then

1 proceed to administer and enforce this Section as of October 1,
2 1994. Beginning April 1, 1998, an ordinance or resolution
3 imposing or discontinuing the tax hereunder or effecting a
4 change in the rate thereof shall either (i) be adopted and a
5 certified copy thereof filed with the Department on or before
6 the first day of April, whereupon the Department shall proceed
7 to administer and enforce this Section as of the first day of
8 July next following the adoption and filing; or (ii) be adopted
9 and a certified copy thereof filed with the Department on or
10 before the first day of October, whereupon the Department shall
11 proceed to administer and enforce this Section as of the first
12 day of January next following the adoption and filing.

13 When certifying the amount of a monthly disbursement to a
14 municipality under this Section, the Department shall increase
15 or decrease the amount by an amount necessary to offset any
16 misallocation of previous disbursements. The offset amount
17 shall be the amount erroneously disbursed within the previous 6
18 months from the time a misallocation is discovered.

19 Any unobligated balance remaining in the Municipal
20 Retailers' Occupation Tax Fund on December 31, 1989, which fund
21 was abolished by Public Act 85-1135, and all receipts of
22 municipal tax as a result of audits of liability periods prior
23 to January 1, 1990, shall be paid into the Local Government Tax
24 Fund for distribution as provided by this Section prior to the
25 enactment of Public Act 85-1135. All receipts of municipal tax
26 as a result of an assessment not arising from an audit, for

1 liability periods prior to January 1, 1990, shall be paid into
2 the Local Government Tax Fund for distribution before July 1,
3 1990, as provided by this Section prior to the enactment of
4 Public Act 85-1135; and on and after July 1, 1990, all such
5 receipts shall be distributed as provided in Section 6z-18 of
6 the State Finance Act.

7 As used in this Section, "municipal" and "municipality"
8 means a city, village or incorporated town, including an
9 incorporated town that has superseded a civil township.

10 This Section shall be known and may be cited as the Home
11 Rule Municipal Retailers' Occupation Tax Act.

12 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
13 100-1171, eff. 1-4-19; 101-10, eff. 6-5-19; 101-81, eff.
14 7-12-19.)

15 (65 ILCS 5/8-11-1.3) (from Ch. 24, par. 8-11-1.3)

16 Sec. 8-11-1.3. Non-Home Rule Municipal Retailers'
17 Occupation Tax Act. The corporate authorities of a non-home
18 rule municipality may impose a tax upon all persons engaged in
19 the business of selling tangible personal property, other than
20 on an item of tangible personal property which is titled and
21 registered by an agency of this State's Government, at retail
22 in the municipality for expenditure on public infrastructure or
23 for property tax relief or both as defined in Section 8-11-1.2
24 if approved by referendum as provided in Section 8-11-1.1, of
25 the gross receipts from such sales made in the course of such

1 business. If the tax is approved by referendum on or after July
2 14, 2010 (the effective date of Public Act 96-1057), the
3 corporate authorities of a non-home rule municipality may,
4 until July 1, 2030, use the proceeds of the tax for expenditure
5 on municipal operations, in addition to or in lieu of any
6 expenditure on public infrastructure or for property tax
7 relief. The tax imposed may not be more than 1% and may be
8 imposed only in 1/4% increments. The tax may not be imposed on
9 tangible personal property taxed at the 1% rate under the
10 Retailers' Occupation Tax Act. Beginning December 1, 2019, this
11 tax is not imposed on sales of aviation fuel unless the tax
12 revenue is expended for airport-related purposes. If a
13 municipality does not have an airport-related purpose to which
14 it dedicates aviation fuel tax revenue, then aviation fuel is
15 excluded from the tax. Each municipality must comply with the
16 certification requirements for airport-related purposes under
17 Section 2-22 of the Retailers' Occupation Tax Act ~~8-11-22~~. For
18 purposes of this Section ~~Act~~, "airport-related purposes" has
19 the meaning ascribed in Section 6z-20.2 of the State Finance
20 Act. This exclusion for aviation fuel only applies for so long
21 as the revenue use requirements of 49 U.S.C. 47107(b) and 49
22 U.S.C. 47133 are binding on the municipality. The tax imposed
23 by a municipality pursuant to this Section and all civil
24 penalties that may be assessed as an incident thereof shall be
25 collected and enforced by the State Department of Revenue. The
26 certificate of registration which is issued by the Department

1 to a retailer under the Retailers' Occupation Tax Act shall
2 permit such retailer to engage in a business which is taxable
3 under any ordinance or resolution enacted pursuant to this
4 Section without registering separately with the Department
5 under such ordinance or resolution or under this Section. The
6 Department shall have full power to administer and enforce this
7 Section; to collect all taxes and penalties due hereunder; to
8 dispose of taxes and penalties so collected in the manner
9 hereinafter provided, and to determine all rights to credit
10 memoranda, arising on account of the erroneous payment of tax
11 or penalty hereunder. In the administration of, and compliance
12 with, this Section, the Department and persons who are subject
13 to this Section shall have the same rights, remedies,
14 privileges, immunities, powers and duties, and be subject to
15 the same conditions, restrictions, limitations, penalties and
16 definitions of terms, and employ the same modes of procedure,
17 as are prescribed in Sections 1, 1a, 1a-1, 1d, 1e, 1f, 1i, 1j,
18 2 through 2-65 (in respect to all provisions therein other than
19 the State rate of tax), 2c, 3 (except as to the disposition of
20 taxes and penalties collected, and except that the retailer's
21 discount is not allowed for taxes paid on aviation fuel that
22 are subject to the revenue use requirements of 49 U.S.C.
23 47107(b) and 49 U.S.C. 47133 ~~deposited into the Local~~
24 ~~Government Aviation Trust Fund~~), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f,
25 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 12
26 and 13 of the Retailers' Occupation Tax Act and Section 3-7 of

1 the Uniform Penalty and Interest Act as fully as if those
2 provisions were set forth herein.

3 No municipality may impose a tax under this Section unless
4 the municipality also imposes a tax at the same rate under
5 Section 8-11-1.4 of this Code.

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

13 Whenever the Department determines that a refund should 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 such notification
18 from the Department. Such refund shall be paid by the State
19 Treasurer out of the non-home rule municipal retailers'
20 occupation tax fund or the Local Government Aviation Trust
21 Fund, as appropriate.

22 Except as otherwise provided, the Department shall
23 forthwith pay over to the State Treasurer, ex officio, as
24 trustee, all taxes and penalties collected hereunder for
25 deposit into the Non-Home Rule Municipal Retailers' Occupation
26 Tax Fund. Taxes and penalties collected on aviation fuel sold

1 on or after December 1, 2019, shall be immediately paid over by
2 the Department to the State Treasurer, ex officio, as trustee,
3 for deposit into the Local Government Aviation Trust Fund. The
4 Department shall only pay moneys into the Local Government
5 Aviation Trust Fund under this Section ~~Act~~ for so long as the
6 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.
7 47133 are binding on the municipality.

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.

16 After the monthly transfer to the STAR Bonds Revenue Fund,
17 on or before the 25th day of each calendar month, the
18 Department shall prepare and certify to the Comptroller the
19 disbursement of stated sums of money to named municipalities,
20 the municipalities to be those from which retailers have paid
21 taxes or penalties hereunder to the Department during the
22 second preceding calendar month. The amount to be paid to each
23 municipality 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, 2019) collected
26 hereunder during the second preceding calendar month by the

1 Department plus an amount the Department determines is
2 necessary to offset any amounts which were erroneously paid to
3 a different taxing body, and not including an amount equal to
4 the amount of refunds made during the second preceding calendar
5 month by the Department on behalf of such municipality, and not
6 including any amount which the Department determines is
7 necessary to offset any amounts which were payable to a
8 different taxing body but were erroneously paid to the
9 municipality, and not including any amounts that are
10 transferred to the STAR Bonds Revenue Fund, less 1.5% of the
11 remainder, which the Department shall transfer into the Tax
12 Compliance and Administration Fund. The Department, at the time
13 of each monthly disbursement to the municipalities, shall
14 prepare and certify to the State Comptroller the amount to be
15 transferred into the Tax Compliance and Administration Fund
16 under this Section. Within 10 days after receipt, by the
17 Comptroller, of the disbursement certification to the
18 municipalities and the Tax Compliance and Administration Fund
19 provided for in this Section to be given to the Comptroller by
20 the Department, the Comptroller shall cause the orders to be
21 drawn for the respective amounts in accordance with the
22 directions contained in such certification.

23 For the purpose of determining the local governmental unit
24 whose tax is applicable, a retail sale, by a producer of coal
25 or other mineral mined in Illinois, is a sale at retail at the
26 place where the coal or other mineral mined in Illinois is

1 extracted from the earth. This paragraph does not apply to coal
2 or other mineral when it is delivered or shipped by the seller
3 to the purchaser at a point outside Illinois so that the sale
4 is exempt under the Federal Constitution as a sale in
5 interstate or foreign commerce.

6 Nothing in this Section shall be construed to authorize a
7 municipality to impose a tax upon the privilege of engaging in
8 any business which under the constitution of the United States
9 may not be made the subject of taxation by this State.

10 When certifying the amount of a monthly disbursement to a
11 municipality under this Section, the Department shall increase
12 or decrease such amount by an amount necessary to offset any
13 misallocation of previous disbursements. The offset amount
14 shall be the amount erroneously disbursed within the previous 6
15 months from the time a misallocation is discovered.

16 The Department of Revenue shall implement Public Act 91-649
17 so as to collect the tax on and after January 1, 2002.

18 As used in this Section, "municipal" and "municipality"
19 ~~mean means~~ a city, village, or incorporated town, including an
20 incorporated town which has superseded a civil township.

21 This Section shall be known and may be cited as the
22 "Non-Home Rule Municipal Retailers' Occupation Tax Act".

23 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
24 100-1171, eff. 1-4-19; 101-10, eff. 6-5-19; 101-47, eff.
25 1-1-20; 101-81, eff. 7-12-19; revised 8-19-19.)

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 tangible personal property taxed at the 1% rate under the
21 Service Occupation Tax Act. Beginning December 1, 2019, this
22 tax is not imposed on sales of aviation fuel unless the tax
23 revenue is expended for airport-related purposes. If a
24 municipality does not have an airport-related purpose to which
25 it dedicates aviation fuel tax revenue, then aviation fuel is
26 excluded from the tax. Each municipality must comply with the

1 certification requirements for airport-related purposes under
2 Section 2-22 of the Retailers' Occupation Tax Act ~~8-11-22~~. For
3 purposes of this Section Act, "airport-related purposes" has
4 the meaning ascribed in Section 6z-20.2 of the State Finance
5 Act. This exclusion for aviation fuel only applies for so long
6 as 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 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 Section without
16 registering separately with the Department under such
17 ordinance or resolution or under this Section. The Department
18 shall have full power to administer and enforce this Section;
19 to collect all taxes and penalties due hereunder; to dispose of
20 taxes and penalties so collected in the manner hereinafter
21 provided, and to determine all rights to credit memoranda
22 arising on account of the erroneous payment of tax or penalty
23 hereunder. In the administration of, and compliance with, this
24 Section the Department and persons who are subject to this
25 Section shall have the same rights, remedies, privileges,
26 immunities, powers and duties, and be subject to the same

1 conditions, restrictions, limitations, penalties and
2 definitions of terms, and employ the same modes of procedure,
3 as are prescribed in Sections 1a-1, 2, 2a, 3 through 3-50 (in
4 respect to all provisions therein other than the State rate of
5 tax), 4 (except that the reference to the State shall be to the
6 taxing municipality), 5, 7, 8 (except that the jurisdiction to
7 which the tax shall be a debt to the extent indicated in that
8 Section 8 shall be the taxing municipality), 9 (except as to
9 the disposition of taxes and penalties collected, and except
10 that the returned merchandise credit for this municipal tax may
11 not be taken against any State tax, and except that the
12 retailer's discount is not allowed for taxes paid on aviation
13 fuel that are subject to the revenue use requirements of 49
14 U.S.C. 47107(b) and 49 U.S.C. 47133 ~~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 taxing municipality), the first paragraph of Section 15,
19 16, 17, 18, 19 and 20 of the Service Occupation Tax Act and
20 Section 3-7 of the Uniform Penalty and Interest Act, as fully
21 as if those provisions were set forth herein.

22 No municipality may impose a tax under this Section unless
23 the municipality also imposes a tax at the same rate under
24 Section 8-11-1.3 of this Code.

25 Persons subject to any tax imposed pursuant to the
26 authority granted in this Section may reimburse themselves for

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

7 Whenever the Department determines that a refund should be
8 made under this Section to a claimant instead of issuing credit
9 memorandum, the Department shall notify the State Comptroller,
10 who shall cause the order to be drawn for the amount specified,
11 and to the person named, in such notification from the
12 Department. Such refund shall be paid by the State Treasurer
13 out of the municipal retailers' occupation tax fund or the
14 Local Government Aviation Trust Fund, as appropriate.

15 Except as otherwise provided in this paragraph, the
16 Department shall forthwith pay over to the State Treasurer, ex
17 officio, as trustee, all taxes and penalties collected
18 hereunder for deposit into the municipal retailers' occupation
19 tax fund. Taxes and penalties collected on aviation fuel sold
20 on or after December 1, 2019, shall be immediately paid over by
21 the Department to the State Treasurer, ex officio, as trustee,
22 for deposit into the Local Government Aviation Trust Fund. The
23 Department shall only pay moneys into the Local Government
24 Aviation Trust Fund under this Section ~~Act~~ for so long as the
25 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.
26 47133 are binding on the municipality.

1 As soon as possible after the first day of each month,
2 beginning January 1, 2011, upon certification of the Department
3 of Revenue, the Comptroller shall order transferred, and the
4 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
5 local sales tax increment, as defined in the Innovation
6 Development and Economy Act, collected under this Section
7 during the second preceding calendar month for sales within a
8 STAR bond district.

9 After the monthly transfer to the STAR Bonds Revenue Fund,
10 on or before the 25th day of each calendar month, the
11 Department shall prepare and certify to the Comptroller the
12 disbursement of stated sums of money to named municipalities,
13 the municipalities to be those from which suppliers and
14 servicemen have paid taxes or penalties hereunder to the
15 Department during the second preceding calendar month. The
16 amount to be paid to each municipality shall be the amount (not
17 including credit memoranda and not including taxes and
18 penalties collected on aviation fuel sold on or after December
19 1, 2019) collected hereunder during the second preceding
20 calendar month by the Department, and not including an amount
21 equal to the amount of refunds made during the second preceding
22 calendar month by the Department on behalf of such
23 municipality, and not including any amounts that are
24 transferred to the STAR Bonds Revenue Fund, less 1.5% of the
25 remainder, which the Department shall transfer into the Tax
26 Compliance and Administration Fund. The Department, at the time

1 of each monthly disbursement to the municipalities, shall
2 prepare and certify to the State Comptroller the amount to be
3 transferred into the Tax Compliance and Administration Fund
4 under this Section. Within 10 days after receipt, by the
5 Comptroller, of the disbursement certification to the
6 municipalities, the General Revenue Fund, and the Tax
7 Compliance and Administration Fund provided for in this Section
8 to be given to the Comptroller by the Department, the
9 Comptroller shall cause the orders to be drawn for the
10 respective amounts in accordance with the directions contained
11 in such certification.

12 The Department of Revenue shall implement Public Act 91-649
13 so as to collect the tax on and after January 1, 2002.

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

18 As used in this Section, "municipal" or "municipality"
19 means or refers to a city, village or incorporated town,
20 including an incorporated town which has superseded a civil
21 township.

22 This Section shall be known and may be cited as the
23 "Non-Home Rule Municipal Service Occupation Tax Act".

24 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
25 100-1171, eff. 1-4-19; 101-10, eff. 6-5-19; 101-81, eff.
26 7-12-19.)

1 (65 ILCS 5/8-11-1.6)

2 Sec. 8-11-1.6. Non-home rule municipal retailers'
3 occupation tax; municipalities between 20,000 and 25,000. The
4 corporate authorities of a non-home rule municipality with a
5 population of more than 20,000 but less than 25,000 that has,
6 prior to January 1, 1987, established a Redevelopment Project
7 Area that has been certified as a State Sales Tax Boundary and
8 has issued bonds or otherwise incurred indebtedness to pay for
9 costs in excess of \$5,000,000, which is secured in part by a
10 tax increment allocation fund, in accordance with the
11 provisions of Division 11-74.4 of this Code may, by passage of
12 an ordinance, impose a tax upon all persons engaged in the
13 business of selling tangible personal property, other than on
14 an item of tangible personal property that is titled and
15 registered by an agency of this State's Government, at retail
16 in the municipality. This tax may not be imposed on tangible
17 personal property taxed at the 1% rate under the Retailers'
18 Occupation Tax Act. Beginning December 1, 2019, this tax is not
19 imposed on sales of aviation fuel unless the tax revenue is
20 expended for airport-related purposes. If a municipality 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. Each municipality must comply with the certification
24 requirements for airport-related purposes under Section 2-22
25 of the Retailers' Occupation Tax Act ~~8-11-22~~. For purposes of

1 this Section Act, "airport-related purposes" has the meaning
2 ascribed in Section 6z-20.2 of the State Finance Act. This
3 exclusion for aviation fuel only applies for so long as the
4 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.
5 47133 are binding on the municipality. If imposed, the tax
6 shall only be imposed in .25% increments of the gross receipts
7 from such sales made in the course of business. Any tax imposed
8 by a municipality under this Section and all civil penalties
9 that may be assessed as an incident thereof shall be collected
10 and enforced by the State Department of Revenue. An ordinance
11 imposing a tax hereunder or effecting a change in the rate
12 thereof shall be adopted and a certified copy thereof filed
13 with the Department on or before the first day of October,
14 whereupon the Department shall proceed to administer and
15 enforce this Section as of the first day of January next
16 following such adoption and filing. The certificate of
17 registration that is issued by the Department to a retailer
18 under the Retailers' Occupation Tax Act shall permit the
19 retailer to engage in a business that is taxable under any
20 ordinance or resolution enacted under this Section without
21 registering separately with the Department under the ordinance
22 or resolution or under this Section. The Department shall have
23 full power to administer and enforce this Section, to collect
24 all taxes and penalties due hereunder, to dispose of taxes and
25 penalties so collected in the manner hereinafter provided, and
26 to determine all rights to credit memoranda, arising on account

1 of the erroneous payment of tax or penalty hereunder. In the
2 administration of, and compliance with this Section, the
3 Department and persons who are subject to this Section shall
4 have the same rights, remedies, privileges, immunities,
5 powers, and duties, and be subject to the same conditions,
6 restrictions, limitations, penalties, and definitions of
7 terms, and employ the same modes of procedure, as are
8 prescribed in Sections 1, 1a, 1a-1, 1d, 1e, 1f, 1i, 1j, 2
9 through 2-65 (in respect to all provisions therein other than
10 the State rate of tax), 2c, 3 (except as to the disposition of
11 taxes and penalties collected, and except that the retailer's
12 discount is not allowed for taxes paid on aviation fuel that
13 are subject to the revenue use requirements of 49 U.S.C.
14 47107(b) and 49 U.S.C. 47133 ~~deposited into the Local~~
15 ~~Government Aviation Trust Fund~~), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f,
16 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 12
17 and 13 of the Retailers' Occupation Tax Act and Section 3-7 of
18 the Uniform Penalty and Interest Act as fully as if those
19 provisions were set forth herein.

20 A tax may not be imposed by a municipality under this
21 Section unless the municipality also imposes a tax at the same
22 rate under Section 8-11-1.7 of this Act.

23 Persons subject to any tax imposed under the authority
24 granted in this Section may reimburse themselves for their
25 seller's tax liability hereunder by separately stating the tax
26 as an additional charge, which charge may be stated in

1 combination, in a single amount, with State tax which sellers
2 are required to collect under the Use Tax Act, pursuant to such
3 bracket schedules as the Department may prescribe.

4 Whenever the Department determines that a refund should be
5 made under this Section to a claimant, instead of issuing a
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 the notification
9 from the Department. The refund shall be paid by the State
10 Treasurer out of the Non-Home Rule Municipal Retailers'
11 Occupation Tax Fund, which is hereby created or the Local
12 Government Aviation Trust Fund, as appropriate.

13 Except as otherwise provided in this paragraph, the
14 Department shall forthwith pay over to the State Treasurer, ex
15 officio, as trustee, all taxes and penalties collected
16 hereunder for deposit into the Non-Home Rule Municipal
17 Retailers' Occupation Tax Fund. Taxes and penalties collected
18 on aviation fuel sold on or after December 1, 2019, shall be
19 immediately paid over by the Department to the State Treasurer,
20 ex officio, as trustee, for deposit into the Local Government
21 Aviation Trust Fund. The Department shall only pay moneys into
22 the Local Government Aviation Trust Fund under this Section Act
23 for so long as the revenue use requirements of 49 U.S.C.
24 47107(b) and 49 U.S.C. 47133 are binding on the municipality.

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 municipalities,
11 the municipalities to be those from which retailers have paid
12 taxes or penalties hereunder to the Department during the
13 second preceding calendar month. The amount to be paid to each
14 municipality shall be the amount (not including credit
15 memoranda and not including taxes and penalties collected on
16 aviation fuel sold on or after December 1, 2019) collected
17 hereunder during the second preceding calendar month by the
18 Department plus an amount the Department determines is
19 necessary to offset any amounts that were erroneously paid to a
20 different taxing body, and not including an amount equal to the
21 amount of refunds made during the second preceding calendar
22 month by the Department on behalf of the municipality, and not
23 including any amount that the Department determines is
24 necessary to offset any amounts that were payable to a
25 different taxing body but were erroneously paid to the
26 municipality, and not including any amounts that are

1 transferred to the STAR Bonds Revenue Fund, less 1.5% of the
2 remainder, which the Department shall transfer into the Tax
3 Compliance and Administration Fund. The Department, at the time
4 of each monthly disbursement to the municipalities, shall
5 prepare and certify to the State Comptroller the amount to be
6 transferred into the Tax Compliance and Administration Fund
7 under this Section. Within 10 days after receipt by the
8 Comptroller of the disbursement certification to the
9 municipalities and the Tax Compliance and Administration Fund
10 provided for in this Section to be given to the Comptroller by
11 the Department, the Comptroller shall cause the orders to be
12 drawn for the respective amounts in accordance with the
13 directions contained in the certification.

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

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

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

7 As used in this Section, "municipal" and "municipality"
8 means a city, village, or incorporated town, including an
9 incorporated town that has superseded a civil township.

10 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
11 100-863, eff. 8-14-18; 100-1171, eff. 1-4-19; 101-10, eff.
12 6-5-19; 101-81, eff. 7-12-19.)

13 (65 ILCS 5/8-11-1.7)

14 Sec. 8-11-1.7. Non-home rule municipal service occupation
15 tax; municipalities between 20,000 and 25,000. The corporate
16 authorities of a non-home rule municipality with a population
17 of more than 20,000 but less than 25,000 as determined by the
18 last preceding decennial census that has, prior to January 1,
19 1987, established a Redevelopment Project Area that has been
20 certified as a State Sales Tax Boundary and has issued bonds or
21 otherwise incurred indebtedness to pay for costs in excess of
22 \$5,000,000, which is secured in part by a tax increment
23 allocation fund, in accordance with the provisions of Division
24 11-74.4 of this Code may, by passage of an ordinance, impose a
25 tax upon all persons engaged in the municipality in the

1 business of making sales of service. If imposed, the tax shall
2 only be imposed in .25% increments 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. This tax
6 may not be imposed on tangible personal property taxed at the
7 1% rate under the Service Occupation Tax Act. Beginning
8 December 1, 2019, this tax is not imposed on sales of aviation
9 fuel unless the tax revenue is expended for airport-related
10 purposes. If a municipality does not have an airport-related
11 purpose to which it dedicates aviation fuel tax revenue, then
12 aviation fuel is excluded from the tax. Each municipality must
13 comply with the certification requirements for airport-related
14 purposes under Section 2-22 of the Retailers' Occupation Tax
15 Act ~~8-11-22~~. For purposes of this Section Act, "airport-related
16 purposes" has the meaning ascribed in Section 6z-20.2 of the
17 State Finance Act. This exclusion for aviation fuel only
18 applies for so long as the revenue use requirements of 49
19 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the
20 municipality. The tax imposed by a municipality under this
21 Section and all civil penalties that may be assessed as an
22 incident thereof shall be collected and enforced by the State
23 Department of Revenue. An ordinance imposing a tax hereunder or
24 effecting a change in the rate thereof shall be adopted and a
25 certified copy thereof filed with the Department on or before
26 the first day of October, whereupon the Department shall

1 proceed to administer and enforce this Section as of the first
2 day of January next following such adoption and filing. 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 under this Section without registering
8 separately with the Department under the ordinance or
9 resolution or under this Section. The Department shall have
10 full power to administer and enforce this Section, to collect
11 all taxes and penalties due hereunder, to dispose of taxes and
12 penalties so collected in a manner hereinafter provided, and to
13 determine all rights to credit memoranda arising on account of
14 the erroneous payment of tax or penalty hereunder. In the
15 administration of and compliance with this Section, the
16 Department and persons who are subject to this Section shall
17 have the same rights, remedies, privileges, immunities,
18 powers, and duties, and be subject to the same conditions,
19 restrictions, limitations, penalties and definitions of terms,
20 and employ the same modes of procedure, as are prescribed in
21 Sections 1a-1, 2, 2a, 3 through 3-50 (in respect to all
22 provisions therein other than the State rate of tax), 4 (except
23 that the reference to the State shall be to the taxing
24 municipality), 5, 7, 8 (except that the jurisdiction to which
25 the tax shall be a debt to the extent indicated in that Section
26 8 shall be the taxing municipality), 9 (except as to the

1 disposition of taxes and penalties collected, and except that
2 the returned merchandise credit for this municipal tax may not
3 be taken against any State tax, and except that the retailer's
4 discount is not allowed for taxes paid on aviation fuel that
5 are subject to the revenue use requirements of 49 U.S.C.
6 47107(b) and 49 U.S.C. 47133 ~~deposited into the Local~~
7 ~~Government Aviation Trust Fund~~, 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 Sections 15,
11 16, 17, 18, 19, and 20 of the Service Occupation Tax Act and
12 Section 3-7 of the Uniform Penalty and Interest Act, as fully
13 as if those provisions were set forth herein.

14 A tax may not be imposed by a municipality under this
15 Section unless the municipality also imposes a tax at the same
16 rate under Section 8-11-1.6 of this Act.

17 Person subject to any tax imposed under the authority
18 granted in this Section may reimburse themselves for their
19 servicemen's tax liability hereunder by separately stating the
20 tax as an additional charge, which 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 such bracket schedules as the Department may prescribe.

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

1 who shall cause the order to be drawn for the amount specified,
2 and to the person named, in such notification from the
3 Department. The refund shall be paid by the State Treasurer out
4 of the Non-Home Rule Municipal Retailers' Occupation Tax Fund
5 or the Local Government Aviation Trust Fund, as appropriate.

6 Except as otherwise provided in this paragraph, the
7 Department shall forthwith pay over to the State Treasurer, ex
8 officio, as trustee, all taxes and penalties collected
9 hereunder for deposit into the Non-Home Rule Municipal
10 Retailers' Occupation Tax Fund. Taxes and penalties collected
11 on aviation fuel sold on or after December 1, 2019, shall be
12 immediately paid over by the Department to the State Treasurer,
13 ex officio, as trustee, for deposit into the Local Government
14 Aviation Trust Fund. The Department shall only pay moneys into
15 the Local Government Aviation Trust Fund under this Section Act
16 for so long as the revenue use requirements of 49 U.S.C.
17 47107(b) and 49 U.S.C. 47133 are binding on the Municipality.

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

26 After the monthly transfer to the STAR Bonds Revenue Fund,

1 on or before the 25th day of each calendar month, the
2 Department shall prepare and certify to the Comptroller the
3 disbursement of stated sums of money to named municipalities,
4 the municipalities to be those from which suppliers and
5 servicemen have paid taxes or penalties hereunder to the
6 Department during the second preceding calendar month. The
7 amount to be paid to each municipality shall be the amount (not
8 including credit memoranda and not including taxes and
9 penalties collected on aviation fuel sold on or after December
10 1, 2019) collected hereunder during the second preceding
11 calendar month by the Department, and not including an amount
12 equal to the amount of refunds made during the second preceding
13 calendar month by the Department on behalf of such
14 municipality, and not including any amounts that are
15 transferred to the STAR Bonds Revenue Fund, less 1.5% of the
16 remainder, which the Department shall transfer into the Tax
17 Compliance and Administration Fund. The Department, at the time
18 of each monthly disbursement to the municipalities, shall
19 prepare and certify to the State Comptroller the amount to be
20 transferred into the Tax Compliance and Administration Fund
21 under this Section. Within 10 days after receipt by the
22 Comptroller of the disbursement certification to the
23 municipalities, the Tax Compliance and Administration Fund,
24 and the General Revenue Fund, provided for in this Section to
25 be given to the Comptroller by the Department, the Comptroller
26 shall cause the orders to be drawn for the respective amounts

1 in accordance with the directions contained in the
2 certification.

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

9 Nothing in this Section shall be construed to authorize a
10 municipality to impose a tax upon the privilege of engaging in
11 any business which under the constitution of the United States
12 may not be made the subject of taxation by this State.

13 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
14 100-863, eff. 8-14-18; 100-1171, eff. 1-4-19; 101-10, eff.
15 6-5-19; 101-81, eff. 7-12-19.)

16 (65 ILCS 5/8-11-2.3)

17 Sec. 8-11-2.3. Municipal Motor Fuel Tax Law ~~Motor fuel tax~~.
18 Notwithstanding any other provision of law, in addition to any
19 other tax that may be imposed, a municipality in a county with
20 a population of over 3,000,000 inhabitants may also impose, by
21 ordinance, a tax upon all persons engaged in the municipality
22 in the business of selling motor fuel, as defined in the Motor
23 Fuel Tax Law, at retail for the operation of motor vehicles
24 upon public highways or for the operation of recreational
25 watercraft upon waterways. The tax may be imposed, in one cent

1 increments, ~~on motor fuel~~ at a rate not to exceed \$0.03 per
2 gallon of motor fuel sold at retail within the municipality for
3 the purpose of use or consumption and not for the purpose of
4 resale. The tax may not be imposed under this Section on
5 aviation fuel, as defined in Section 3 of the Retailers'
6 Occupation Tax Act.

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

14 A tax imposed pursuant to this Section, and all civil
15 penalties that may be assessed as an incident thereof, shall be
16 administered, collected, and enforced by the Department of
17 Revenue in the same manner as the tax imposed under the
18 Retailers' Occupation Tax Act, as now or hereafter amended,
19 insofar as may be practicable; except that in the event of a
20 conflict with the provisions of this Section, this Section
21 shall control. The Department of Revenue shall have full power
22 to: administer and enforce this Section; collect all taxes and
23 penalties due hereunder; dispose of taxes and penalties so
24 collected in the manner hereinafter provided; and determine all
25 rights to credit memoranda arising on account of the erroneous
26 payment of tax or penalty hereunder.

1 Whenever the Department determines that a refund shall 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 Municipal Motor Fuel Tax Fund.

8 ~~A license that is issued to a distributor or a receiver~~
9 ~~under the Motor Fuel Tax Law shall permit that distributor or~~
10 ~~receiver to act as a distributor or receiver, as applicable,~~
11 ~~under this Section. The provisions of Sections 2b, 2d, 6, 6a,~~
12 ~~12, 12a, 13, 13a.2, 13a.7, 13a.8, 15.1, and 21 of the Motor~~
13 ~~Fuel Tax Law that are not inconsistent with this Section shall~~
14 ~~apply as far as practicable to the subject matter of this~~
15 ~~Section to the same extent as if those provisions were included~~
16 ~~in this Section.~~

17 The Department shall immediately pay over to the State
18 Treasurer, ex officio, as trustee, all taxes and penalties
19 collected under this Section. Those taxes and penalties shall
20 be deposited into the Municipal Motor Fuel Tax Fund, a trust
21 fund created in the State treasury. Moneys in the Municipal
22 Motor Fuel Tax Fund shall be used to make payments to
23 municipalities and for the payment of refunds under this
24 Section.

25 On or before the 25th day of each calendar month, the
26 Department shall prepare and certify to the State Comptroller

1 the disbursement of stated sums of money to named
2 municipalities for which taxpayers have paid taxes or penalties
3 hereunder to the Department during the second preceding
4 calendar month. The amount to be paid to each municipality
5 shall be the amount (not including credit memoranda) collected
6 under this Section from retailers within the municipality
7 during the second preceding calendar month by the Department
8 ~~from the tax imposed by that municipality under this Section~~
9 ~~during the second preceding calendar month,~~ plus an amount the
10 Department determines is necessary to offset amounts that were
11 erroneously paid to a different municipality, and not including
12 an amount equal to the amount of refunds made during the second
13 preceding calendar month by the Department on behalf of the
14 municipality, and not including any amount that the Department
15 determines is necessary to offset any amounts that were payable
16 to a different municipality but were erroneously paid to the
17 municipality, less 1.5% of the remainder, which the Department
18 shall transfer into the Tax Compliance and Administration Fund.
19 The Department, at the time of each monthly disbursement, shall
20 prepare and certify to the State Comptroller the amount to be
21 transferred into the Tax Compliance and Administration Fund
22 under this Section. Within 10 days after receipt by the
23 Comptroller of the disbursement certification to the
24 municipalities and the Tax Compliance and Administration Fund
25 provided for in this Section to be given to the Comptroller by
26 the Department, the Comptroller shall cause the orders to be

1 drawn for the respective amounts in accordance with the
2 directions contained in the certification.

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

7 An ordinance or resolution imposing or discontinuing the
8 tax under this Section or effecting a change in the rate
9 thereof shall either: (i) be adopted and a certified copy
10 thereof filed with the Department on or before the first day of
11 April, whereupon the Department shall proceed to administer and
12 enforce this Section as of the first day of July next following
13 the adoption and filing; or (ii) be adopted and a certified
14 copy thereof filed with the Department on or before the first
15 day of October, whereupon the Department shall proceed to
16 administer and enforce this Section as of the first day of
17 January next following the adoption and filing.

18 An ordinance adopted in accordance with the provisions of
19 this Section in effect before the effective date of this
20 amendatory Act of the 101st General Assembly shall be deemed to
21 impose the tax in accordance with the provisions of this
22 Section as amended by this amendatory Act of the 101st General
23 Assembly and shall be administered by the Department of Revenue
24 in accordance with the provisions of this Section as amended by
25 this amendatory Act of the 101st General Assembly; provided
26 that, on or before October 1, 2020, the municipality adopts and

1 files a certified copy of a superseding ordinance that imposes
2 the tax in accordance with the provisions of this Section as
3 amended by this amendatory Act of the 101st General Assembly.
4 If a superseding ordinance is not so adopted and filed, then
5 the tax imposed in accordance with the provisions of this
6 Section in effect before the effective date of this amendatory
7 Act of the 101st General Assembly shall be discontinued on
8 January 1, 2021.

9 This Section shall be known and may be cited as the
10 Municipal Motor Fuel Tax Law.

11 (Source: P.A. 101-32, eff. 6-28-19.)

12 (65 ILCS 5/8-11-5) (from Ch. 24, par. 8-11-5)

13 Sec. 8-11-5. Home Rule Municipal Service Occupation Tax
14 Act. The corporate authorities of a home rule municipality may
15 impose a tax upon all persons engaged, in such municipality, in
16 the business of making sales of service at the same rate of tax
17 imposed pursuant to Section 8-11-1, of the selling price of all
18 tangible personal property transferred by such servicemen
19 either in the form of tangible personal property or in the form
20 of real estate as an incident to a sale of service. If imposed,
21 such tax shall only be imposed in 1/4% increments. On and after
22 September 1, 1991, this additional tax may not be imposed on
23 tangible personal property taxed at the 1% rate under the
24 Retailers' Occupation Tax Act. Beginning December 1, 2019, this
25 tax may not be imposed on sales of aviation fuel unless the tax

1 revenue is expended for airport-related purposes. If a
2 municipality does not have an airport-related purpose to which
3 it dedicates aviation fuel tax revenue, then aviation fuel
4 shall be excluded from tax. Each municipality must comply with
5 the certification requirements for airport-related purposes
6 under Section 2-22 of the Retailers' Occupation Tax Act
7 ~~8-11-22~~. For purposes of this Section Act, "airport-related
8 purposes" has the meaning ascribed in Section 6z-20.2 of the
9 State Finance Act. This exception for aviation fuel only
10 applies for so long as the revenue use requirements of 49
11 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the State.
12 The changes made to this Section by this amendatory Act of the
13 101st General Assembly are a denial and limitation of home rule
14 powers and functions under subsection (g) of Section 6 of
15 Article VII of the Illinois Constitution. The tax imposed by a
16 home rule municipality pursuant to this Section and all civil
17 penalties that may be assessed as an incident thereof shall be
18 collected and enforced by the State Department of Revenue. The
19 certificate of registration which is issued by the Department
20 to a retailer under the Retailers' Occupation Tax Act or under
21 the Service Occupation Tax Act shall permit such registrant to
22 engage in a business which is taxable under any ordinance or
23 resolution enacted pursuant to this Section without
24 registering separately with the Department under such
25 ordinance or resolution or under this Section. The Department
26 shall have full power to administer and enforce this Section;

1 to collect all taxes and penalties due hereunder; to dispose of
2 taxes and penalties so collected in the manner hereinafter
3 provided, and to determine all rights to credit memoranda
4 arising on account of the erroneous payment of tax or penalty
5 hereunder. In the administration of, and compliance with, this
6 Section the Department and persons who are subject to this
7 Section shall have the same rights, remedies, privileges,
8 immunities, powers and duties, and be subject to the same
9 conditions, restrictions, limitations, penalties and
10 definitions of terms, and employ the same modes of procedure,
11 as are prescribed in Sections 1a-1, 2, 2a, 3 through 3-50 (in
12 respect to all provisions therein other than the State rate of
13 tax), 4 (except that the reference to the State shall be to the
14 taxing municipality), 5, 7, 8 (except that the jurisdiction to
15 which the tax shall be a debt to the extent indicated in that
16 Section 8 shall be the taxing municipality), 9 (except as to
17 the disposition of taxes and penalties collected, and except
18 that the returned merchandise credit for this municipal tax may
19 not be taken against any State tax, and except that the
20 retailer's discount is not allowed for taxes paid on aviation
21 fuel that are subject to the revenue use requirements of 49
22 U.S.C. 47107(b) and 49 U.S.C. 47133), 10, 11, 12 (except the
23 reference therein to Section 2b of the Retailers' Occupation
24 Tax Act), 13 (except that any reference to the State shall mean
25 the taxing municipality), the first paragraph of Section 15,
26 16, 17 (except that credit memoranda issued hereunder may not

1 be used to discharge any State tax liability), 18, 19 and 20 of
2 the Service Occupation Tax Act and Section 3-7 of the Uniform
3 Penalty and Interest Act, as fully as if those provisions were
4 set forth herein.

5 No tax may be imposed by a home rule municipality pursuant
6 to this Section unless such municipality also imposes a tax at
7 the same rate pursuant to Section 8-11-1 of this Act.

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

16 Whenever the Department determines that a refund should be
17 made under this Section to a claimant instead of issuing credit
18 memorandum, the Department shall notify the State Comptroller,
19 who shall cause the order to be drawn for the amount specified,
20 and to the person named, in such notification from the
21 Department. Such refund shall be paid by the State Treasurer
22 out of the home rule municipal retailers' occupation tax fund
23 or the Local Government Aviation Trust Fund, as appropriate.

24 Except as otherwise provided in this paragraph, the
25 Department shall forthwith pay over to the State Treasurer, ex
26 officio, as trustee, all taxes and penalties collected

1 hereunder for deposit into the Home Rule Municipal Retailers'
2 Occupation Tax Fund. Taxes and penalties collected on aviation
3 fuel sold on or after December 1, 2019, shall be immediately
4 paid over by the Department to the State Treasurer, ex officio,
5 as trustee, for deposit into the Local Government Aviation
6 Trust Fund. The Department shall only pay moneys into the Local
7 Government ~~State~~ Aviation Trust ~~Program~~ Fund under this Section
8 ~~Act~~ for so long as the revenue use requirements of 49 U.S.C.
9 47107(b) and 49 U.S.C. 47133 are binding on the municipality.

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 named municipalities,
22 the municipalities to be those from which suppliers and
23 servicemen have paid taxes or penalties hereunder to the
24 Department during the second preceding calendar month. The
25 amount to be paid to each municipality shall be the amount (not
26 including credit memoranda and not including taxes and

1 penalties collected on aviation fuel sold on or after December
2 1, 2019) collected hereunder during the second preceding
3 calendar month by the Department, and not including an amount
4 equal to the amount of refunds made during the second preceding
5 calendar month by the Department on behalf of such
6 municipality, and not including any amounts that are
7 transferred to the STAR Bonds Revenue Fund, less 1.5% of the
8 remainder, which the Department shall transfer into the Tax
9 Compliance and Administration Fund. The Department, at the time
10 of each monthly disbursement to the municipalities, shall
11 prepare and certify to the State Comptroller the amount to be
12 transferred into the Tax Compliance and Administration Fund
13 under this Section. Within 10 days after receipt, by the
14 Comptroller, of the disbursement certification to the
15 municipalities and the Tax Compliance and Administration Fund
16 provided for in this Section to be given to the Comptroller by
17 the Department, the Comptroller shall cause the orders to be
18 drawn for the respective amounts in accordance with the
19 directions contained in such certification.

20 In addition to the disbursement required by the preceding
21 paragraph and in order to mitigate delays caused by
22 distribution procedures, an allocation shall, if requested, be
23 made within 10 days after January 14, 1991, and in November of
24 1991 and each year thereafter, to each municipality that
25 received more than \$500,000 during the preceding fiscal year,
26 (July 1 through June 30) whether collected by the municipality

1 or disbursed by the Department as required by this Section.
2 Within 10 days after January 14, 1991, participating
3 municipalities shall notify the Department in writing of their
4 intent to participate. In addition, for the initial
5 distribution, participating municipalities shall certify to
6 the Department the amounts collected by the municipality for
7 each month under its home rule occupation and service
8 occupation tax during the period July 1, 1989 through June 30,
9 1990. The allocation within 10 days after January 14, 1991,
10 shall be in an amount equal to the monthly average of these
11 amounts, excluding the 2 months of highest receipts. Monthly
12 average for the period of July 1, 1990 through June 30, 1991
13 will be determined as follows: the amounts collected by the
14 municipality under its home rule occupation and service
15 occupation tax during the period of July 1, 1990 through
16 September 30, 1990, plus amounts collected by the Department
17 and paid to such municipality through June 30, 1991, excluding
18 the 2 months of highest receipts. The monthly average for each
19 subsequent period of July 1 through June 30 shall be an amount
20 equal to the monthly distribution made to each such
21 municipality under the preceding paragraph during this period,
22 excluding the 2 months of highest receipts. The distribution
23 made in November 1991 and each year thereafter under this
24 paragraph and the preceding paragraph shall be reduced by the
25 amount allocated and disbursed under this paragraph in the
26 preceding period of July 1 through June 30. The Department

1 shall prepare and certify to the Comptroller for disbursement
2 the allocations made in accordance with this paragraph.

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

7 An ordinance or resolution imposing or discontinuing a 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 June, whereupon the Department
11 shall proceed to administer and enforce this Section as of the
12 first day of September next following such adoption and filing.
13 Beginning January 1, 1992, an ordinance or resolution imposing
14 or discontinuing the tax hereunder or effecting a change in the
15 rate thereof shall be adopted and a certified copy thereof
16 filed with the Department on or before the first day of July,
17 whereupon the Department shall proceed to administer and
18 enforce this Section as of the first day of October next
19 following such adoption and filing. Beginning January 1, 1993,
20 an ordinance or resolution imposing or discontinuing the 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 October, whereupon the Department
24 shall proceed to administer and enforce this Section as of the
25 first day of January next following such adoption and filing.
26 However, a municipality located in a county with a population

1 in excess of 3,000,000 that elected to become a home rule unit
2 at the general primary election in 1994 may adopt an ordinance
3 or resolution imposing the tax under this Section and file a
4 certified copy of the ordinance or resolution with the
5 Department on or before July 1, 1994. The Department shall then
6 proceed to administer and enforce this Section as of October 1,
7 1994. Beginning April 1, 1998, an ordinance or resolution
8 imposing or discontinuing the tax hereunder or effecting a
9 change in the rate thereof shall either (i) be adopted and a
10 certified copy thereof filed with the Department on or before
11 the first day of April, whereupon the Department shall proceed
12 to administer and enforce this Section as of the first day of
13 July next following the adoption and filing; or (ii) be adopted
14 and a certified copy thereof filed with the Department on or
15 before the first day of October, whereupon the Department shall
16 proceed to administer and enforce this Section as of the first
17 day of January next following the adoption and filing.

18 Any unobligated balance remaining in the Municipal
19 Retailers' Occupation Tax Fund on December 31, 1989, which fund
20 was abolished by Public Act 85-1135, and all receipts of
21 municipal tax as a result of audits of liability periods prior
22 to January 1, 1990, shall be paid into the Local Government Tax
23 Fund, for distribution as provided by this Section prior to the
24 enactment of Public Act 85-1135. All receipts of municipal tax
25 as a result of an assessment not arising from an audit, for
26 liability periods prior to January 1, 1990, shall be paid into

1 the Local Government Tax Fund for distribution before July 1,
2 1990, as provided by this Section prior to the enactment of
3 Public Act 85-1135, and on and after July 1, 1990, all such
4 receipts shall be distributed as provided in Section 6z-18 of
5 the State Finance Act.

6 As used in this Section, "municipal" and "municipality"
7 means a city, village or incorporated town, including an
8 incorporated town which has superseded a civil township.

9 This Section shall be known and may be cited as the Home
10 Rule Municipal Service Occupation Tax Act.

11 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
12 100-1171, eff. 1-4-19; 101-10, eff. 6-5-19; 101-81, eff.
13 7-12-19.)

14 (65 ILCS 5/11-74.3-6)

15 Sec. 11-74.3-6. Business district revenue and obligations;
16 business district tax allocation fund.

17 (a) If the corporate authorities of a municipality have
18 approved a business district plan, have designated a business
19 district, and have elected to impose a tax by ordinance
20 pursuant to subsection (10) or (11) of Section 11-74.3-3, then
21 each year after the date of the approval of the ordinance but
22 terminating upon the date all business district project costs
23 and all obligations paying or reimbursing business district
24 project costs, if any, have been paid, but in no event later
25 than the dissolution date, all amounts generated by the

1 retailers' occupation tax and service occupation tax shall be
2 collected and the tax shall be enforced by the Department of
3 Revenue in the same manner as all retailers' occupation taxes
4 and service occupation taxes imposed in the municipality
5 imposing the tax and all amounts generated by the hotel
6 operators' occupation tax shall be collected and the tax shall
7 be enforced by the municipality in the same manner as all hotel
8 operators' occupation taxes imposed in the municipality
9 imposing the tax. The corporate authorities of the municipality
10 shall deposit the proceeds of the taxes imposed under
11 subsections (10) and (11) of Section 11-74.3-3 into a special
12 fund of the municipality called the "[Name of] Business
13 District Tax Allocation Fund" for the purpose of paying or
14 reimbursing business district project costs and obligations
15 incurred in the payment of those costs.

16 (b) The corporate authorities of a municipality that has
17 designated a business district under this Law may, by
18 ordinance, impose a Business District Retailers' Occupation
19 Tax upon all persons engaged in the business of selling
20 tangible personal property, other than an item of tangible
21 personal property titled or registered with an agency of this
22 State's government, at retail in the business district at a
23 rate not to exceed 1% of the gross receipts from the sales made
24 in the course of such business, to be imposed only in 0.25%
25 increments. The tax may not be imposed on tangible personal
26 property taxed at the rate of 1% under the Retailers'

1 Occupation Tax Act. Beginning December 1, 2019 and through
2 December 31, 2020, this tax is not imposed on sales of aviation
3 fuel unless the tax revenue is expended for airport-related
4 purposes. If the District does not have an airport-related
5 purpose to which it dedicates aviation fuel tax revenue, then
6 aviation fuel is excluded from the tax. Each municipality must
7 comply with the certification requirements for airport-related
8 purposes under Section 2-22 of the Retailers' Occupation Tax
9 Act 8-11-22. For purposes of this Section Act, "airport-related
10 purposes" has the meaning ascribed in Section 6z-20.2 of the
11 State Finance Act. Beginning January 1, 2021, this tax is not
12 imposed on sales of aviation fuel ~~This exclusion for aviation~~
13 ~~fuel only applies~~ for so long as the revenue use requirements
14 of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the
15 District.

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

1 under this subsection in the manner hereinafter provided; and
2 to determine all rights to credit memoranda arising on account
3 of the erroneous payment of tax or penalty under this
4 subsection. In the administration of, and compliance with, this
5 subsection, the Department and persons who are subject to this
6 subsection shall have the same rights, remedies, privileges,
7 immunities, powers and duties, and be subject to the same
8 conditions, restrictions, limitations, penalties, exclusions,
9 exemptions, and definitions of terms and employ the same modes
10 of procedure, as are prescribed in Sections 1, 1a through 1o, 2
11 through 2-65 (in respect to all provisions therein other than
12 the State rate of tax), 2c through 2h, 3 (except as to the
13 disposition of taxes and penalties collected, and except that
14 the retailer's discount is not allowed for taxes paid on
15 aviation fuel that are subject to the revenue use requirements
16 of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 ~~deposited into the~~
17 ~~Local Government Aviation Trust Fund~~), 4, 5, 5a, 5c, 5d, 5e,
18 5f, 5g, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 12, 13,
19 and 14 of the Retailers' Occupation Tax Act and all provisions
20 of 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 this subsection
23 may reimburse themselves for their seller's tax liability under
24 this subsection by separately stating the tax as an additional
25 charge, which charge may be stated in combination, in a single
26 amount, with State taxes that sellers are required to collect

1 under the Use Tax Act, in accordance with such bracket
2 schedules as the Department may prescribe.

3 Whenever the Department determines that a refund should be
4 made under this subsection to a claimant instead of issuing a
5 credit memorandum, the Department shall notify the State
6 Comptroller, who shall cause the order to be drawn for the
7 amount specified and to the person named in the notification
8 from the Department. The refund shall be paid by the State
9 Treasurer out of the business district retailers' occupation
10 tax fund or the Local Government Aviation Trust Fund, as
11 appropriate.

12 Except as otherwise provided in this paragraph, the
13 Department shall immediately 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, 2019,
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 Section Act for so long as the revenue use requirements of 49
23 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the
24 District.

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 subsection
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 municipalities
11 from the business district retailers' occupation tax fund, the
12 municipalities to be those from which retailers have paid taxes
13 or penalties under this subsection to the Department during the
14 second preceding calendar month. The amount to be paid to each
15 municipality shall be the amount (not including credit
16 memoranda and not including taxes and penalties collected on
17 aviation fuel sold on or after December 1, 2019) collected
18 under this subsection during the second preceding calendar
19 month by the Department plus an amount the Department
20 determines is necessary to offset any amounts that were
21 erroneously paid to a different taxing body, and not including
22 an amount equal to the amount of refunds made during the second
23 preceding calendar month by the Department, less 2% of that
24 amount (except the amount collected on aviation fuel sold on or
25 after December 1, 2019), which shall be deposited into the Tax
26 Compliance and Administration Fund and shall be used by the

1 Department, subject to appropriation, to cover the costs of the
2 Department in administering and enforcing the provisions of
3 this subsection, 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 subsection to be given to the Comptroller by the Department,
12 the Comptroller shall cause the orders to be drawn for the
13 respective amounts in accordance with the directions contained
14 in the certification. The proceeds of the tax paid to
15 municipalities under this subsection shall be deposited into
16 the Business District Tax Allocation Fund by the municipality.

17 An ordinance imposing or discontinuing the tax under this
18 subsection or effecting a change in the rate thereof shall
19 either (i) be adopted and a certified copy thereof filed with
20 the Department on or before the first day of April, whereupon
21 the Department, if all other requirements of this subsection
22 are met, shall proceed to administer and enforce this
23 subsection as of the first day of July next following the
24 adoption and filing; or (ii) be adopted and a certified copy
25 thereof filed with the Department on or before the first day of
26 October, whereupon, if all other requirements of this

1 subsection are met, the Department shall proceed to administer
2 and enforce this subsection as of the first day of January next
3 following the adoption and filing.

4 The Department of Revenue shall not administer or enforce
5 an ordinance imposing, discontinuing, or changing the rate of
6 the tax under this subsection, until the municipality also
7 provides, in the manner prescribed by the Department, the
8 boundaries of the business district and each address in the
9 business district in such a way that the Department can
10 determine by its address whether a business is located in the
11 business district. The municipality must provide this boundary
12 and address information to the Department on or before April 1
13 for administration and enforcement of the tax under this
14 subsection by the Department beginning on the following July 1
15 and on or before October 1 for administration and enforcement
16 of the tax under this subsection by the Department beginning on
17 the following January 1. The Department of Revenue shall not
18 administer or enforce any change made to the boundaries of a
19 business district or address change, addition, or deletion
20 until the municipality reports the boundary change or address
21 change, addition, or deletion to the Department in the manner
22 prescribed by the Department. The municipality must provide
23 this boundary change information or address change, addition,
24 or deletion to the Department on or before April 1 for
25 administration and enforcement by the Department of the change
26 beginning on the following July 1 and on or before October 1

1 for administration and enforcement by the Department of the
2 change beginning on the following January 1. The retailers in
3 the business district shall be responsible for charging the tax
4 imposed under this subsection. If a retailer is incorrectly
5 included or excluded from the list of those required to collect
6 the tax under this subsection, both the Department of Revenue
7 and the retailer shall be held harmless if they reasonably
8 relied on information provided by the municipality.

9 A municipality that imposes the tax under this subsection
10 must submit to the Department of Revenue any other information
11 as the Department may require for the administration and
12 enforcement of the tax.

13 When certifying the amount of a monthly disbursement to a
14 municipality under this subsection, the Department shall
15 increase or decrease the amount by an amount necessary to
16 offset any misallocation of previous disbursements. The offset
17 amount shall be the amount erroneously disbursed within the
18 previous 6 months from the time a misallocation is discovered.

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

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

25 (c) If a tax has been imposed under subsection (b), a
26 Business District Service Occupation Tax shall also be imposed

1 upon all persons engaged, in the business district, in the
2 business of making sales of service, who, as an incident to
3 making those sales of service, transfer tangible personal
4 property within the business district, either in the form of
5 tangible personal property or in the form of real estate as an
6 incident to a sale of service. The tax shall be imposed at the
7 same rate as the tax imposed in subsection (b) and shall not
8 exceed 1% of the selling price of tangible personal property so
9 transferred within the business district, to be imposed only in
10 0.25% increments. The tax may not be imposed on tangible
11 personal property taxed at the 1% rate under the Service
12 Occupation Tax Act. Beginning December 1, 2019, this tax is not
13 imposed on sales of aviation fuel unless the tax revenue is
14 expended for airport-related purposes. If the District does not
15 have an airport-related purpose to which it dedicates aviation
16 fuel tax revenue, then aviation fuel is excluded from the tax.
17 Each municipality must comply with the certification
18 requirements for airport-related purposes under Section 2-22
19 of the Retailers' Occupation Tax Act ~~8-11-22~~. For purposes of
20 this Act, "airport-related purposes" has the meaning ascribed
21 in Section 6z-20.2 of the State Finance Act. Beginning January
22 1, 2021, this tax is not imposed on sales of aviation fuel ~~This~~
23 ~~exclusion for aviation fuel only applies~~ for so long as the
24 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.
25 47133 are 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 which is issued by the Department
4 to a retailer under the Retailers' Occupation Tax Act or under
5 the Service Occupation Tax Act shall permit such registrant to
6 engage in a business which is taxable under any ordinance or
7 resolution enacted pursuant to this subsection without
8 registering separately with the Department under such
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, 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 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 business 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 municipality), 9 (except as to the
2 disposition of taxes and penalties collected, and except that
3 the returned merchandise credit for this tax may not be taken
4 against any State tax, and except that the retailer's discount
5 is not allowed for taxes paid on aviation fuel that are subject
6 to the revenue use requirements of 49 U.S.C. 47107(b) and 49
7 U.S.C. 47133 ~~deposited into the Local Government Aviation Trust~~
8 ~~Fund~~), 10, 11, 12 (except the reference therein to Section 2b
9 of the Retailers' Occupation Tax Act), 13 (except that any
10 reference to the State shall mean the municipality), the first
11 paragraph of Section 15, and Sections 16, 17, 18, 19 and 20 of
12 the Service Occupation Tax Act and all provisions 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 subsection may reimburse themselves for their
17 serviceman's tax liability hereunder by separately stating the
18 tax as an additional charge, which charge may be stated in
19 combination, in a single amount, with State tax that servicemen
20 are authorized to collect under the Service Use Tax Act, in
21 accordance with such bracket schedules as the Department may
22 prescribe.

23 Whenever the Department determines that a refund should be
24 made under this subsection to a claimant instead of issuing
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 such notification
2 from the Department. Such refund shall be paid by the State
3 Treasurer out of the business district retailers' occupation
4 tax fund or the Local Government Aviation Trust Fund, as
5 appropriate.

6 Except as otherwise provided in this paragraph, the
7 Department shall forthwith pay over to the State Treasurer,
8 ex-officio, as trustee, all taxes, penalties, and interest
9 collected under this subsection for deposit into the business
10 district retailers' occupation tax fund. Taxes and penalties
11 collected on aviation fuel sold on or after December 1, 2019,
12 shall be immediately paid over by the Department to the State
13 Treasurer, ex officio, as trustee, for deposit into the Local
14 Government Aviation Trust Fund. The Department shall only pay
15 moneys into the Local Government Aviation Trust Fund under this
16 Section Act 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
18 District.

19 As soon as possible after the first day of each month,
20 beginning January 1, 2011, upon certification of the Department
21 of Revenue, the Comptroller shall order transferred, and the
22 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
23 local sales tax increment, as defined in the Innovation
24 Development and Economy Act, collected under this subsection
25 during the second preceding calendar month for sales within a
26 STAR bond district.

1 After the monthly transfer to the STAR Bonds Revenue Fund,
2 on or before the 25th day of each calendar month, the
3 Department shall prepare and certify to the Comptroller the
4 disbursement of stated sums of money to named municipalities
5 from the business district retailers' occupation tax fund, the
6 municipalities to be those from which suppliers and servicemen
7 have paid taxes or penalties under this subsection 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, 2019) collected under this subsection during the second
13 preceding calendar month by the Department, less 2% of that
14 amount (except the amount collected on aviation fuel sold on or
15 after December 1, 2019), which shall be deposited into the Tax
16 Compliance and Administration Fund and shall be used by the
17 Department, subject to appropriation, to cover the costs of the
18 Department in administering and enforcing the provisions of
19 this subsection, and not including an amount equal to the
20 amount of refunds made during the second preceding calendar
21 month by the Department on behalf of such municipality, and not
22 including any amounts that are transferred to the STAR Bonds
23 Revenue Fund. Within 10 days after receipt, by the Comptroller,
24 of the disbursement certification to the municipalities,
25 provided for in this subsection to be given to the Comptroller
26 by the Department, the Comptroller shall cause the orders to be

1 drawn for the respective amounts in accordance with the
2 directions contained in such certification. The proceeds of the
3 tax paid to municipalities under this subsection shall be
4 deposited into the Business District Tax Allocation Fund by the
5 municipality.

6 An ordinance imposing or discontinuing the tax under this
7 subsection or effecting a change in the rate thereof shall
8 either (i) be adopted and a certified copy thereof filed with
9 the Department on or before the first day of April, whereupon
10 the Department, if all other requirements of this subsection
11 are met, shall proceed to administer and enforce this
12 subsection as of the first day of July next following the
13 adoption and filing; or (ii) be adopted and a certified copy
14 thereof filed with the Department on or before the first day of
15 October, whereupon, if all other conditions of this subsection
16 are met, the Department shall proceed to administer and enforce
17 this subsection as of the first day of January next following
18 the adoption and filing.

19 The Department of Revenue shall not administer or enforce
20 an ordinance imposing, discontinuing, or changing the rate of
21 the tax under this subsection, until the municipality also
22 provides, in the manner prescribed by the Department, the
23 boundaries of the business district in such a way that the
24 Department can determine by its address whether a business is
25 located in the business district. The municipality must provide
26 this boundary and address information to the Department on or

1 before April 1 for administration and enforcement of the tax
2 under this subsection by the Department beginning on the
3 following July 1 and on or before October 1 for administration
4 and enforcement of the tax under this subsection by the
5 Department beginning on the following January 1. The Department
6 of Revenue shall not administer or enforce any change made to
7 the boundaries of a business district or address change,
8 addition, or deletion until the municipality reports the
9 boundary change or address change, addition, or deletion to the
10 Department in the manner prescribed by the Department. The
11 municipality must provide this boundary change information or
12 address change, addition, or deletion to the Department on or
13 before April 1 for administration and enforcement by the
14 Department of the change beginning on the following July 1 and
15 on or before October 1 for administration and enforcement by
16 the Department of the change beginning on the following January
17 1. The retailers in the business district shall be responsible
18 for charging the tax imposed under this subsection. If a
19 retailer is incorrectly included or excluded from the list of
20 those required to collect the tax under this subsection, both
21 the Department of Revenue and the retailer shall be held
22 harmless if they reasonably relied on information provided by
23 the municipality.

24 A municipality that imposes the tax under this subsection
25 must submit to the Department of Revenue any other information
26 as the Department may require for the administration and

1 enforcement of the tax.

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

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

8 (d) By ordinance, a municipality that has designated a
9 business district under this Law may impose an occupation tax
10 upon all persons engaged in the business district in the
11 business of renting, leasing, or letting rooms in a hotel, as
12 defined in the Hotel Operators' Occupation Tax Act, at a rate
13 not to exceed 1% of the gross rental receipts from the renting,
14 leasing, or letting of hotel rooms within the business
15 district, to be imposed only in 0.25% increments, excluding,
16 however, from gross rental receipts the proceeds of renting,
17 leasing, or letting to permanent residents of a hotel, as
18 defined in the Hotel Operators' Occupation Tax Act, and
19 proceeds from the tax imposed under subsection (c) of Section
20 13 of the Metropolitan Pier and Exposition Authority Act.

21 The tax imposed by the municipality under this subsection
22 and all civil penalties that may be assessed as an incident to
23 that tax shall be collected and enforced by the municipality
24 imposing the tax. The municipality shall have full power to
25 administer and enforce this subsection, to collect all taxes
26 and penalties due under this subsection, to dispose of taxes

1 and penalties so collected in the manner provided in this
2 subsection, and to determine all rights to credit memoranda
3 arising on account of the erroneous payment of tax or penalty
4 under this subsection. In the administration of and compliance
5 with this subsection, the municipality and persons who are
6 subject to this subsection shall have the same rights,
7 remedies, privileges, immunities, powers, and duties, shall be
8 subject to the same conditions, restrictions, limitations,
9 penalties, and definitions of terms, and shall employ the same
10 modes of procedure as are employed with respect to a tax
11 adopted by the municipality under Section 8-3-14 of this Code.

12 Persons subject to any tax imposed under the authority
13 granted in this subsection may reimburse themselves for their
14 tax liability for that tax by separately stating that tax as an
15 additional charge, which charge may be stated in combination,
16 in a single amount, with State taxes imposed under the Hotel
17 Operators' Occupation Tax Act, and with any other tax.

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

22 The proceeds of the tax imposed under this subsection shall
23 be deposited into the Business District Tax Allocation Fund.

24 (e) Obligations secured by the Business District Tax
25 Allocation Fund may be issued to provide for the payment or
26 reimbursement of business district project costs. Those

1 obligations, when so issued, shall be retired in the manner
2 provided in the ordinance authorizing the issuance of those
3 obligations by the receipts of taxes imposed pursuant to
4 subsections (10) and (11) of Section 11-74.3-3 and by other
5 revenue designated or pledged by the municipality. A
6 municipality may in the ordinance pledge, for any period of
7 time up to and including the dissolution date, all or any part
8 of the funds in and to be deposited in the Business District
9 Tax Allocation Fund to the payment of business district project
10 costs and obligations. Whenever a municipality pledges all of
11 the funds to the credit of a business district tax allocation
12 fund to secure obligations issued or to be issued to pay or
13 reimburse business district project costs, the municipality
14 may specifically provide that funds remaining to the credit of
15 such business district tax allocation fund after the payment of
16 such obligations shall be accounted for annually and shall be
17 deemed to be "surplus" funds, and such "surplus" funds shall be
18 expended by the municipality for any business district project
19 cost as approved in the business district plan. Whenever a
20 municipality pledges less than all of the monies to the credit
21 of a business district tax allocation fund to secure
22 obligations issued or to be issued to pay or reimburse business
23 district project costs, the municipality shall provide that
24 monies to the credit of the business district tax allocation
25 fund and not subject to such pledge or otherwise encumbered or
26 required for payment of contractual obligations for specific

1 business district project costs shall be calculated annually
2 and shall be deemed to be "surplus" funds, and such "surplus"
3 funds shall be expended by the municipality for any business
4 district project cost as approved in the business district
5 plan.

6 No obligation issued pursuant to this Law and secured by a
7 pledge of all or any portion of any revenues received or to be
8 received by the municipality from the imposition of taxes
9 pursuant to subsection (10) of Section 11-74.3-3, shall be
10 deemed to constitute an economic incentive agreement under
11 Section 8-11-20, notwithstanding the fact that such pledge
12 provides for the sharing, rebate, or payment of retailers'
13 occupation taxes or service occupation taxes imposed pursuant
14 to subsection (10) of Section 11-74.3-3 and received or to be
15 received by the municipality from the development or
16 redevelopment of properties in the business district.

17 Without limiting the foregoing in this Section, the
18 municipality may further secure obligations secured by the
19 business district tax allocation fund with a pledge, for a
20 period not greater than the term of the obligations and in any
21 case not longer than the dissolution date, of any part or any
22 combination of the following: (i) net revenues of all or part
23 of any business district project; (ii) taxes levied or imposed
24 by the municipality on any or all property in the municipality,
25 including, specifically, taxes levied or imposed by the
26 municipality in a special service area pursuant to the Special

1 Service Area Tax Law; (iii) the full faith and credit of the
2 municipality; (iv) a mortgage on part or all of the business
3 district project; or (v) any other taxes or anticipated
4 receipts that the municipality may lawfully pledge.

5 Such obligations may be issued in one or more series, bear
6 such date or dates, become due at such time or times as therein
7 provided, but in any case not later than (i) 20 years after the
8 date of issue or (ii) the dissolution date, whichever is
9 earlier, bear interest payable at such intervals and at such
10 rate or rates as set forth therein, except as may be limited by
11 applicable law, which rate or rates may be fixed or variable,
12 be in such denominations, be in such form, either coupon,
13 registered, or book-entry, carry such conversion, registration
14 and exchange privileges, be subject to defeasance upon such
15 terms, have such rank or priority, be executed in such manner,
16 be payable in such medium or payment at such place or places
17 within or without the State, make provision for a corporate
18 trustee within or without the State with respect to such
19 obligations, prescribe the rights, powers, and duties thereof
20 to be exercised for the benefit of the municipality and the
21 benefit of the owners of such obligations, provide for the
22 holding in trust, investment, and use of moneys, funds, and
23 accounts held under an ordinance, provide for assignment of and
24 direct payment of the moneys to pay such obligations or to be
25 deposited into such funds or accounts directly to such trustee,
26 be subject to such terms of redemption with or without premium,

1 and be sold at such price, all as the corporate authorities
2 shall determine. No referendum approval of the electors shall
3 be required as a condition to the issuance of obligations
4 pursuant to this Law except as provided in this Section.

5 In the event the municipality authorizes the issuance of
6 obligations pursuant to the authority of this Law secured by
7 the full faith and credit of the municipality, or pledges ad
8 valorem taxes pursuant to this subsection, which obligations
9 are other than obligations which may be issued under home rule
10 powers provided by Section 6 of Article VII of the Illinois
11 Constitution or which ad valorem taxes are other than ad
12 valorem taxes which may be pledged under home rule powers
13 provided by Section 6 of Article VII of the Illinois
14 Constitution or which are levied in a special service area
15 pursuant to the Special Service Area Tax Law, the ordinance
16 authorizing the issuance of those obligations or pledging those
17 taxes shall be published within 10 days after the ordinance has
18 been adopted, in a newspaper having a general circulation
19 within the municipality. The publication of the ordinance shall
20 be accompanied by a notice of (i) the specific number of voters
21 required to sign a petition requesting the question of the
22 issuance of the obligations or pledging such ad valorem taxes
23 to be submitted to the electors; (ii) the time within which the
24 petition must be filed; and (iii) the date of the prospective
25 referendum. The municipal clerk shall provide a petition form
26 to any individual requesting one.

1 If no petition is filed with the municipal clerk, as
2 hereinafter provided in this Section, within 21 days after the
3 publication of the ordinance, the ordinance shall be in effect.
4 However, if within that 21-day period a petition is filed with
5 the municipal clerk, signed by electors numbering not less than
6 15% of the number of electors voting for the mayor or president
7 at the last general municipal election, asking that the
8 question of issuing obligations using full faith and credit of
9 the municipality as security for the cost of paying or
10 reimbursing business district project costs, or of pledging
11 such ad valorem taxes for the payment of those obligations, or
12 both, be submitted to the electors of the municipality, the
13 municipality shall not be authorized to issue obligations of
14 the municipality using the full faith and credit of the
15 municipality as security or pledging such ad valorem taxes for
16 the payment of those obligations, or both, until the
17 proposition has been submitted to and approved by a majority of
18 the voters voting on the proposition at a regularly scheduled
19 election. The municipality shall certify the proposition to the
20 proper election authorities for submission in accordance with
21 the general election law.

22 The ordinance authorizing the obligations may provide that
23 the obligations shall contain a recital that they are issued
24 pursuant to this Law, which recital shall be conclusive
25 evidence of their validity and of the regularity of their
26 issuance.

1 In the event the municipality authorizes issuance of
2 obligations pursuant to this Law secured by the full faith and
3 credit of the municipality, the ordinance authorizing the
4 obligations may provide for the levy and collection of a direct
5 annual tax upon all taxable property within the municipality
6 sufficient to pay the principal thereof and interest thereon as
7 it matures, which levy may be in addition to and exclusive of
8 the maximum of all other taxes authorized to be levied by the
9 municipality, which levy, however, shall be abated to the
10 extent that monies from other sources are available for payment
11 of the obligations and the municipality certifies the amount of
12 those monies available to the county clerk.

13 A certified copy of the ordinance shall be filed with the
14 county clerk of each county in which any portion of the
15 municipality is situated, and shall constitute the authority
16 for the extension and collection of the taxes to be deposited
17 in the business district tax allocation fund.

18 A municipality may also issue its obligations to refund, in
19 whole or in part, obligations theretofore issued by the
20 municipality under the authority of this Law, whether at or
21 prior to maturity. However, the last maturity of the refunding
22 obligations shall not be expressed to mature later than the
23 dissolution date.

24 In the event a municipality issues obligations under home
25 rule powers or other legislative authority, the proceeds of
26 which are pledged to pay or reimburse business district project

1 costs, the municipality may, if it has followed the procedures
2 in conformance with this Law, retire those obligations from
3 funds in the business district tax allocation fund in amounts
4 and in such manner as if those obligations had been issued
5 pursuant to the provisions of this Law.

6 No obligations issued pursuant to this Law shall be
7 regarded as indebtedness of the municipality issuing those
8 obligations or any other taxing district for the purpose of any
9 limitation imposed by law.

10 Obligations issued pursuant to this Law shall not be
11 subject to the provisions of the Bond Authorization Act.

12 (f) When business district project costs, including,
13 without limitation, all obligations paying or reimbursing
14 business district project costs have been paid, any surplus
15 funds then remaining in the Business District Tax Allocation
16 Fund shall be distributed to the municipal treasurer for
17 deposit into the general corporate fund of the municipality.
18 Upon payment of all business district project costs and
19 retirement of all obligations paying or reimbursing business
20 district project costs, but in no event more than 23 years
21 after the date of adoption of the ordinance imposing taxes
22 pursuant to subsection (10) or (11) of Section 11-74.3-3, the
23 municipality shall adopt an ordinance immediately rescinding
24 the taxes imposed pursuant to subsection (10) or (11) of
25 Section 11-74.3-3.

26 (Source: P.A. 100-1171, eff. 1-4-19; 101-10, eff. 6-5-19.)

1 (65 ILCS 5/11-101-3)

2 Sec. 11-101-3. Noise mitigation; air quality.

3 (a) A municipality that has implemented a Residential Sound
4 Insulation Program to mitigate aircraft noise shall perform
5 indoor air quality monitoring and laboratory analysis of
6 windows and doors installed pursuant to the Residential Sound
7 Insulation Program to determine whether there are any adverse
8 health impacts associated with off-gassing from such windows
9 and doors. Such monitoring and analysis shall be consistent
10 with applicable professional and industry standards. The
11 municipality shall make any final reports resulting from such
12 monitoring and analysis available to the public on the
13 municipality's website. The municipality shall develop a
14 science-based mitigation plan to address significant
15 health-related impacts, if any, associated with such windows
16 and doors as determined by the results of the monitoring and
17 analysis. In a municipality that has implemented a Residential
18 Sound Insulation Program to mitigate aircraft noise, if
19 requested by the homeowner pursuant to a process established by
20 the municipality, which process shall include, at a minimum,
21 notification in a newspaper of general circulation and a mailer
22 sent to every address identified as a recipient of windows and
23 doors installed under the Residential Sound Insulation
24 Program, the municipality shall replace all windows and doors
25 installed under the Residential Sound Insulation Program in

1 such homes where one or more windows or doors have been found
2 to have caused offensive odors. Only those homeowners who
3 request that the municipality perform an odor inspection as
4 prescribed by the process established by the municipality
5 within 6 months of notification being published and mailers
6 being sent ~~prior to March 31, 2020~~ shall be eligible for
7 odorous window and odorous door replacement. Homes that have
8 been identified by the municipality as having odorous windows
9 or doors are not required to make said request to the
10 municipality. The right to make a claim for replacement and
11 have it considered pursuant to this Section shall not be
12 affected by the fact of odor-related claims made or
13 odor-related products received pursuant to the Residential
14 Sound Insulation Program prior to June 5, 2019 (the effective
15 date of this Section).

16 (b) An advisory committee shall be formed, composed of the
17 following: (i) 2 members of the municipality who reside in
18 homes that have received windows or doors pursuant to the
19 Residential Sound Insulation Program and have been identified
20 by the municipality as having odorous windows or doors,
21 appointed by the Secretary of Transportation; (ii) one employee
22 of the Aeronautics Division of the Department of
23 Transportation; and (iii) 2 employees of the municipality that
24 implemented the Residential Sound Insulation Program in
25 question. The advisory committee shall determine by majority
26 vote which homes contain windows or doors that cause offensive

1 odors and thus are eligible for replacement, shall promulgate a
2 list of such homes, and shall develop recommendations as to the
3 order in which homes are to receive window replacement. The
4 recommendations shall include reasonable and objective
5 criteria for determining which windows or doors are odorous,
6 consideration of the date of odor confirmation for
7 prioritization, severity of odor, geography and individual
8 hardship, and shall provide such recommendations to the
9 municipality. The advisory committee shall comply with the
10 requirements of the ~~Illinois~~ Open Meetings Act. The
11 municipality shall consider the recommendations of the
12 committee but shall retain final decision-making authority
13 over replacement of windows and doors installed under the
14 Residential Sound Insulation Program, and shall comply with all
15 federal, State, and local laws involving procurement. A
16 municipality administering claims pursuant to this Section
17 shall provide to every address identified as having submitted a
18 valid claim under this Section a quarterly report setting forth
19 the municipality's activities undertaken pursuant to this
20 Section for that quarter. However, the municipality shall
21 replace windows and doors pursuant to this Section only if, and
22 to the extent, grants are distributed to, and received by, the
23 municipality from the Sound-Reducing Windows and Doors
24 Replacement Fund for the costs associated with the replacement
25 of sound-reducing windows and doors installed under the
26 Residential Sound Insulation Program pursuant to Section

1 6z-20.1 of the State Finance Act. In addition, the municipality
2 shall revise its specifications for procurement of windows for
3 the Residential Sound Insulation Program to address potential
4 off-gassing from such windows in future phases of the program.
5 A municipality subject to the Section shall not legislate or
6 otherwise regulate with regard to indoor air quality
7 monitoring, laboratory analysis or replacement requirements,
8 except as provided in this Section, but the foregoing
9 restriction shall not limit said municipality's taxing power.

10 (c) A home rule unit may not regulate indoor air quality
11 monitoring and laboratory analysis, and related mitigation and
12 mitigation plans, in a manner inconsistent with this Section.
13 This Section is a limitation of home rule powers and functions
14 under subsection (i) of Section 6 of Article VII of the
15 Illinois Constitution on the concurrent exercise by home rule
16 units of powers and functions exercised by the State.

17 (d) This Section shall not be construed to create a private
18 right of action.

19 (Source: P.A. 101-10, eff. 6-5-19; revised 8-8-19.)

20 (65 ILCS 5/8-11-22 rep.)

21 Section 10-80. The Illinois Municipal Code is amended by
22 repealing Section 8-11-22.

23 Section 10-85. The Civic Center Code is amended by changing
24 Section 245-12 as follows:

1 (70 ILCS 200/245-12)

2 Sec. 245-12. Use and occupation taxes.

3 (a) The Authority may adopt a resolution that authorizes a
4 referendum on the question of whether the Authority shall be
5 authorized to impose a retailers' occupation tax, a service
6 occupation tax, and a use tax in one-quarter percent increments
7 at a rate not to exceed 1%. The Authority shall certify the
8 question to the proper election authorities who shall submit
9 the question to the voters of the metropolitan area at the next
10 regularly scheduled election in accordance with the general
11 election law. The question shall be in substantially the
12 following form:

13 "Shall the Salem Civic Center Authority be authorized to
14 impose a retailers' occupation tax, a service occupation
15 tax, and a use tax at the rate of (rate) for the sole
16 purpose of obtaining funds for the support, construction,
17 maintenance, or financing of a facility of the Authority?"

18 Votes shall be recorded as "yes" or "no".

19 If a majority of all votes cast on the proposition are in
20 favor of the proposition, the Authority is authorized to impose
21 the tax.

22 (b) The Authority shall impose the retailers' occupation
23 tax upon all persons engaged in the business of selling
24 tangible personal property at retail in the metropolitan area,
25 at the rate approved by referendum, on the gross receipts from

1 the sales made in the course of such business within the
2 metropolitan area. Beginning December 1, 2019 and through
3 December 31, 2020, this tax is not imposed on sales of aviation
4 fuel unless the tax revenue is expended for airport-related
5 purposes. If the Authority does not have an airport-related
6 purpose to which it dedicates aviation fuel tax revenue, then
7 aviation fuel is excluded from the tax. The Authority must
8 comply with the certification requirements for airport-related
9 purposes under Section 2-22 of the Retailers' Occupation Tax
10 Act. For purposes of this Section Act, "airport-related
11 purposes" has the meaning ascribed in Section 6z-20.2 of the
12 State Finance Act. Beginning January 1, 2021, this tax is not
13 imposed on sales of aviation fuel ~~This exclusion for aviation~~
14 ~~fuel only applies~~ for so long as the revenue use requirements
15 of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the
16 Authority.

17 ~~On or before September 1, 2019, and on or before each April~~
18 ~~1 and October 1 thereafter, the Authority must certify to the~~
19 ~~Department of Transportation, in the form and manner required~~
20 ~~by the Department, whether the Authority has an airport related~~
21 ~~purpose, which would allow any Retailers' Occupation Tax and~~
22 ~~Service Occupation Tax imposed by the Authority to include tax~~
23 ~~on aviation fuel. On or before October 1, 2019, and on or~~
24 ~~before 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 The tax imposed under this Section and all civil penalties
8 that may be assessed as an incident thereof shall be collected
9 and enforced by the Department of Revenue. The Department has
10 full power to administer and enforce this Section; to collect
11 all taxes and penalties so collected in the manner provided in
12 this Section; and to determine all rights to credit memoranda
13 arising on account of the erroneous payment of tax or penalty
14 hereunder. In the administration of, and compliance with, this
15 Section, the Department and persons who are subject to this
16 Section shall (i) have the same rights, remedies, privileges,
17 immunities, powers and duties, (ii) be subject to the same
18 conditions, restrictions, limitations, penalties, exclusions,
19 exemptions, and definitions of terms, and (iii) employ the same
20 modes of procedure as are prescribed in Sections 1, 1a, 1a-1,
21 1c, 1d, 1e, 1f, 1i, 1j, 1k, 1m, 1n, 2, 2-5, 2-5.5, 2-10 (in
22 respect to all provisions therein other than the State rate of
23 tax), 2-12, 2-15 through 2-70, 2a, 2b, 2c, 3 (except as to the
24 disposition of taxes and penalties collected and provisions
25 related to quarter monthly payments, and except that the
26 retailer's discount is not allowed for taxes paid on aviation

1 fuel that are subject to the revenue use requirements of 49
2 U.S.C. 47107(b) and 49 U.S.C. 47133 ~~deposited into the Local~~
3 ~~Government Aviation Trust Fund~~), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f,
4 5g, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 11a, 12, and
5 13 of the Retailers' Occupation Tax Act and Section 3-7 of the
6 Uniform Penalty and Interest Act, as fully as if those
7 provisions were set forth in this subsection.

8 Persons subject to any tax imposed under this subsection
9 may reimburse themselves for their seller's tax liability by
10 separately stating the tax as an additional charge, which
11 charge may be stated in combination, in a single amount, with
12 State taxes that sellers are required to collect, in accordance
13 with such bracket schedules as the Department may prescribe.

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

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, 2019 and through December 31, 2020,
23 this tax is not imposed on sales of aviation fuel unless the
24 tax revenue is expended for airport-related purposes. If the
25 Authority does not have an airport-related purpose to which it
26 dedicates aviation fuel tax revenue, then aviation fuel is

1 excluded from the tax. The Authority must comply with the
2 certification requirements for airport-related purposes under
3 Section 2-22 of the Retailers' Occupation Tax Act. Beginning
4 January 1, 2021, this tax is not imposed on sales of aviation
5 fuel for so long as the revenue use requirements of 49 U.S.C.
6 47107(b) and 49 U.S.C. 47133 are binding on the Authority. On
7 ~~or before September 1, 2019, and on or before each April 1 and~~
8 ~~October 1 thereafter, the Authority must certify to the~~
9 ~~Department of Transportation, in the form and manner required~~
10 ~~by the Department, whether the Authority has an airport related~~
11 ~~purpose, which would allow any Retailers' Occupation Tax and~~
12 ~~Service Occupation Tax imposed by the Authority to include tax~~
13 ~~on aviation fuel. On or before October, 2019, and on or before~~
14 ~~each May 1 and November 1 thereafter, the Department of~~
15 ~~Transportation shall provide to the Department of Revenue, a~~
16 ~~list of units of local government which have certified to the~~
17 ~~Department of Transportation that they have airport related~~
18 ~~purposes, which would allow any Retailers' Occupation Tax and~~
19 ~~Service Occupation Tax imposed by the unit of local government~~
20 ~~to include tax on aviation fuel. All disputes regarding whether~~
21 ~~or not a unit of local government has an airport related~~
22 ~~purpose shall be resolved by the Department of Transportation.~~

23 The Department has full power to administer and enforce
24 this paragraph; to collect all taxes and penalties due
25 hereunder; to dispose of taxes and penalties so collected in
26 the manner hereinafter provided; and to determine all rights to

1 credit memoranda arising on account of the erroneous payment of
2 tax or penalty hereunder. In the administration of, and
3 compliance with this paragraph, the Department and persons who
4 are subject to this paragraph 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, exclusions, exemptions, and definitions of terms,
8 and (iii) employ the same modes of procedure as are prescribed
9 in Sections 2 (except that the reference to State in the
10 definition of supplier maintaining a place of business in this
11 State shall mean the metropolitan area), 2a, 2b, 3 through 3-55
12 (in respect to all provisions therein other than the State rate
13 of tax), 4 (except that the reference to the State shall be to
14 the Authority), 5, 7, 8 (except that the jurisdiction to which
15 the tax shall be a debt to the extent indicated in that Section
16 8 shall be the Authority), 9 (except as to the disposition of
17 taxes and penalties collected, and except that the returned
18 merchandise credit for this tax may not be taken against any
19 State tax, and except that the retailer's discount is not
20 allowed for taxes paid on aviation fuel that are subject to the
21 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.
22 47133 ~~deposited into the Local Government Aviation Trust Fund~~),
23 11, 12 (except the reference therein to Section 2b of the
24 Retailers' Occupation Tax Act), 13 (except that any reference
25 to the State shall mean the Authority), 15, 16, 17, 18, 19 and
26 20 of the Service Occupation Tax Act and Section 3-7 of the

1 Uniform Penalty and Interest Act, as fully as if those
2 provisions were set forth herein.

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

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

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

24 (d) If a tax has been imposed under subsection (b), a use
25 tax shall also be imposed at the same rate upon the privilege
26 of using, in the metropolitan area, any item of tangible

1 personal property that is purchased outside the metropolitan
2 area at retail from a retailer, and that is titled or
3 registered at a location within the metropolitan area with an
4 agency of this State's government. "Selling price" is defined
5 as in the Use Tax Act. The tax shall be collected from persons
6 whose Illinois address for titling or registration purposes is
7 given as being in the metropolitan area. The tax shall be
8 collected by the Department of Revenue for the Authority. The
9 tax must be paid to the State, or an exemption determination
10 must be obtained from the Department of Revenue, before the
11 title or certificate of registration for the property may be
12 issued. The tax or proof of exemption may be transmitted to the
13 Department by way of the State agency with which, or the State
14 officer with whom, the tangible personal property must be
15 titled or registered if the Department and the State agency or
16 State officer determine that this procedure will expedite the
17 processing of applications for title or registration.

18 The Department has full power to administer and enforce
19 this paragraph; to collect all taxes, penalties and interest
20 due hereunder; to dispose of taxes, penalties and interest so
21 collected in the manner hereinafter provided; and to determine
22 all rights to credit memoranda or refunds arising on account of
23 the erroneous payment of tax, penalty or interest hereunder. In
24 the administration of, and compliance with, this subsection,
25 the Department and persons who are subject to this paragraph
26 shall (i) have the same rights, remedies, privileges,

1 immunities, powers, and duties, (ii) be subject to the same
2 conditions, restrictions, limitations, penalties, exclusions,
3 exemptions, and definitions of terms, and (iii) employ the same
4 modes of procedure as are prescribed in Sections 2 (except the
5 definition of "retailer maintaining a place of business in this
6 State"), 3, 3-5, 3-10, 3-45, 3-55, 3-65, 3-70, 3-85, 3a, 4, 6,
7 7, 8 (except that the jurisdiction to which the tax shall be a
8 debt to the extent indicated in that Section 8 shall be the
9 Authority), 9 (except provisions relating to quarter monthly
10 payments), 10, 11, 12, 12a, 12b, 13, 14, 15, 19, 20, 21, and 22
11 of the Use Tax Act and Section 3-7 of the Uniform Penalty and
12 Interest Act, that are not inconsistent with this paragraph, as
13 fully as if those provisions were set forth herein.

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

22 (e) A certificate of registration issued by the State
23 Department of Revenue to a retailer under the Retailers'
24 Occupation Tax Act or under the Service Occupation Tax Act
25 shall permit the registrant to engage in a business that is
26 taxed under the tax imposed under paragraphs (b), (c), or (d)

1 of this Section and no additional registration shall be
2 required. A certificate issued under the Use Tax Act or the
3 Service Use Tax Act shall be applicable with regard to any tax
4 imposed under paragraph (c) of this Section.

5 (f) The results of any election authorizing a proposition
6 to impose a tax under this Section or effecting a change in the
7 rate of tax shall be certified by the proper election
8 authorities and filed with the Illinois Department on or before
9 the first day of April. In addition, an ordinance imposing,
10 discontinuing, or effecting a change in the rate of tax under
11 this Section shall be adopted and a certified copy thereof
12 filed with the Department on or before the first day of April.
13 After proper receipt of such certifications, the Department
14 shall proceed to administer and enforce this Section as of the
15 first day of July next following such adoption and filing.

16 (g) Except as otherwise provided, the Department of Revenue
17 shall, upon collecting any taxes and penalties as provided in
18 this Section, pay the taxes and penalties over to the State
19 Treasurer as trustee for the Authority. The taxes and penalties
20 shall be held in a trust fund outside the State Treasury. Taxes
21 and penalties collected on aviation fuel sold on or after
22 December 1, 2019 and through December 31, 2020, shall be
23 immediately paid over by the Department to the State Treasurer,
24 ex officio, as trustee, for deposit into the Local Government
25 Aviation Trust Fund. The Department shall only pay moneys into
26 the Local Government ~~State~~ Aviation Trust ~~Program~~ Fund under

1 this Section ~~Act~~ for so long as the revenue use requirements of
2 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the
3 District. On or before the 25th day of each calendar month, the
4 Department of Revenue shall prepare and certify to the
5 Comptroller of the State of Illinois the amount to be paid to
6 the Authority, which shall be the balance in the fund, less any
7 amount determined by the Department to be necessary for the
8 payment of refunds and not including taxes and penalties
9 collected on aviation fuel sold on or after December 1, 2019.
10 Within 10 days after receipt by the Comptroller of the
11 certification of the amount to be paid to the Authority, the
12 Comptroller shall cause an order to be drawn for payment for
13 the amount in accordance with the directions contained in the
14 certification. Amounts received from the tax imposed under this
15 Section shall be used only for the support, construction,
16 maintenance, or financing of a facility of the Authority.

17 (h) When certifying the amount of a monthly disbursement to
18 the Authority under this Section, the Department shall increase
19 or decrease the amounts by an amount necessary to offset any
20 miscalculation of previous disbursements. The offset amount
21 shall be the amount erroneously disbursed within the previous 6
22 months from the time a miscalculation is discovered.

23 (i) This Section may be cited as the Salem Civic Center Use
24 and Occupation Tax Law.

25 (Source: P.A. 101-10, eff. 6-5-19; revised 8-9-19.)

1 Section 10-90. The Flood Prevention District Act is amended
2 by changing Section 25 as follows:

3 (70 ILCS 750/25)

4 Sec. 25. Flood prevention retailers' and service
5 occupation taxes.

6 (a) If the Board of Commissioners of a flood prevention
7 district determines that an emergency situation exists
8 regarding levee repair or flood prevention, and upon an
9 ordinance confirming the determination adopted by the
10 affirmative vote of a majority of the members of the county
11 board of the county in which the district is situated, the
12 county may impose a flood prevention retailers' occupation tax
13 upon all persons engaged in the business of selling tangible
14 personal property at retail within the territory of the
15 district to provide revenue to pay the costs of providing
16 emergency levee repair and flood prevention and to secure the
17 payment of bonds, notes, and other evidences of indebtedness
18 issued under this Act for a period not to exceed 25 years or as
19 required to repay the bonds, notes, and other evidences of
20 indebtedness issued under this Act. The tax rate shall be 0.25%
21 of the gross receipts from all taxable sales made in the course
22 of that business. Beginning December 1, 2019 and through
23 December 31, 2020, this tax is not imposed on sales of aviation
24 fuel unless the tax revenue is expended for airport-related
25 purposes. If the District does not have an airport-related

1 purpose to which it dedicates aviation fuel tax revenue, then
2 aviation fuel is excluded from the tax. The County must comply
3 with the certification requirements for airport-related
4 purposes under Section 2-22 of the Retailers' Occupation Tax
5 Act 5-1184 of the Counties Code. The tax imposed under this
6 Section and all civil penalties that may be assessed as an
7 incident thereof shall be collected and enforced by the State
8 Department of Revenue. The Department shall have full power to
9 administer and enforce this Section; to collect all 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 For purposes of this Act, "airport-related purposes" has
14 the meaning ascribed in Section 6z-20.2 of the State Finance
15 Act. Beginning January 1, 2021, this tax is not imposed on
16 sales of aviation fuel ~~This exclusion for aviation fuel only~~
17 ~~applies~~ for so long as the revenue use requirements of 49
18 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the
19 District.

20 In the administration of and compliance with this
21 subsection, the Department and persons who are subject to this
22 subsection (i) have the same rights, remedies, privileges,
23 immunities, powers, and duties, (ii) are subject to the same
24 conditions, restrictions, limitations, penalties, and
25 definitions of terms, and (iii) shall employ the same modes of
26 procedure as are set forth in Sections 1 through 10, 2 through

1 2-70 (in respect to all provisions contained in those Sections
2 other than the State rate of tax), 2a through 2h, 3 (except as
3 to the disposition of taxes and penalties collected, and except
4 that the retailer's discount is not allowed for taxes paid on
5 aviation fuel that are subject to the revenue use requirements
6 of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 ~~deposited into the~~
7 ~~Local Government Aviation Trust Fund~~), 4, 5, 5a, 5b, 5c, 5d,
8 5e, 5f, 5g, 5h, 5i, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 11a,
9 12, and 13 of the Retailers' Occupation Tax Act and all
10 provisions of the Uniform Penalty and Interest Act as if those
11 provisions were set forth in this subsection.

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

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

21 (b) If a tax has been imposed under subsection (a), a flood
22 prevention service occupation tax shall also be imposed upon
23 all persons engaged within the territory of the district in the
24 business of making sales of service, who, as an incident to
25 making the sales of service, transfer tangible personal
26 property, either in the form of tangible personal property or

1 in the form of real estate as an incident to a sale of service
2 to provide revenue to pay the costs of providing emergency
3 levee repair and flood prevention and to secure the payment of
4 bonds, notes, and other evidences of indebtedness issued under
5 this Act for a period not to exceed 25 years or as required to
6 repay the bonds, notes, and other evidences of indebtedness.
7 The tax rate shall be 0.25% of the selling price of all
8 tangible personal property transferred. Beginning December 1,
9 2019 and through December 31, 2020, this tax is not imposed on
10 sales of aviation fuel unless the tax revenue is expended for
11 airport-related purposes. If the District does not have an
12 airport-related purpose to which it dedicates aviation fuel tax
13 revenue, then aviation fuel is excluded from the tax. The
14 County must comply with the certification requirements for
15 airport-related purposes under Section 2-22 of the Retailers'
16 Occupation Tax Act 5-1184 of the Counties Code. For purposes of
17 this Act, "airport-related purposes" has the meaning ascribed
18 in Section 6z-20.2 of the State Finance Act. Beginning January
19 1, 2021, this tax is not imposed on sales of aviation fuel ~~This~~
20 ~~exclusion for aviation fuel only applies~~ for so long as the
21 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.
22 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 State Department of Revenue. The
26 Department shall have full power to administer and enforce this

1 subsection; to collect all taxes and penalties due hereunder;
2 to dispose of taxes and penalties collected in the manner
3 hereinafter provided; and to determine all rights to credit
4 memoranda arising on account of the erroneous payment of tax or
5 penalty hereunder.

6 In the administration of and compliance with this
7 subsection, the Department and persons who are subject to this
8 subsection shall (i) have the same rights, remedies,
9 privileges, immunities, powers, and duties, (ii) be subject to
10 the same conditions, restrictions, limitations, penalties, and
11 definitions of terms, and (iii) employ the same modes of
12 procedure as are set forth in Sections 2 (except that the
13 reference to State in the definition of supplier maintaining a
14 place of business in this State means the district), 2a through
15 2d, 3 through 3-50 (in respect to all provisions contained in
16 those Sections other than the State rate of tax), 4 (except
17 that the reference to the State shall be to the district), 5,
18 7, 8 (except that the jurisdiction to which the tax is a debt
19 to the extent indicated in that Section 8 is the district), 9
20 (except as to the disposition of taxes and penalties collected,
21 and except that the retailer's discount is not allowed for
22 taxes paid on aviation fuel that are subject to the revenue use
23 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133
24 ~~deposited into the Local Government Aviation Trust Fund~~), 10,
25 11, 12 (except the reference therein to Section 2b of the
26 Retailers' Occupation Tax Act), 13 (except that any reference

1 to the State means the district), Section 15, 16, 17, 18, 19,
2 and 20 of the Service Occupation Tax Act and all provisions of
3 the Uniform Penalty and Interest Act, as fully as if those
4 provisions were set forth herein.

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 hereunder by separately stating the
8 tax as an additional charge, that charge may be stated in
9 combination in a single amount with State tax that servicemen
10 are authorized to collect under the Service Use Tax Act, under
11 any bracket schedules the Department may prescribe.

12 (c) The taxes imposed in subsections (a) and (b) may not be
13 imposed on personal property titled or registered with an
14 agency of the State or on personal property taxed at the 1%
15 rate under the Retailers' Occupation Tax Act and the Service
16 Occupation Tax Act.

17 (d) Nothing in this Section shall be construed to authorize
18 the district to impose a tax upon the privilege of engaging in
19 any business that under the Constitution of the United States
20 may not be made the subject of taxation by the State.

21 (e) The certificate of registration that is issued by the
22 Department to a retailer under the Retailers' Occupation Tax
23 Act or a serviceman under the Service Occupation Tax Act
24 permits the retailer or serviceman to engage in a business that
25 is taxable without registering separately with the Department
26 under an ordinance or resolution under this Section.

1 (f) Except as otherwise provided, the Department shall
2 immediately pay over to the State Treasurer, ex officio, as
3 trustee, all taxes and penalties collected under this Section
4 to be deposited into the Flood Prevention Occupation Tax Fund,
5 which shall be an unappropriated trust fund held outside the
6 State treasury. Taxes and penalties collected on aviation fuel
7 sold on or after December 1, 2019 and through December 31,
8 2020, shall be immediately paid over by the Department to the
9 State Treasurer, ex officio, as trustee, for deposit into the
10 Local Government Aviation Trust Fund. The Department shall only
11 pay moneys into the Local Government ~~State~~ Aviation Trust
12 ~~Program~~ Fund under this Act 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 District.

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 the counties from which
18 retailers or servicemen have paid taxes or penalties to the
19 Department during the second preceding calendar month. The
20 amount to be paid to each county is equal to the amount (not
21 including credit memoranda and not including taxes and
22 penalties collected on aviation fuel sold on or after December
23 1, 2019 and through December 31, 2020) collected from the
24 county under this Section during the second preceding calendar
25 month by the Department, (i) less 2% of that amount (except the
26 amount collected on aviation fuel sold on or after December 1,

1 2019 and through December 31, 2020), which shall be deposited
2 into the Tax Compliance and Administration Fund and shall be
3 used by the Department in administering and enforcing the
4 provisions of this Section on behalf of the county, (ii) plus
5 an amount that the Department determines is necessary to offset
6 any amounts that were erroneously paid to a different taxing
7 body; (iii) less an amount equal to the amount of refunds made
8 during the second preceding calendar month by the Department on
9 behalf of the county; and (iv) less 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 county. When certifying the amount of a monthly
13 disbursement to a county under this Section, the Department
14 shall increase or decrease the amounts by an amount necessary
15 to offset any miscalculation of previous disbursements within
16 the previous 6 months from the time a miscalculation is
17 discovered.

18 Within 10 days after receipt by the Comptroller from the
19 Department of the disbursement certification to the counties
20 provided for in this Section, the Comptroller shall cause the
21 orders to be drawn for the respective amounts in accordance
22 with directions contained in the certification.

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

1 and to the person named in the notification from the
2 Department. The refund shall be paid by the Treasurer out of
3 the Flood Prevention Occupation Tax Fund or the Local
4 Government Aviation Trust Fund, as appropriate.

5 (g) If a county imposes a tax under this Section, then the
6 county board shall, by ordinance, discontinue the tax upon the
7 payment of all indebtedness of the flood prevention district.
8 The tax shall not be discontinued until all indebtedness of the
9 District has been paid.

10 (h) Any ordinance imposing the tax under this Section, or
11 any ordinance that discontinues the tax, must be certified by
12 the county clerk and filed with the Illinois Department of
13 Revenue either (i) on or before the first day of April,
14 whereupon the Department shall proceed to administer and
15 enforce the tax or change in the rate as of the first day of
16 July next following the filing; or (ii) on or before the first
17 day of October, whereupon the Department shall proceed to
18 administer and enforce the tax or change in the rate as of the
19 first day of January next following the filing.

20 (j) County Flood Prevention Occupation Tax Fund. All
21 proceeds received by a county from a tax distribution under
22 this Section must be maintained in a special fund known as the
23 [name of county] flood prevention occupation tax fund. The
24 county shall, at the direction of the flood prevention
25 district, use moneys in the fund to pay the costs of providing
26 emergency levee repair and flood prevention and to pay bonds,

1 notes, and other evidences of indebtedness issued under this
2 Act.

3 (k) This Section may be cited as the Flood Prevention
4 Occupation Tax Law.

5 (Source: P.A. 100-1171, eff. 1-4-19; 101-10, eff. 6-5-19.)

6 Section 10-95. The Metro-East Park and Recreation District
7 Act is amended by changing Section 30 as follows:

8 (70 ILCS 1605/30)

9 Sec. 30. Taxes.

10 (a) The board shall impose a tax upon all persons engaged
11 in the business of selling tangible personal property, other
12 than personal property titled or registered with an agency of
13 this State's government, at retail in the District on the gross
14 receipts from the sales made in the course of business. This
15 tax shall be imposed only at the rate of one-tenth of one per
16 cent.

17 This additional tax may not be imposed on tangible personal
18 property taxed at the 1% rate under the Retailers' Occupation
19 Tax Act. Beginning December 1, 2019 and through December 31,
20 2020, this tax is not imposed on sales of aviation fuel unless
21 the tax revenue is expended for airport-related purposes. If
22 the District does not have an airport-related purpose to which
23 it dedicates aviation fuel tax revenue, then aviation fuel
24 shall be excluded from tax. The board must comply with the

1 certification requirements for airport-related purposes under
2 Section 2-22 of the Retailers' Occupation Tax Act. For purposes
3 of this Act, "airport-related purposes" has the meaning
4 ascribed in Section 6z-20.2 of the State Finance Act. Beginning
5 January 1, 2021, this tax is not imposed on sales of aviation
6 fuel ~~This exception for aviation fuel only applies~~ for so long
7 as the revenue use requirements of 49 U.S.C. 47107(b) and 49
8 U.S.C. 47133 are binding on the District. The tax imposed by
9 the Board under this Section and all civil penalties that may
10 be assessed as an incident of the tax shall be collected and
11 enforced by the Department of Revenue. The certificate of
12 registration that is issued by the Department to a retailer
13 under the Retailers' Occupation Tax Act shall permit the
14 retailer to engage in a business that is taxable without
15 registering separately with the Department under an ordinance
16 or resolution under this Section. The Department has full power
17 to administer and enforce this Section, to collect all taxes
18 and penalties due under this Section, to dispose of taxes and
19 penalties so collected in the manner provided in this Section,
20 and to determine all rights to credit memoranda arising on
21 account of the erroneous payment of a tax or penalty under this
22 Section. In the administration of and compliance with this
23 Section, the Department and persons who are subject to this
24 Section shall (i) have the same rights, remedies, privileges,
25 immunities, powers, and duties, (ii) be subject to the same
26 conditions, restrictions, limitations, penalties, and

1 definitions of terms, and (iii) employ the same modes of
2 procedure as are prescribed in Sections 1, 1a, 1a-1, 1d, 1e,
3 1f, 1i, 1j, 1k, 1m, 1n, 2, 2-5, 2-5.5, 2-10 (in respect to all
4 provisions contained in those Sections other than the State
5 rate of tax), 2-12, 2-15 through 2-70, 2a, 2b, 2c, 3 (except
6 provisions relating to transaction returns and quarter monthly
7 payments, and except that the retailer's discount is not
8 allowed for taxes paid on aviation fuel that are subject to the
9 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.
10 47133 ~~deposited into the Local Government Aviation Trust Fund~~),
11 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b,
12 6c, 6d, 7, 8, 9, 10, 11, 11a, 12, and 13 of the Retailers'
13 Occupation Tax Act and the Uniform Penalty and Interest Act as
14 if those provisions were set forth in this Section.

15 ~~On or before September 1, 2019, and on or before each April~~
16 ~~1 and October 1 thereafter, the Board must certify to the~~
17 ~~Department of Transportation, in the form and manner required~~
18 ~~by the Department, whether the District has an airport related~~
19 ~~purpose, which would allow any Retailers' Occupation Tax and~~
20 ~~Service Occupation Tax imposed by the District to include tax~~
21 ~~on aviation fuel. On or before October 1, 2019, and on or~~
22 ~~before each May 1 and November 1 thereafter, the Department of~~
23 ~~Transportation shall provide to the Department of Revenue, a~~
24 ~~list of units of local government which have certified to the~~
25 ~~Department of Transportation that they have airport related~~
26 ~~purposes, which would allow any Retailers' Occupation Tax and~~

1 ~~Service Occupation Tax imposed by the unit of local government~~
2 ~~to include tax on aviation fuel. All disputes regarding whether~~
3 ~~or not a unit of local government has an airport related~~
4 ~~purpose shall be resolved by the Department of Transportation.~~

5 Persons subject to any tax imposed under the authority
6 granted in this Section may reimburse themselves for their
7 sellers' 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 which sellers are required
10 to collect under the Use Tax Act, pursuant to such bracketed
11 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 State Metro-East Park and Recreation
19 District Fund or the Local Government Aviation Trust Fund, as
20 appropriate.

21 (b) If a tax has been imposed under subsection (a), a
22 service occupation tax shall also be imposed at the same rate
23 upon all persons engaged, in the District, in the business of
24 making sales of service, who, as an incident to making those
25 sales of service, transfer tangible personal property within
26 the District as an incident to a sale of service. This tax may

1 not be imposed on tangible personal property taxed at the 1%
2 rate under the Service Occupation Tax Act. Beginning December
3 1, 2019 and through December 31, 2020, this tax may not be
4 imposed on sales of aviation fuel unless the tax revenue is
5 expended for airport-related purposes. If the District does not
6 have an airport-related purpose to which it dedicates aviation
7 fuel tax revenue, then aviation fuel shall be excluded from
8 tax. The board must comply with the certification requirements
9 for airport-related purposes under Section 2-22 of the
10 Retailers' Occupation Tax Act. For purposes of this Act,
11 "airport-related purposes" has the meaning ascribed in Section
12 6z-20.2 of the State Finance Act. Beginning January 1, 2021,
13 this tax is not imposed on sales of aviation fuel ~~This~~
14 ~~exception for aviation fuel only applies~~ for so long as the
15 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.
16 47133 are binding on the District. The tax imposed under this
17 subsection and all civil penalties that may be assessed as an
18 incident thereof shall be collected and enforced by the
19 Department of Revenue. The Department has full power to
20 administer and enforce this subsection; to collect all taxes
21 and penalties due hereunder; to dispose of taxes and penalties
22 so collected in the manner hereinafter provided; and to
23 determine all rights to credit memoranda arising on account of
24 the erroneous payment of tax or penalty hereunder. In the
25 administration of, and compliance with this subsection, the
26 Department and persons who are subject to this paragraph shall

1 (i) have the same rights, remedies, privileges, immunities,
2 powers, and duties, (ii) be subject to the same conditions,
3 restrictions, limitations, penalties, exclusions, exemptions,
4 and definitions of terms, and (iii) employ the same modes of
5 procedure as are prescribed in Sections 2 (except that the
6 reference to State in the definition of supplier maintaining a
7 place of business in this State shall mean the District), 2a,
8 2b, 2c, 3 through 3-50 (in respect to all provisions therein
9 other than the State rate of tax), 4 (except that the reference
10 to the State shall be to the District), 5, 7, 8 (except that
11 the jurisdiction to which the tax shall be a debt to the extent
12 indicated in that Section 8 shall be the District), 9 (except
13 as to the disposition of taxes and penalties collected, and
14 except that the retailer's discount is not allowed for taxes
15 paid on aviation fuel that are subject to the revenue use
16 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133
17 ~~deposited into the Local Government Aviation Trust Fund~~), 10,
18 11, 12 (except the reference therein to Section 2b of the
19 Retailers' Occupation Tax Act), 13 (except that any reference
20 to the State shall mean the District), Sections 15, 16, 17, 18,
21 19 and 20 of the Service Occupation Tax Act and the Uniform
22 Penalty and Interest Act, as fully as if those provisions were
23 set forth herein.

24 ~~On or before September 1, 2019, and on or before each April~~
25 ~~1 and October 1 thereafter, the Board must certify to the~~
26 ~~Department of Transportation, in the form and manner required~~

1 ~~by the Department, whether the District has an airport related~~
2 ~~purpose, which would allow any Retailers' Occupation Tax and~~
3 ~~Service Occupation Tax imposed by the District to include tax~~
4 ~~on aviation fuel. On or before October 1, 2019, and on or~~
5 ~~before each May 1 and November 1 thereafter, the Department of~~
6 ~~Transportation shall provide to the Department of Revenue, a~~
7 ~~list of units of local government which have certified to the~~
8 ~~Department of Transportation that they have airport related~~
9 ~~purposes, which would allow any Retailers' Occupation Tax and~~
10 ~~Service Occupation Tax imposed by the unit of local government~~
11 ~~to include tax on aviation fuel. All disputes regarding whether~~
12 ~~or not a unit of local government has an airport related~~
13 ~~purpose shall be resolved by the Department of Transportation.~~

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

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 warrant 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 State Metro-East Park and Recreation
3 District Fund or the Local Government Aviation Trust Fund, as
4 appropriate.

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

9 (c) Except as otherwise provided in this paragraph, the
10 Department shall immediately pay over to the State Treasurer,
11 ex officio, as trustee, all taxes and penalties collected under
12 this Section to be deposited into the State Metro-East Park and
13 Recreation District Fund, which shall be an unappropriated
14 trust fund held outside of the State treasury. Taxes and
15 penalties collected on aviation fuel sold on or after December
16 1, 2019 and through December 31, 2020, shall be immediately
17 paid over by the Department to the State Treasurer, ex officio,
18 as trustee, for deposit into the Local Government Aviation
19 Trust Fund. The Department shall only pay moneys into the Local
20 Government State Aviation Trust Program Fund under this Act 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 As soon as possible after the first day of each month,
24 beginning January 1, 2011, upon certification of the Department
25 of Revenue, the Comptroller shall order transferred, and the
26 Treasurer shall transfer, to the STAR Bonds Revenue Fund the

1 local sales tax increment, as defined in the Innovation
2 Development and Economy Act, collected under this Section
3 during the second preceding calendar month for sales within a
4 STAR bond district. The Department shall make this
5 certification only if the Metro East Park and Recreation
6 District imposes a tax on real property as provided in the
7 definition of "local sales taxes" under the Innovation
8 Development and Economy Act.

9 After the monthly transfer to the STAR Bonds Revenue Fund,
10 on or before the 25th day of each calendar month, the
11 Department shall prepare and certify to the Comptroller the
12 disbursement of stated sums of money pursuant to Section 35 of
13 this Act to the District from which retailers have paid taxes
14 or penalties to the Department during the second preceding
15 calendar month. The amount to be paid to the District shall be
16 the amount (not including credit memoranda and not including
17 taxes and penalties collected on aviation fuel sold on or after
18 December 1, 2019 and through December 31, 2020) collected under
19 this Section during the second preceding calendar month by the
20 Department plus an amount the Department determines is
21 necessary to offset any amounts that were erroneously paid to a
22 different taxing body, and not including (i) an amount equal to
23 the amount of refunds made during the second preceding calendar
24 month by the Department on behalf of the District, (ii) any
25 amount that the Department determines is necessary to offset
26 any amounts that were payable to a different taxing body but

1 were erroneously paid to the District, (iii) any amounts that
2 are transferred to the STAR Bonds Revenue Fund, and (iv) 1.5%
3 of the remainder, which the Department shall transfer into the
4 Tax Compliance and Administration Fund. The Department, at the
5 time of each monthly disbursement to the District, shall
6 prepare and certify to the State Comptroller the amount to be
7 transferred into the Tax Compliance and Administration Fund
8 under this subsection. Within 10 days after receipt by the
9 Comptroller of the disbursement certification to the District
10 and the Tax Compliance and Administration Fund provided for in
11 this Section to be given to the Comptroller by the Department,
12 the Comptroller shall cause the orders to be drawn for the
13 respective amounts in accordance with directions contained in
14 the certification.

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

24 (e) Nothing in this Section shall be construed to authorize
25 the board to impose a tax upon the privilege of engaging in any
26 business that under the Constitution of the United States may

1 not be made the subject of taxation by this State.

2 (f) An ordinance imposing a tax under this Section or an
3 ordinance extending the imposition of a tax to an additional
4 county or counties shall be certified by the board and filed
5 with the Department of Revenue either (i) on or before the
6 first day of April, whereupon the Department shall proceed to
7 administer and enforce the tax as of the first day of July next
8 following the filing; or (ii) on or before the first day of
9 October, whereupon the Department shall proceed to administer
10 and enforce the tax as of the first day of January next
11 following the filing.

12 (g) When certifying the amount of a monthly disbursement to
13 the District under this Section, the Department shall increase
14 or decrease the amounts 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 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
19 100-1171, eff. 1-4-19; 101-10, eff. 6-5-19; 101-81, eff.
20 7-12-19; revised 9-12-19.)

21 Section 10-100. The Local Mass Transit District Act is
22 amended by changing Section 5.01 as follows:

23 (70 ILCS 3610/5.01) (from Ch. 111 2/3, par. 355.01)

24 Sec. 5.01. Metro East Mass Transit District; use and

1 occupation taxes.

2 (a) The Board of Trustees of any Metro East Mass Transit
3 District may, by ordinance adopted with the concurrence of
4 two-thirds of the then trustees, impose throughout the District
5 any or all of the taxes and fees provided in this Section.
6 Except as otherwise provided, all taxes and fees imposed under
7 this Section shall be used only for public mass transportation
8 systems, and the amount used to provide mass transit service to
9 unserved areas of the District shall be in the same proportion
10 to the total proceeds as the number of persons residing in the
11 unserved areas is to the total population of the District.
12 Except as otherwise provided in this Act, taxes imposed under
13 this Section and civil penalties imposed incident thereto shall
14 be collected and enforced by the State Department of Revenue.
15 The Department shall have the power to administer and enforce
16 the taxes and to determine all rights for refunds for erroneous
17 payments of the taxes.

18 (b) The Board may impose a Metro East Mass Transit District
19 Retailers' Occupation Tax upon all persons engaged in the
20 business of selling tangible personal property at retail in the
21 district at a rate of 1/4 of 1%, or as authorized under
22 subsection (d-5) of this Section, of the gross receipts from
23 the sales made in the course of such business within the
24 district, except that the rate of tax imposed under this
25 Section on sales of aviation fuel on or after December 1, 2019
26 shall be 0.25% in Madison County unless the Metro-East Mass

1 Transit District in Madison County has an "airport-related
2 purpose" and any additional amount authorized under subsection
3 (d-5) is expended for airport-related purposes. If there is no
4 airport-related purpose to which aviation fuel tax revenue is
5 dedicated, then aviation fuel is excluded from any additional
6 amount authorized under subsection (d-5) ~~future increase in the~~
7 ~~tax~~. The rate in St. Clair County shall be 0.25% unless the
8 Metro-East Mass Transit District in St. Clair County has an
9 "airport-related purpose" and the additional 0.50% of the 0.75%
10 tax on aviation fuel imposed in that County is expended for
11 airport-related purposes. If there is no airport-related
12 purpose to which aviation fuel tax revenue is dedicated, then
13 aviation fuel is excluded from the additional 0.50% of the
14 0.75% tax.

15 ~~On or before September 1, 2019, 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, 2019, 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 The Board must comply with the certification requirements
7 for airport-related purposes under Section 2-22 of the
8 Retailers' Occupation Tax Act. For purposes of this Section
9 Act, "airport-related purposes" has the meaning ascribed in
10 Section 6z-20.2 of the State Finance Act. This exclusion for
11 aviation fuel only applies for so long as the revenue use
12 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are
13 binding on the District.

14 The tax imposed under this Section and all civil penalties
15 that may be assessed as an incident thereof shall be collected
16 and enforced by the State Department of Revenue. The Department
17 shall have full power to administer and enforce this Section;
18 to collect all taxes and penalties so collected in the manner
19 hereinafter provided; and to determine all rights to credit
20 memoranda arising on account of the erroneous payment of tax or
21 penalty hereunder. In the administration of, and compliance
22 with, this Section, the Department and persons who are subject
23 to this Section shall have the same rights, remedies,
24 privileges, immunities, powers and duties, and be subject to
25 the same conditions, restrictions, limitations, penalties,
26 exclusions, exemptions and definitions of terms and employ the

1 same modes of procedure, as are prescribed in Sections 1, 1a,
2 1a-1, 1c, 1d, 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all
3 provisions therein other than the State rate of tax), 2c, 3
4 (except as to the disposition of taxes and penalties collected,
5 and except that the retailer's discount is not allowed for
6 taxes paid on aviation fuel that are subject to the revenue use
7 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133
8 ~~deposited into the Local Government Aviation Trust Fund~~), 4, 5,
9 5a, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d,
10 7, 8, 9, 10, 11, 12, 13, and 14 of the Retailers' Occupation
11 Tax Act and Section 3-7 of the Uniform Penalty and Interest
12 Act, as fully as if those provisions were set forth herein.

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

20 Whenever the Department determines that a refund should be
21 made under this Section to a claimant instead of issuing a
22 credit memorandum, the Department shall notify the State
23 Comptroller, who shall cause the warrant to be drawn for the
24 amount specified, and to the person named, in the notification
25 from the Department. The refund shall be paid by the State
26 Treasurer out of the Metro East Mass Transit District tax fund

1 established under paragraph (h) of this Section or the Local
2 Government Aviation Trust Fund, as appropriate.

3 If a tax is imposed under this subsection (b), a tax shall
4 also be imposed under subsections (c) and (d) of this Section.

5 For the purpose of determining whether a tax authorized
6 under this Section is applicable, a retail sale, by a producer
7 of coal or other mineral mined in Illinois, is a sale at retail
8 at the place where the coal or other mineral mined in Illinois
9 is extracted from the earth. This paragraph does not apply to
10 coal or other mineral when it is delivered or shipped by the
11 seller to the purchaser at a point outside Illinois so that the
12 sale is exempt under the Federal Constitution as a sale in
13 interstate or foreign commerce.

14 No tax shall be imposed or collected under this subsection
15 on the sale of a motor vehicle in this State to a resident of
16 another state if that motor vehicle will not be titled in this
17 State.

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

23 (c) If a tax has been imposed under subsection (b), a Metro
24 East Mass Transit District Service Occupation Tax shall also be
25 imposed upon all persons engaged, in the district, in the
26 business of making sales of service, who, as an incident to

1 making those sales of service, transfer tangible personal
2 property within the District, either in the form of tangible
3 personal property or in the form of real estate as an incident
4 to a sale of service. The tax rate shall be 1/4%, or as
5 authorized under subsection (d-5) of this Section, of the
6 selling price of tangible personal property so transferred
7 within the district, except that the rate of tax imposed in
8 these Counties under this Section on sales of aviation fuel on
9 or after December 1, 2019 shall be 0.25% in Madison County
10 unless the Metro-East Mass Transit District in Madison County
11 has an "airport-related purpose" and any additional amount
12 authorized under subsection (d-5) is expended for
13 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 any additional amount authorized
16 under subsection (d-5) future increase in the tax. The rate in
17 St. Clair County shall be 0.25% unless the Metro-East Mass
18 Transit District in St. Clair County has an "airport-related
19 purpose" and the additional 0.50% of the 0.75% tax on aviation
20 fuel is expended for airport-related purposes. If there is no
21 airport-related purpose to which aviation fuel tax revenue is
22 dedicated, then aviation fuel is excluded from the additional
23 0.50% of the 0.75% tax.

24 ~~On or before December 1, 2019, and on or before each May 1~~
25 ~~and November 1 thereafter, each Metro East Mass Transit~~
26 ~~District and Madison and St. Clair Counties must certify to the~~

1 ~~Department of Transportation, in the form and manner required~~
2 ~~by the Department, whether they have an airport-related~~
3 ~~purpose, which would allow any Retailers' Occupation Tax and~~
4 ~~Service Occupation Tax imposed under this Act to include tax on~~
5 ~~aviation fuel. On or before October 1, 2019, and on or before~~
6 ~~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 Board must comply with the certification requirements
16 for airport-related purposes under Section 2-22 of the
17 Retailers' Occupation Tax Act. For purposes of this Section
18 ~~Act~~, "airport-related purposes" has the meaning ascribed in
19 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 District.

23 The tax imposed under this paragraph and all civil
24 penalties that may be assessed as an incident thereof shall be
25 collected and enforced by the State Department of Revenue. The
26 Department shall have full power to administer and enforce this

1 paragraph; to collect all taxes and penalties due hereunder; to
2 dispose of taxes and penalties so collected in the manner
3 hereinafter provided; and to determine all rights to credit
4 memoranda arising on account of the erroneous payment of tax or
5 penalty hereunder. In the administration of, and compliance
6 with this paragraph, the Department and persons who are subject
7 to this paragraph shall have the same rights, remedies,
8 privileges, immunities, powers and duties, and be subject to
9 the same conditions, restrictions, limitations, penalties,
10 exclusions, exemptions and definitions of terms and employ the
11 same modes of procedure as are prescribed in Sections 1a-1, 2
12 (except that the reference to State in the definition of
13 supplier maintaining a place of business in this State shall
14 mean the Authority), 2a, 3 through 3-50 (in respect to all
15 provisions therein other than the State rate of tax), 4 (except
16 that the reference to the State shall be to the Authority), 5,
17 7, 8 (except that the jurisdiction to which the tax shall be a
18 debt to the extent indicated in that Section 8 shall be the
19 District), 9 (except as to the disposition of taxes and
20 penalties collected, and except that the returned merchandise
21 credit for this tax may not be taken against any State tax, and
22 except that the retailer's discount is not allowed for taxes
23 paid on aviation fuel that are subject to the revenue use
24 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133
25 ~~deposited into the Local Government Aviation Trust Fund~~), 10,
26 11, 12 (except the reference therein to Section 2b of the

1 Retailers' Occupation Tax Act), 13 (except that any reference
2 to the State shall mean the District), the first paragraph of
3 Section 15, 16, 17, 18, 19 and 20 of the Service Occupation Tax
4 Act and Section 3-7 of the Uniform Penalty and Interest Act, as
5 fully as if those provisions were set forth herein.

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

14 Whenever the Department determines that a refund should be
15 made under this paragraph to a claimant instead of issuing a
16 credit memorandum, the Department shall notify the State
17 Comptroller, who shall cause the warrant to be drawn for the
18 amount specified, and to the person named, in the notification
19 from the Department. The refund shall be paid by the State
20 Treasurer out of the Metro East Mass Transit District tax fund
21 established under paragraph (h) of this Section or the Local
22 Government Aviation Trust Fund, as appropriate.

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

1 (d) If a tax has been imposed under subsection (b), a Metro
2 East Mass Transit District Use Tax shall also be imposed upon
3 the privilege of using, in the district, any item of tangible
4 personal property that is purchased outside the district at
5 retail from a retailer, and that is titled or registered with
6 an agency of this State's government, at a rate of 1/4%, or as
7 authorized under subsection (d-5) of this Section, of the
8 selling price of the tangible personal property within the
9 District, as "selling price" is defined in the Use Tax Act. The
10 tax shall be collected from persons whose Illinois address for
11 titling or registration purposes is given as being in the
12 District. The tax shall be collected by the Department of
13 Revenue for the Metro East Mass Transit District. The tax must
14 be paid to the State, or an exemption determination must be
15 obtained from the Department of Revenue, before the title or
16 certificate of registration for the property may be issued. The
17 tax or proof of exemption may be transmitted to the Department
18 by way of the State agency with which, or the State officer
19 with whom, the tangible personal property must be titled or
20 registered if the Department and the State agency or State
21 officer determine that this procedure will expedite the
22 processing of applications for title or registration.

23 The Department shall have full power to administer and
24 enforce this paragraph; to collect all taxes, penalties and
25 interest due hereunder; to dispose of taxes, penalties and
26 interest so collected in the manner hereinafter provided; and

1 to determine all rights to credit memoranda or refunds arising
2 on account of the erroneous payment of tax, penalty or interest
3 hereunder. In the administration of, and compliance with, this
4 paragraph, the Department and persons who are subject to this
5 paragraph shall have the same rights, remedies, privileges,
6 immunities, powers and duties, and be subject to the same
7 conditions, restrictions, limitations, penalties, exclusions,
8 exemptions and definitions of terms and employ the same modes
9 of procedure, as are prescribed in Sections 2 (except the
10 definition of "retailer maintaining a place of business in this
11 State"), 3 through 3-80 (except provisions pertaining to the
12 State rate of tax, and except provisions concerning collection
13 or refunding of the tax by retailers), 4, 11, 12, 12a, 14, 15,
14 19 (except the portions pertaining to claims by retailers and
15 except the last paragraph concerning refunds), 20, 21 and 22 of
16 the Use Tax Act and Section 3-7 of the Uniform Penalty and
17 Interest Act, that are not inconsistent with this paragraph, as
18 fully as if those provisions were set forth herein.

19 Whenever the Department determines that a refund should be
20 made under this paragraph to a claimant instead of issuing a
21 credit memorandum, the Department shall notify the State
22 Comptroller, who shall cause the order to be drawn for the
23 amount specified, and to the person named, in the notification
24 from the Department. The refund shall be paid by the State
25 Treasurer out of the Metro East Mass Transit District tax fund
26 established under paragraph (h) of this Section.

1 (d-5) (A) The county board of any county participating in
2 the Metro East Mass Transit District may authorize, by
3 ordinance, a referendum on the question of whether the tax
4 rates for the Metro East Mass Transit District Retailers'
5 Occupation Tax, the Metro East Mass Transit District Service
6 Occupation Tax, and the Metro East Mass Transit District Use
7 Tax for the District should be increased from 0.25% to 0.75%.
8 Upon adopting the ordinance, the county board shall certify the
9 proposition to the proper election officials who shall submit
10 the proposition to the voters of the District at the next
11 election, in accordance with the general election law.

12 The proposition shall be in substantially the following
13 form:

14 Shall the tax rates for the Metro East Mass Transit
15 District Retailers' Occupation Tax, the Metro East Mass
16 Transit District Service Occupation Tax, and the Metro East
17 Mass Transit District Use Tax be increased from 0.25% to
18 0.75%?

19 (B) Two thousand five hundred electors of any Metro East
20 Mass Transit District may petition the Chief Judge of the
21 Circuit Court, or any judge of that Circuit designated by the
22 Chief Judge, in which that District is located to cause to be
23 submitted to a vote of the electors the question whether the
24 tax rates for the Metro East Mass Transit District Retailers'
25 Occupation Tax, the Metro East Mass Transit District Service
26 Occupation Tax, and the Metro East Mass Transit District Use

1 Tax for the District should be increased from 0.25% to 0.75%.

2 Upon submission of such petition the court shall set a date
3 not less than 10 nor more than 30 days thereafter for a hearing
4 on the sufficiency thereof. Notice of the filing of such
5 petition and of such date shall be given in writing to the
6 District and the County Clerk at least 7 days before the date
7 of such hearing.

8 If such petition is found sufficient, the court shall enter
9 an order to submit that proposition at the next election, in
10 accordance with general election law.

11 The form of the petition shall be in substantially the
12 following form: To the Circuit Court of the County of (name of
13 county):

14 We, the undersigned electors of the (name of transit
15 district), respectfully petition your honor to submit to a
16 vote of the electors of (name of transit district) the
17 following proposition:

18 Shall the tax rates for the Metro East Mass Transit
19 District Retailers' Occupation Tax, the Metro East Mass
20 Transit District Service Occupation Tax, and the Metro East
21 Mass Transit District Use Tax be increased from 0.25% to
22 0.75%?

23 Name Address, with Street and Number.

24

25

26 (C) The votes shall be recorded as "YES" or "NO". If a

1 majority of all votes cast on the proposition are for the
2 increase in the tax rates, the Metro East Mass Transit District
3 shall begin imposing the increased rates in the District, and
4 the Department of Revenue shall begin collecting the increased
5 amounts, as provided under this Section. An ordinance imposing
6 or discontinuing a tax hereunder or effecting a change in the
7 rate thereof shall be adopted and a certified copy thereof
8 filed with the Department on or before the first day of
9 October, whereupon the Department shall proceed to administer
10 and enforce this Section as of the first day of January next
11 following the adoption and filing, or on or before the first
12 day of April, whereupon the Department shall proceed to
13 administer and enforce this Section as of the first day of July
14 next following the adoption and filing.

15 (D) If the voters have approved a referendum under this
16 subsection, before November 1, 1994, to increase the tax rate
17 under this subsection, the Metro East Mass Transit District
18 Board of Trustees may adopt by a majority vote an ordinance at
19 any time before January 1, 1995 that excludes from the rate
20 increase tangible personal property that is titled or
21 registered with an agency of this State's government. The
22 ordinance excluding titled or registered tangible personal
23 property from the rate increase must be filed with the
24 Department at least 15 days before its effective date. At any
25 time after adopting an ordinance excluding from the rate
26 increase tangible personal property that is titled or

1 registered with an agency of this State's government, the Metro
2 East Mass Transit District Board of Trustees may adopt an
3 ordinance applying the rate increase to that tangible personal
4 property. The ordinance shall be adopted, and a certified copy
5 of that ordinance shall be filed with the Department, on or
6 before October 1, whereupon the Department shall proceed to
7 administer and enforce the rate increase against tangible
8 personal property titled or registered with an agency of this
9 State's government as of the following January 1. After
10 December 31, 1995, any reimposed rate increase in effect under
11 this subsection shall no longer apply to tangible personal
12 property titled or registered with an agency of this State's
13 government. Beginning January 1, 1996, the Board of Trustees of
14 any Metro East Mass Transit District may never reimpose a
15 previously excluded tax rate increase on tangible personal
16 property titled or registered with an agency of this State's
17 government. After July 1, 2004, if the voters have approved a
18 referendum under this subsection to increase the tax rate under
19 this subsection, the Metro East Mass Transit District Board of
20 Trustees may adopt by a majority vote an ordinance that
21 excludes from the rate increase tangible personal property that
22 is titled or registered with an agency of this State's
23 government. The ordinance excluding titled or registered
24 tangible personal property from the rate increase shall be
25 adopted, and a certified copy of that ordinance shall be filed
26 with the Department on or before October 1, whereupon the

1 Department shall administer and enforce this exclusion from the
2 rate increase as of the following January 1, or on or before
3 April 1, whereupon the Department shall administer and enforce
4 this exclusion from the rate increase as of the following July
5 1. The Board of Trustees of any Metro East Mass Transit
6 District may never reimpose a previously excluded tax rate
7 increase on tangible personal property titled or registered
8 with an agency of this State's government.

9 (d-6) If the Board of Trustees of any Metro East Mass
10 Transit District has imposed a rate increase under subsection
11 (d-5) and filed an ordinance with the Department of Revenue
12 excluding titled property from the higher rate, then that Board
13 may, by ordinance adopted with the concurrence of two-thirds of
14 the then trustees, impose throughout the District a fee. The
15 fee on the excluded property shall not exceed \$20 per retail
16 transaction or an amount equal to the amount of tax excluded,
17 whichever is less, on tangible personal property that is titled
18 or registered with an agency of this State's government.
19 Beginning July 1, 2004, the fee shall apply only to titled
20 property that is subject to either the Metro East Mass Transit
21 District Retailers' Occupation Tax or the Metro East Mass
22 Transit District Service Occupation Tax. No fee shall be
23 imposed or collected under this subsection on the sale of a
24 motor vehicle in this State to a resident of another state if
25 that motor vehicle will not be titled in this State.

26 (d-7) Until June 30, 2004, if a fee has been imposed under

1 subsection (d-6), a fee shall also be imposed upon the
2 privilege of using, in the district, any item of tangible
3 personal property that is titled or registered with any agency
4 of this State's government, in an amount equal to the amount of
5 the fee imposed under subsection (d-6).

6 (d-7.1) Beginning July 1, 2004, any fee imposed by the
7 Board of Trustees of any Metro East Mass Transit District under
8 subsection (d-6) and all civil penalties that may be assessed
9 as an incident of the fees shall be collected and enforced by
10 the State Department of Revenue. Reference to "taxes" in this
11 Section shall be construed to apply to the administration,
12 payment, and remittance of all fees under this Section. For
13 purposes of any fee imposed under subsection (d-6), 4% of the
14 fee, penalty, and interest received by the Department in the
15 first 12 months that the fee is collected and enforced by the
16 Department and 2% of the fee, penalty, and interest following
17 the first 12 months (except the amount collected on aviation
18 fuel sold on or after December 1, 2019) shall be deposited into
19 the Tax Compliance and Administration Fund and shall be used by
20 the Department, subject to appropriation, to cover the costs of
21 the Department. No retailers' discount shall apply to any fee
22 imposed under subsection (d-6).

23 (d-8) No item of titled property shall be subject to both
24 the higher rate approved by referendum, as authorized under
25 subsection (d-5), and any fee imposed under subsection (d-6) or
26 (d-7).

1 (d-9) (Blank).

2 (d-10) (Blank).

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

12 (f) (Blank).

13 (g) Any ordinance imposing or discontinuing any tax under
14 this Section shall be adopted and a certified copy thereof
15 filed with the Department on or before June 1, whereupon the
16 Department of Revenue shall proceed to administer and enforce
17 this Section on behalf of the Metro East Mass Transit District
18 as of September 1 next following such adoption and filing.
19 Beginning January 1, 1992, an ordinance or resolution imposing
20 or discontinuing the tax hereunder shall be adopted and a
21 certified copy thereof filed with the Department on or before
22 the first day of July, whereupon the Department shall proceed
23 to administer and enforce this Section as of the first day of
24 October next following such adoption and filing. Beginning
25 January 1, 1993, except as provided in subsection (d-5) of this
26 Section, an ordinance or resolution imposing or discontinuing

1 the tax hereunder shall be adopted and a certified copy thereof
2 filed with the Department on or before the first day of
3 October, whereupon the Department shall proceed to administer
4 and enforce this Section as of the first day of January next
5 following such adoption and filing, or, beginning January 1,
6 2004, on or before the first day of April, whereupon the
7 Department shall proceed to administer and enforce this Section
8 as of the first day of July next following the adoption and
9 filing.

10 (h) Except as provided in subsection (d-7.1), the State
11 Department of Revenue shall, upon collecting any taxes as
12 provided in this Section, pay the taxes over to the State
13 Treasurer as trustee for the District. The taxes shall be held
14 in a trust fund outside the State Treasury. If an
15 airport-related purpose has been certified, taxes ~~Taxes~~ and
16 penalties collected in St. Clair County ~~Counties~~ on aviation
17 fuel sold on or after December 1, 2019 from the 0.50% of the
18 0.75% rate shall be immediately paid over by the Department to
19 the State Treasurer, ex officio, as trustee, for deposit into
20 the Local Government Aviation Trust Fund. The Department shall
21 only pay moneys into the Local Government Aviation Trust Fund
22 under this Act for so long as the revenue use requirements of
23 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the
24 District.

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. The Department shall make this
7 certification only if the local mass transit district imposes a
8 tax on real property as provided in the definition of "local
9 sales taxes" under the Innovation Development and Economy Act.

10 After the monthly transfer to the STAR Bonds Revenue Fund,
11 on or before the 25th day of each calendar month, the State
12 Department of Revenue shall prepare and certify to the
13 Comptroller of the State of Illinois the amount to be paid to
14 the District, which shall be the amount (not including credit
15 memoranda and not including taxes and penalties collected on
16 aviation fuel sold on or after December 1, 2019 that are
17 deposited into the Local Government Aviation Trust Fund)
18 collected under this Section during the second preceding
19 calendar month by the Department plus an amount the Department
20 determines is necessary to offset any amounts that were
21 erroneously paid to a different taxing body, and not including
22 any amount equal to the amount of refunds made during the
23 second preceding calendar month by the Department on behalf of
24 the District, and not including any amount that the Department
25 determines is necessary to offset any amounts that were payable
26 to a different taxing body but were erroneously paid to the

1 District, and less any amounts that are transferred to the STAR
2 Bonds Revenue Fund, less 1.5% of the remainder, which the
3 Department shall transfer into the Tax Compliance and
4 Administration Fund. The Department, at the time of each
5 monthly disbursement to the District, shall prepare and certify
6 to the State Comptroller the amount to be transferred into the
7 Tax Compliance and Administration Fund under this subsection.
8 Within 10 days after receipt by the Comptroller of the
9 certification of the amount to be paid to the District and the
10 Tax Compliance and Administration Fund, the Comptroller shall
11 cause an order to be drawn for payment for the amount in
12 accordance with the direction in the certification.

13 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
14 101-10, eff. 6-5-19.)

15 Section 10-105. The Regional Transportation Authority Act
16 is amended by changing Sections 4.03 and 4.03.3 as follows:

17 (70 ILCS 3615/4.03) (from Ch. 111 2/3, par. 704.03)

18 Sec. 4.03. Taxes.

19 (a) In order to carry out any of the powers or purposes of
20 the Authority, the Board may by ordinance adopted with the
21 concurrence of 12 of the then Directors, impose throughout the
22 metropolitan region any or all of the taxes provided in this
23 Section. Except as otherwise provided in this Act, taxes
24 imposed under this Section and civil penalties imposed incident

1 thereto shall be collected and enforced by the State Department
2 of Revenue. The Department shall have the power to administer
3 and enforce the taxes and to determine all rights for refunds
4 for erroneous payments of the taxes. Nothing in Public Act
5 95-708 is intended to invalidate any taxes currently imposed by
6 the Authority. The increased vote requirements to impose a tax
7 shall only apply to actions taken after January 1, 2008 (the
8 effective date of Public Act 95-708).

9 (b) The Board may impose a public transportation tax upon
10 all persons engaged in the metropolitan region in the business
11 of selling at retail motor fuel for operation of motor vehicles
12 upon public highways. The tax shall be at a rate not to exceed
13 5% of the gross receipts from the sales of motor fuel in the
14 course of the business. As used in this Act, the term "motor
15 fuel" shall have the same meaning as in the Motor Fuel Tax Law.
16 The Board may provide for details of the tax. The provisions of
17 any tax shall conform, as closely as may be practicable, to the
18 provisions of the Municipal Retailers Occupation Tax Act,
19 including without limitation, conformity to penalties with
20 respect to the tax imposed and as to the powers of the State
21 Department of Revenue to promulgate and enforce rules and
22 regulations relating to the administration and enforcement of
23 the provisions of the tax imposed, except that reference in the
24 Act to any municipality shall refer to the Authority and the
25 tax shall be imposed only with regard to receipts from sales of
26 motor fuel in the metropolitan region, at rates as limited by

1 this Section.

2 (c) In connection with the tax imposed under paragraph (b)
3 of this Section, the Board may impose a tax upon the privilege
4 of using in the metropolitan region motor fuel for the
5 operation of a motor vehicle upon public highways, the tax to
6 be at a rate not in excess of the rate of tax imposed under
7 paragraph (b) of this Section. The Board may provide for
8 details of the tax.

9 (d) The Board may impose a motor vehicle parking tax upon
10 the privilege of parking motor vehicles at off-street parking
11 facilities in the metropolitan region at which a fee is
12 charged, and may provide for reasonable classifications in and
13 exemptions to the tax, for administration and enforcement
14 thereof and for civil penalties and refunds thereunder and may
15 provide criminal penalties thereunder, the maximum penalties
16 not to exceed the maximum criminal penalties provided in the
17 Retailers' Occupation Tax Act. The Authority may collect and
18 enforce the tax itself or by contract with any unit of local
19 government. The State Department of Revenue shall have no
20 responsibility for the collection and enforcement unless the
21 Department agrees with the Authority to undertake the
22 collection and enforcement. As used in this paragraph, the term
23 "parking facility" means a parking area or structure having
24 parking spaces for more than 2 vehicles at which motor vehicles
25 are permitted to park in return for an hourly, daily, or other
26 periodic fee, whether publicly or privately owned, but does not

1 include parking spaces on a public street, the use of which is
2 regulated by parking meters.

3 (e) The Board may impose a Regional Transportation
4 Authority Retailers' Occupation Tax upon all persons engaged in
5 the business of selling tangible personal property at retail in
6 the metropolitan region. In Cook County, the tax rate shall be
7 1.25% of the gross receipts from sales of tangible personal
8 property taxed at the 1% rate under the Retailers' Occupation
9 Tax Act, and 1% of the gross receipts from other taxable sales
10 made in the course of that business. In DuPage, Kane, Lake,
11 McHenry, and Will counties, the tax rate shall be 0.75% of the
12 gross receipts from all taxable sales made in the course of
13 that business. The ~~Except that the~~ rate of tax imposed in
14 DuPage, Kane, Lake, McHenry, and Will ~~these~~ counties under this
15 Section on sales of aviation fuel on or after December 1, 2019
16 shall, however, be 0.25% unless the Regional Transportation
17 Authority in DuPage, Kane, Lake, McHenry, and Will counties has
18 an "airport-related purpose" and the additional 0.50% of the
19 0.75% tax on aviation fuel is expended for airport-related
20 purposes. If there is no airport-related purpose to which
21 aviation fuel tax revenue is dedicated, then aviation fuel is
22 excluded from the additional 0.50% of the 0.75% tax. The tax
23 imposed under this Section and all civil penalties that may be
24 assessed as an incident thereof shall be collected and enforced
25 by the State Department of Revenue. The Department shall have
26 full power to administer and enforce this Section; to collect

1 all taxes and penalties so collected in the manner hereinafter
2 provided; and to determine all rights to credit memoranda
3 arising on account of the erroneous payment of tax or penalty
4 hereunder. In the administration of, and compliance with this
5 Section, the Department and persons who are subject to this
6 Section shall have the same rights, remedies, privileges,
7 immunities, powers, and duties, and be subject to the same
8 conditions, restrictions, limitations, penalties, exclusions,
9 exemptions, and definitions of terms, and employ the same modes
10 of procedure, as are prescribed in Sections 1, 1a, 1a-1, 1c,
11 1d, 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all
12 provisions therein other than the State rate of tax), 2c, 3
13 (except as to the disposition of taxes and penalties collected,
14 and except that the retailer's discount is not allowed for
15 taxes paid on aviation fuel that are subject to the revenue use
16 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133
17 ~~deposited into the Local Government Aviation Trust Fund~~), 4, 5,
18 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c,
19 6d, 7, 8, 9, 10, 11, 12, and 13 of the Retailers' Occupation
20 Tax Act and Section 3-7 of the Uniform Penalty and Interest
21 Act, as fully as if those provisions were set forth herein.

22 ~~On or before September 1, 2019, and on or before each April~~
23 ~~1 and October 1 thereafter, the Authority and Cook, DuPage,~~
24 ~~Kane, Lake, McHenry, and Will counties must certify to the~~
25 ~~Department of Transportation, in the form and manner required~~
26 ~~by the Department, whether they have an airport related~~

1 ~~purpose, which would allow any Retailers' Occupation Tax and~~
2 ~~Service Occupation Tax imposed under this Act to include tax on~~
3 ~~aviation fuel. On or before October 1, 2019, and on or before~~
4 ~~each May 1 and November 1 thereafter, the Department of~~
5 ~~Transportation shall provide to the Department of Revenue, a~~
6 ~~list of units of local government which have certified to the~~
7 ~~Department of Transportation that they have airport related~~
8 ~~purposes, which would allow any Retailers' Occupation Tax and~~
9 ~~Service Occupation Tax imposed by the unit of local government~~
10 ~~to include tax on aviation fuel. All disputes regarding whether~~
11 ~~or not a unit of local government has an airport related~~
12 ~~purpose shall be resolved by the Department of Transportation.~~

13 The Board and DuPage, Kane, Lake, McHenry, and Will
14 counties must comply with the certification requirements for
15 airport-related purposes under Section 2-22 of the Retailers'
16 Occupation Tax Act. For purposes of this Section Act,
17 "airport-related purposes" has the meaning ascribed in Section
18 6z-20.2 of the State Finance Act. This exclusion for aviation
19 fuel only applies for so long as the revenue use requirements
20 of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the
21 Authority.

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

1 are required to collect under the Use Tax Act, under any
2 bracket schedules the Department may prescribe.

3 Whenever the Department determines that a refund should be
4 made under this Section to a claimant instead of issuing a
5 credit memorandum, the Department shall notify the State
6 Comptroller, who shall cause the warrant to be drawn for the
7 amount specified, and to the person named, in the notification
8 from the Department. The refund shall be paid by the State
9 Treasurer out of the Regional Transportation Authority tax fund
10 established under paragraph (n) of this Section or the Local
11 Government Aviation Trust Fund, as appropriate.

12 If a tax is imposed under this subsection (e), a tax shall
13 also be imposed under subsections (f) and (g) of this Section.

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

23 No tax shall be imposed or collected under this subsection
24 on the sale of a motor vehicle in this State to a resident of
25 another state if that motor vehicle will not be titled in this
26 State.

1 Nothing in this Section shall be construed to authorize the
2 Regional Transportation Authority to impose a tax upon the
3 privilege of engaging in any business that under the
4 Constitution of the United States may not be made the subject
5 of taxation by this State.

6 (f) If a tax has been imposed under paragraph (e), a
7 Regional Transportation Authority Service Occupation Tax shall
8 also be imposed upon all persons engaged, in the metropolitan
9 region in the business of making sales of service, who as an
10 incident to making the sales of service, transfer tangible
11 personal property within the metropolitan region, either in the
12 form of tangible personal property or in the form of real
13 estate as an incident to a sale of service. In Cook County, the
14 tax rate shall be: (1) 1.25% of the serviceman's cost price of
15 food prepared for immediate consumption and transferred
16 incident to a sale of service subject to the service occupation
17 tax by an entity licensed under the Hospital Licensing Act, the
18 Nursing Home Care Act, the Specialized Mental Health
19 Rehabilitation Act of 2013, the ID/DD Community Care Act, or
20 the MC/DD Act that is located in the metropolitan region; (2)
21 1.25% of the selling price of tangible personal property taxed
22 at the 1% rate under the Service Occupation Tax Act; and (3) 1%
23 of the selling price from other taxable sales of tangible
24 personal property transferred. In DuPage, Kane, Lake, McHenry,
25 and Will counties, the rate shall be 0.75% of the selling price
26 of all tangible personal property transferred. The ~~except that~~

1 ~~the~~ rate of tax imposed in DuPage, Kane, Lake, McHenry, and
2 Will ~~these~~ counties under this Section on sales of aviation
3 fuel on or after December 1, 2019 shall, however, be 0.25%
4 unless the Regional Transportation Authority in DuPage, Kane,
5 Lake, McHenry, and Will counties has an "airport-related
6 purpose" and the additional 0.50% of the 0.75% tax on aviation
7 fuel is expended for airport-related purposes. If there is no
8 airport-related purpose to which aviation fuel tax revenue is
9 dedicated, then aviation fuel is excluded from the additional
10 0.5% of the 0.75% tax.

11 ~~On or before September 1, 2019, and on or before each April~~
12 ~~1 and October 1 thereafter, the Authority and Cook, DuPage,~~
13 ~~Kane, Lake, McHenry, and Will counties must certify to the~~
14 ~~Department of Transportation, in the form and manner required~~
15 ~~by the Department, whether they have an airport related~~
16 ~~purpose, which would allow any Retailers' Occupation Tax and~~
17 ~~Service Occupation Tax imposed under this Act to include tax on~~
18 ~~aviation fuel. On or before October 1, 2019, and on or before~~
19 ~~each May 1 and November 1 thereafter, the Department of~~
20 ~~Transportation shall provide to the Department of Revenue, a~~
21 ~~list of units of local government which have certified to the~~
22 ~~Department of Transportation that they have airport related~~
23 ~~purposes, which would allow any Retailers' Occupation Tax and~~
24 ~~Service Occupation Tax imposed by the unit of local government~~
25 ~~to include tax on aviation fuel. All disputes regarding whether~~
26 ~~or not a unit of local government has an airport related~~

1 ~~purpose shall be resolved by the Department of Transportation.~~

2 The Board and DuPage, Kane, Lake, McHenry, and Will
3 counties must comply with the certification requirements for
4 airport-related purposes under Section 2-22 of the Retailers'
5 Occupation Tax Act. For purposes of this Section ~~Act~~,
6 "airport-related purposes" has the meaning ascribed in Section
7 6z-20.2 of the State Finance Act. This exclusion for aviation
8 fuel only applies for so long as the revenue use requirements
9 of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the
10 Authority.

11 The tax imposed under this paragraph and all civil
12 penalties that may be assessed as an incident thereof shall be
13 collected and enforced by the State Department of Revenue. The
14 Department shall have full power to administer and enforce this
15 paragraph; to collect all taxes and penalties due hereunder; to
16 dispose of taxes and penalties collected in the manner
17 hereinafter provided; and to determine all rights to credit
18 memoranda arising on account of the erroneous payment of tax or
19 penalty hereunder. In the administration of and compliance with
20 this paragraph, the Department and persons who are subject to
21 this paragraph shall have the same rights, remedies,
22 privileges, immunities, powers, and duties, and be subject to
23 the same conditions, restrictions, limitations, penalties,
24 exclusions, exemptions, and definitions of terms, and employ
25 the same modes of procedure, as are prescribed in Sections
26 1a-1, 2, 2a, 3 through 3-50 (in respect to all provisions

1 therein other than the State rate of tax), 4 (except that the
2 reference to the State shall be to the Authority), 5, 7, 8
3 (except that the jurisdiction to which the tax shall be a debt
4 to the extent indicated in that Section 8 shall be the
5 Authority), 9 (except as to the disposition of taxes and
6 penalties collected, and except that the returned merchandise
7 credit for this tax may not be taken against any State tax, and
8 except that the retailer's discount is not allowed for taxes
9 paid on aviation fuel that are subject to the revenue use
10 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133
11 ~~deposited into the Local Government Aviation Trust Fund~~), 10,
12 11, 12 (except the reference therein to Section 2b of the
13 Retailers' Occupation Tax Act), 13 (except that any reference
14 to the State shall mean the Authority), the first paragraph of
15 Section 15, 16, 17, 18, 19, and 20 of the Service Occupation
16 Tax Act and Section 3-7 of the Uniform Penalty and Interest
17 Act, as fully as if those provisions were 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 or the Local
7 Government Aviation Trust Fund, as appropriate.

8 Nothing in this paragraph shall be construed to authorize
9 the Authority 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 (g) If a tax has been imposed under paragraph (e), a tax
13 shall also be imposed upon the privilege of using in the
14 metropolitan region, any item of tangible personal property
15 that is purchased outside the metropolitan region at retail
16 from a retailer, and that is titled or registered with an
17 agency of this State's government. In Cook County, the tax rate
18 shall be 1% of the selling price of the tangible personal
19 property, as "selling price" is defined in the Use Tax Act. In
20 DuPage, Kane, Lake, McHenry, and Will counties, the tax rate
21 shall be 0.75% of the selling price of the tangible personal
22 property, as "selling price" is defined in the Use Tax Act. The
23 tax shall be collected from persons whose Illinois address for
24 titling or registration purposes is given as being in the
25 metropolitan region. The tax shall be collected by the
26 Department of Revenue for the Regional Transportation

1 Authority. The tax must be paid to the State, or an exemption
2 determination must be obtained from the Department of Revenue,
3 before the title or certificate of registration for the
4 property may be issued. The tax or proof of exemption may be
5 transmitted to the Department by way of the State agency with
6 which, or the State officer with whom, the tangible personal
7 property must be titled or registered if the Department and the
8 State agency or State officer determine that this procedure
9 will expedite the processing of applications for title or
10 registration.

11 The Department shall have full power to administer and
12 enforce this paragraph; to collect all taxes, penalties, and
13 interest due hereunder; to dispose of taxes, penalties, and
14 interest collected in the manner hereinafter provided; and to
15 determine all rights to credit memoranda or refunds arising on
16 account of the erroneous payment of tax, penalty, or interest
17 hereunder. In the administration of and compliance with this
18 paragraph, the Department and persons who are subject to this
19 paragraph shall have the same rights, remedies, privileges,
20 immunities, powers, and duties, and be subject to the same
21 conditions, restrictions, limitations, penalties, exclusions,
22 exemptions, and definitions of terms and employ the same modes
23 of procedure, as are prescribed in Sections 2 (except the
24 definition of "retailer maintaining a place of business in this
25 State"), 3 through 3-80 (except provisions pertaining to the
26 State rate of tax, and except provisions concerning collection

1 or refunding of the tax by retailers), 4, 11, 12, 12a, 14, 15,
2 19 (except the portions pertaining to claims by retailers and
3 except the last paragraph concerning refunds), 20, 21, and 22
4 of the Use Tax Act, and are not inconsistent with this
5 paragraph, as fully as if those provisions were set forth
6 herein.

7 Whenever the Department determines that a refund should be
8 made under this paragraph to a claimant instead of issuing a
9 credit memorandum, the Department shall notify the State
10 Comptroller, who shall cause the order to be drawn for the
11 amount specified, and to the person named in the notification
12 from the Department. The refund shall be paid by the State
13 Treasurer out of the Regional Transportation Authority tax fund
14 established under paragraph (n) of this Section.

15 (h) The Authority may impose a replacement vehicle tax of
16 \$50 on any passenger car as defined in Section 1-157 of the
17 Illinois Vehicle Code purchased within the metropolitan region
18 by or on behalf of an insurance company to replace a passenger
19 car of an insured person in settlement of a total loss claim.
20 The tax imposed may not become effective before the first day
21 of the month following the passage of the ordinance imposing
22 the tax and receipt of a certified copy of the ordinance by the
23 Department of Revenue. The Department of Revenue shall collect
24 the tax for the Authority in accordance with Sections 3-2002
25 and 3-2003 of the Illinois Vehicle Code.

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

1 Department shall immediately pay over to the State Treasurer,
2 ex officio, as trustee, all taxes collected hereunder. ~~Taxes~~
3 ~~and penalties collected in DuPage, Kane, Lake, McHenry and Will~~
4 ~~counties on aviation fuel sold on or after December 1, 2019~~
5 ~~from the 0.50% of the 0.75% rate shall be immediately paid over~~
6 ~~by the Department to the State Treasurer, ex officio, as~~
7 ~~trustee, for deposit into the Local Government Aviation Trust~~
8 ~~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 Authority.~~

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 the Authority. The
24 amount to be paid to the Authority shall be the amount
25 collected hereunder during the second preceding calendar month
26 by the Department, less any amount determined by the Department

1 to be necessary for the payment of refunds, and less any
2 amounts that are transferred to the STAR Bonds Revenue Fund.
3 Within 10 days after receipt by the Comptroller of the
4 disbursement certification to the Authority provided for in
5 this Section to be given to the Comptroller by the Department,
6 the Comptroller shall cause the orders to be drawn for that
7 amount in accordance with the directions contained in the
8 certification.

9 (i) The Board may not impose any other taxes except as it
10 may from time to time be authorized by law to impose.

11 (j) A certificate of registration issued by the State
12 Department of Revenue to a retailer under the Retailers'
13 Occupation Tax Act or under the Service Occupation Tax Act
14 shall permit the registrant to engage in a business that is
15 taxed under the tax imposed under paragraphs (b), (e), (f) or
16 (g) of this Section and no additional registration shall be
17 required under the tax. A certificate issued under the Use Tax
18 Act or the Service Use Tax Act shall be applicable with regard
19 to any tax imposed under paragraph (c) of this Section.

20 (k) The provisions of any tax imposed under paragraph (c)
21 of this Section shall conform as closely as may be practicable
22 to the provisions of the Use Tax Act, including without
23 limitation conformity as to penalties with respect to the tax
24 imposed and as to the powers of the State Department of Revenue
25 to promulgate and enforce rules and regulations relating to the
26 administration and enforcement of the provisions of the tax

1 imposed. The taxes shall be imposed only on use within the
2 metropolitan region and at rates as provided in the paragraph.

3 (l) The Board in imposing any tax as provided in paragraphs
4 (b) and (c) of this Section, shall, after seeking the advice of
5 the State Department of Revenue, provide means for retailers,
6 users or purchasers of motor fuel for purposes other than those
7 with regard to which the taxes may be imposed as provided in
8 those paragraphs to receive refunds of taxes improperly paid,
9 which provisions may be at variance with the refund provisions
10 as applicable under the Municipal Retailers Occupation Tax Act.
11 The State Department of Revenue may provide for certificates of
12 registration for users or purchasers of motor fuel for purposes
13 other than those with regard to which taxes may be imposed as
14 provided in paragraphs (b) and (c) of this Section to
15 facilitate the reporting and nontaxability of the exempt sales
16 or uses.

17 (m) Any ordinance imposing or discontinuing any tax under
18 this Section shall be adopted and a certified copy thereof
19 filed with the Department on or before June 1, whereupon the
20 Department of Revenue shall proceed to administer and enforce
21 this Section on behalf of the Regional Transportation Authority
22 as of September 1 next following such adoption and filing.
23 Beginning January 1, 1992, an ordinance or resolution imposing
24 or discontinuing the tax hereunder shall be adopted and a
25 certified copy thereof filed with the Department on or before
26 the first day of July, whereupon the Department shall proceed

1 to administer and enforce this Section as of the first day of
2 October next following such adoption and filing. Beginning
3 January 1, 1993, an ordinance or resolution imposing,
4 increasing, decreasing, or discontinuing the tax hereunder
5 shall be adopted and a certified copy thereof filed with the
6 Department, whereupon the Department shall proceed to
7 administer and enforce this Section as of the first day of the
8 first month to occur not less than 60 days following such
9 adoption and filing. Any ordinance or resolution of the
10 Authority imposing a tax under this Section and in effect on
11 August 1, 2007 shall remain in full force and effect and shall
12 be administered by the Department of Revenue under the terms
13 and conditions and rates of tax established by such ordinance
14 or resolution until the Department begins administering and
15 enforcing an increased tax under this Section as authorized by
16 Public Act 95-708. The tax rates authorized by Public Act
17 95-708 are effective only if imposed by ordinance of the
18 Authority.

19 (n) Except as otherwise provided in this subsection (n),
20 the State Department of Revenue shall, upon collecting any
21 taxes as provided in this Section, pay the taxes over to the
22 State Treasurer as trustee for the Authority. The taxes shall
23 be held in a trust fund outside the State Treasury. If an
24 airport-related purpose has been certified, taxes and
25 penalties collected in DuPage, Kane, Lake, McHenry and Will
26 counties on aviation fuel sold on or after December 1, 2019

1 from the 0.50% of the 0.75% rate shall be immediately paid over
2 by the Department to the State Treasurer, ex officio, as
3 trustee, for deposit into the Local Government Aviation Trust
4 Fund. The Department shall only pay moneys into the Local
5 Government Aviation Trust Fund under this Act 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 Authority. On or before the
8 25th day of each calendar month, the State Department of
9 Revenue shall prepare and certify to the Comptroller of the
10 State of Illinois and to the Authority (i) the amount of taxes
11 collected in each county other than Cook County in the
12 metropolitan region, (not including, if an airport-related
13 purpose has been certified, the taxes and penalties collected
14 from the 0.50% of the 0.75% rate on aviation fuel sold on or
15 after December 1, 2019 that are deposited into the Local
16 Government Aviation Trust Fund) (ii) the amount of taxes
17 collected within the City of Chicago, and (iii) the amount
18 collected in that portion of Cook County outside of Chicago,
19 each amount less the amount necessary for the payment of
20 refunds to taxpayers located in those areas described in items
21 (i), (ii), and (iii), and less 1.5% of the remainder, which
22 shall be transferred from the trust fund into the Tax
23 Compliance and Administration Fund. The Department, at the time
24 of each monthly disbursement to the Authority, shall prepare
25 and certify to the State Comptroller the amount to be
26 transferred into the Tax Compliance and Administration Fund

1 under this subsection. Within 10 days after receipt by the
2 Comptroller of the certification of the amounts, the
3 Comptroller shall cause an order to be drawn for the transfer
4 of the amount certified into the Tax Compliance and
5 Administration Fund and the payment of two-thirds of the
6 amounts certified in item (i) of this subsection to the
7 Authority and one-third of the amounts certified in item (i) of
8 this subsection to the respective counties other than Cook
9 County and the amount certified in items (ii) and (iii) of this
10 subsection to the Authority.

11 In addition to the disbursement required by the preceding
12 paragraph, an allocation shall be made in July 1991 and each
13 year thereafter to the Regional Transportation Authority. The
14 allocation shall be made in an amount equal to the average
15 monthly distribution during the preceding calendar year
16 (excluding the 2 months of lowest receipts) and the allocation
17 shall include the amount of average monthly distribution from
18 the Regional Transportation Authority Occupation and Use Tax
19 Replacement Fund. The distribution made in July 1992 and each
20 year thereafter under this paragraph and the preceding
21 paragraph shall be reduced by the amount allocated and
22 disbursed under this paragraph in the preceding calendar year.
23 The Department of Revenue shall prepare and certify to the
24 Comptroller for disbursement the allocations made in
25 accordance with this paragraph.

26 (o) Failure to adopt a budget ordinance or otherwise to

1 comply with Section 4.01 of this Act or to adopt a Five-year
2 Capital Program or otherwise to comply with paragraph (b) of
3 Section 2.01 of this Act shall not affect the validity of any
4 tax imposed by the Authority otherwise in conformity with law.

5 (p) At no time shall a public transportation tax or motor
6 vehicle parking tax authorized under paragraphs (b), (c), and
7 (d) of this Section be in effect at the same time as any
8 retailers' occupation, use or service occupation tax
9 authorized under paragraphs (e), (f), and (g) of this Section
10 is in effect.

11 Any taxes imposed under the authority provided in
12 paragraphs (b), (c), and (d) shall remain in effect only until
13 the time as any tax authorized by paragraph (e), (f), or (g) of
14 this Section are imposed and becomes effective. Once any tax
15 authorized by paragraph (e), (f), or (g) is imposed the Board
16 may not reimpose taxes as authorized in paragraphs (b), (c),
17 and (d) of the Section unless any tax authorized by paragraph
18 (e), (f), or (g) of this Section becomes ineffective by means
19 other than an ordinance of the Board.

20 (q) Any existing rights, remedies and obligations
21 (including enforcement by the Regional Transportation
22 Authority) arising under any tax imposed under paragraph (b),
23 (c), or (d) of this Section shall not be affected by the
24 imposition of a tax under paragraph (e), (f), or (g) of this
25 Section.

26 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;

1 100-1171, eff. 1-4-19; 101-10, eff. 6-5-19; 101-81, eff.
2 7-12-19; revised 9-19-19.)

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 and separately
11 accounting for the tax on aviation fuel deposited into the
12 Local Government Aviation Trust Fund, the Authority shall
13 disburse the remaining proceeds from taxes it has received from
14 the Department of Revenue under this Article IV and the
15 remaining proceeds it has received from the State under Section
16 4.09(a) as follows:

17 (a) With respect to taxes imposed by the Authority under
18 Section 4.03, after withholding 15% of 80% of the receipts from
19 those taxes collected in Cook County at a rate of 1.25%, 15% of
20 75% of the receipts from those taxes collected in Cook County
21 at the rate of 1%, 15% of one-half of the receipts from those
22 taxes collected in DuPage, Kane, Lake, McHenry, and Will
23 Counties, and 15% of money received by the Authority from the
24 Regional Transportation Authority Occupation and Use Tax
25 Replacement Fund or from the Regional Transportation Authority

1 tax fund created in Section 4.03(n), the Board shall allocate
2 the proceeds and money remaining to the Service Boards as
3 follows:

4 (1) an amount equal to (i) 85% of 80% of the receipts
5 from those taxes collected within the City of Chicago at a
6 rate of 1.25%, (ii) 85% of 75% of the receipts from those
7 taxes collected in the City of Chicago at the rate of 1%,
8 and (iii) 85% of the money received by the Authority on
9 account of transfers to the Regional Transportation
10 Authority Occupation and Use Tax Replacement Fund or to the
11 Regional Transportation Authority tax fund created in
12 Section 4.03(n) from the County and Mass Transit District
13 Fund attributable to retail sales within the City of
14 Chicago shall be allocated to the Chicago Transit
15 Authority;

16 (2) an amount equal to (i) 85% of 80% of the receipts
17 from those taxes collected within Cook County outside of
18 the City of Chicago at a rate of 1.25%, (ii) 85% of 75% of
19 the receipts from those taxes collected within Cook County
20 outside the City of Chicago at a rate of 1%, and (iii) 85%
21 of the money received by the Authority on account of
22 transfers to the Regional Transportation Authority
23 Occupation and Use Tax Replacement Fund or to the Regional
24 Transportation Authority tax fund created in Section
25 4.03(n) from the County and Mass Transit District Fund
26 attributable to retail sales within Cook County outside of

1 the City of Chicago shall be allocated 30% to the Chicago
2 Transit Authority, 55% to the Commuter Rail Board, and 15%
3 to the Suburban Bus Board; and

4 (3) an amount equal to 85% of one-half of the receipts
5 from the taxes collected within the Counties of DuPage,
6 Kane, Lake, McHenry, and Will shall be allocated 70% to the
7 Commuter Rail Board and 30% to the Suburban Bus Board.

8 (b) Moneys received by the Authority on account of
9 transfers to the Regional Transportation Authority Occupation
10 and Use Tax Replacement Fund from the State and Local Sales Tax
11 Reform Fund shall be allocated among the Authority and the
12 Service Boards as follows: 15% of such moneys shall be retained
13 by the Authority and the remaining 85% shall be transferred to
14 the Service Boards as soon as may be practicable after the
15 Authority receives payment. Moneys which are distributable to
16 the Service Boards pursuant to the preceding sentence shall be
17 allocated among the Service Boards on the basis of each Service
18 Board's distribution ratio. The term "distribution ratio"
19 means, for purposes of this subsection (b), the ratio of the
20 total amount distributed to a Service Board pursuant to
21 subsection (a) of Section 4.03.3 for the immediately preceding
22 calendar year to the total amount distributed to all of the
23 Service Boards pursuant to subsection (a) of Section 4.03.3 for
24 the immediately preceding calendar year.

25 (c) (i) 20% of the receipts from those taxes collected in
26 Cook County under Section 4.03 at the rate of 1.25%, (ii) 25%

1 of the receipts from those taxes collected in Cook County under
2 Section 4.03 at the rate of 1%, (iii) 50% of the receipts from
3 those taxes collected in DuPage, Kane, Lake, McHenry, and Will
4 Counties under Section 4.03, and (iv) amounts received from the
5 State under Section 4.09 (a) (2) and items (i), (ii), and (iii)
6 of Section 4.09 (a) (3) shall be allocated as follows: the
7 amount required to be deposited into the ADA Paratransit Fund
8 described in Section 2.01d, the amount required to be deposited
9 into the Suburban Community Mobility Fund described in Section
10 2.01e, and the amount required to be deposited into the
11 Innovation, Coordination and Enhancement Fund described in
12 Section 2.01c, and the balance shall be allocated 48% to the
13 Chicago Transit Authority, 39% to the Commuter Rail Board, and
14 13% to the Suburban Bus Board.

15 (d) Amounts received from the State under Section 4.09
16 (a) (3) (iv) shall be distributed 100% to the Chicago Transit
17 Authority.

18 (e) With respect to those taxes collected in DuPage, Kane,
19 Lake, McHenry, and Will Counties and paid directly to the
20 counties under Section 4.03, the County Board of each county
21 shall use those amounts to fund operating and capital costs of
22 public safety and public transportation services or facilities
23 or to fund operating, capital, right-of-way, construction, and
24 maintenance costs of other transportation purposes, including
25 road, bridge, public safety, and transit purposes intended to
26 improve mobility or reduce congestion in the county. The

1 receipt of funding by such counties pursuant to this paragraph
2 shall not be used as the basis for reducing any funds that such
3 counties would otherwise have received from the State of
4 Illinois, any agency or instrumentality thereof, the
5 Authority, or the Service Boards.

6 (f) The Authority by ordinance adopted by 12 of its then
7 Directors shall apportion to the Service Boards funds provided
8 by the State of Illinois under Section 4.09(a)(1) as it shall
9 determine and shall make payment of the amounts to each Service
10 Board as soon as may be practicable upon their receipt provided
11 the Authority has adopted a balanced budget as required by
12 Section 4.01 and further provided the Service Board is in
13 compliance with the requirements in Section 4.11.

14 (g) Beginning January 1, 2009, before making any payments,
15 transfers, or expenditures under this Section to a Service
16 Board, the Authority must first comply with Section 4.02a or
17 4.02b of this Act, whichever may be applicable.

18 (h) Moneys may be appropriated from the Public
19 Transportation Fund to the Office of the Executive Inspector
20 General for the costs incurred by the Executive Inspector
21 General while serving as the inspector general for the
22 Authority and each of the Service Boards. Beginning December
23 31, 2012, and each year thereafter, the Office of the Executive
24 Inspector General shall annually report to the General Assembly
25 the expenses incurred while serving as the inspector general
26 for the Authority and each of the Service Boards.

1 (Source: P.A. 97-399, eff. 8-16-11; 97-641, eff. 12-19-11.)

2 Section 10-110. The Water Commission Act of 1985 is amended
3 by changing Section 4 as follows:

4 (70 ILCS 3720/4) (from Ch. 111 2/3, par. 254)

5 Sec. 4. Taxes.

6 (a) The board of commissioners of any county water
7 commission may, by ordinance, impose throughout the territory
8 of the commission any or all of the taxes provided in this
9 Section for its corporate purposes. However, no county water
10 commission may impose any such tax unless the commission
11 certifies the proposition of imposing the tax to the proper
12 election officials, who shall submit the proposition to the
13 voters residing in the territory at an election in accordance
14 with the general election law, and the proposition has been
15 approved by a majority of those voting on the proposition.

16 The proposition shall be in the form provided in Section 5
17 or shall be substantially in the following form:

18 -----

19 Shall the (insert corporate

20 name of county water commission) YES

21 impose (state type of tax or -----

22 taxes to be imposed) at the NO

23 rate of 1/4%?

24 -----

1 Taxes imposed under this Section and civil penalties
2 imposed incident thereto shall be collected and enforced by the
3 State Department of Revenue. The Department shall have the
4 power to administer and enforce the taxes and to determine all
5 rights for refunds for erroneous payments of the taxes.

6 (b) The board of commissioners may impose a County Water
7 Commission Retailers' Occupation Tax upon all persons engaged
8 in the business of selling tangible personal property at retail
9 in the territory of the commission at a rate of 1/4% of the
10 gross receipts from the sales made in the course of such
11 business within the territory. Beginning January 1, 2021, this
12 tax is not imposed on sales of aviation fuel for so long as the
13 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.
14 47133 are binding on the District.

15 The tax imposed under this paragraph and all civil
16 penalties that may be assessed as an incident thereof shall be
17 collected and enforced by the State Department of Revenue. The
18 Department shall have full power to administer and enforce this
19 paragraph; to collect all taxes and penalties due hereunder; to
20 dispose of taxes and penalties so collected in the manner
21 hereinafter provided; and to determine all rights to credit
22 memoranda arising on account of the erroneous payment of tax or
23 penalty hereunder. In the administration of, and compliance
24 with, this paragraph, the Department and persons who are
25 subject to this paragraph shall have the same rights, remedies,
26 privileges, immunities, powers and duties, and be subject to

1 the same conditions, restrictions, limitations, penalties,
2 exclusions, exemptions and definitions of terms, and employ the
3 same modes of procedure, as are prescribed in Sections 1, 1a,
4 1a-1, 1c, 1d, 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all
5 provisions therein other than the State rate of tax except that
6 tangible personal property taxed at the 1% rate under the
7 Retailers' Occupation Tax Act shall not be subject to tax
8 hereunder), 2c, 3 (except as to the disposition of taxes and
9 penalties collected, and except that the retailer's discount is
10 not allowed for taxes paid on aviation fuel sold on or after
11 December 1, 2019 and through December 31, 2020), 4, 5, 5a, 5b,
12 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8,
13 9, 10, 11, 12, and 13 of the Retailers' Occupation Tax Act and
14 Section 3-7 of the Uniform Penalty and Interest Act, as fully
15 as if those provisions were set forth herein.

16 Persons subject to any tax imposed under the authority
17 granted in this paragraph may reimburse themselves for their
18 seller's tax liability hereunder by separately stating the tax
19 as an additional charge, which charge may be stated in
20 combination, in a single amount, with State taxes that sellers
21 are required to collect under the Use Tax Act and under
22 subsection (e) of Section 4.03 of the Regional Transportation
23 Authority Act, in accordance with such bracket schedules as the
24 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 a county water commission tax fund established
6 under subsection (g) of this Section.

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

16 If a tax is imposed under this subsection (b), a tax shall
17 also be imposed under subsections (c) and (d) of this Section.

18 No tax shall be imposed or collected under this subsection
19 on the sale of a motor vehicle in this State to a resident of
20 another state if that motor vehicle will not be titled in this
21 State.

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

1 (c) If a tax has been imposed under subsection (b), a
2 County Water Commission Service Occupation Tax shall also be
3 imposed upon all persons engaged, in the territory of the
4 commission, in the business of making sales of service, who, as
5 an incident to making the sales of service, transfer tangible
6 personal property within the territory. The tax rate shall be
7 1/4% of the selling price of tangible personal property so
8 transferred within the territory. Beginning January 1, 2021,
9 this tax is not imposed on sales of aviation fuel 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 District.

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 so 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
21 with, this paragraph, the Department and persons who are
22 subject to 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 (except that the reference to State in the definition of
2 supplier maintaining a place of business in this State shall
3 mean the territory of the commission), 2a, 3 through 3-50 (in
4 respect to all provisions therein other than the State rate of
5 tax except that tangible personal property taxed at the 1% rate
6 under the Service Occupation Tax Act shall not be subject to
7 tax hereunder), 4 (except that the reference to the State shall
8 be to the territory of the commission), 5, 7, 8 (except that
9 the jurisdiction to which the tax shall be a debt to the extent
10 indicated in that Section 8 shall be the commission), 9 (except
11 as to the disposition of taxes and penalties collected and
12 except that the returned merchandise credit for this tax may
13 not be taken against any State tax, and except that the
14 retailer's discount is not allowed for taxes paid on aviation
15 fuel sold on or after December 1, 2019 and through December 31,
16 2020), 10, 11, 12 (except the reference therein to Section 2b
17 of the Retailers' Occupation Tax Act), 13 (except that any
18 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 subsection (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 be 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
20 interest hereunder. In the administration of and compliance
21 with this paragraph, the Department and persons who are subject
22 to 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 2

1 (except the definition of "retailer maintaining a place of
2 business in this State"), 3 through 3-80 (except provisions
3 pertaining to the State rate of tax, and except provisions
4 concerning collection or refunding of the tax by retailers), 4,
5 11, 12, 12a, 14, 15, 19 (except the portions pertaining to
6 claims by retailers and except the last paragraph concerning
7 refunds), 20, 21, and 22 of the Use Tax Act and Section 3-7 of
8 the Uniform Penalty and Interest Act that are not inconsistent
9 with this paragraph, as fully as if those provisions were set
10 forth herein.

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

19 (e) A certificate of registration issued by the State
20 Department of Revenue to a retailer under the Retailers'
21 Occupation Tax Act or under the Service Occupation Tax Act
22 shall permit the registrant to engage in a business that is
23 taxed under the tax imposed under subsection (b), (c), or (d)
24 of this Section and no additional registration shall be
25 required under the tax. A certificate issued under the Use Tax
26 Act or the Service Use Tax Act shall be applicable with regard

1 to any tax imposed under subsection (c) of this Section.

2 (f) 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 county water commission as of
7 September 1 next following the adoption and filing. Beginning
8 January 1, 1992, an ordinance or resolution imposing or
9 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, 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 October, whereupon the Department shall
18 proceed to administer and enforce this Section as of the first
19 day of January next following such adoption and filing.

20 (g) The State Department of Revenue shall, upon collecting
21 any taxes as provided in this Section, pay the taxes over to
22 the State Treasurer as trustee for the commission. The taxes
23 shall be held in a trust fund outside the State Treasury.

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 Section
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 State
8 Department of Revenue shall prepare and certify to the
9 Comptroller of the State of Illinois the amount to be paid to
10 the commission, which shall be the amount (not including credit
11 memoranda) collected under this Section during the second
12 preceding calendar month by the Department plus an amount the
13 Department determines is necessary to offset any amounts that
14 were erroneously paid to a different taxing body, and not
15 including any amount equal to the amount of refunds made during
16 the second preceding calendar month by the Department on behalf
17 of the commission, and not including any amount that the
18 Department determines is necessary to offset any amounts that
19 were payable to a different taxing body but were erroneously
20 paid to the commission, and less any amounts that are
21 transferred to the STAR Bonds Revenue Fund, less 1.5% of the
22 remainder, which shall be transferred into the Tax Compliance
23 and Administration Fund. The Department, at the time of each
24 monthly disbursement to the commission, shall prepare and
25 certify to the State Comptroller the amount to be transferred
26 into the Tax Compliance and Administration Fund under this

1 subsection. Within 10 days after receipt by the Comptroller of
2 the certification of the amount to be paid to the commission
3 and the Tax Compliance and Administration Fund, the Comptroller
4 shall cause an order to be drawn for the payment for the amount
5 in 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. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
11 100-863, eff. 8-14-18; 100-1171, eff. 1-4-19; 101-10, eff.
12 6-5-19; 101-81, eff. 7-12-19.)

13 Section 10-130. The Environmental Impact Fee Law is amended
14 by changing Sections 310, 315, and 320 as follows:

15 (415 ILCS 125/310)

16 (Section scheduled to be repealed on January 1, 2025)

17 Sec. 310. Environmental impact fee; imposition. Beginning
18 January 1, 1996, all receivers of fuel are subject to an
19 environmental impact fee of \$60 per 7,500 gallons of fuel, or
20 an equivalent amount per fraction thereof, that is sold or used
21 in Illinois. The fee shall be paid by the receiver in this
22 State who first sells or uses the fuel. The environmental
23 impact fee imposed by this Law replaces the fee imposed under
24 the corresponding provisions of Article 3 of Public Act 89-428.

1 Environmental impact fees paid under that Article 3 shall
2 satisfy the receiver's corresponding liability under this Law.

3 A receiver of fuels is subject to the fee without regard to
4 whether the fuel is intended to be used for operation of motor
5 vehicles on the public highways and waters. However, no fee
6 shall be imposed upon the importation or receipt of aviation
7 fuels and kerosene at airports with over 170,000 operations per
8 year, located in a city of more than 1,000,000 inhabitants, for
9 sale to or use by holders of certificates of public convenience
10 and necessity or foreign air carrier permits, issued by the
11 United States Department of Transportation, and their air
12 carrier affiliates, or upon the importation or receipt of
13 aviation fuels and kerosene at facilities owned or leased by
14 those certificate or permit holders and used in their
15 activities at an airport described above. In addition, no fee
16 may be imposed upon the importation or receipt of diesel fuel
17 or liquefied natural gas sold to or used by a rail carrier
18 registered under Section 18c-7201 of the Illinois Vehicle Code
19 or otherwise recognized by the Illinois Commerce Commission as
20 a rail carrier, to the extent used directly in railroad
21 operations. In addition, no fee may be imposed when the sale is
22 made with delivery to a purchaser outside this State or when
23 the sale is made to a person holding a valid license as a
24 receiver. In addition, no fee shall be imposed upon diesel fuel
25 or liquefied natural gas consumed or used in the operation of
26 ships, barges, or vessels, that are used primarily in or for

1 the transportation of property in interstate commerce for hire
2 on rivers bordering on this State, if the diesel fuel or
3 liquefied natural gas is delivered by a licensed receiver to
4 the purchaser's barge, ship, or vessel while it is afloat upon
5 that bordering river. A specific notation thereof shall be made
6 on the invoices or sales slips covering each sale. Beginning
7 January 1, 2021 no fee shall be imposed under this Section on
8 receivers of aviation fuel for sale or use for so long as the
9 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.
10 47133 are binding on the State.

11 (Source: P.A. 100-9, eff. 7-1-17.)

12 (415 ILCS 125/315)

13 (Section scheduled to be repealed on January 1, 2025)

14 Sec. 315. Fee on receivers of fuel for sale or use;
15 collection and reporting. A person that is required to pay the
16 fee imposed by this Law shall pay the fee to the Department by
17 return showing all fuel purchased, acquired, or received and
18 sold, distributed or used during the preceding calendar month,
19 including losses of fuel as the result of evaporation or
20 shrinkage due to temperature variations, and such other
21 reasonable information as the Department may require. Losses of
22 fuel as the result of evaporation or shrinkage due to
23 temperature variations may not exceed 1% of the total gallons
24 in storage at the beginning of the month, plus the receipts of
25 gallonage during the month, minus the gallonage remaining in

1 storage at the end of the month. Any loss reported that is in
2 excess of this amount shall be subject to the fee imposed by
3 Section 310 of this Law. On and after July 1, 2001, for each
4 6-month period January through June, net losses of fuel (for
5 each category of fuel that is required to be reported on a
6 return) as the result of evaporation or shrinkage due to
7 temperature variations may not exceed 1% of the total gallons
8 in storage at the beginning of each January, plus the receipts
9 of gallonage each January through June, minus the gallonage
10 remaining in storage at the end of each June. On and after July
11 1, 2001, for each 6-month period July through December, net
12 losses of fuel (for each category of fuel that is required to
13 be reported on a return) as the result of evaporation or
14 shrinkage due to temperature variations may not exceed 1% of
15 the total gallons in storage at the beginning of each July,
16 plus the receipts of gallonage each July through December,
17 minus the gallonage remaining in storage at the end of each
18 December. Any net loss reported that is in excess of this
19 amount shall be subject to the fee imposed by Section 310 of
20 this Law. For purposes of this Section, "net loss" means the
21 number of gallons gained through temperature variations minus
22 the number of gallons lost through temperature variations or
23 evaporation for each of the respective 6-month periods.

24 The return shall be prescribed by the Department and shall
25 be filed between the 1st and 20th days of each calendar month.
26 The Department may, in its discretion, combine the return filed

1 under this Law with the return filed under Section 2b of the
2 Motor Fuel Tax Law. If the return is timely filed, the receiver
3 may take a discount of 2% through June 30, 2003 and 1.75%
4 thereafter to reimburse himself for the expenses incurred in
5 keeping records, preparing and filing returns, collecting and
6 remitting the fee, and supplying data to the Department on
7 request. However, the discount applies only to the amount of
8 the fee payment that accompanies a return that is timely filed
9 in accordance with this Section. The discount is not permitted
10 on fees paid on aviation fuel sold or used on and after
11 December 1, 2019 and through December 31, 2020. ~~This exception~~
12 ~~for aviation fuel only applies for so long as the revenue use~~
13 ~~requirements of 49 U.S.C. 47017(b) and 49 U.S.C. 47133 are~~
14 ~~binding on the State.~~

15 Beginning with returns due on January 20, 2019 and ending
16 with returns due on January 20, 2021 ~~January 1, 2018~~, each
17 retailer required or authorized to collect the fee imposed by
18 this Act on aviation fuel at retail in this State during the
19 preceding calendar month shall, instead of reporting and paying
20 tax on aviation fuel as otherwise required by this Section,
21 report and pay such tax on a separate file ~~an~~ aviation fuel tax
22 return, or on a separate line on the return ~~with the~~
23 ~~Department, on or before the twentieth day of each calendar~~
24 ~~month~~. The requirements related to the return shall be as
25 otherwise provided in this Section. Notwithstanding any other
26 provisions of this Act to the contrary, retailers collecting

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

7 If any payment provided for in this Section exceeds the
8 receiver's liabilities under this Act, as shown on an original
9 return, the Department may authorize the receiver to credit
10 such excess payment against liability subsequently to be
11 remitted to the Department under this Act, in accordance with
12 reasonable rules adopted by the Department. If the Department
13 subsequently determines that all or any part of the credit
14 taken was not actually due to the receiver, the receiver's
15 discount shall be reduced by an amount equal to the difference
16 between the discount as applied to the credit taken and that
17 actually due, and that receiver shall be liable for penalties
18 and interest on such difference.

19 (Source: P.A. 100-1171, eff. 1-4-19; 101-10, eff. 6-5-19;
20 revised 7-16-19.)

21 (415 ILCS 125/320)

22 (Section scheduled to be repealed on January 1, 2025)

23 Sec. 320. Deposit of fee receipts. Except as otherwise
24 provided in this paragraph, all money received by the
25 Department under this Law shall be deposited in the Underground

1 Storage Tank Fund created by Section 57.11 of the Environmental
2 Protection Act. All money received for aviation fuel by the
3 Department under this Law on or after December 1, 2019 and
4 ending with returns due on January 20, 2021, shall be
5 immediately paid over by the Department to the State Aviation
6 Program Fund. The Department shall only pay such moneys into
7 the State Aviation Program 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 State. For purposes of this
10 Section, "aviation fuel" means jet fuel and aviation gasoline ~~a~~
11 ~~product that is intended for use or offered for sale as fuel~~
12 ~~for an aircraft.~~

13 (Source: P.A. 101-10, eff. 6-5-19.)

14 Section 10-135. The Franchise Tax and License Fee Amnesty
15 Act of 2007 is amended by changing Section 5-10 as follows:

16 (805 ILCS 8/5-10)

17 Sec. 5-10. Amnesty program. The Secretary shall establish
18 an amnesty program for all taxpayers owing any franchise tax or
19 license fee imposed by Article XV of the Business Corporation
20 Act of 1983. The amnesty program shall be for a period from
21 February 1, 2008 through March 15, 2008. The amnesty program
22 shall also be for a period between October 1, 2019 and November
23 15, 2019, and shall apply to franchise tax or license fee
24 liabilities for any tax period ending after March 15, 2008 and

1 on or before June 30, 2019. The amnesty program shall provide
2 that, upon payment by a taxpayer of all franchise taxes and
3 license fees due from that taxpayer to the State of Illinois
4 for any taxable period, the Secretary shall abate and not seek
5 to collect any interest or penalties that may be applicable,
6 and the Secretary shall not seek civil or criminal prosecution
7 for any taxpayer for the period of time for which amnesty has
8 been granted to the taxpayer. Failure to pay all taxes due to
9 the State for a taxable period shall not invalidate any amnesty
10 granted under this Act with respect to the taxes paid pursuant
11 to the amnesty program. Amnesty shall be granted only if all
12 amnesty conditions are satisfied by the taxpayer. Amnesty shall
13 not be granted to taxpayers who are a party to any criminal
14 investigation or to any civil or criminal litigation that is
15 pending in any circuit court or appellate court or the Supreme
16 Court of this State for nonpayment, delinquency, or fraud in
17 relation to any franchise tax or license fee imposed by Article
18 XV of the Business Corporation Act of 1983. Voluntary payments
19 made under this Act shall be made by check, guaranteed
20 remittance, or ACH debit. The Secretary shall adopt rules as
21 necessary to implement the provisions of this Act. Except as
22 otherwise provided in this Section, all money collected under
23 this Act that would otherwise be deposited into the General
24 Revenue Fund shall be deposited into the General Revenue Fund.
25 Two percent of all money collected under this Act shall be
26 deposited by the State Treasurer into the Business Services

1 Special Operations Fund ~~Franchise Tax and License Fee Amnesty~~
2 ~~Administration Fund~~ and, subject to appropriation, shall be
3 used by the Secretary to cover costs associated with the
4 administration of this Act.

5 (Source: P.A. 101-9, eff. 6-5-19.)

6 ARTICLE 15. USE AND OCCUPATION TAXES; MARKETPLACE FACILITATORS

7 Section 15-5. The State Comptroller Act is amended by
8 changing Section 16 as follows:

9 (15 ILCS 405/16) (from Ch. 15, par. 216)

10 Sec. 16. Reports from State agencies. The comptroller shall
11 prescribe the form and require the filing of quarterly fiscal
12 reports by each State agency. Within 30 days after the end of
13 each quarter, or at such earlier time as the comptroller by
14 rule requires, each State agency shall file with the
15 comptroller the report of activity for funds held outside of
16 the State Treasury. The report shall include receipts and
17 collections during the preceding quarter, including receipts
18 and collections of taxes and fees, bond proceeds, gifts, grants
19 and donations, and income from revenue producing activities.
20 The report shall specify the nature, source and fair market
21 value of any assets received, any increase or decrease in its
22 security holdings, and such other related information as the
23 comptroller, by rule, requires. The report shall, consistent

1 with the uniform State accounting system, account for all
2 disbursements and transfers by the State agency. This Section
3 does not require the duplication of reports concerning security
4 holdings and investment income of the State Treasurer which are
5 issued by the Treasurer pursuant to law.

6 In addition to the quarterly reports required by this
7 Section, each agency shall on an annual basis file a report
8 giving that agency's best estimate of the cost of each tax
9 expenditure related to each of the revenue sources administered
10 by the agency. This annual report shall include the agency's
11 best estimate of the cost of each tax expenditure including:
12 (a) a citation of the legal authority for the tax expenditure,
13 the year it was enacted, the fiscal year in which it first took
14 effect, and any subsequent amendments; (b) to the extent that
15 it can be determined, the total cost of the tax expenditure for
16 the preceding fiscal year together with an estimate of the
17 projected cost for the next succeeding fiscal year along with a
18 description of the methodology used to determine or estimate
19 the cost of the tax expenditure; and (c) an assessment of the
20 impact of the tax expenditure on the incidence of the tax in
21 terms of the relative shares of revenue received under the
22 provisions of the tax expenditure and the revenue that would
23 have been received had the tax expenditure not been in effect.
24 For purposes of this Act, the term "tax expenditure" means any
25 tax incentive authorized by law that by exemption, exclusion,
26 deduction, allowance, credit, preferential tax rate,

1 abatement, or other device reduces the amount of tax revenues
2 that would otherwise accrue to the State, but shall not include
3 reimbursements for services provided to the State by any person
4 collecting and remitting tax under the Retailers' Occupation
5 Tax Act, the Use Tax Act, the Service Occupation Tax Act, or
6 the Service Use Tax Act.

7 (Source: P.A. 101-34, eff. 6-28-19.)

8 Section 15-10. The Use Tax Act is amended by changing
9 Sections 2 and 2d as follows:

10 (35 ILCS 105/2) (from Ch. 120, par. 439.2)

11 Sec. 2. Definitions.

12 "Use" means the exercise by any person of any right or
13 power over tangible personal property incident to the ownership
14 of that property, except that it does not include the sale of
15 such property in any form as tangible personal property in the
16 regular course of business to the extent that such property is
17 not first subjected to a use for which it was purchased, and
18 does not include the use of such property by its owner for
19 demonstration purposes: Provided that the property purchased
20 is deemed to be purchased for the purpose of resale, despite
21 first being used, to the extent to which it is resold as an
22 ingredient of an intentionally produced product or by-product
23 of manufacturing. "Use" does not mean the demonstration use or
24 interim use of tangible personal property by a retailer before

1 he sells that tangible personal property. For watercraft or
2 aircraft, if the period of demonstration use or interim use by
3 the retailer exceeds 18 months, the retailer shall pay on the
4 retailers' original cost price the tax imposed by this Act, and
5 no credit for that tax is permitted if the watercraft or
6 aircraft is subsequently sold by the retailer. "Use" does not
7 mean the physical incorporation of tangible personal property,
8 to the extent not first subjected to a use for which it was
9 purchased, as an ingredient or constituent, into other tangible
10 personal property (a) which is sold in the regular course of
11 business or (b) which the person incorporating such ingredient
12 or constituent therein has undertaken at the time of such
13 purchase to cause to be transported in interstate commerce to
14 destinations outside the State of Illinois: Provided that the
15 property purchased is deemed to be purchased for the purpose of
16 resale, despite first being used, to the extent to which it is
17 resold as an ingredient of an intentionally produced product or
18 by-product of manufacturing.

19 "Watercraft" means a Class 2, Class 3, or Class 4
20 watercraft as defined in Section 3-2 of the Boat Registration
21 and Safety Act, a personal watercraft, or any boat equipped
22 with an inboard motor.

23 "Purchase at retail" means the acquisition of the ownership
24 of or title to tangible personal property through a sale at
25 retail.

26 "Purchaser" means anyone who, through a sale at retail,

1 acquires the ownership of tangible personal property for a
2 valuable consideration.

3 "Sale at retail" means any transfer of the ownership of or
4 title to tangible personal property to a purchaser, for the
5 purpose of use, and not for the purpose of resale in any form
6 as tangible personal property to the extent not first subjected
7 to a use for which it was purchased, for a valuable
8 consideration: Provided that the property purchased is deemed
9 to be purchased for the purpose of resale, despite first being
10 used, to the extent to which it is resold as an ingredient of
11 an intentionally produced product or by-product of
12 manufacturing. For this purpose, slag produced as an incident
13 to manufacturing pig iron or steel and sold is considered to be
14 an intentionally produced by-product of manufacturing. "Sale
15 at retail" includes any such transfer made for resale unless
16 made in compliance with Section 2c of the Retailers' Occupation
17 Tax Act, as incorporated by reference into Section 12 of this
18 Act. Transactions whereby the possession of the property is
19 transferred but the seller retains the title as security for
20 payment of the selling price are sales.

21 "Sale at retail" shall also be construed to include any
22 Illinois florist's sales transaction in which the purchase
23 order is received in Illinois by a florist and the sale is for
24 use or consumption, but the Illinois florist has a florist in
25 another state deliver the property to the purchaser or the
26 purchaser's donee in such other state.

1 Nonreusable tangible personal property that is used by
2 persons engaged in the business of operating a restaurant,
3 cafeteria, or drive-in is a sale for resale when it is
4 transferred to customers in the ordinary course of business as
5 part of the sale of food or beverages and is used to deliver,
6 package, or consume food or beverages, regardless of where
7 consumption of the food or beverages occurs. Examples of those
8 items include, but are not limited to nonreusable, paper and
9 plastic cups, plates, baskets, boxes, sleeves, buckets or other
10 containers, utensils, straws, placemats, napkins, doggie bags,
11 and wrapping or packaging materials that are transferred to
12 customers as part of the sale of food or beverages in the
13 ordinary course of business.

14 The purchase, employment and transfer of such tangible
15 personal property as newsprint and ink for the primary purpose
16 of conveying news (with or without other information) is not a
17 purchase, use or sale of tangible personal property.

18 "Selling price" means the consideration for a sale valued
19 in money whether received in money or otherwise, including
20 cash, credits, property other than as hereinafter provided, and
21 services, but, prior to January 1, 2020, not including the
22 value of or credit given for traded-in tangible personal
23 property where the item that is traded-in is of like kind and
24 character as that which is being sold; beginning January 1,
25 2020, "selling price" includes the portion of the value of or
26 credit given for traded-in motor vehicles of the First Division

1 as defined in Section 1-146 of the Illinois Vehicle Code of
2 like kind and character as that which is being sold that
3 exceeds \$10,000. "Selling price" shall be determined without
4 any deduction on account of the cost of the property sold, the
5 cost of materials used, labor or service cost or any other
6 expense whatsoever, but does not include interest or finance
7 charges which appear as separate items on the bill of sale or
8 sales contract nor charges that are added to prices by sellers
9 on account of the seller's tax liability under the "Retailers'
10 Occupation Tax Act", or on account of the seller's duty to
11 collect, from the purchaser, the tax that is imposed by this
12 Act, or, except as otherwise provided with respect to any
13 cigarette tax imposed by a home rule unit, on account of the
14 seller's tax liability under any local occupation tax
15 administered by the Department, or, except as otherwise
16 provided with respect to any cigarette tax imposed by a home
17 rule unit on account of the seller's duty to collect, from the
18 purchasers, the tax that is imposed under any local use tax
19 administered by the Department. Effective December 1, 1985,
20 "selling price" shall include charges that are added to prices
21 by sellers on account of the seller's tax liability under the
22 Cigarette Tax Act, on account of the seller's duty to collect,
23 from the purchaser, the tax imposed under the Cigarette Use Tax
24 Act, and on account of the seller's duty to collect, from the
25 purchaser, any cigarette tax imposed by a home rule unit.

26 Notwithstanding any law to the contrary, for any motor

1 vehicle, as defined in Section 1-146 of the Vehicle Code, that
2 is sold on or after January 1, 2015 for the purpose of leasing
3 the vehicle for a defined period that is longer than one year
4 and (1) is a motor vehicle of the second division that: (A) is
5 a self-contained motor vehicle designed or permanently
6 converted to provide living quarters for recreational,
7 camping, or travel use, with direct walk through access to the
8 living quarters from the driver's seat; (B) is of the van
9 configuration designed for the transportation of not less than
10 7 nor more than 16 passengers; or (C) has a gross vehicle
11 weight rating of 8,000 pounds or less or (2) is a motor vehicle
12 of the first division, "selling price" or "amount of sale"
13 means the consideration received by the lessor pursuant to the
14 lease contract, including amounts due at lease signing and all
15 monthly or other regular payments charged over the term of the
16 lease. Also included in the selling price is any amount
17 received by the lessor from the lessee for the leased vehicle
18 that is not calculated at the time the lease is executed,
19 including, but not limited to, excess mileage charges and
20 charges for excess wear and tear. For sales that occur in
21 Illinois, with respect to any amount received by the lessor
22 from the lessee for the leased vehicle that is not calculated
23 at the time the lease is executed, the lessor who purchased the
24 motor vehicle does not incur the tax imposed by the Use Tax Act
25 on those amounts, and the retailer who makes the retail sale of
26 the motor vehicle to the lessor is not required to collect the

1 tax imposed by this Act or to pay the tax imposed by the
2 Retailers' Occupation Tax Act on those amounts. However, the
3 lessor who purchased the motor vehicle assumes the liability
4 for reporting and paying the tax on those amounts directly to
5 the Department in the same form (Illinois Retailers' Occupation
6 Tax, and local retailers' occupation taxes, if applicable) in
7 which the retailer would have reported and paid such tax if the
8 retailer had accounted for the tax to the Department. For
9 amounts received by the lessor from the lessee that are not
10 calculated at the time the lease is executed, the lessor must
11 file the return and pay the tax to the Department by the due
12 date otherwise required by this Act for returns other than
13 transaction returns. If the retailer is entitled under this Act
14 to a discount for collecting and remitting the tax imposed
15 under this Act to the Department with respect to the sale of
16 the motor vehicle to the lessor, then the right to the discount
17 provided in this Act shall be transferred to the lessor with
18 respect to the tax paid by the lessor for any amount received
19 by the lessor from the lessee for the leased vehicle that is
20 not calculated at the time the lease is executed; provided that
21 the discount is only allowed if the return is timely filed and
22 for amounts timely paid. The "selling price" of a motor vehicle
23 that is sold on or after January 1, 2015 for the purpose of
24 leasing for a defined period of longer than one year shall not
25 be reduced by the value of or credit given for traded-in
26 tangible personal property owned by the lessor, nor shall it be

1 reduced by the value of or credit given for traded-in tangible
2 personal property owned by the lessee, regardless of whether
3 the trade-in value thereof is assigned by the lessee to the
4 lessor. In the case of a motor vehicle that is sold for the
5 purpose of leasing for a defined period of longer than one
6 year, the sale occurs at the time of the delivery of the
7 vehicle, regardless of the due date of any lease payments. A
8 lessor who incurs a Retailers' Occupation Tax liability on the
9 sale of a motor vehicle coming off lease may not take a credit
10 against that liability for the Use Tax the lessor paid upon the
11 purchase of the motor vehicle (or for any tax the lessor paid
12 with respect to any amount received by the lessor from the
13 lessee for the leased vehicle that was not calculated at the
14 time the lease was executed) if the selling price of the motor
15 vehicle at the time of purchase was calculated using the
16 definition of "selling price" as defined in this paragraph.
17 Notwithstanding any other provision of this Act to the
18 contrary, lessors shall file all returns and make all payments
19 required under this paragraph to the Department by electronic
20 means in the manner and form as required by the Department.
21 This paragraph does not apply to leases of motor vehicles for
22 which, at the time the lease is entered into, the term of the
23 lease is not a defined period, including leases with a defined
24 initial period with the option to continue the lease on a
25 month-to-month or other basis beyond the initial defined
26 period.

1 The phrase "like kind and character" shall be liberally
2 construed (including but not limited to any form of motor
3 vehicle for any form of motor vehicle, or any kind of farm or
4 agricultural implement for any other kind of farm or
5 agricultural implement), while not including a kind of item
6 which, if sold at retail by that retailer, would be exempt from
7 retailers' occupation tax and use tax as an isolated or
8 occasional sale.

9 "Department" means the Department of Revenue.

10 "Person" means any natural individual, firm, partnership,
11 association, joint stock company, joint adventure, public or
12 private corporation, limited liability company, or a receiver,
13 executor, trustee, guardian or other representative appointed
14 by order of any court.

15 "Retailer" means and includes every person engaged in the
16 business of making sales at retail as defined in this Section.

17 A person who holds himself or herself out as being engaged
18 (or who habitually engages) in selling tangible personal
19 property at retail is a retailer hereunder with respect to such
20 sales (and not primarily in a service occupation)
21 notwithstanding the fact that such person designs and produces
22 such tangible personal property on special order for the
23 purchaser and in such a way as to render the property of value
24 only to such purchaser, if such tangible personal property so
25 produced on special order serves substantially the same
26 function as stock or standard items of tangible personal

1 property that are sold at retail.

2 A person whose activities are organized and conducted
3 primarily as a not-for-profit service enterprise, and who
4 engages in selling tangible personal property at retail
5 (whether to the public or merely to members and their guests)
6 is a retailer with respect to such transactions, excepting only
7 a person organized and operated exclusively for charitable,
8 religious or educational purposes either (1), to the extent of
9 sales by such person to its members, students, patients or
10 inmates of tangible personal property to be used primarily for
11 the purposes of such person, or (2), to the extent of sales by
12 such person of tangible personal property which is not sold or
13 offered for sale by persons organized for profit. The selling
14 of school books and school supplies by schools at retail to
15 students is not "primarily for the purposes of" the school
16 which does such selling. This paragraph does not apply to nor
17 subject to taxation occasional dinners, social or similar
18 activities of a person organized and operated exclusively for
19 charitable, religious or educational purposes, whether or not
20 such activities are open to the public.

21 A person who is the recipient of a grant or contract under
22 Title VII of the Older Americans Act of 1965 (P.L. 92-258) and
23 serves meals to participants in the federal Nutrition Program
24 for the Elderly in return for contributions established in
25 amount by the individual participant pursuant to a schedule of
26 suggested fees as provided for in the federal Act is not a

1 retailer under this Act with respect to such transactions.

2 Persons who engage in the business of transferring tangible
3 personal property upon the redemption of trading stamps are
4 retailers hereunder when engaged in such business.

5 The isolated or occasional sale of tangible personal
6 property at retail by a person who does not hold himself out as
7 being engaged (or who does not habitually engage) in selling
8 such tangible personal property at retail or a sale through a
9 bulk vending machine does not make such person a retailer
10 hereunder. However, any person who is engaged in a business
11 which is not subject to the tax imposed by the "Retailers'
12 Occupation Tax Act" because of involving the sale of or a
13 contract to sell real estate or a construction contract to
14 improve real estate, but who, in the course of conducting such
15 business, transfers tangible personal property to users or
16 consumers in the finished form in which it was purchased, and
17 which does not become real estate, under any provision of a
18 construction contract or real estate sale or real estate sales
19 agreement entered into with some other person arising out of or
20 because of such nontaxable business, is a retailer to the
21 extent of the value of the tangible personal property so
22 transferred. If, in such transaction, a separate charge is made
23 for the tangible personal property so transferred, the value of
24 such property, for the purposes of this Act, is the amount so
25 separately charged, but not less than the cost of such property
26 to the transferor; if no separate charge is made, the value of

1 such property, for the purposes of this Act, is the cost to the
2 transferor of such tangible personal property.

3 "Retailer maintaining a place of business in this State",
4 or any like term, means and includes any of the following
5 retailers:

6 (1) A retailer having or maintaining within this State,
7 directly or by a subsidiary, an office, distribution house,
8 sales house, warehouse or other place of business, or any
9 agent or other representative operating within this State
10 under the authority of the retailer or its subsidiary,
11 irrespective of whether such place of business or agent or
12 other representative is located here permanently or
13 temporarily, or whether such retailer or subsidiary is
14 licensed to do business in this State. However, the
15 ownership of property that is located at the premises of a
16 printer with which the retailer has contracted for printing
17 and that consists of the final printed product, property
18 that becomes a part of the final printed product, or copy
19 from which the printed product is produced shall not result
20 in the retailer being deemed to have or maintain an office,
21 distribution house, sales house, warehouse, or other place
22 of business within this State.

23 (1.1) A retailer having a contract with a person
24 located in this State under which the person, for a
25 commission or other consideration based upon the sale of
26 tangible personal property by the retailer, directly or

1 indirectly refers potential customers to the retailer by
2 providing to the potential customers a promotional code or
3 other mechanism that allows the retailer to track purchases
4 referred by such persons. Examples of mechanisms that allow
5 the retailer to track purchases referred by such persons
6 include but are not limited to the use of a link on the
7 person's Internet website, promotional codes distributed
8 through the person's hand-delivered or mailed material,
9 and promotional codes distributed by the person through
10 radio or other broadcast media. The provisions of this
11 paragraph (1.1) shall apply only if the cumulative gross
12 receipts from sales of tangible personal property by the
13 retailer to customers who are referred to the retailer by
14 all persons in this State under such contracts exceed
15 \$10,000 during the preceding 4 quarterly periods ending on
16 the last day of March, June, September, and December. A
17 retailer meeting the requirements of this paragraph (1.1)
18 shall be presumed to be maintaining a place of business in
19 this State but may rebut this presumption by submitting
20 proof that the referrals or other activities pursued within
21 this State by such persons were not sufficient to meet the
22 nexus standards of the United States Constitution during
23 the preceding 4 quarterly periods. ~~(Blank)~~.

24 (1.2) Beginning July 1, 2011, a retailer having a
25 contract with a person located in this State under which:

26 (A) the retailer sells the same or substantially

1 similar line of products as the person located in this
2 State and does so using an identical or substantially
3 similar name, trade name, or trademark as the person
4 located in this State; and

5 (B) the retailer provides a commission or other
6 consideration to the person located in this State based
7 upon the sale of tangible personal property by the
8 retailer.

9 The provisions of this paragraph (1.2) shall apply only
10 if the cumulative gross receipts from sales of tangible
11 personal property by the retailer to customers in this
12 State under all such contracts exceed \$10,000 during the
13 preceding 4 quarterly periods ending on the last day of
14 March, June, September, and December. (Blank).

15 (2) (Blank).

16 (3) (Blank).

17 (4) (Blank).

18 (5) (Blank).

19 (6) (Blank).

20 (7) (Blank).

21 (8) (Blank).

22 (9) Beginning October 1, 2018 ~~through June 30, 2020~~, a
23 retailer making sales of tangible personal property to
24 purchasers in Illinois from outside of Illinois if:

25 (A) the cumulative gross receipts from sales of
26 tangible personal property to purchasers in Illinois

1 are \$100,000 or more; or

2 (B) the retailer enters into 200 or more separate
3 transactions for the sale of tangible personal
4 property to purchasers in Illinois.

5 The retailer shall determine on a quarterly basis,
6 ending on the last day of March, June, September, and
7 December, whether he or she meets the criteria of either
8 subparagraph (A) or (B) of this paragraph (9) for the
9 preceding 12-month period. If the retailer meets the
10 threshold criteria of either subparagraph (A) or (B) for a
11 12-month period, he or she is considered a retailer
12 maintaining a place of business in this State and is
13 required to collect and remit the tax imposed under this
14 Act and file returns for one year. At the end of that
15 one-year period, the retailer shall determine whether he or
16 she ~~the retailer~~ met the threshold criteria of either
17 subparagraph (A) or (B) during the preceding 12-month
18 period. If the retailer met the criteria in either
19 subparagraph (A) or (B) for the preceding 12-month period,
20 he or she is considered a retailer maintaining a place of
21 business in this State and is required to collect and remit
22 the tax imposed under this Act and file returns for the
23 subsequent year. If at the end of a one-year period a
24 retailer that was required to collect and remit the tax
25 imposed under this Act determines that he or she did not
26 meet the threshold criteria in either subparagraph (A) or

1 (B) during the preceding 12-month period, the retailer
2 shall subsequently determine on a quarterly basis, ending
3 on the last day of March, June, September, and December,
4 whether he or she meets the threshold ~~criteria~~ of either
5 subparagraph (A) or (B) for the preceding 12-month period.

6 Beginning January 1, 2020, neither the gross receipts
7 from nor the number of separate transactions for sales of
8 tangible personal property to purchasers in Illinois that a
9 retailer makes through a marketplace facilitator and for
10 which the retailer has received a certification from the
11 marketplace facilitator pursuant to Section 2d of this Act
12 shall be included for purposes of determining whether he or
13 she has met the thresholds of this paragraph (9).

14 (10) Beginning January 1, 2020, a marketplace
15 facilitator that meets a threshold set forth in subsection
16 (b) of ~~, as defined in~~ Section 2d of this Act.

17 "Bulk vending machine" means a vending machine, containing
18 unsorted confections, nuts, toys, or other items designed
19 primarily to be used or played with by children which, when a
20 coin or coins of a denomination not larger than \$0.50 are
21 inserted, are dispensed in equal portions, at random and
22 without selection by the customer.

23 (Source: P.A. 100-587, eff. 6-4-18; 101-9, eff. 6-5-19; 101-31,
24 eff. 1-1-20; revised 7-11-19.)

1 Sec. 2d. Marketplace facilitators and marketplace sellers.

2 (a) As used in this Section:

3 "Affiliate" means a person that, with respect to another
4 person: (i) has a direct or indirect ownership interest of more
5 than 5 percent in the other person; or (ii) is related to the
6 other person because a third person, or a group of third
7 persons who are affiliated with each other as defined in this
8 subsection, holds a direct or indirect ownership interest of
9 more than 5% in the related person.

10 "Marketplace" means a physical or electronic place, forum,
11 platform, application, or other method by which a marketplace
12 seller sells or offers to sell items.

13 "Marketplace facilitator" means a person who, pursuant to
14 an agreement with an unrelated third-party marketplace seller,
15 directly or indirectly through one or more affiliates
16 facilitates a retail sale by an unrelated third party
17 marketplace seller by:

18 (1) listing or advertising for sale by the marketplace
19 seller in a marketplace, tangible personal property that is
20 subject to tax under this Act; and

21 (2) either directly or indirectly, through agreements
22 or arrangements with third parties, collecting payment
23 from the customer and transmitting that payment to the
24 marketplace seller regardless of whether the marketplace
25 facilitator receives compensation or other consideration
26 in exchange for its services.

1 ~~"Marketplace facilitator" means a person who, pursuant to~~
2 ~~an agreement with a marketplace seller, facilitates sales of~~
3 ~~tangible personal property by that marketplace seller. A person~~
4 ~~facilitates a sale of tangible personal property by, directly~~
5 ~~or indirectly through one or more affiliates, doing both of the~~
6 ~~following: (i) listing or otherwise making available for sale~~
7 ~~the tangible personal property of the marketplace seller~~
8 ~~through a marketplace owned or operated by the marketplace~~
9 ~~facilitator; and (ii) processing sales or payments for~~
10 ~~marketplace sellers.~~

11 "Marketplace seller" means a person that sells or offers to
12 sell tangible personal property through a marketplace operated
13 by an unrelated third-party marketplace facilitator.

14 (b) Beginning on January 1, 2020, a marketplace facilitator
15 who meets either of the following thresholds ~~criteria~~ is
16 considered the retailer for ~~of~~ each sale of tangible personal
17 property made through its ~~on the~~ marketplace:

18 (1) the cumulative gross receipts from sales of
19 tangible personal property to purchasers in Illinois by the
20 marketplace facilitator and by marketplace sellers selling
21 through the marketplace are \$100,000 or more; or

22 (2) the marketplace facilitator and marketplace
23 sellers selling through the marketplace cumulatively enter
24 into 200 or more separate transactions for the sale of
25 tangible personal property to purchasers in Illinois.

26 A marketplace facilitator shall determine on a quarterly

1 basis, ending on the last day of March, June, September, and
2 December, whether he or she meets the threshold ~~criteria~~ of
3 either paragraph (1) or (2) of this subsection (b) for the
4 preceding 12-month period. If the marketplace facilitator
5 meets the threshold ~~criteria~~ of either paragraph (1) or (2) for
6 a 12-month period, he or she is considered a retailer
7 maintaining a place of business in this State and is required
8 to collect and remit the tax imposed under this Act and file
9 returns for one year. At the end of that one-year period, the
10 marketplace facilitator shall determine whether the
11 marketplace facilitator met the threshold ~~criteria~~ of either
12 paragraph (1) or (2) during the preceding 12-month period. If
13 the marketplace facilitator met the threshold ~~criteria~~ in
14 either paragraph (1) or (2) for the preceding 12-month period,
15 he or she is considered a retailer maintaining a place of
16 business in this State and is required to collect and remit the
17 tax imposed under this Act and file returns for the subsequent
18 year. If at the end of a one-year period a marketplace
19 facilitator that was required to collect and remit the tax
20 imposed under this Act determines that he or she did not meet
21 the threshold ~~criteria~~ in either paragraph (1) or (2) during
22 the preceding 12-month period, the marketplace facilitator
23 shall subsequently determine on a quarterly basis, ending on
24 the last day of March, June, September, and December, whether
25 he or she meets the threshold ~~criteria~~ of either paragraph (1)
26 or (2) for the preceding 12-month period.

1 (c) Beginning on January 1, 2020 a ~~A~~ marketplace
2 facilitator considered to be the retailer pursuant to that
3 ~~meets either of the thresholds in~~ subsection (b) of this
4 Section is considered the retailer with respect to ~~of~~ each sale
5 made through its marketplace and is liable for collecting and
6 remitting the tax under this Act on all such sales. The
7 marketplace facilitator who is considered to be the retailer
8 under subsection (b) for sales made through its marketplace has
9 all the rights and duties, and is required to comply with the
10 same requirements and procedures, as all other retailers
11 maintaining a place of business in this State who are
12 registered or who are required to be registered to collect and
13 remit the tax imposed by this Act with respect to such sales.

14 (d) A marketplace facilitator shall:

15 (1) certify to each marketplace seller that the
16 marketplace facilitator assumes the rights and duties of a
17 retailer under this Act with respect to sales made by the
18 marketplace seller through the marketplace; and

19 (2) collect taxes imposed by this Act as required by
20 Section 3-45 of this Act for sales made through the
21 marketplace.

22 (e) A marketplace seller shall retain books and records for
23 all sales made through a marketplace in accordance with the
24 requirements of Section 11.

25 (f) A marketplace seller shall furnish to the marketplace
26 facilitator information that is necessary for the marketplace

1 facilitator to correctly collect and remit taxes for a retail
2 sale. The information may include a certification that an item
3 being sold is taxable, not taxable, exempt from taxation, or
4 taxable at a specified rate. A marketplace seller shall be held
5 harmless for liability for the tax imposed under this Act when
6 a marketplace facilitator fails to correctly collect and remit
7 tax after having been provided with information by a
8 marketplace seller to correctly collect and remit taxes imposed
9 under this Act.

10 (g) If ~~Except as provided in subsection (h),~~ if the
11 marketplace facilitator demonstrates to the satisfaction of
12 the Department that its failure to correctly collect and remit
13 tax on a retail sale resulted from the marketplace
14 facilitator's good faith reliance on incorrect or insufficient
15 information provided by a marketplace seller, it shall be
16 relieved of liability for the tax on that retail sale. In this
17 case, a marketplace seller is liable for any resulting tax due.

18 (h) (Blank). ~~A marketplace facilitator and marketplace~~
19 ~~seller that are affiliates, as defined by subsection (a), are~~
20 ~~jointly and severally liable for tax liability resulting from a~~
21 ~~sale made by the affiliated marketplace seller through the~~
22 ~~marketplace.~~

23 (i) This Section does not affect the tax liability of a
24 purchaser under this Act.

25 (j) (Blank). ~~The Department may adopt rules for the~~
26 ~~administration and enforcement of the provisions of this~~

1 ~~Section.~~

2 (k) A marketplace facilitator required to collect taxes
3 imposed under this Section and this Act on retail sales made
4 through its marketplace shall be liable to the Department for
5 such taxes, except when the marketplace facilitator is relieved
6 of the duty to remit such taxes by virtue of having paid to the
7 Department taxes imposed by the Retailers' Occupation Tax Act
8 upon his or her gross receipts from the same transactions.

9 (l) If, for any reason, the Department is prohibited from
10 enforcing the marketplace facilitator's duty under this Act to
11 collect and remit taxes pursuant to this Section, the duty to
12 collect and remit such taxes reverts to the marketplace seller
13 that is a retailer maintaining a place of business in this
14 State pursuant to Section 2.

15 (Source: P.A. 101-9, eff. 6-5-19.)

16 Section 15-15. The Retailers' Occupation Tax Act is amended
17 by changing Sections 1, 2, and 2-12 as follows:

18 (35 ILCS 120/1) (from Ch. 120, par. 440)

19 Sec. 1. Definitions. "Sale at retail" means any transfer of
20 the ownership of or title to tangible personal property to a
21 purchaser, for the purpose of use or consumption, and not for
22 the purpose of resale in any form as tangible personal property
23 to the extent not first subjected to a use for which it was
24 purchased, for a valuable consideration: Provided that the

1 property purchased is deemed to be purchased for the purpose of
2 resale, despite first being used, to the extent to which it is
3 resold as an ingredient of an intentionally produced product or
4 byproduct of manufacturing. For this purpose, slag produced as
5 an incident to manufacturing pig iron or steel and sold is
6 considered to be an intentionally produced byproduct of
7 manufacturing. Transactions whereby the possession of the
8 property is transferred but the seller retains the title as
9 security for payment of the selling price shall be deemed to be
10 sales.

11 "Sale at retail" shall be construed to include any transfer
12 of the ownership of or title to tangible personal property to a
13 purchaser, for use or consumption by any other person to whom
14 such purchaser may transfer the tangible personal property
15 without a valuable consideration, and to include any transfer,
16 whether made for or without a valuable consideration, for
17 resale in any form as tangible personal property unless made in
18 compliance with Section 2c of this Act.

19 Sales of tangible personal property, which property, to the
20 extent not first subjected to a use for which it was purchased,
21 as an ingredient or constituent, goes into and forms a part of
22 tangible personal property subsequently the subject of a "Sale
23 at retail", are not sales at retail as defined in this Act:
24 Provided that the property purchased is deemed to be purchased
25 for the purpose of resale, despite first being used, to the
26 extent to which it is resold as an ingredient of an

1 intentionally produced product or byproduct of manufacturing.

2 "Sale at retail" shall be construed to include any Illinois
3 florist's sales transaction in which the purchase order is
4 received in Illinois by a florist and the sale is for use or
5 consumption, but the Illinois florist has a florist in another
6 state deliver the property to the purchaser or the purchaser's
7 donee in such other state.

8 Nonreusable tangible personal property that is used by
9 persons engaged in the business of operating a restaurant,
10 cafeteria, or drive-in is a sale for resale when it is
11 transferred to customers in the ordinary course of business as
12 part of the sale of food or beverages and is used to deliver,
13 package, or consume food or beverages, regardless of where
14 consumption of the food or beverages occurs. Examples of those
15 items include, but are not limited to nonreusable, paper and
16 plastic cups, plates, baskets, boxes, sleeves, buckets or other
17 containers, utensils, straws, placemats, napkins, doggie bags,
18 and wrapping or packaging materials that are transferred to
19 customers as part of the sale of food or beverages in the
20 ordinary course of business.

21 The purchase, employment and transfer of such tangible
22 personal property as newsprint and ink for the primary purpose
23 of conveying news (with or without other information) is not a
24 purchase, use or sale of tangible personal property.

25 A person whose activities are organized and conducted
26 primarily as a not-for-profit service enterprise, and who

1 engages in selling tangible personal property at retail
2 (whether to the public or merely to members and their guests)
3 is engaged in the business of selling tangible personal
4 property at retail with respect to such transactions, excepting
5 only a person organized and operated exclusively for
6 charitable, religious or educational purposes either (1), to
7 the extent of sales by such person to its members, students,
8 patients or inmates of tangible personal property to be used
9 primarily for the purposes of such person, or (2), to the
10 extent of sales by such person of tangible personal property
11 which is not sold or offered for sale by persons organized for
12 profit. The selling of school books and school supplies by
13 schools at retail to students is not "primarily for the
14 purposes of" the school which does such selling. The provisions
15 of this paragraph shall not apply to nor subject to taxation
16 occasional dinners, socials or similar activities of a person
17 organized and operated exclusively for charitable, religious
18 or educational purposes, whether or not such activities are
19 open to the public.

20 A person who is the recipient of a grant or contract under
21 Title VII of the Older Americans Act of 1965 (P.L. 92-258) and
22 serves meals to participants in the federal Nutrition Program
23 for the Elderly in return for contributions established in
24 amount by the individual participant pursuant to a schedule of
25 suggested fees as provided for in the federal Act is not
26 engaged in the business of selling tangible personal property

1 at retail with respect to such transactions.

2 "Purchaser" means anyone who, through a sale at retail,
3 acquires the ownership of or title to tangible personal
4 property for a valuable consideration.

5 "Reseller of motor fuel" means any person engaged in the
6 business of selling or delivering or transferring title of
7 motor fuel to another person other than for use or consumption.
8 No person shall act as a reseller of motor fuel within this
9 State without first being registered as a reseller pursuant to
10 Section 2c or a retailer pursuant to Section 2a.

11 "Selling price" or the "amount of sale" means the
12 consideration for a sale valued in money whether received in
13 money or otherwise, including cash, credits, property, other
14 than as hereinafter provided, and services, but, prior to
15 January 1, 2020, not including the value of or credit given for
16 traded-in tangible personal property where the item that is
17 traded-in is of like kind and character as that which is being
18 sold; beginning January 1, 2020, "selling price" includes the
19 portion of the value of or credit given for traded-in motor
20 vehicles of the First Division as defined in Section 1-146 of
21 the Illinois Vehicle Code of like kind and character as that
22 which is being sold that exceeds \$10,000. "Selling price" shall
23 be determined without any deduction on account of the cost of
24 the property sold, the cost of materials used, labor or service
25 cost or any other expense whatsoever, but does not include
26 charges that are added to prices by sellers on account of the

1 seller's tax liability under this Act, or on account of the
2 seller's duty to collect, from the purchaser, the tax that is
3 imposed by the Use Tax Act, or, except as otherwise provided
4 with respect to any cigarette tax imposed by a home rule unit,
5 on account of the seller's tax liability under any local
6 occupation tax administered by the Department, or, except as
7 otherwise provided with respect to any cigarette tax imposed by
8 a home rule unit on account of the seller's duty to collect,
9 from the purchasers, the tax that is imposed under any local
10 use tax administered by the Department. Effective December 1,
11 1985, "selling price" shall include charges that are added to
12 prices by sellers on account of the seller's tax liability
13 under the Cigarette Tax Act, on account of the sellers' duty to
14 collect, from the purchaser, the tax imposed under the
15 Cigarette Use Tax Act, and on account of the seller's duty to
16 collect, from the purchaser, any cigarette tax imposed by a
17 home rule unit.

18 Notwithstanding any law to the contrary, for any motor
19 vehicle, as defined in Section 1-146 of the Vehicle Code, that
20 is sold on or after January 1, 2015 for the purpose of leasing
21 the vehicle for a defined period that is longer than one year
22 and (1) is a motor vehicle of the second division that: (A) is
23 a self-contained motor vehicle designed or permanently
24 converted to provide living quarters for recreational,
25 camping, or travel use, with direct walk through access to the
26 living quarters from the driver's seat; (B) is of the van

1 configuration designed for the transportation of not less than
2 7 nor more than 16 passengers; or (C) has a gross vehicle
3 weight rating of 8,000 pounds or less or (2) is a motor vehicle
4 of the first division, "selling price" or "amount of sale"
5 means the consideration received by the lessor pursuant to the
6 lease contract, including amounts due at lease signing and all
7 monthly or other regular payments charged over the term of the
8 lease. Also included in the selling price is any amount
9 received by the lessor from the lessee for the leased vehicle
10 that is not calculated at the time the lease is executed,
11 including, but not limited to, excess mileage charges and
12 charges for excess wear and tear. For sales that occur in
13 Illinois, with respect to any amount received by the lessor
14 from the lessee for the leased vehicle that is not calculated
15 at the time the lease is executed, the lessor who purchased the
16 motor vehicle does not incur the tax imposed by the Use Tax Act
17 on those amounts, and the retailer who makes the retail sale of
18 the motor vehicle to the lessor is not required to collect the
19 tax imposed by the Use Tax Act or to pay the tax imposed by this
20 Act on those amounts. However, the lessor who purchased the
21 motor vehicle assumes the liability for reporting and paying
22 the tax on those amounts directly to the Department in the same
23 form (Illinois Retailers' Occupation Tax, and local retailers'
24 occupation taxes, if applicable) in which the retailer would
25 have reported and paid such tax if the retailer had accounted
26 for the tax to the Department. For amounts received by the

1 lessor from the lessee that are not calculated at the time the
2 lease is executed, the lessor must file the return and pay the
3 tax to the Department by the due date otherwise required by
4 this Act for returns other than transaction returns. If the
5 retailer is entitled under this Act to a discount for
6 collecting and remitting the tax imposed under this Act to the
7 Department with respect to the sale of the motor vehicle to the
8 lessor, then the right to the discount provided in this Act
9 shall be transferred to the lessor with respect to the tax paid
10 by the lessor for any amount received by the lessor from the
11 lessee for the leased vehicle that is not calculated at the
12 time the lease is executed; provided that the discount is only
13 allowed if the return is timely filed and for amounts timely
14 paid. The "selling price" of a motor vehicle that is sold on or
15 after January 1, 2015 for the purpose of leasing for a defined
16 period of longer than one year shall not be reduced by the
17 value of or credit given for traded-in tangible personal
18 property owned by the lessor, nor shall it be reduced by the
19 value of or credit given for traded-in tangible personal
20 property owned by the lessee, regardless of whether the
21 trade-in value thereof is assigned by the lessee to the lessor.
22 In the case of a motor vehicle that is sold for the purpose of
23 leasing for a defined period of longer than one year, the sale
24 occurs at the time of the delivery of the vehicle, regardless
25 of the due date of any lease payments. A lessor who incurs a
26 Retailers' Occupation Tax liability on the sale of a motor

1 vehicle coming off lease may not take a credit against that
2 liability for the Use Tax the lessor paid upon the purchase of
3 the motor vehicle (or for any tax the lessor paid with respect
4 to any amount received by the lessor from the lessee for the
5 leased vehicle that was not calculated at the time the lease
6 was executed) if the selling price of the motor vehicle at the
7 time of purchase was calculated using the definition of
8 "selling price" as defined in this paragraph. Notwithstanding
9 any other provision of this Act to the contrary, lessors shall
10 file all returns and make all payments required under this
11 paragraph to the Department by electronic means in the manner
12 and form as required by the Department. This paragraph does not
13 apply to leases of motor vehicles for which, at the time the
14 lease is entered into, the term of the lease is not a defined
15 period, including leases with a defined initial period with the
16 option to continue the lease on a month-to-month or other basis
17 beyond the initial defined period.

18 The phrase "like kind and character" shall be liberally
19 construed (including but not limited to any form of motor
20 vehicle for any form of motor vehicle, or any kind of farm or
21 agricultural implement for any other kind of farm or
22 agricultural implement), while not including a kind of item
23 which, if sold at retail by that retailer, would be exempt from
24 retailers' occupation tax and use tax as an isolated or
25 occasional sale.

26 "Gross receipts" from the sales of tangible personal

1 property at retail means the total selling price or the amount
2 of such sales, as hereinbefore defined. In the case of charge
3 and time sales, the amount thereof shall be included only as
4 and when payments are received by the seller. Receipts or other
5 consideration derived by a seller from the sale, transfer or
6 assignment of accounts receivable to a wholly owned subsidiary
7 will not be deemed payments prior to the time the purchaser
8 makes payment on such accounts.

9 "Department" means the Department of Revenue.

10 "Person" means any natural individual, firm, partnership,
11 association, joint stock company, joint adventure, public or
12 private corporation, limited liability company, or a receiver,
13 executor, trustee, guardian or other representative appointed
14 by order of any court.

15 The isolated or occasional sale of tangible personal
16 property at retail by a person who does not hold himself out as
17 being engaged (or who does not habitually engage) in selling
18 such tangible personal property at retail, or a sale through a
19 bulk vending machine, does not constitute engaging in a
20 business of selling such tangible personal property at retail
21 within the meaning of this Act; provided that any person who is
22 engaged in a business which is not subject to the tax imposed
23 by this Act because of involving the sale of or a contract to
24 sell real estate or a construction contract to improve real
25 estate or a construction contract to engineer, install, and
26 maintain an integrated system of products, but who, in the

1 course of conducting such business, transfers tangible
2 personal property to users or consumers in the finished form in
3 which it was purchased, and which does not become real estate
4 or was not engineered and installed, under any provision of a
5 construction contract or real estate sale or real estate sales
6 agreement entered into with some other person arising out of or
7 because of such nontaxable business, is engaged in the business
8 of selling tangible personal property at retail to the extent
9 of the value of the tangible personal property so transferred.
10 If, in such a transaction, a separate charge is made for the
11 tangible personal property so transferred, the value of such
12 property, for the purpose of this Act, shall be the amount so
13 separately charged, but not less than the cost of such property
14 to the transferor; if no separate charge is made, the value of
15 such property, for the purposes of this Act, is the cost to the
16 transferor of such tangible personal property. Construction
17 contracts for the improvement of real estate consisting of
18 engineering, installation, and maintenance of voice, data,
19 video, security, and all telecommunication systems do not
20 constitute engaging in a business of selling tangible personal
21 property at retail within the meaning of this Act if they are
22 sold at one specified contract price.

23 A person who holds himself or herself out as being engaged
24 (or who habitually engages) in selling tangible personal
25 property at retail is a person engaged in the business of
26 selling tangible personal property at retail hereunder with

1 respect to such sales (and not primarily in a service
2 occupation) notwithstanding the fact that such person designs
3 and produces such tangible personal property on special order
4 for the purchaser and in such a way as to render the property
5 of value only to such purchaser, if such tangible personal
6 property so produced on special order serves substantially the
7 same function as stock or standard items of tangible personal
8 property that are sold at retail.

9 Persons who engage in the business of transferring tangible
10 personal property upon the redemption of trading stamps are
11 engaged in the business of selling such property at retail and
12 shall be liable for and shall pay the tax imposed by this Act
13 on the basis of the retail value of the property transferred
14 upon redemption of such stamps.

15 "Bulk vending machine" means a vending machine, containing
16 unsorted confections, nuts, toys, or other items designed
17 primarily to be used or played with by children which, when a
18 coin or coins of a denomination not larger than \$0.50 are
19 inserted, are dispensed in equal portions, at random and
20 without selection by the customer.

21 "Remote retailer" means a retailer ~~located outside of this~~
22 ~~State~~ that does not maintain within this State, directly or by
23 a subsidiary, an office, distribution house, sales house,
24 warehouse or other place of business, or any agent or other
25 representative operating within this State under the authority
26 of the retailer or its subsidiary, irrespective of whether such

1 place of business or agent is located here permanently or
2 temporarily or whether such retailer or subsidiary is licensed
3 to do business in this State.

4 "Marketplace" means a physical or electronic place, forum,
5 platform, application, or other method by which a marketplace
6 seller sells or offers to sell items.

7 "Marketplace facilitator" means a person who, pursuant to
8 an agreement with an unrelated third-party marketplace seller,
9 directly or indirectly through one or more affiliates
10 facilitates a retail sale by an unrelated third party
11 marketplace seller by:

12 (1) listing or advertising for sale by the marketplace
13 seller in a marketplace, tangible personal property that is
14 subject to tax under this Act; and

15 (2) either directly or indirectly, through agreements
16 or arrangements with third parties, collecting payment
17 from the customer and transmitting that payment to the
18 marketplace seller regardless of whether the marketplace
19 facilitator receives compensation or other consideration
20 in exchange for its services.

21 A person who provides advertising services, including
22 listing products for sale, is not considered a marketplace
23 facilitator, so long as the advertising service platform or
24 forum does not engage, directly or indirectly through one or
25 more affiliated persons, in the activities described in
26 paragraph (2) of this definition of "marketplace facilitator".

1 "Marketplace seller" means a person that makes sales
2 through a marketplace operated by an unrelated third party
3 marketplace facilitator.

4 (Source: P.A. 101-31, eff. 6-28-19.)

5 (35 ILCS 120/2) (from Ch. 120, par. 441)

6 Sec. 2. Tax imposed.

7 (a) A tax is imposed upon persons engaged in the business
8 of selling at retail tangible personal property, including
9 computer software, and including photographs, negatives, and
10 positives that are the product of photoprocessing, but not
11 including products of photoprocessing produced for use in
12 motion pictures for public commercial exhibition. Beginning
13 January 1, 2001, prepaid telephone calling arrangements shall
14 be considered tangible personal property subject to the tax
15 imposed under this Act regardless of the form in which those
16 arrangements may be embodied, transmitted, or fixed by any
17 method now known or hereafter developed. Sales of (1)
18 electricity delivered to customers by wire; (2) natural or
19 artificial gas that is delivered to customers through pipes,
20 pipelines, or mains; and (3) water that is delivered to
21 customers through pipes, pipelines, or mains are not subject to
22 tax under this Act. The provisions of this amendatory Act of
23 the 98th General Assembly are declaratory of existing law as to
24 the meaning and scope of this Act.

25 (b) Beginning on January 1, 2021 ~~July 1, 2020~~, a remote

1 retailer is engaged in the occupation of selling at retail in
2 Illinois for purposes of this Act, if:

3 (1) the cumulative gross receipts from sales of
4 tangible personal property to purchasers in Illinois are
5 \$100,000 or more; or

6 (2) the retailer enters into 200 or more separate
7 transactions for the sale of tangible personal property to
8 purchasers in Illinois.

9 Remote retailers that meet or exceed the threshold in
10 either paragraph (1) or (2) above shall be liable for all
11 applicable State retailers' and locally imposed retailers'
12 occupation taxes administered by the Department on all retail
13 sales to Illinois purchasers.

14 The remote retailer shall determine on a quarterly basis,
15 ending on the last day of March, June, September, and December,
16 whether he or she meets the criteria of either paragraph (1) or
17 (2) of this subsection for the preceding 12-month period. If
18 the retailer meets the criteria of either paragraph (1) or (2)
19 for a 12-month period, he or she is considered a retailer
20 maintaining a place of business in this State and is required
21 to collect and remit the tax imposed under this Act and all
22 retailers' occupation tax imposed by local taxing
23 jurisdictions in Illinois, provided such local taxes are
24 administered by the Department, and to file all applicable
25 returns for one year. At the end of that one-year period, the
26 retailer shall determine whether the retailer met the criteria

1 of either paragraph (1) or (2) for the preceding 12-month
2 period. If the retailer met the criteria in either paragraph
3 (1) or (2) for the preceding 12-month period, he or she is
4 considered a retailer maintaining a place of business in this
5 State and is required to collect and remit all applicable State
6 and local retailers' occupation taxes and file returns for the
7 subsequent year. If, at the end of a one-year period, a
8 retailer that was required to collect and remit the tax imposed
9 under this Act determines that he or she did not meet the
10 criteria in either paragraph (1) or (2) during the preceding
11 12-month period, then the retailer shall subsequently
12 determine on a quarterly basis, ending on the last day of
13 March, June, September, and December, whether he or she meets
14 the criteria of either paragraph (1) or (2) for the preceding
15 12-month period.

16 (b-5) For the purposes of this Section, neither the gross
17 receipts from nor the number of separate transactions for sales
18 of tangible personal property to purchasers in Illinois that a
19 remote retailer makes through a marketplace facilitator shall
20 be included for the purposes of determining whether he or she
21 has met the thresholds of subsection (b) of this Section so
22 long as the remote retailer has received certification from the
23 marketplace facilitator that the marketplace facilitator is
24 legally responsible for payment of tax on such sales.

25 (b-10) A remote retailer required to collect taxes imposed
26 under the Use Tax Act on retail sales made to Illinois

1 purchasers shall be liable to the Department for such taxes,
2 except when the remote retailer is relieved of the duty to
3 remit such taxes by virtue of having paid to the Department
4 taxes imposed by this Act in accordance with this Section upon
5 his or her gross receipts from such sales.

6 (c) Marketplace facilitators engaged in the business of
7 selling at retail tangible personal property in Illinois.
8 Beginning January 1, 2021, a marketplace facilitator is engaged
9 in the occupation of selling at retail tangible personal
10 property in Illinois for purposes of this Act if, during the
11 previous 12-month period:

12 (1) the cumulative gross receipts from sales of
13 tangible personal property on its own behalf or on behalf
14 of marketplace sellers to purchasers in Illinois equals
15 \$100,000 or more; or

16 (2) the marketplace facilitator enters into 200 or more
17 separate transactions on its own behalf or on behalf of
18 marketplace sellers for the sale of tangible personal
19 property to purchasers in Illinois, regardless of whether
20 the marketplace facilitator or marketplace sellers for
21 whom such sales are facilitated are registered as retailers
22 in this State.

23 A marketplace facilitator who meets either paragraph (1) or
24 (2) of this subsection is required to remit the applicable
25 State retailers' occupation taxes under this Act and local
26 retailers' occupation taxes administered by the Department on

1 all taxable sales of tangible personal property made by the
2 marketplace facilitator or facilitated for marketplace sellers
3 to customers in this State. A marketplace facilitator selling
4 or facilitating the sale of tangible personal property to
5 customers in this State is subject to all applicable procedures
6 and requirements of this Act.

7 The marketplace facilitator shall determine on a quarterly
8 basis, ending on the last day of March, June, September, and
9 December, whether he or she meets the criteria of either
10 paragraph (1) or (2) of this subsection for the preceding
11 12-month period. If the marketplace facilitator meets the
12 criteria of either paragraph (1) or (2) for a 12-month period,
13 he or she is considered a retailer maintaining a place of
14 business in this State and is required to remit the tax imposed
15 under this Act and all retailers' occupation tax imposed by
16 local taxing jurisdictions in Illinois, provided such local
17 taxes are administered by the Department, and to file all
18 applicable returns for one year. At the end of that one-year
19 period, the marketplace facilitator shall determine whether it
20 met the criteria of either paragraph (1) or (2) for the
21 preceding 12-month period. If the marketplace facilitator met
22 the criteria in either paragraph (1) or (2) for the preceding
23 12-month period, it is considered a retailer maintaining a
24 place of business in this State and is required to collect and
25 remit all applicable State and local retailers' occupation
26 taxes and file returns for the subsequent year. If at the end

1 of a one-year period a marketplace facilitator that was
2 required to collect and remit the tax imposed under this Act
3 determines that he or she did not meet the criteria in either
4 paragraph (1) or (2) during the preceding 12-month period, the
5 marketplace facilitator shall subsequently determine on a
6 quarterly basis, ending on the last day of March, June,
7 September, and December, whether he or she meets the criteria
8 of either paragraph (1) or (2) for the preceding 12-month
9 period.

10 A marketplace facilitator shall be entitled to any credits,
11 deductions, or adjustments to the sales price otherwise
12 provided to the marketplace seller, in addition to any such
13 adjustments provided directly to the marketplace facilitator.
14 This Section pertains to, but is not limited to, adjustments
15 such as discounts, coupons, and rebates. In addition, a
16 marketplace facilitator shall be entitled to the retailers'
17 discount provided in Section 3 of the Retailers' Occupation Tax
18 Act on all marketplace sales, and the marketplace seller shall
19 not include sales made through a marketplace facilitator when
20 computing any retailers' discount on remaining sales.
21 Marketplace facilitators shall report and remit the applicable
22 State and local retailers' occupation taxes on sales
23 facilitated for marketplace sellers separately from any sales
24 or use tax collected on taxable retail sales made directly by
25 the marketplace facilitator or its affiliates.

26 The marketplace facilitator is liable for the remittance of

1 all applicable State retailers' occupation taxes under this Act
2 and local retailers' occupation taxes administered by the
3 Department on sales through the marketplace and is subject to
4 audit on all such sales. The Department shall not audit
5 marketplace sellers for their marketplace sales where a
6 marketplace facilitator remitted the applicable State and
7 local retailers' occupation taxes unless the marketplace
8 facilitator seeks relief as a result of incorrect information
9 provided to the marketplace facilitator by a marketplace seller
10 as set forth in this Section. The marketplace facilitator shall
11 not be held liable for tax on any sales made by a marketplace
12 seller that take place outside of the marketplace and which are
13 not a part of any agreement between a marketplace facilitator
14 and a marketplace seller. In addition, marketplace
15 facilitators shall not be held liable to State and local
16 governments of Illinois for having charged and remitted an
17 incorrect amount of State and local retailers' occupation tax
18 if, at the time of the sale, the tax is computed based on
19 erroneous data provided by the State in database files on tax
20 rates, boundaries, or taxing jurisdictions or incorrect
21 information provided to the marketplace facilitator by the
22 marketplace seller.

23 (d) A marketplace facilitator shall:

24 (1) certify to each marketplace seller that the
25 marketplace facilitator assumes the rights and duties of a
26 retailer under this Act with respect to sales made by the

1 marketplace seller through the marketplace; and

2 (2) remit taxes imposed by this Act as required by this
3 Act for sales made through the marketplace.

4 (e) A marketplace seller shall retain books and records for
5 all sales made through a marketplace in accordance with the
6 requirements of this Act.

7 (f) A marketplace facilitator is subject to audit on all
8 marketplace sales for which it is considered to be the
9 retailer, but shall not be liable for tax or subject to audit
10 on sales made by marketplace sellers outside of the
11 marketplace.

12 (g) A marketplace facilitator required to collect taxes
13 imposed under the Use Tax Act on marketplace sales made to
14 Illinois purchasers shall be liable to the Department for such
15 taxes, except when the marketplace facilitator is relieved of
16 the duty to remit such taxes by virtue of having paid to the
17 Department taxes imposed by this Act in accordance with this
18 Section upon his or her gross receipts from such sales.

19 (h) Nothing in this Section shall allow the Department to
20 collect retailers' occupation taxes from both the marketplace
21 facilitator and marketplace seller on the same transaction.

22 (i) If, for any reason, the Department is prohibited from
23 enforcing the marketplace facilitator's duty under this Act to
24 remit taxes pursuant to this Section, the duty to remit such
25 taxes remains with the marketplace seller.

26 (j) Nothing in this Section affects the obligation of any

1 consumer to remit use tax for any taxable transaction for which
2 a certified service provider acting on behalf of a remote
3 retailer or a marketplace facilitator does not collect and
4 remit the appropriate tax.

5 (k) Nothing in this Section shall allow the Department to
6 collect the retailers' occupation tax from both the marketplace
7 facilitator and the marketplace seller.

8 (Source: P.A. 101-31, eff. 6-28-19.)

9 (35 ILCS 120/2-12)

10 Sec. 2-12. Location where retailer is deemed to be engaged
11 in the business of selling. The purpose of this Section is to
12 specify where a retailer is deemed to be engaged in the
13 business of selling tangible personal property for the purposes
14 of this Act, the Use Tax Act, the Service Use Tax Act, and the
15 Service Occupation Tax Act, and for the purpose of collecting
16 any other local retailers' occupation tax administered by the
17 Department. This Section applies only with respect to the
18 particular selling activities described in the following
19 paragraphs. The provisions of this Section are not intended to,
20 and shall not be interpreted to, affect where a retailer is
21 deemed to be engaged in the business of selling with respect to
22 any activity that is not specifically described in the
23 following paragraphs.

24 (1) If a purchaser who is present at the retailer's
25 place of business, having no prior commitment to the

1 retailer, agrees to purchase and makes payment for tangible
2 personal property at the retailer's place of business, then
3 the transaction shall be deemed an over-the-counter sale
4 occurring at the retailer's same place of business where
5 the purchaser was present and made payment for that
6 tangible personal property if the retailer regularly
7 stocks the purchased tangible personal property or similar
8 tangible personal property in the quantity, or similar
9 quantity, for sale at the retailer's same place of business
10 and then either (i) the purchaser takes possession of the
11 tangible personal property at the same place of business or
12 (ii) the retailer delivers or arranges for the tangible
13 personal property to be delivered to the purchaser.

14 (2) If a purchaser, having no prior commitment to the
15 retailer, agrees to purchase tangible personal property
16 and makes payment over the phone, in writing, or via the
17 Internet and takes possession of the tangible personal
18 property at the retailer's place of business, then the sale
19 shall be deemed to have occurred at the retailer's place of
20 business where the purchaser takes possession of the
21 property if the retailer regularly stocks the item or
22 similar items in the quantity, or similar quantities,
23 purchased by the purchaser.

24 (3) A retailer is deemed to be engaged in the business
25 of selling food, beverages, or other tangible personal
26 property through a vending machine at the location where

1 the vending machine is located at the time the sale is made
2 if (i) the vending machine is a device operated by coin,
3 currency, credit card, token, coupon or similar device; (2)
4 the food, beverage or other tangible personal property is
5 contained within the vending machine and dispensed from the
6 vending machine; and (3) the purchaser takes possession of
7 the purchased food, beverage or other tangible personal
8 property immediately.

9 (4) Minerals. A producer of coal or other mineral mined
10 in Illinois is deemed to be engaged in the business of
11 selling at the place where the coal or other mineral mined
12 in Illinois is extracted from the earth. With respect to
13 minerals (i) the term "extracted from the earth" means the
14 location at which the coal or other mineral is extracted
15 from the mouth of the mine, and (ii) a "mineral" includes
16 not only coal, but also oil, sand, stone taken from a
17 quarry, gravel and any other thing commonly regarded as a
18 mineral and extracted from the earth. This paragraph does
19 not apply to coal or another mineral when it is delivered
20 or shipped by the seller to the purchaser at a point
21 outside Illinois so that the sale is exempt under the
22 United States Constitution as a sale in interstate or
23 foreign commerce.

24 (5) A retailer selling tangible personal property to a
25 nominal lessee or bailee pursuant to a lease with a dollar
26 or other nominal option to purchase is engaged in the

1 business of selling at the location where the property is
2 first delivered to the lessee or bailee for its intended
3 use.

4 (6) Beginning on January 1, 2021, a remote retailer
5 making retail sales of tangible personal property that meet
6 or exceed the thresholds established in paragraph (1) or
7 (2) of subsection (b) of Section 2 of this Act is engaged
8 in the business of selling at the Illinois location to
9 which the tangible personal property is shipped or
10 delivered or at which possession is taken by the purchaser.
11 ~~July 1, 2020, for the purposes of determining the correct~~
12 ~~local retailers' occupation tax rate, retail sales made by~~
13 ~~a remote retailer that meet or exceed the thresholds~~
14 ~~established in paragraph (1) or (2) of subsection (b) of~~
15 ~~Section 2 of this Act shall be deemed to be made at the~~
16 ~~Illinois location to which the tangible personal property~~
17 ~~is shipped or delivered or at which possession is taken by~~
18 ~~the purchaser.~~

19 (7) Beginning January 1, 2021, a marketplace
20 facilitator facilitating sales of tangible personal
21 property that meet or exceed one of the thresholds
22 established in paragraph (1) or (2) of subsection (c) of
23 Section 2 of this Act is deemed to be engaged in the
24 business of selling at the Illinois location to which the
25 tangible personal property is shipped or delivered or at
26 which possession is taken by the purchaser when the sale is

1 made by a marketplace seller on the marketplace
2 facilitator's marketplace.

3 (Source: P.A. 101-31, eff. 6-28-19.)

4 Section 15-20. The Leveling the Playing Field for Illinois
5 Retail Act is amended by changing Sections 5-5, 5-15, 5-20,
6 5-25, and 5-30 and by adding Section 5-27 as follows:

7 (35 ILCS 185/5-5)

8 Sec. 5-5. Findings. The General Assembly finds that
9 certified service providers and certified automated systems
10 simplify use and occupation tax compliance for remote retailers
11 ~~out-of-state sellers~~, which fosters higher levels of accurate
12 tax collection and remittance and generates administrative
13 savings and new marginal tax revenue for both State and local
14 taxing jurisdictions. By making the services of certified
15 service providers and certified automated systems available to
16 remote retailers without charge, other than their retailer
17 customer's retail discount, as provided in this Act, the State
18 will substantially eliminate the burden on those remote
19 retailers to collect and remit both State and local taxing
20 jurisdiction use and occupation taxes. While providing a means
21 for remote retailers to collect and remit tax on an even basis
22 with Illinois retailers, this Act also protects existing local
23 tax revenue streams by retaining origin sourcing for all
24 transactions by retailers maintaining a physical presence in

1 Illinois.

2 (Source: P.A. 101-31, eff. 6-28-19.)

3 (35 ILCS 185/5-15)

4 Sec. 5-15. Certification of certified service providers.
5 The Department shall, ~~no later than December 31, 2019,~~
6 establish standards for the certification of certified service
7 providers and certified automated systems and may act jointly
8 with other states to accomplish these ends.

9 The Department may take other actions reasonably required
10 to implement the provisions of this Act, including the adoption
11 of rules and emergency rules and the procurement of goods and
12 services, which also may be coordinated jointly with other
13 states.

14 (Source: P.A. 101-31, eff. 6-28-19.)

15 (35 ILCS 185/5-20)

16 Sec. 5-20. Provision of databases. The Department shall, no
17 later than July 1, 2020:

18 (1) provide and maintain an electronic, ~~downloadable~~
19 database of defined product categories that identifies the
20 taxability of each category;

21 (2) provide and maintain an electronic, ~~downloadable~~
22 database of all retailers' occupation tax rates for the
23 jurisdictions in this State that levy a retailers'
24 occupation tax; and

1 (3) provide and maintain an electronic, ~~downloadable~~
2 database that assigns delivery addresses in this State to
3 the applicable taxing jurisdictions.

4 (Source: P.A. 101-31, eff. 6-28-19.)

5 (35 ILCS 185/5-25)

6 Sec. 5-25. Certification.

7 (a) The Department shall, no later than July 1, 2020:

8 (1) establish ~~provide~~ uniform minimum standards that
9 companies wishing to be designated as a certified service
10 provider in this State must meet; ~~those minimum standards~~
11 ~~must include an expedited certification process for~~
12 ~~companies that have been certified in at least 5 other~~
13 ~~states;~~

14 (2) establish ~~provide~~ uniform minimum standards that
15 certified automated systems must meet; ~~those minimum~~
16 ~~standards may include an expedited certification process~~
17 ~~for automated systems that have been certified in at least~~
18 ~~5 other states;~~

19 (3) establish a certification process to review the
20 systems of companies wishing to be designated as a
21 certified service provider in this State or of companies
22 wishing to use a certified automated process; this
23 certification process shall provide that companies that
24 meet all required standards and whose systems have been
25 tested and approved by the Department for properly

1 determining the taxability of items to be sold, the correct
2 tax rate to apply to a transaction, and the appropriate
3 jurisdictions to which the tax shall be remitted, shall be
4 certified;

5 (4) enter into a contractual relationship with each
6 company that qualifies as a certified service provider or
7 that will be using a certified automated system; those
8 contracts shall, at a minimum, provide:

9 (A) that the certified service provider shall be
10 held liable for the tax imposed under this Act and the
11 Use Tax Act and all applicable local occupation taxes
12 administered by the Department if the certified
13 service provider fails to correctly remit the tax after
14 having been provided with the tax and information by a
15 remote retailer to correctly remit the taxes imposed
16 under this Act and the Use Tax Act and all applicable
17 local occupation taxes administered by the Department;
18 if the certified service provider demonstrates to the
19 satisfaction of the Department that its failure to
20 correctly remit tax on a retail sale resulted from the
21 certified service provider's good faith reliance on
22 incorrect or insufficient information provided by the
23 remote retailer, the certified service provider shall
24 be relieved of liability for the tax on that retail
25 sale; in that case, the remote retailer is liable for
26 any resulting tax due ~~the responsibilities of the~~

1 ~~certified service provider and the remote retailers~~
2 ~~that contract with the certified service provider or~~
3 ~~the user of a certified automated system related to~~
4 ~~liability for proper collection and remittance of use~~
5 ~~and occupation taxes;~~

6 (B) the responsibilities of the certified service
7 provider and the remote retailers that contract with
8 the certified service provider or the user of a
9 certified automated system ~~service provider~~ related to
10 record keeping and auditing consistent with
11 requirements imposed under the Retailers' Occupation
12 Tax Act and the Use Tax Act;

13 (C) for the protection and confidentiality of tax
14 information consistent with requirements imposed under
15 the Retailers' Occupation Tax Act and the Use Tax Act;
16 ~~and~~

17 (D) compensation equal to 1.75% of the tax dollars
18 collected and remitted to the State by a certified
19 service provider on a timely basis, along with a return
20 that has been timely filed, on behalf of remote
21 retailers; remote retailers using a certified service
22 provider may not claim the vendor's discount allowed
23 under the Retailers' Occupation Tax Act or the Service
24 Occupation Tax Act; and -

25 (E) that the certified service provider shall file
26 a separate return for each remote retailer with which

1 it has a Tax Remittance Agreement.

2 The provisions of this Section shall supersede the
3 provisions of the Illinois Procurement Code.

4 (b) The Department may act jointly with other states to
5 establish the minimum standards and process for certification
6 required by paragraphs (1), (2), and (3) of subsection (a).

7 (c) When the systems of a certified service provider or
8 certified automated systems are updated or upgraded, they must
9 be recertified by the Department. Notification of changes shall
10 be provided to the Department prior to implementation. Upon
11 receipt of such notification, the Department shall review and
12 test the changes to assess whether the updated system of the
13 certified service provider or the updated certified automated
14 system can properly determine the taxability of items to be
15 sold, the correct tax rate to apply to a transaction, and the
16 appropriate jurisdictions to which the tax shall be remitted.
17 The Department shall recertify updated systems that meet these
18 requirements. The certified service provider or retailer using
19 a certified automated system shall be liable for any tax
20 resulting from errors caused by use of an updated or upgraded
21 system prior to recertification by the Department. In addition
22 to these procedures, the Department may periodically review the
23 system of a certified service provider or the certified
24 automated system used by a retailer to ensure that the system
25 can properly determine the taxability of items to be sold, the
26 correct tax rate to apply to a transaction, and the appropriate

1 jurisdictions to which the tax shall be remitted.

2 (Source: P.A. 101-31, eff. 6-28-19.)

3 (35 ILCS 185/5-27 new)

4 Sec. 5-27. Tax remittance agreement.

5 (a) Before using the services of a certified service
6 provider to remit taxes, remote retailers using a certified
7 service provider shall enter into a tax remittance agreement
8 with that certified service provider under which the certified
9 service provider agrees to remit all State retailers'
10 occupation taxes under this Act, use tax, and local occupation
11 taxes administered by the Department for sales made by the
12 remote retailer. A copy of the tax remittance agreement shall
13 be electronically filed with the Department by the certified
14 service provider no later than 30 days prior to its effective
15 date.

16 (b) A certified service provider that has entered into a
17 tax remittance agreement with a remote retailer is required to
18 file all returns and remit all taxes required under the tax
19 remittance agreement, including all local occupation taxes
20 administered by the Department, with respect to all sales for
21 which there is not otherwise an exemption.

22 (35 ILCS 185/5-30)

23 Sec. 5-30. Database; relief Relief from liability; annual
24 verification; refunds.

1 (a) The Department shall, to the best of its ability,
2 utilize an electronic database to provide information
3 assigning purchaser addresses to the proper local taxing
4 jurisdiction.

5 (b) Remote ~~Beginning January 1, 2020,~~ remote retailers
6 using certified service providers or certified automated
7 systems and their certified service providers or certified
8 automated systems providers are relieved from liability to the
9 State for having remitted ~~charged and collected~~ the incorrect
10 amount of use or occupation tax resulting from a certified
11 service provider or certified automated system relying, at the
12 time of the sale, on: (1) erroneous data provided by the State
13 in database files on tax rates, boundaries, or taxing
14 jurisdictions; or (2) erroneous data provided by the State
15 concerning the taxability of products and services.

16 (c) Beginning February 1, 2022 and on or before February 1
17 of each year thereafter, the Department shall make available to
18 each local taxing jurisdiction the taxing jurisdiction's
19 boundaries, determined by the Department, for its
20 verification. Jurisdictions shall verify these taxing
21 jurisdiction boundaries and notify the Department of any
22 changes, additions, or deletions by April 1 of each year in the
23 form and manner required by the Department. The Department
24 shall use its best judgment and information to confirm the
25 information provided by the taxing jurisdictions and update its
26 database. The Department shall administer and enforce such

1 changes on the first day of the next following July. ~~The~~
2 ~~Department shall, to the best of its ability, assign addresses~~
3 ~~to the proper local taxing jurisdiction using a 9-digit zip~~
4 ~~code identifier. On an annual basis, the Department shall make~~
5 ~~available to local taxing jurisdictions the taxing~~
6 ~~jurisdiction boundaries determined by the Department for their~~
7 ~~verification. If a jurisdiction fails to verify their taxing~~
8 ~~jurisdiction boundaries to the Department in any given year,~~
9 ~~the Department shall assign retailers' occupation tax revenue~~
10 ~~from remote retail sales based on its best information. In that~~
11 ~~case, tax revenues from remote retail sales remitted to a~~
12 ~~taxing jurisdiction based on erroneous local tax boundary~~
13 ~~information will be assigned to the correct taxing jurisdiction~~
14 ~~on a prospective basis upon notice of the boundary error from a~~
15 ~~local taxing jurisdiction.~~

16 (d) The clerk of any municipality or county from which
17 territory has been annexed or disconnected shall notify the
18 Department of Revenue of that annexation or disconnection in
19 the form and manner required by the Department. Required
20 documentation shall include a certified copy of the plat of
21 annexation or, in the case of disconnection, the ordinance,
22 final judgment, or resolution of disconnection together with an
23 accurate depiction of the territory disconnected. Notification
24 shall be provided to the Department either (i) on or before the
25 first day of April, whereupon the Department shall confirm the
26 information provided by the municipality or county and update

1 its database and proceed to administer and enforce the
2 confirmed changes on the first day of July next following the
3 proper notification; or (ii) on or before the first day of
4 October, whereupon the Department shall confirm the
5 information provided by the municipality or county and update
6 its database and proceed to administer and enforce the
7 confirmed changes on the first day of January next following
8 proper notification.

9 ~~No certified service provider or remote retailer using a~~
10 ~~certified automated system shall be subject to a class action~~
11 ~~brought on behalf of customers and arising from, or in any way~~
12 ~~related to, an overpayment of retailers' occupation tax~~
13 ~~collected by the certified service provider if, at the time of~~
14 ~~the sale, they relied on information provided by the~~
15 ~~Department, regardless of whether that claim is characterized~~
16 ~~as a tax refund claim.~~

17 (e) Nothing in this Section affects a customer's right to
18 seek a refund from the remote retailer as provided in this Act.

19 (Source: P.A. 101-31, eff. 6-28-19.)

20 Section 15-97. Severability. The provisions of this
21 Article are severable under Section 1.31 of the Statute on
22 Statutes.

23 ARTICLE 20. VEHICLE CODE; JUNKING CERTIFICATE

1 Section 20-5. The Illinois Vehicle Code is amended by
2 changing Section 3-821 as follows:

3 (625 ILCS 5/3-821) (from Ch. 95 1/2, par. 3-821)

4 Sec. 3-821. Miscellaneous registration and title fees.

5 (a) Except as provided under subsection (h), the fee to be
6 paid to the Secretary of State for the following certificates,
7 registrations or evidences of proper registration, or for
8 corrected or duplicate documents shall be in accordance with
9 the following schedule:

10 Certificate of Title, except for an all-terrain	
11 vehicle or off-highway motorcycle, prior to July 1,	
12 2019	\$95
13 Certificate of Title, except for an all-terrain	
14 vehicle, off-highway motorcycle, or motor home, mini	
15 motor home or van camper, on and after July 1, 2019	\$150
16 Certificate of Title for a motor home, mini motor	
17 home, or van camper, on and after July 1, 2019	\$250
18 Certificate of Title for an all-terrain vehicle	
19 or off-highway motorcycle	\$30
20 Certificate of Title for an all-terrain vehicle	
21 or off-highway motorcycle used for production	
22 agriculture, or accepted by a dealer in trade	\$13
23 Certificate of Title for a low-speed vehicle	\$30
24 Transfer of Registration or any evidence of	
25 proper registration	\$25

1	Duplicate Registration Card for plates or other	
2	evidence of proper registration	\$3
3	Duplicate Registration Sticker or Stickers, each	\$20
4	Duplicate Certificate of Title, prior to July 1,	
5	2019	\$95
6	Duplicate Certificate of Title, on and after July	
7	1, 2019	\$50
8	Corrected Registration Card or Card for other	
9	evidence of proper registration	\$3
10	Corrected Certificate of Title	\$95
11	Salvage Certificate, prior to July 1, 2019	\$4
12	Salvage Certificate, on and after July 1, 2019	\$20
13	Fleet Reciprocity Permit	\$15
14	Prorate Decal	\$1
15	Prorate Backing Plate	\$3
16	Special Corrected Certificate of Title	\$15
17	Expedited Title Service (to be charged in addition	
18	to other applicable fees)	\$30
19	Dealer Lien Release Certificate of Title	\$20
20	Junking Certificate, on and after July 1, 2019	\$10

21 A special corrected certificate of title shall be issued
22 (i) to remove a co-owner's name due to the death of the
23 co-owner, to transfer title to a spouse if the decedent-spouse
24 was the sole owner on the title, or due to a divorce; (ii) to
25 change a co-owner's name due to a marriage; or (iii) due to a
26 name change under Article XXI of the Code of Civil Procedure.

1 There shall be no fee paid for a Junking Certificate ~~prior~~
2 ~~to July 1, 2019.~~

3 There shall be no fee paid for a certificate of title
4 issued to a county when the vehicle is forfeited to the county
5 under Article 36 of the Criminal Code of 2012.

6 (a-5) The Secretary of State may revoke a certificate of
7 title and registration card and issue a corrected certificate
8 of title and registration card, at no fee to the vehicle owner
9 or lienholder, if there is proof that the vehicle
10 identification number is erroneously shown on the original
11 certificate of title.

12 (a-10) The Secretary of State may issue, in connection with
13 the sale of a motor vehicle, a corrected title to a motor
14 vehicle dealer upon application and submittal of a lien release
15 letter from the lienholder listed in the files of the
16 Secretary. In the case of a title issued by another state, the
17 dealer must submit proof from the state that issued the last
18 title. The corrected title, which shall be known as a dealer
19 lien release certificate of title, shall be issued in the name
20 of the vehicle owner without the named lienholder. If the motor
21 vehicle is currently titled in a state other than Illinois, the
22 applicant must submit either (i) a letter from the current
23 lienholder releasing the lien and stating that the lienholder
24 has possession of the title; or (ii) a letter from the current
25 lienholder releasing the lien and a copy of the records of the
26 department of motor vehicles for the state in which the vehicle

1 is titled, showing that the vehicle is titled in the name of
2 the applicant and that no liens are recorded other than the
3 lien for which a release has been submitted. The fee for the
4 dealer lien release certificate of title is \$20.

5 (b) The Secretary may prescribe the maximum service charge
6 to be imposed upon an applicant for renewal of a registration
7 by any person authorized by law to receive and remit or
8 transmit to the Secretary such renewal application and fees
9 therewith.

10 (c) If payment is delivered to the Office of the Secretary
11 of State as payment of any fee or tax under this Code, and such
12 payment is not honored for any reason, the registrant or other
13 person tendering the payment remains liable for the payment of
14 such fee or tax. The Secretary of State may assess a service
15 charge of \$25 in addition to the fee or tax due and owing for
16 all dishonored payments.

17 If the total amount then due and owing exceeds the sum of
18 \$100 and has not been paid in full within 60 days from the date
19 the dishonored payment was first delivered to the Secretary of
20 State, the Secretary of State shall assess a penalty of 25% of
21 such amount remaining unpaid.

22 All amounts payable under this Section shall be computed to
23 the nearest dollar. Out of each fee collected for dishonored
24 payments, \$5 shall be deposited in the Secretary of State
25 Special Services Fund.

26 (d) The minimum fee and tax to be paid by any applicant for

1 apportionment of a fleet of vehicles under this Code shall be
2 \$15 if the application was filed on or before the date
3 specified by the Secretary together with fees and taxes due. If
4 an application and the fees or taxes due are filed after the
5 date specified by the Secretary, the Secretary may prescribe
6 the payment of interest at the rate of 1/2 of 1% per month or
7 fraction thereof after such due date and a minimum of \$8.

8 (e) Trucks, truck tractors, truck tractors with loads, and
9 motor buses, any one of which having a combined total weight in
10 excess of 12,000 lbs. shall file an application for a Fleet
11 Reciprocity Permit issued by the Secretary of State. This
12 permit shall be in the possession of any driver operating a
13 vehicle on Illinois highways. Any foreign licensed vehicle of
14 the second division operating at any time in Illinois without a
15 Fleet Reciprocity Permit or other proper Illinois
16 registration, shall subject the operator to the penalties
17 provided in Section 3-834 of this Code. For the purposes of
18 this Code, "Fleet Reciprocity Permit" means any second division
19 motor vehicle with a foreign license and used only in
20 interstate transportation of goods. The fee for such permit
21 shall be \$15 per fleet which shall include all vehicles of the
22 fleet being registered.

23 (f) For purposes of this Section, "all-terrain vehicle or
24 off-highway motorcycle used for production agriculture" means
25 any all-terrain vehicle or off-highway motorcycle used in the
26 raising of or the propagation of livestock, crops for sale for

1 human consumption, crops for livestock consumption, and
2 production seed stock grown for the propagation of feed grains
3 and the husbandry of animals or for the purpose of providing a
4 food product, including the husbandry of blood stock as a main
5 source of providing a food product. "All-terrain vehicle or
6 off-highway motorcycle used in production agriculture" also
7 means any all-terrain vehicle or off-highway motorcycle used in
8 animal husbandry, floriculture, aquaculture, horticulture, and
9 viticulture.

10 (g) All of the proceeds of the additional fees imposed by
11 Public Act 96-34 shall be deposited into the Capital Projects
12 Fund.

13 (h) The fee for a duplicate registration sticker or
14 stickers shall be the amount required under subsection (a) or
15 the vehicle's annual registration fee amount, whichever is
16 less.

17 (i) All of the proceeds of the additional fees imposed by
18 this amendatory Act of the 101st General Assembly shall be
19 deposited into the Road Fund.

20 (Source: P.A. 100-956, eff. 1-1-19; 101-32, eff. 6-28-19.)

21 ARTICLE 95. NON-ACCELERATION

22 Section 95-995. No acceleration or delay. Where this Act
23 makes changes in a statute that is represented in this Act by
24 text that is not yet or no longer in effect (for example, a

1 Section represented by multiple versions), the use of that text
2 does not accelerate or delay the taking effect of (i) the
3 changes made by this Act or (ii) provisions derived from any
4 other Public Act.

5 ARTICLE 99. EFFECTIVE DATE

6 Section 99-999. Effective date. This Act takes effect upon
7 becoming law, except that the provisions of Article 15 take
8 effect January 1, 2020."