



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB0146

Introduced 1/29/2019, by Sen. Jil Tracy

SYNOPSIS AS INTRODUCED:

30 ILCS 105/6z-20	from Ch. 127, par. 142z-20
55 ILCS 5/5-1006	from Ch. 34, par. 5-1006
55 ILCS 5/5-1006.5	
55 ILCS 5/5-1007	from Ch. 34, par. 5-1007
65 ILCS 5/8-11-1	from Ch. 24, par. 8-11-1
65 ILCS 5/8-11-1.3	from Ch. 24, par. 8-11-1.3
65 ILCS 5/8-11-1.4	from Ch. 24, par. 8-11-1.4
65 ILCS 5/8-11-1.6	
65 ILCS 5/8-11-1.7	
65 ILCS 5/8-11-5	from Ch. 24, par. 8-11-5
70 ILCS 1605/30	
70 ILCS 3610/5.01	from Ch. 111 2/3, par. 355.01
70 ILCS 3615/4.03	from Ch. 111 2/3, par. 704.03
70 ILCS 3720/4	from Ch. 111 2/3, par. 254

Amends the State Finance Act, Counties Code, Illinois Municipal Code, Metro-East Park and Recreation District Act, Local Mass Transit District Act, Regional Transportation Authority Act, and Water Commission Act of 1985. Provides that the amounts transferred into the Tax Compliance and Administration Fund shall be reduced from 1.5% to 1%. Effective July 1, 2019.

LRB101 00257 HLH 45261 b

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

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

6 (30 ILCS 105/6z-20) (from Ch. 127, par. 142z-20)

7 Sec. 6z-20. County and Mass Transit District Fund. Of the
8 money received from the 6.25% general rate (and, beginning July
9 1, 2000 and through December 31, 2000, the 1.25% rate on motor
10 fuel and gasohol, and beginning on August 6, 2010 through
11 August 15, 2010, the 1.25% rate on sales tax holiday items) on
12 sales subject to taxation under the Retailers' Occupation Tax
13 Act and Service Occupation Tax Act and paid into the County and
14 Mass Transit District Fund, distribution to the Regional
15 Transportation Authority tax fund, created pursuant to Section
16 4.03 of the Regional Transportation Authority Act, for deposit
17 therein shall be made based upon the retail sales occurring in
18 a county having more than 3,000,000 inhabitants. The remainder
19 shall be distributed to each county having 3,000,000 or fewer
20 inhabitants based upon the retail sales occurring in each such
21 county.

22 For the purpose of determining allocation to the local
23 government unit, a retail sale by a producer of coal or other

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

8 Of the money received from the 6.25% general use tax rate
9 on tangible personal property which is purchased outside
10 Illinois at retail from a retailer and which is titled or
11 registered by any agency of this State's government and paid
12 into the County and Mass Transit District Fund, the amount for
13 which Illinois addresses for titling or registration purposes
14 are given as being in each county having more than 3,000,000
15 inhabitants shall be distributed into the Regional
16 Transportation Authority tax fund, created pursuant to Section
17 4.03 of the Regional Transportation Authority Act. The
18 remainder of the money paid from such sales shall be
19 distributed to each county based on sales for which Illinois
20 addresses for titling or registration purposes are given as
21 being located in the county. Any money paid into the Regional
22 Transportation Authority Occupation and Use Tax Replacement
23 Fund from the County and Mass Transit District Fund prior to
24 January 14, 1991, which has not been paid to the Authority
25 prior to that date, shall be transferred to the Regional
26 Transportation Authority tax fund.

1 Whenever the Department determines that a refund of money
2 paid into the County and Mass Transit District Fund should be
3 made to a claimant instead of issuing a credit memorandum, the
4 Department shall notify the State Comptroller, who shall cause
5 the order to be drawn for the amount specified, and to the
6 person named, in such notification from the Department. Such
7 refund shall be paid by the State Treasurer out of the County
8 and Mass Transit District Fund.

9 As soon as possible after the first day of each month,
10 beginning January 1, 2011, upon certification of the Department
11 of Revenue, the Comptroller shall order transferred, and the
12 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
13 local sales tax increment, as defined in the Innovation
14 Development and Economy Act, collected during the second
15 preceding calendar month for sales within a STAR bond district
16 and deposited into the County and Mass Transit District Fund,
17 less 3% of that amount, which shall be transferred into the Tax
18 Compliance and Administration Fund and shall be used by the
19 Department, subject to appropriation, to cover the costs of the
20 Department in administering the Innovation Development and
21 Economy Act.

22 After the monthly transfer to the STAR Bonds Revenue Fund,
23 on or before the 25th day of each calendar month, the
24 Department shall prepare and certify to the Comptroller the
25 disbursement of stated sums of money to the Regional
26 Transportation Authority and to named counties, the counties to

1 be those entitled to distribution, as hereinabove provided, of
2 taxes or penalties paid to the Department during the second
3 preceding calendar month. The amount to be paid to the Regional
4 Transportation Authority and each county having 3,000,000 or
5 fewer inhabitants shall be the amount (not including credit
6 memoranda) collected during the second preceding calendar
7 month by the Department and paid into the County and Mass
8 Transit District Fund, plus an amount the Department determines
9 is necessary to offset any amounts which were erroneously paid
10 to a different taxing body, and not including an amount equal
11 to the amount of refunds made during the second preceding
12 calendar month by the Department, and not including any amount
13 which the Department determines is necessary to offset any
14 amounts which were payable to a different taxing body but were
15 erroneously paid to the Regional Transportation Authority or
16 county, and not including any amounts that are transferred to
17 the STAR Bonds Revenue Fund, less 1% ~~1.5%~~ of the amount to be
18 paid to the Regional Transportation Authority, which shall be
19 transferred into the Tax Compliance and Administration Fund.
20 The Department, at the time of each monthly disbursement to the
21 Regional Transportation Authority, shall prepare and certify
22 to the State Comptroller the amount to be transferred into the
23 Tax Compliance and Administration Fund under this Section.
24 Within 10 days after receipt, by the Comptroller, of the
25 disbursement certification to the Regional Transportation
26 Authority, counties, and the Tax Compliance and Administration

1 Fund provided for in this Section to be given to the
2 Comptroller by the Department, the Comptroller shall cause the
3 orders to be drawn for the respective amounts in accordance
4 with the directions contained in such certification.

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

12 The provisions directing the distributions from the
13 special fund in the State Treasury provided for in this Section
14 and from the Regional Transportation Authority tax fund created
15 by Section 4.03 of the Regional Transportation Authority Act
16 shall constitute an irrevocable and continuing appropriation
17 of all amounts as provided herein. The State Treasurer and
18 State Comptroller are hereby authorized to make distributions
19 as provided in this Section.

20 In construing any development, redevelopment, annexation,
21 preannexation or other lawful agreement in effect prior to
22 September 1, 1990, which describes or refers to receipts from a
23 county or municipal retailers' occupation tax, use tax or
24 service occupation tax which now cannot be imposed, such
25 description or reference shall be deemed to include the
26 replacement revenue for such abolished taxes, distributed from

1 the County and Mass Transit District Fund or Local Government
2 Distributive Fund, as the case may be.

3 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18.)

4 Section 10. The Counties Code is amended by changing
5 Sections 5-1006, 5-1006.5, and 5-1007 as follows:

6 (55 ILCS 5/5-1006) (from Ch. 34, par. 5-1006)

7 Sec. 5-1006. Home Rule County Retailers' Occupation Tax
8 Law. Any county that is a home rule unit may impose a tax upon
9 all persons engaged in the business of selling tangible
10 personal property, other than an item of tangible personal
11 property titled or registered with an agency of this State's
12 government, at retail in the county on the gross receipts from
13 such sales made in the course of their business. If imposed,
14 this tax shall only be imposed in 1/4% increments. On and after
15 September 1, 1991, this additional tax may not be imposed on
16 the sales of food for human consumption which is to be consumed
17 off the premises where it is sold (other than alcoholic
18 beverages, soft drinks and food which has been prepared for
19 immediate consumption) and prescription and nonprescription
20 medicines, drugs, medical appliances and insulin, urine
21 testing materials, syringes and needles used by diabetics. The
22 tax imposed by a home rule county pursuant to this Section and
23 all civil penalties that may be assessed as an incident thereof
24 shall be collected and enforced by the State Department of

1 Revenue. The certificate of registration that is issued by the
2 Department to a retailer under the Retailers' Occupation Tax
3 Act shall permit the retailer to engage in a business that is
4 taxable under any ordinance or resolution enacted pursuant to
5 this Section without registering separately with the
6 Department under such ordinance or resolution or under this
7 Section. The Department shall have full power to administer and
8 enforce this Section; to collect all taxes and penalties due
9 hereunder; to dispose of taxes and penalties so collected in
10 the manner hereinafter provided; and to determine all rights to
11 credit memoranda arising on account of the erroneous payment of
12 tax or penalty hereunder. In the administration of, and
13 compliance with, this Section, the Department and persons who
14 are subject to this Section shall have the same rights,
15 remedies, privileges, immunities, powers and duties, and be
16 subject to the same conditions, restrictions, limitations,
17 penalties and definitions of terms, and employ the same modes
18 of procedure, as are prescribed in Sections 1, 1a, 1a-1, 1d,
19 1e, 1f, 1i, 1j, 1k, 1m, 1n, 2 through 2-65 (in respect to all
20 provisions therein other than the State rate of tax), 4, 5, 5a,
21 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d,
22 7, 8, 9, 10, 11, 12 and 13 of the Retailers' Occupation Tax Act
23 and Section 3-7 of the Uniform Penalty and Interest Act, as
24 fully as if those provisions were set forth herein.

25 No tax may be imposed by a home rule county pursuant to
26 this Section unless the county also imposes a tax at the same

1 rate pursuant to Section 5-1007.

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

9 Whenever the Department determines that a refund should be
10 made under this Section 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 home rule county retailers' occupation tax
16 fund.

17 The Department shall forthwith pay over to the State
18 Treasurer, ex officio, as trustee, all taxes and penalties
19 collected hereunder.

20 As soon as possible after the first day of each month,
21 beginning January 1, 2011, upon certification of the Department
22 of Revenue, the Comptroller shall order transferred, and the
23 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
24 local sales tax increment, as defined in the Innovation
25 Development and Economy Act, collected under this Section
26 during the second preceding calendar month for sales within a

1 STAR bond district.

2 After the monthly transfer to the STAR Bonds Revenue Fund,
3 on or before the 25th day of each calendar month, the
4 Department shall prepare and certify to the Comptroller the
5 disbursement of stated sums of money to named counties, the
6 counties to be those from which retailers have paid taxes or
7 penalties hereunder to the Department during the second
8 preceding calendar month. The amount to be paid to each county
9 shall be the amount (not including credit memoranda) collected
10 hereunder during the second preceding calendar month by the
11 Department plus an amount the Department determines is
12 necessary to offset any amounts that were erroneously paid to a
13 different taxing body, and not including an amount equal to the
14 amount of refunds made during the second preceding calendar
15 month by the Department on behalf of such county, and not
16 including any amount which the Department determines is
17 necessary to offset any amounts which were payable to a
18 different taxing body but were erroneously paid to the county,
19 and not including any amounts that are transferred to the STAR
20 Bonds Revenue Fund, less 1% ~~1.5%~~ of the remainder, which the
21 Department shall transfer into the Tax Compliance and
22 Administration Fund. The Department, at the time of each
23 monthly disbursement to the counties, shall prepare and certify
24 to the State Comptroller the amount to be transferred into the
25 Tax Compliance and Administration Fund under this Section.
26 Within 10 days after receipt, by the Comptroller, of the

1 disbursement certification to the counties and the Tax
2 Compliance and Administration Fund provided for in this Section
3 to be given to the Comptroller by the Department, the
4 Comptroller shall cause the orders to be drawn for the
5 respective amounts in accordance with the directions contained
6 in the certification.

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

22 For the purpose of determining the local governmental unit
23 whose tax is applicable, a retail sale by a producer of coal or
24 other mineral mined in Illinois is a sale at retail at the
25 place where the coal or other mineral mined in Illinois is
26 extracted from the earth. This paragraph does not apply to coal

1 or other mineral when it is delivered or shipped by the seller
2 to the purchaser at a point outside Illinois so that the sale
3 is exempt under the United States Constitution as a sale in
4 interstate or foreign commerce.

5 Nothing in this Section shall be construed to authorize a
6 county 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 this State.

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

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

13 When certifying the amount of a monthly disbursement to a
14 county under this Section, the Department shall increase or
15 decrease such 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 This Section shall be known and may be cited as the Home
20 Rule County Retailers' Occupation Tax Law.

21 (Source: P.A. 99-217, eff. 7-31-15; 100-23, eff. 7-6-17;
22 100-587, eff. 6-4-18.)

23 (55 ILCS 5/5-1006.5)

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

1 (a) The county board of any county may impose a tax upon
2 all persons engaged in the business of selling tangible
3 personal property, other than personal property titled or
4 registered with an agency of this State's government, at retail
5 in the county on the gross receipts from the sales made in the
6 course of business to provide revenue to be used exclusively
7 for public safety, public facility, or transportation purposes
8 in that county, if a proposition for the tax has been submitted
9 to the electors of that county and approved by a majority of
10 those voting on the question. If imposed, this tax shall be
11 imposed only in one-quarter percent increments. By resolution,
12 the county board may order the proposition to be submitted at
13 any election. If the tax is imposed for transportation purposes
14 for expenditures for public highways or as authorized under the
15 Illinois Highway Code, the county board must publish notice of
16 the existence of its long-range highway transportation plan as
17 required or described in Section 5-301 of the Illinois Highway
18 Code and must make the plan publicly available prior to
19 approval of the ordinance or resolution imposing the tax. If
20 the tax is imposed for transportation purposes for expenditures
21 for passenger rail transportation, the county board must
22 publish notice of the existence of its long-range passenger
23 rail transportation plan and must make the plan publicly
24 available prior to approval of the ordinance or resolution
25 imposing the tax.

26 If a tax is imposed for public facilities purposes, then

1 the name of the project may be included in the proposition at
2 the discretion of the county board as determined in the
3 enabling resolution. For example, the "XXX Nursing Home" or the
4 "YYY Museum".

5 The county clerk shall certify the question to the proper
6 election authority, who shall submit the proposition at an
7 election in accordance with the general election law.

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

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

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

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

18 The county board may also opt to establish a sunset
19 provision at which time the additional sales tax would
20 cease being collected, if not terminated earlier by a vote
21 of the county board. If the county board votes to include a
22 sunset provision, the proposition for public safety
23 purposes shall be in substantially the following form:

24 "To pay for public safety purposes, shall (name of
25 county) be authorized to impose an increase on its share of
26 local sales taxes by (insert rate) for a period not to

1 exceed (insert number of years)?"

2 As additional information on the ballot below the
3 question shall appear the following:

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

10 For the purposes of the paragraph, "public safety
11 purposes" means crime prevention, detention, fire
12 fighting, police, medical, ambulance, or other emergency
13 services.

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

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

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

26 "To pay for improvements to roads and other

1 transportation purposes, shall (name of county) be
2 authorized to impose an increase on its share of local
3 sales taxes by (insert rate)?"

4 As additional information on the ballot below the
5 question shall appear the following:

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

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

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

19 As additional information on the ballot below the
20 question shall appear the following:

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

1 For the purposes of this paragraph, transportation
2 purposes means construction, maintenance, operation, and
3 improvement of public highways, any other purpose for which
4 a county may expend funds under the Illinois Highway Code,
5 and passenger rail transportation.

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

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

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

12 As additional information on the ballot below the
13 question shall appear the following:

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

17 The county board may also opt to establish a sunset
18 provision at which time the additional sales tax would
19 cease being collected, if not terminated earlier by a vote
20 of the county board. If the county board votes to include a
21 sunset provision, the proposition for public facilities
22 purposes shall be in substantially the following form:

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

1 As additional information on the ballot below the
2 question shall appear the following:

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

9 For purposes of this Section, "public facilities
10 purposes" means the acquisition, development,
11 construction, reconstruction, rehabilitation, improvement,
12 financing, architectural planning, and installation of
13 capital facilities consisting of buildings, structures,
14 and durable equipment and for the acquisition and
15 improvement of real property and interest in real property
16 required, or expected to be required, in connection with
17 the public facilities, for use by the county for the
18 furnishing of governmental services to its citizens,
19 including but not limited to museums and nursing homes.

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

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

25 This additional tax may not be imposed on the sales of food
26 for human consumption that is to be consumed off the premises

1 where it is sold (other than alcoholic beverages, soft drinks,
2 and food which has been prepared for immediate consumption) and
3 prescription and non-prescription medicines, drugs, medical
4 appliances and insulin, urine testing materials, syringes, and
5 needles used by diabetics. The tax imposed by a county under
6 this Section and all civil penalties that may be assessed as an
7 incident of the tax shall be collected and enforced by the
8 Illinois Department of Revenue and deposited into a special
9 fund created for that purpose. The certificate of registration
10 that is issued by the Department to a retailer under the
11 Retailers' Occupation Tax Act shall permit the retailer to
12 engage in a business that is taxable without registering
13 separately with the Department under an ordinance or resolution
14 under this Section. The Department has full power to administer
15 and enforce this Section, to collect all taxes and penalties
16 due under this Section, to dispose of taxes and penalties so
17 collected in the manner provided in this Section, and to
18 determine all rights to credit memoranda arising on account of
19 the erroneous payment of a tax or penalty under this Section.
20 In the administration of and compliance with this Section, the
21 Department and persons who are subject to this Section shall
22 (i) have the same rights, remedies, privileges, immunities,
23 powers, and duties, (ii) be subject to the same conditions,
24 restrictions, limitations, penalties, and definitions of
25 terms, and (iii) employ the same modes of procedure as are
26 prescribed in Sections 1, 1a, 1a-1, 1d, 1e, 1f, 1i, 1j, 1k, 1m,

1 1n, 2 through 2-70 (in respect to all provisions contained in
2 those Sections other than the State rate of tax), 2a, 2b, 2c, 3
3 (except provisions relating to transaction returns and quarter
4 monthly payments), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i,
5 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 11a, 12, and 13
6 of the Retailers' Occupation Tax Act and Section 3-7 of the
7 Uniform Penalty and Interest Act as if those provisions were
8 set forth in this Section.

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

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

24 (b) If a tax has been imposed under subsection (a), a
25 service occupation tax shall also be imposed at the same rate
26 upon all persons engaged, in the county, in the business of

1 making sales of service, who, as an incident to making those
2 sales of service, transfer tangible personal property within
3 the county as an incident to a sale of service. This tax may
4 not be imposed on sales of food for human consumption that is
5 to be consumed off the premises where it is sold (other than
6 alcoholic beverages, soft drinks, and food prepared for
7 immediate consumption) and prescription and non-prescription
8 medicines, drugs, medical appliances and insulin, urine
9 testing materials, syringes, and needles used by diabetics. The
10 tax imposed under this subsection and all civil penalties that
11 may be assessed as an incident thereof shall be collected and
12 enforced by the Department of Revenue. The Department has full
13 power to administer and enforce this subsection; to collect all
14 taxes and penalties due hereunder; to dispose of taxes and
15 penalties so collected in the manner hereinafter provided; and
16 to determine all rights to credit memoranda arising on account
17 of the erroneous payment of tax or penalty hereunder. In the
18 administration of, 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), 10, 11,
7 12 (except the reference therein to Section 2b of the
8 Retailers' Occupation Tax Act), 13 (except that any reference
9 to the State shall mean the county), Section 15, 16, 17, 18, 19
10 and 20 of the Service Occupation Tax Act and Section 3-7 of the
11 Uniform Penalty and Interest Act, as fully as if those
12 provisions were set forth herein.

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

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 County Public Safety or Transportation
2 Retailers' Occupation Fund.

3 Nothing in this subsection shall be construed to authorize
4 the county 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 the State.

7 (c) The Department shall immediately pay over to the State
8 Treasurer, ex officio, as trustee, all taxes and penalties
9 collected under this Section to be deposited into the County
10 Public Safety or Transportation Retailers' Occupation Tax
11 Fund, which shall be an unappropriated trust fund held outside
12 of the State treasury.

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 the counties from which
25 retailers have paid taxes or penalties to the Department during
26 the second preceding calendar month. The amount to be paid to

1 each county, and deposited by the county into its special fund
2 created for the purposes of this Section, shall be the amount
3 (not including credit memoranda) collected under this Section
4 during the second preceding calendar month by the Department
5 plus an amount the Department determines is necessary to offset
6 any amounts that were erroneously paid to a different taxing
7 body, and not including (i) an amount equal to the amount of
8 refunds made during the second preceding calendar month by the
9 Department on behalf of the county, (ii) any amount that the
10 Department determines is necessary to offset any amounts that
11 were payable to a different taxing body but were erroneously
12 paid to the county, (iii) any amounts that are transferred to
13 the STAR Bonds Revenue Fund, and (iv) 1% ~~1.5%~~ of the remainder,
14 which shall be transferred into the Tax Compliance and
15 Administration Fund. The Department, at the time of each
16 monthly disbursement to the counties, shall prepare and certify
17 to the State Comptroller the amount to be transferred into the
18 Tax Compliance and Administration Fund under this subsection.
19 Within 10 days after receipt by the Comptroller of the
20 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 directions contained in
25 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 A county may direct, by ordinance, that all or a portion of
16 the taxes and penalties collected under the Special County
17 Retailers' Occupation Tax For Public Safety or Transportation
18 be deposited into the Transportation Development Partnership
19 Trust Fund.

20 (d) For the purpose of determining the local governmental
21 unit whose tax is applicable, a retail sale by a producer of
22 coal or another mineral mined in Illinois is a sale at retail
23 at the place where the coal or other mineral mined in Illinois
24 is extracted from the earth. This paragraph does not apply to
25 coal or another mineral when it is delivered or shipped by the
26 seller to the purchaser at a point outside Illinois so that the

1 sale is exempt under the United States Constitution as a sale
2 in interstate or foreign commerce.

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

7 (e-5) If a county imposes a tax under this Section, the
8 county board may, by ordinance, discontinue or lower the rate
9 of the tax. If the county board lowers the tax rate or
10 discontinues the tax, a referendum must be held in accordance
11 with subsection (a) of this Section in order to increase the
12 rate of the tax or to reimpose the discontinued tax.

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

25 Beginning January 1, 2014, the results of any election
26 authorizing a proposition to impose a tax under this Section or

1 effecting an increase in the rate of tax, along with the
2 ordinance adopted to impose the tax or increase the rate of the
3 tax, or any ordinance adopted to lower the rate or discontinue
4 the tax, shall be certified by the county clerk and filed with
5 the Illinois Department of Revenue either (i) on or before the
6 first day of May, whereupon the Department shall proceed to
7 administer and enforce the tax as of the first day of July next
8 following the adoption and filing; or (ii) on or before the
9 first day of October, whereupon the Department shall proceed to
10 administer and enforce the tax as of the first day of January
11 next following the adoption and filing.

12 (g) When certifying the amount of a monthly disbursement to
13 a 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 (h) This Section may be cited as the "Special County
19 Occupation Tax For Public Safety, Public Facilities, or
20 Transportation Law".

21 (i) For purposes of this Section, "public safety" includes,
22 but is not limited to, crime prevention, detention, fire
23 fighting, police, medical, ambulance, or other emergency
24 services. The county may share tax proceeds received under this
25 Section for public safety purposes, including proceeds
26 received before August 4, 2009 (the effective date of Public

1 Act 96-124), with any fire protection district located in the
2 county. For the purposes of this Section, "transportation"
3 includes, but is not limited to, the construction, maintenance,
4 operation, and improvement of public highways, any other
5 purpose for which a county may expend funds under the Illinois
6 Highway Code, and passenger rail transportation. For the
7 purposes of this Section, "public facilities purposes"
8 includes, but is not limited to, the acquisition, development,
9 construction, reconstruction, rehabilitation, improvement,
10 financing, architectural planning, and installation of capital
11 facilities consisting of buildings, structures, and durable
12 equipment and for the acquisition and improvement of real
13 property and interest in real property required, or expected to
14 be required, in connection with the public facilities, for use
15 by the county for the furnishing of governmental services to
16 its citizens, including but not limited to museums and nursing
17 homes.

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

22 (Source: P.A. 99-4, eff. 5-31-15; 99-217, eff. 7-31-15; 99-642,
23 eff. 7-28-16; 100-23, eff. 7-6-17; 100-587, eff. 6-4-18.)

24 (55 ILCS 5/5-1007) (from Ch. 34, par. 5-1007)

25 Sec. 5-1007. Home Rule County Service Occupation Tax Law.

1 The corporate authorities of a home rule county may impose a
2 tax upon all persons engaged, in such county, in the business
3 of making sales of service at the same rate of tax imposed
4 pursuant to Section 5-1006 of the selling price of all tangible
5 personal property transferred by such servicemen either in the
6 form of tangible personal property or in the form of real
7 estate as an incident to a sale of service. If imposed, such
8 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 the sales of food for human consumption which is to be consumed
11 off the premises where it is sold (other than alcoholic
12 beverages, soft drinks and food which has been prepared for
13 immediate consumption) and prescription and nonprescription
14 medicines, drugs, medical appliances and insulin, urine
15 testing materials, syringes and needles used by diabetics. The
16 tax imposed by a home rule county pursuant to this Section and
17 all civil penalties that may be assessed as an incident thereof
18 shall be collected and enforced by the State Department of
19 Revenue. The certificate of registration which is issued by the
20 Department to a retailer under the Retailers' Occupation Tax
21 Act or under the Service Occupation Tax Act shall permit such
22 registrant to engage in a business which is taxable under any
23 ordinance or resolution enacted pursuant to this Section
24 without 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 county), 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 taxing county), 9 (except as to the disposition
17 of taxes and penalties collected, and except that the returned
18 merchandise credit for this county tax may not be taken against
19 any State tax), 10, 11, 12 (except the reference therein to
20 Section 2b of the Retailers' Occupation Tax Act), 13 (except
21 that any reference to the State shall mean the taxing county),
22 the first paragraph of Section 15, 16, 17, 18, 19 and 20 of the
23 Service Occupation Tax Act and Section 3-7 of the Uniform
24 Penalty and Interest Act, as fully as if those provisions were
25 set forth herein.

26 No tax may be imposed by a home rule county pursuant to

1 this Section unless such county also imposes a tax at the same
2 rate pursuant to Section 5-1006.

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

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

18 The Department shall forthwith pay over to the State
19 Treasurer, ex-officio, as trustee, all taxes and penalties
20 collected hereunder.

21 As soon as possible after the first day of each month,
22 beginning January 1, 2011, upon certification of the Department
23 of Revenue, the Comptroller shall order transferred, and the
24 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
25 local sales tax increment, as defined in the Innovation
26 Development and Economy Act, collected under this Section

1 during the second preceding calendar month for sales within a
2 STAR bond district.

3 After the monthly transfer to the STAR Bonds Revenue Fund,
4 on or before the 25th day of each calendar month, the
5 Department shall prepare and certify to the Comptroller the
6 disbursement of stated sums of money to named counties, the
7 counties to be those from which suppliers and servicemen have
8 paid taxes or penalties hereunder to the Department during the
9 second preceding calendar month. The amount to be paid to each
10 county shall be the amount (not including credit memoranda)
11 collected hereunder during the second preceding calendar month
12 by the Department, 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 county, and not
15 including any amounts that are transferred to the STAR Bonds
16 Revenue Fund, less 1% ~~1.5%~~ of the remainder, which the
17 Department shall transfer into the Tax Compliance and
18 Administration Fund. The Department, at the time of each
19 monthly disbursement to the counties, shall prepare and certify
20 to the State Comptroller the amount to be transferred into the
21 Tax Compliance and Administration Fund under this Section.
22 Within 10 days after receipt, by the Comptroller, of the
23 disbursement certification to the counties and the Tax
24 Compliance and Administration Fund provided for in this Section
25 to be given to the Comptroller by the Department, the
26 Comptroller shall cause the orders to be drawn for the

1 respective amounts in accordance with the directions contained
2 in such certification.

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

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

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

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

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

1 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18.)

2 Section 15. The Illinois Municipal Code is amended by
3 changing Sections 8-11-1, 8-11-1.3, 8-11-1.4, 8-11-1.6,
4 8-11-1.7, and 8-11-5 as follows:

5 (65 ILCS 5/8-11-1) (from Ch. 24, par. 8-11-1)

6 Sec. 8-11-1. Home Rule Municipal Retailers' Occupation Tax
7 Act. The corporate authorities of a home rule municipality may
8 impose a tax upon all persons engaged in the business of
9 selling tangible personal property, other than an item of
10 tangible personal property titled or registered with an agency
11 of this State's government, at retail in the municipality on
12 the gross receipts from these sales made in the course of such
13 business. If imposed, the tax shall only be imposed in 1/4%
14 increments. On and after September 1, 1991, this additional tax
15 may not be imposed on the sales of food for human consumption
16 that is to be consumed off the premises where it is sold (other
17 than alcoholic beverages, soft drinks and food that has been
18 prepared for immediate consumption) and prescription and
19 nonprescription medicines, drugs, medical appliances and
20 insulin, urine testing materials, syringes and needles used by
21 diabetics. The tax imposed by a home rule municipality under
22 this Section and all civil penalties that may be assessed as an
23 incident of the tax shall be collected and enforced by the
24 State Department of Revenue. The certificate of registration

1 that is issued by the Department to a retailer under the
2 Retailers' Occupation Tax Act shall permit the retailer to
3 engage in a business that is taxable under any ordinance or
4 resolution enacted pursuant to this Section without
5 registering separately with the Department under such
6 ordinance or resolution or under this Section. The Department
7 shall have full power to administer and enforce this Section;
8 to collect all taxes and penalties due hereunder; to dispose of
9 taxes and penalties so collected in the manner hereinafter
10 provided; and to determine all rights to credit memoranda
11 arising on account of the erroneous payment of tax or penalty
12 hereunder. In the administration of, and compliance with, this
13 Section the Department and persons who are subject to this
14 Section shall have the same rights, remedies, privileges,
15 immunities, powers and duties, and be subject to the same
16 conditions, restrictions, limitations, penalties and
17 definitions of terms, and employ the same modes of procedure,
18 as are prescribed in Sections 1, 1a, 1d, 1e, 1f, 1i, 1j, 1k,
19 1m, 1n, 2 through 2-65 (in respect to all provisions therein
20 other than the State rate of tax), 2c, 3 (except as to the
21 disposition of taxes and penalties collected), 4, 5, 5a, 5b,
22 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8,
23 9, 10, 11, 12 and 13 of the Retailers' Occupation Tax Act and
24 Section 3-7 of the Uniform Penalty and Interest Act, as fully
25 as if those provisions were set forth herein.

26 No tax may be imposed by a home rule municipality under

1 this Section unless the municipality also imposes a tax at the
2 same rate under Section 8-11-5 of this Act.

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

10 Whenever the Department determines that a refund should be
11 made under this Section to a claimant instead of issuing a
12 credit memorandum, the Department shall notify the State
13 Comptroller, who shall cause the order to be drawn for the
14 amount specified and to the person named in the notification
15 from the Department. The refund shall be paid by the State
16 Treasurer out of the home rule municipal retailers' occupation
17 tax fund.

18 The Department shall immediately pay over to the State
19 Treasurer, ex officio, as trustee, all taxes and penalties
20 collected hereunder.

21 As soon as possible after the first day of each month,
22 beginning January 1, 2011, upon certification of the Department
23 of Revenue, the Comptroller shall order transferred, and the
24 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
25 local sales tax increment, as defined in the Innovation
26 Development and Economy Act, collected under this Section

1 during the second preceding calendar month for sales within a
2 STAR bond district.

3 After the monthly transfer to the STAR Bonds Revenue Fund,
4 on or before the 25th day of each calendar month, the
5 Department shall prepare and certify to the Comptroller the
6 disbursement of stated sums of money to named municipalities,
7 the municipalities to be those from which retailers have paid
8 taxes or penalties hereunder to the Department during the
9 second preceding calendar month. The amount to be paid to each
10 municipality shall be the amount (not including credit
11 memoranda) collected hereunder during the second preceding
12 calendar month by the Department plus an amount the Department
13 determines is necessary to offset any amounts that were
14 erroneously paid to a different taxing body, and not including
15 an amount equal to the amount of refunds made during the second
16 preceding calendar month by the Department on behalf of such
17 municipality, and not including any amount that the Department
18 determines is necessary to offset any amounts that were payable
19 to a different taxing body but were erroneously paid to the
20 municipality, and not including any amounts that are
21 transferred to the STAR Bonds Revenue Fund, less 1% ~~1.5%~~ of the
22 remainder, which the Department shall transfer into the Tax
23 Compliance and Administration Fund. The Department, at the time
24 of each monthly disbursement to the municipalities, shall
25 prepare and certify to the State Comptroller the amount to be
26 transferred into the Tax Compliance and Administration Fund

1 under this Section. Within 10 days after receipt by the
2 Comptroller of the disbursement certification to the
3 municipalities and the Tax Compliance and Administration Fund
4 provided for in this Section to be given to the Comptroller by
5 the Department, the Comptroller shall cause the orders to be
6 drawn for the respective amounts in accordance with the
7 directions contained in the certification.

8 In addition to the disbursement required by the preceding
9 paragraph and in order to mitigate delays caused by
10 distribution procedures, an allocation shall, if requested, be
11 made within 10 days after January 14, 1991, and in November of
12 1991 and each year thereafter, to each municipality that
13 received more than \$500,000 during the preceding fiscal year,
14 (July 1 through June 30) whether collected by the municipality
15 or disbursed by the Department as required by this Section.
16 Within 10 days after January 14, 1991, participating
17 municipalities shall notify the Department in writing of their
18 intent to participate. In addition, for the initial
19 distribution, participating municipalities shall certify to
20 the Department the amounts collected by the municipality for
21 each month under its home rule occupation and service
22 occupation tax during the period July 1, 1989 through June 30,
23 1990. The allocation within 10 days after January 14, 1991,
24 shall be in an amount equal to the monthly average of these
25 amounts, excluding the 2 months of highest receipts. The
26 monthly average for the period of July 1, 1990 through June 30,

1 1991 will be determined as follows: the amounts collected by
2 the municipality under its home rule occupation and service
3 occupation tax during the period of July 1, 1990 through
4 September 30, 1990, plus amounts collected by the Department
5 and paid to such municipality through June 30, 1991, excluding
6 the 2 months of highest receipts. The monthly average for each
7 subsequent period of July 1 through June 30 shall be an amount
8 equal to the monthly distribution made to each such
9 municipality under the preceding paragraph during this period,
10 excluding the 2 months of highest receipts. The distribution
11 made in November 1991 and each year thereafter under this
12 paragraph and the preceding paragraph shall be reduced by the
13 amount allocated and disbursed under this paragraph in the
14 preceding period of July 1 through June 30. The Department
15 shall prepare and certify to the Comptroller for disbursement
16 the allocations made in accordance with this paragraph.

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

26 Nothing in this Section shall be construed to authorize a

1 municipality to impose a tax upon the privilege of engaging in
2 any business which under the Constitution of the United States
3 may not be made the subject of taxation by this State.

4 An ordinance or resolution imposing or discontinuing a tax
5 hereunder or effecting a change in the rate thereof shall be
6 adopted and a certified copy thereof filed with the Department
7 on or before the first day of June, whereupon the Department
8 shall proceed to administer and enforce this Section as of the
9 first day of September next following the adoption and filing.

10 Beginning January 1, 1992, an ordinance or resolution imposing
11 or discontinuing the tax hereunder or effecting a change in the
12 rate thereof shall be adopted and a certified copy thereof
13 filed with the Department on or before the first day of July,
14 whereupon the Department shall proceed to administer and
15 enforce this Section as of the first day of October next
16 following such adoption and filing. Beginning January 1, 1993,
17 an ordinance or resolution imposing or discontinuing the tax
18 hereunder or effecting a change in the rate thereof shall be
19 adopted and a certified copy thereof filed with the Department
20 on or before the first day of October, whereupon the Department
21 shall proceed to administer and enforce this Section as of the
22 first day of January next following the adoption and filing.

23 However, a municipality located in a county with a population
24 in excess of 3,000,000 that elected to become a home rule unit
25 at the general primary election in 1994 may adopt an ordinance
26 or resolution imposing the tax under this Section and file a

1 certified copy of the ordinance or resolution with the
2 Department on or before July 1, 1994. The Department shall then
3 proceed to administer and enforce this Section as of October 1,
4 1994. Beginning April 1, 1998, an ordinance or resolution
5 imposing or discontinuing the tax hereunder or effecting a
6 change in the rate thereof shall either (i) be adopted and a
7 certified copy thereof filed with the Department on or before
8 the first day of April, whereupon the Department shall proceed
9 to administer and enforce this Section as of the first day of
10 July next following the adoption and filing; or (ii) be adopted
11 and a certified copy thereof filed with the Department on or
12 before the first day of October, whereupon the Department shall
13 proceed to administer and enforce this Section as of the first
14 day of January next following the adoption and filing.

15 When certifying the amount of a monthly disbursement to a
16 municipality under this Section, the Department shall increase
17 or decrease the amount by an amount necessary to offset any
18 misallocation of previous disbursements. The offset amount
19 shall be the amount erroneously disbursed within the previous 6
20 months from the time a misallocation is discovered.

21 Any unobligated balance remaining in the Municipal
22 Retailers' Occupation Tax Fund on December 31, 1989, which fund
23 was abolished by Public Act 85-1135, and all receipts of
24 municipal tax as a result of audits of liability periods prior
25 to January 1, 1990, shall be paid into the Local Government Tax
26 Fund for distribution as provided by this Section prior to the

1 enactment of Public Act 85-1135. All receipts of municipal tax
2 as a result of an assessment not arising from an audit, for
3 liability periods prior to January 1, 1990, shall be paid into
4 the Local Government Tax Fund for distribution before July 1,
5 1990, as provided by this Section prior to the enactment of
6 Public Act 85-1135; and on and after July 1, 1990, all such
7 receipts shall be distributed as provided in Section 6z-18 of
8 the State Finance Act.

9 As used in this Section, "municipal" and "municipality"
10 means a city, village or incorporated town, including an
11 incorporated town that has superseded a civil township.

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

14 (Source: P.A. 99-217, eff. 7-31-15; 100-23, eff. 7-6-17;
15 100-587, eff. 6-4-18.)

16 (65 ILCS 5/8-11-1.3) (from Ch. 24, par. 8-11-1.3)

17 Sec. 8-11-1.3. Non-Home Rule Municipal Retailers'
18 Occupation Tax Act. The corporate authorities of a non-home
19 rule municipality may impose a tax upon all persons engaged in
20 the business of selling tangible personal property, other than
21 on an item of tangible personal property which is titled and
22 registered by an agency of this State's Government, at retail
23 in the municipality for expenditure on public infrastructure or
24 for property tax relief or both as defined in Section 8-11-1.2
25 if approved by referendum as provided in Section 8-11-1.1, of

1 the gross receipts from such sales made in the course of such
2 business. If the tax is approved by referendum on or after July
3 14, 2010 (the effective date of Public Act 96-1057), the
4 corporate authorities of a non-home rule municipality may,
5 until December 31, 2020, use the proceeds of the tax for
6 expenditure on municipal operations, in addition to or in lieu
7 of any expenditure on public infrastructure or for property tax
8 relief. The tax imposed may not be more than 1% and may be
9 imposed only in 1/4% increments. The tax may not be imposed on
10 the sale of food for human consumption that is to be consumed
11 off the premises where it is sold (other than alcoholic
12 beverages, soft drinks, and food that has been prepared for
13 immediate consumption) and prescription and nonprescription
14 medicines, drugs, medical appliances, and insulin, urine
15 testing materials, syringes, and needles used by diabetics. The
16 tax imposed by a municipality pursuant to this Section and all
17 civil penalties that may be assessed as an incident thereof
18 shall be collected and enforced by the State Department of
19 Revenue. The certificate of registration which is issued by the
20 Department to a retailer under the Retailers' Occupation Tax
21 Act shall permit such retailer to engage in a business which is
22 taxable under any ordinance or resolution enacted pursuant to
23 this Section without registering separately with the
24 Department under such ordinance or resolution or under this
25 Section. The Department shall have full power to administer and
26 enforce this Section; to collect all taxes and penalties due

1 hereunder; to dispose of taxes and penalties so collected in
2 the manner hereinafter provided, and to determine all rights to
3 credit memoranda, arising on account of the erroneous payment
4 of tax or penalty hereunder. In the administration of, and
5 compliance with, this Section, the Department and persons who
6 are subject to this Section shall have the same rights,
7 remedies, privileges, immunities, powers and duties, and be
8 subject to the same conditions, restrictions, limitations,
9 penalties and definitions of terms, and employ the same modes
10 of procedure, as are prescribed in Sections 1, 1a, 1a-1, 1d,
11 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all provisions
12 therein other than the State rate of tax), 2c, 3 (except as to
13 the disposition of taxes and penalties collected), 4, 5, 5a,
14 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d,
15 7, 8, 9, 10, 11, 12 and 13 of the Retailers' Occupation Tax Act
16 and Section 3-7 of the Uniform Penalty and Interest Act as
17 fully as if those provisions were set forth herein.

18 No municipality may impose a tax under this Section unless
19 the municipality also imposes a tax at the same rate under
20 Section 8-11-1.4 of this Code.

21 Persons subject to any tax imposed pursuant to the
22 authority granted in this Section may reimburse themselves for
23 their seller's tax liability hereunder by separately stating
24 such tax as an additional charge, which charge may be stated in
25 combination, in a single amount, with State tax which sellers
26 are required to collect under the Use Tax Act, pursuant to such

1 bracket schedules as the Department may prescribe.

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

10 The Department shall forthwith pay over to the State
11 Treasurer, ex officio, as trustee, all taxes and penalties
12 collected hereunder.

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 municipalities,
25 the municipalities to be those from which retailers have paid
26 taxes or penalties hereunder to the Department during the

1 second preceding calendar month. The amount to be paid to each
2 municipality shall be the amount (not including credit
3 memoranda) collected hereunder during the second preceding
4 calendar month by the Department plus an amount the Department
5 determines is necessary to offset any amounts which were
6 erroneously paid to a different taxing body, and not including
7 an amount equal to the amount of refunds made during the second
8 preceding calendar month by the Department on behalf of such
9 municipality, and not including any amount which the Department
10 determines is necessary to offset any amounts which were
11 payable to a different taxing body but were erroneously paid to
12 the municipality, and not including any amounts that are
13 transferred to the STAR Bonds Revenue Fund, less 1% ~~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 municipalities, shall
17 prepare and certify to the State Comptroller the amount to be
18 transferred into the Tax Compliance and Administration Fund
19 under this Section. Within 10 days after receipt, by the
20 Comptroller, of the disbursement certification to the
21 municipalities and the Tax Compliance and Administration Fund
22 provided for in this Section to be given to the Comptroller by
23 the Department, the Comptroller shall cause the orders to be
24 drawn for the respective amounts in accordance with the
25 directions contained in such certification.

26 For the purpose of determining the local governmental unit

1 whose tax is applicable, a retail sale, by a producer of coal
2 or other mineral mined in Illinois, is a sale at retail at the
3 place where the coal or other mineral mined in Illinois is
4 extracted from the earth. This paragraph does not apply to coal
5 or other mineral when it is delivered or shipped by the seller
6 to the purchaser at a point outside Illinois so that the sale
7 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 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 When certifying the amount of a monthly disbursement to a
14 municipality under this Section, the Department shall increase
15 or decrease such 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 The Department of Revenue shall implement this amendatory
20 Act of the 91st General Assembly so as to collect the tax on
21 and after January 1, 2002.

22 As used in this Section, "municipal" and "municipality"
23 means a city, village or incorporated town, including an
24 incorporated town which has superseded a civil township.

25 This Section shall be known and may be cited as the
26 "Non-Home Rule Municipal Retailers' Occupation Tax Act".

1 (Source: P.A. 99-217, eff. 7-31-15; 100-23, eff. 7-6-17;
2 100-587, eff. 6-4-18.)

3 (65 ILCS 5/8-11-1.4) (from Ch. 24, par. 8-11-1.4)

4 Sec. 8-11-1.4. Non-Home Rule Municipal Service Occupation
5 Tax Act. The corporate authorities of a non-home rule
6 municipality may impose a tax upon all persons engaged, in such
7 municipality, in the business of making sales of service for
8 expenditure on public infrastructure or for property tax relief
9 or both as defined in Section 8-11-1.2 if approved by
10 referendum as provided in Section 8-11-1.1, of the selling
11 price of all tangible personal property transferred by such
12 servicemen either in the form of tangible personal property or
13 in the form of real estate as an incident to a sale of service.
14 If the tax is approved by referendum on or after July 14, 2010
15 (the effective date of Public Act 96-1057), the corporate
16 authorities of a non-home rule municipality may, until December
17 31, 2020, use the proceeds of the tax for expenditure on
18 municipal operations, in addition to or in lieu of any
19 expenditure on public infrastructure or for property tax
20 relief. The tax imposed may not be more than 1% and may be
21 imposed only in 1/4% increments. The tax may not be imposed on
22 the sale of food for human consumption that is to be consumed
23 off the premises where it is sold (other than alcoholic
24 beverages, soft drinks, and food that has been prepared for
25 immediate consumption) and prescription and nonprescription

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

1 taxing municipality), 5, 7, 8 (except that the jurisdiction to
2 which the tax shall be a debt to the extent indicated in that
3 Section 8 shall be the taxing municipality), 9 (except as to
4 the disposition of taxes and penalties collected, and except
5 that the returned merchandise credit for this municipal tax may
6 not be taken against any State tax), 10, 11, 12 (except the
7 reference therein to Section 2b of the Retailers' Occupation
8 Tax Act), 13 (except that any reference to the State shall mean
9 the taxing municipality), the first paragraph of Section 15,
10 16, 17, 18, 19 and 20 of the Service Occupation Tax Act and
11 Section 3-7 of the Uniform Penalty and Interest Act, as fully
12 as if those provisions were set forth herein.

13 No municipality may impose a tax under this Section unless
14 the municipality also imposes a tax at the same rate under
15 Section 8-11-1.3 of this Code.

16 Persons subject to any tax imposed pursuant to the
17 authority granted in this Section may reimburse themselves for
18 their serviceman's tax liability hereunder by separately
19 stating such tax as an additional charge, which charge may be
20 stated in combination, in a single amount, with State tax which
21 servicemen are authorized to collect under the Service Use Tax
22 Act, pursuant to such bracket schedules as the Department may
23 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. Such refund shall be paid by the State Treasurer
4 out of the municipal retailers' occupation tax fund.

5 The Department shall forthwith pay over to the State
6 Treasurer, ex officio, as trustee, all taxes and penalties
7 collected hereunder.

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 suppliers and
21 servicemen have paid taxes or penalties hereunder to the
22 Department during the second preceding calendar month. The
23 amount to be paid to each municipality shall be the amount (not
24 including credit memoranda) collected hereunder during the
25 second preceding calendar month by the Department, and 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 such municipality, and not including any amounts that are
3 transferred to the STAR Bonds Revenue Fund, less 1% ~~1.5%~~ of the
4 remainder, which the Department shall transfer into the Tax
5 Compliance and Administration Fund. The Department, at the time
6 of each monthly disbursement to the municipalities, shall
7 prepare and certify to the State Comptroller the amount to be
8 transferred into the Tax Compliance and Administration Fund
9 under this Section. Within 10 days after receipt, by the
10 Comptroller, of the disbursement certification to the
11 municipalities, the General Revenue Fund, and the Tax
12 Compliance and Administration Fund provided for in this Section
13 to be given to the Comptroller by the Department, the
14 Comptroller shall cause the orders to be drawn for the
15 respective amounts in accordance with the directions contained
16 in such certification.

17 The Department of Revenue shall implement this amendatory
18 Act of the 91st General Assembly so as to collect the tax on
19 and after January 1, 2002.

20 Nothing in this Section shall be construed to authorize a
21 municipality 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 this State.

24 As used in this Section, "municipal" or "municipality"
25 means or refers to a city, village or incorporated town,
26 including an incorporated town which has superseded a civil

1 township.

2 This Section shall be known and may be cited as the
3 "Non-Home Rule Municipal Service Occupation Tax Act".

4 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18.)

5 (65 ILCS 5/8-11-1.6)

6 Sec. 8-11-1.6. Non-home rule municipal retailers
7 occupation tax; municipalities between 20,000 and 25,000. The
8 corporate authorities of a non-home rule municipality with a
9 population of more than 20,000 but less than 25,000 that has,
10 prior to January 1, 1987, established a Redevelopment Project
11 Area that has been certified as a State Sales Tax Boundary and
12 has issued bonds or otherwise incurred indebtedness to pay for
13 costs in excess of \$5,000,000, which is secured in part by a
14 tax increment allocation fund, in accordance with the
15 provisions of Division 11-74.4 of this Code may, by passage of
16 an ordinance, impose a tax upon all persons engaged in the
17 business of selling tangible personal property, other than on
18 an item of tangible personal property that is titled and
19 registered by an agency of this State's Government, at retail
20 in the municipality. This tax may not be imposed on the sales
21 of food for human consumption that is to be consumed off the
22 premises where it is sold (other than alcoholic beverages, soft
23 drinks, and food that has been prepared for immediate
24 consumption) and prescription and nonprescription medicines,
25 drugs, medical appliances and insulin, urine testing

1 materials, syringes, and needles used by diabetics. If imposed,
2 the tax shall only be imposed in .25% increments of the gross
3 receipts from such sales made in the course of business. Any
4 tax imposed by a municipality under this Section and all civil
5 penalties that may be assessed as an incident thereof shall be
6 collected and enforced by the State Department of Revenue. An
7 ordinance imposing a tax hereunder or effecting a change in the
8 rate thereof shall be adopted and a certified copy thereof
9 filed with the Department on or before the first day of
10 October, whereupon the Department shall proceed to administer
11 and enforce this Section as of the first day of January next
12 following such adoption and filing. The certificate of
13 registration that is issued by the Department to a retailer
14 under the Retailers' Occupation Tax Act shall permit the
15 retailer to engage in a business that is taxable under any
16 ordinance or resolution enacted under this Section without
17 registering separately with the Department under the ordinance
18 or resolution or under this Section. The Department shall have
19 full power to administer and enforce this Section, to collect
20 all taxes and penalties due hereunder, to dispose of taxes and
21 penalties so collected in the manner hereinafter provided, and
22 to determine all rights to credit memoranda, arising on account
23 of the erroneous payment of tax or penalty hereunder. In the
24 administration of, and compliance with this Section, the
25 Department and persons who are subject to this Section shall
26 have the same rights, remedies, privileges, immunities,

1 powers, and duties, and be subject to the same conditions,
2 restrictions, limitations, penalties, and definitions of
3 terms, and employ the same modes of procedure, as are
4 prescribed in Sections 1, 1a, 1a-1, 1d, 1e, 1f, 1i, 1j, 2
5 through 2-65 (in respect to all provisions therein other than
6 the State rate of tax), 2c, 3 (except as to the disposition of
7 taxes and penalties collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f,
8 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 12
9 and 13 of the Retailers' Occupation Tax Act and Section 3-7 of
10 the Uniform Penalty and Interest Act as fully as if those
11 provisions were set forth herein.

12 A tax may not be imposed by a municipality under this
13 Section unless the municipality also imposes a tax at the same
14 rate under Section 8-11-1.7 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 the 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 Non-Home Rule Municipal Retailers'
3 Occupation Tax Fund, which is hereby created.

4 The Department shall forthwith pay over to the State
5 Treasurer, ex officio, as trustee, all taxes and penalties
6 collected hereunder.

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

15 After the monthly transfer to the STAR Bonds Revenue Fund,
16 on or before the 25th day of each calendar month, the
17 Department shall prepare and certify to the Comptroller the
18 disbursement of stated sums of money to named municipalities,
19 the municipalities to be those from which retailers have paid
20 taxes or penalties hereunder to the Department during the
21 second preceding calendar month. The amount to be paid to each
22 municipality shall be the amount (not including credit
23 memoranda) collected hereunder during the second preceding
24 calendar month by the Department plus an amount the Department
25 determines is necessary to offset any amounts that were
26 erroneously paid to a different taxing body, and not including

1 an amount equal to the amount of refunds made during the second
2 preceding calendar month by the Department on behalf of the
3 municipality, and not including any amount that the Department
4 determines is necessary to offset any amounts that were payable
5 to a different taxing body but were erroneously paid to the
6 municipality, and not including any amounts that are
7 transferred to the STAR Bonds Revenue Fund, less 1% ~~4.5%~~ 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 the certification.

20 For the purpose of determining the local governmental unit
21 whose tax is applicable, a retail sale by a producer of coal or
22 other mineral mined in Illinois is a sale at retail at the
23 place where the coal or other mineral mined in Illinois is
24 extracted from the earth. This paragraph does not apply to coal
25 or other mineral when it is delivered or shipped by the seller
26 to the purchaser at a point outside Illinois so that the sale

1 is exempt under the federal Constitution as a sale in
2 interstate or foreign commerce.

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

13 As used in this Section, "municipal" and "municipality"
14 means a city, village, or incorporated town, including an
15 incorporated town that has superseded a civil township.

16 (Source: P.A. 99-217, eff. 7-31-15; 99-642, eff. 7-28-16;
17 100-23, eff. 7-6-17; 100-587, eff. 6-4-18; 100-863, eff.
18 8-14-18.)

19 (65 ILCS 5/8-11-1.7)

20 Sec. 8-11-1.7. Non-home rule municipal service occupation
21 tax; municipalities between 20,000 and 25,000. The corporate
22 authorities of a non-home rule municipality with a population
23 of more than 20,000 but less than 25,000 as determined by the
24 last preceding decennial census that has, prior to January 1,
25 1987, established a Redevelopment Project Area that has been

1 certified as a State Sales Tax Boundary and has issued bonds or
2 otherwise incurred indebtedness to pay for costs in excess of
3 \$5,000,000, which is secured in part by a tax increment
4 allocation fund, in accordance with the provisions of Division
5 11-74.4 of this Code may, by passage of an ordinance, impose a
6 tax upon all persons engaged in the municipality in the
7 business of making sales of service. If imposed, the tax shall
8 only be imposed in .25% increments of the selling price of all
9 tangible personal property transferred by such servicemen
10 either in the form of tangible personal property or in the form
11 of real estate as an incident to a sale of service. This tax
12 may not be imposed on the sales of food for human consumption
13 that is to be consumed off the premises where it is sold (other
14 than alcoholic beverages, soft drinks, and food that has been
15 prepared for immediate consumption) and prescription and
16 nonprescription medicines, drugs, medical appliances and
17 insulin, urine testing materials, syringes, and needles used by
18 diabetics. The tax imposed by a municipality under this Section
19 and all civil penalties that may be assessed as an incident
20 thereof shall be collected and enforced by the State Department
21 of Revenue. An ordinance imposing a tax hereunder or effecting
22 a change in the rate thereof shall be adopted and a certified
23 copy thereof filed with the Department on or before the first
24 day of October, whereupon the Department shall proceed to
25 administer and enforce this Section as of the first day of
26 January next following such adoption and filing. The

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

1 be taken against any State tax), 10, 11, 12, (except the
2 reference therein to Section 2b of the Retailers' Occupation
3 Tax Act), 13 (except that any reference to the State shall mean
4 the taxing municipality), the first paragraph of Sections 15,
5 16, 17, 18, 19, and 20 of the Service Occupation Tax Act and
6 Section 3-7 of the Uniform Penalty and Interest Act, as fully
7 as if those provisions were set forth herein.

8 A tax may not be imposed by a municipality under this
9 Section unless the municipality also imposes a tax at the same
10 rate under Section 8-11-1.6 of this Act.

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

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

25 The Department shall forthwith pay over to the State
26 Treasurer, ex officio, as trustee, all taxes and penalties

1 collected hereunder.

2 As soon as possible after the first day of each month,
3 beginning January 1, 2011, upon certification of the Department
4 of Revenue, the Comptroller shall order transferred, and the
5 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
6 local sales tax increment, as defined in the Innovation
7 Development and Economy Act, collected under this Section
8 during the second preceding calendar month for sales within a
9 STAR bond district.

10 After the monthly transfer to the STAR Bonds Revenue Fund,
11 on or before the 25th day of each calendar month, the
12 Department shall prepare and certify to the Comptroller the
13 disbursement of stated sums of money to named municipalities,
14 the municipalities to be those from which suppliers and
15 servicemen have paid taxes or penalties hereunder to the
16 Department during the second preceding calendar month. The
17 amount to be paid to each municipality shall be the amount (not
18 including credit memoranda) collected hereunder during the
19 second preceding calendar month by the Department, and not
20 including an amount equal to the amount of refunds made during
21 the second preceding calendar month by the Department on behalf
22 of such municipality, and not including any amounts that are
23 transferred to the STAR Bonds Revenue Fund, less 1% ~~1.5%~~ of the
24 remainder, which the Department shall transfer into the Tax
25 Compliance and Administration Fund. The Department, at the time
26 of each monthly disbursement to the municipalities, shall

1 prepare and certify to the State Comptroller the amount to be
2 transferred into the Tax Compliance and Administration Fund
3 under this Section. Within 10 days after receipt by the
4 Comptroller of the disbursement certification to the
5 municipalities, the Tax Compliance and Administration Fund,
6 and the General Revenue Fund, provided for in this Section to
7 be given to the Comptroller by the Department, the Comptroller
8 shall cause the orders to be drawn for the respective amounts
9 in accordance with the directions contained in the
10 certification.

11 When certifying the amount of a monthly disbursement to a
12 municipality under this Section, the Department shall increase
13 or decrease the amount by an amount necessary to offset any
14 misallocation of previous disbursements. The offset amount
15 shall be the amount erroneously disbursed within the previous 6
16 months from the time a misallocation is discovered.

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

21 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
22 100-863, eff. 8-14-18.)

23 (65 ILCS 5/8-11-5) (from Ch. 24, par. 8-11-5)

24 Sec. 8-11-5. Home Rule Municipal Service Occupation Tax
25 Act. The corporate authorities of a home rule municipality may

1 impose a tax upon all persons engaged, in such municipality, in
2 the business of making sales of service at the same rate of tax
3 imposed pursuant to Section 8-11-1, of the selling price of all
4 tangible personal property transferred by such servicemen
5 either in the form of tangible personal property or in the form
6 of real estate as an incident to a sale of service. If imposed,
7 such tax shall only be imposed in 1/4% increments. On and after
8 September 1, 1991, this additional tax may not be imposed on
9 the sales of food for human consumption which is to be consumed
10 off the premises where it is sold (other than alcoholic
11 beverages, soft drinks and food which has been prepared for
12 immediate consumption) and prescription and nonprescription
13 medicines, drugs, medical appliances and insulin, urine
14 testing materials, syringes and needles used by diabetics. The
15 tax imposed by a home rule municipality pursuant to this
16 Section and all civil penalties that may be assessed as an
17 incident thereof shall be collected and enforced by the State
18 Department of Revenue. The certificate of registration which is
19 issued by the Department to a retailer under the Retailers'
20 Occupation Tax Act or under the Service Occupation Tax Act
21 shall permit such registrant to engage in a business which is
22 taxable under any ordinance or resolution enacted pursuant to
23 this Section without registering separately with the
24 Department under such ordinance or resolution or under this
25 Section. The Department shall have full power to administer and
26 enforce this Section; to collect all taxes and penalties due

1 hereunder; to dispose of taxes and penalties so collected in
2 the manner hereinafter provided, and to determine all rights to
3 credit memoranda arising on account of the erroneous payment of
4 tax or penalty hereunder. In the administration of, and
5 compliance with, this Section the Department and persons who
6 are subject to this Section shall have the same rights,
7 remedies, privileges, immunities, powers and duties, and be
8 subject to the same conditions, restrictions, limitations,
9 penalties and definitions of terms, and employ the same modes
10 of procedure, as are prescribed in Sections 1a-1, 2, 2a, 3
11 through 3-50 (in respect to all provisions therein other than
12 the State rate of tax), 4 (except that the reference to the
13 State shall be to the taxing municipality), 5, 7, 8 (except
14 that the jurisdiction to which the tax shall be a debt to the
15 extent indicated in that Section 8 shall be the taxing
16 municipality), 9 (except as to the disposition of taxes and
17 penalties collected, and except that the returned merchandise
18 credit for this municipal tax may not be taken against any
19 State tax), 10, 11, 12 (except the reference therein to Section
20 2b of the Retailers' Occupation Tax Act), 13 (except that any
21 reference to the State shall mean the taxing municipality), the
22 first paragraph of Section 15, 16, 17 (except that credit
23 memoranda issued hereunder may not be used to discharge any
24 State tax liability), 18, 19 and 20 of the Service Occupation
25 Tax Act and Section 3-7 of the Uniform Penalty and Interest
26 Act, as fully as if those provisions were set forth herein.

1 No tax may be imposed by a home rule municipality pursuant
2 to this Section unless such municipality also imposes a tax at
3 the same rate pursuant to Section 8-11-1 of this Act.

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

12 Whenever the Department determines that a refund should be
13 made under this Section to a claimant instead of issuing credit
14 memorandum, the Department shall notify the State Comptroller,
15 who shall cause the order to be drawn for the amount specified,
16 and to the person named, in such notification from the
17 Department. Such refund shall be paid by the State Treasurer
18 out of the home rule municipal retailers' occupation tax fund.

19 The Department shall forthwith pay over to the State
20 Treasurer, ex-officio, as trustee, all taxes and penalties
21 collected hereunder.

22 As soon as possible after the first day of each month,
23 beginning January 1, 2011, upon certification of the Department
24 of Revenue, the Comptroller shall order transferred, and the
25 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
26 local sales tax increment, as defined in the Innovation

1 Development and Economy Act, collected under this Section
2 during the second preceding calendar month for sales within a
3 STAR bond district.

4 After the monthly transfer to the STAR Bonds Revenue Fund,
5 on or before the 25th day of each calendar month, the
6 Department shall prepare and certify to the Comptroller the
7 disbursement of stated sums of money to named municipalities,
8 the municipalities to be those from which suppliers and
9 servicemen have paid taxes or penalties hereunder to the
10 Department during the second preceding calendar month. The
11 amount to be paid to each municipality shall be the amount (not
12 including credit memoranda) collected hereunder during the
13 second preceding calendar month by the Department, and not
14 including an amount equal to the amount of refunds made during
15 the second preceding calendar month by the Department on behalf
16 of such municipality, and not including any amounts that are
17 transferred to the STAR Bonds Revenue Fund, less 1% ~~1.5%~~ of the
18 remainder, which the Department shall transfer into the Tax
19 Compliance and Administration Fund. The Department, at the time
20 of each monthly disbursement to the municipalities, shall
21 prepare and certify to the State Comptroller the amount to be
22 transferred into the Tax Compliance and Administration Fund
23 under this Section. Within 10 days after receipt, by the
24 Comptroller, of the disbursement certification to the
25 municipalities and the Tax Compliance and Administration Fund
26 provided for in this Section to be given to the Comptroller by

1 the Department, the Comptroller shall cause the orders to be
2 drawn for the respective amounts in accordance with the
3 directions contained in such certification.

4 In addition to the disbursement required by the preceding
5 paragraph and in order to mitigate delays caused by
6 distribution procedures, an allocation shall, if requested, be
7 made within 10 days after January 14, 1991, and in November of
8 1991 and each year thereafter, to each municipality that
9 received more than \$500,000 during the preceding fiscal year,
10 (July 1 through June 30) whether collected by the municipality
11 or disbursed by the Department as required by this Section.
12 Within 10 days after January 14, 1991, participating
13 municipalities shall notify the Department in writing of their
14 intent to participate. In addition, for the initial
15 distribution, participating municipalities shall certify to
16 the Department the amounts collected by the municipality for
17 each month under its home rule occupation and service
18 occupation tax during the period July 1, 1989 through June 30,
19 1990. The allocation within 10 days after January 14, 1991,
20 shall be in an amount equal to the monthly average of these
21 amounts, excluding the 2 months of highest receipts. Monthly
22 average for the period of July 1, 1990 through June 30, 1991
23 will be determined as follows: the amounts collected by the
24 municipality under its home rule occupation and service
25 occupation tax during the period of July 1, 1990 through
26 September 30, 1990, plus amounts collected by the Department

1 and paid to such municipality through June 30, 1991, excluding
2 the 2 months of highest receipts. The monthly average for each
3 subsequent period of July 1 through June 30 shall be an amount
4 equal to the monthly distribution made to each such
5 municipality under the preceding paragraph during this period,
6 excluding the 2 months of highest receipts. The distribution
7 made in November 1991 and each year thereafter under this
8 paragraph and the preceding paragraph shall be reduced by the
9 amount allocated and disbursed under this paragraph in the
10 preceding period of July 1 through June 30. The Department
11 shall prepare and certify to the Comptroller for disbursement
12 the allocations made in accordance with this paragraph.

13 Nothing in this Section shall be construed to authorize a
14 municipality to impose a tax upon the privilege of engaging in
15 any business which under the constitution of the United States
16 may not be made the subject of taxation by this State.

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

1 whereupon the Department shall proceed to administer and
2 enforce this Section as of the first day of October next
3 following such adoption and filing. Beginning January 1, 1993,
4 an ordinance or resolution imposing or discontinuing the tax
5 hereunder or effecting a change in the rate thereof shall be
6 adopted and a certified copy thereof filed with the Department
7 on or before the first day of October, whereupon the Department
8 shall proceed to administer and enforce this Section as of the
9 first day of January next following such adoption and filing.
10 However, a municipality located in a county with a population
11 in excess of 3,000,000 that elected to become a home rule unit
12 at the general primary election in 1994 may adopt an ordinance
13 or resolution imposing the tax under this Section and file a
14 certified copy of the ordinance or resolution with the
15 Department on or before July 1, 1994. The Department shall then
16 proceed to administer and enforce this Section as of October 1,
17 1994. Beginning April 1, 1998, an ordinance or resolution
18 imposing or discontinuing the tax hereunder or effecting a
19 change in the rate thereof shall either (i) be adopted and a
20 certified copy thereof filed with the Department on or before
21 the first day of April, whereupon the Department shall proceed
22 to administer and enforce this Section as of the first day of
23 July next following the adoption and filing; or (ii) be adopted
24 and a certified copy thereof filed with the Department on or
25 before the first day of October, whereupon the Department shall
26 proceed to administer and enforce this Section as of the first

1 day of January next following the adoption and filing.

2 Any unobligated balance remaining in the Municipal
3 Retailers' Occupation Tax Fund on December 31, 1989, which fund
4 was abolished by Public Act 85-1135, and all receipts of
5 municipal tax as a result of audits of liability periods prior
6 to January 1, 1990, shall be paid into the Local Government Tax
7 Fund, for distribution as provided by this Section prior to the
8 enactment of Public Act 85-1135. All receipts of municipal tax
9 as a result of an assessment not arising from an audit, for
10 liability periods prior to January 1, 1990, shall be paid into
11 the Local Government Tax Fund for distribution before July 1,
12 1990, as provided by this Section prior to the enactment of
13 Public Act 85-1135, and on and after July 1, 1990, all such
14 receipts shall be distributed as provided in Section 6z-18 of
15 the State Finance Act.

16 As used in this Section, "municipal" and "municipality"
17 means a city, village or incorporated town, including an
18 incorporated town which has superseded a civil township.

19 This Section shall be known and may be cited as the Home
20 Rule Municipal Service Occupation Tax Act.

21 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18.)

22 Section 20. The Metro-East Park and Recreation District Act
23 is amended by changing Section 30 as follows:

24 (70 ILCS 1605/30)

1 Sec. 30. Taxes.

2 (a) The board shall impose a tax upon all persons engaged
3 in the business of selling tangible personal property, other
4 than personal property titled or registered with an agency of
5 this State's government, at retail in the District on the gross
6 receipts from the sales made in the course of business. This
7 tax shall be imposed only at the rate of one-tenth of one per
8 cent.

9 This additional tax may not be imposed on the sales of food
10 for human consumption that is to be consumed off the premises
11 where it is sold (other than alcoholic beverages, soft drinks,
12 and food which has been prepared for immediate consumption) and
13 prescription and non-prescription medicines, drugs, medical
14 appliances, and insulin, urine testing materials, syringes,
15 and needles used by diabetics. The tax imposed by the Board
16 under this Section and all civil penalties that may be assessed
17 as an incident of the tax shall be collected and enforced by
18 the Department of Revenue. The certificate of registration that
19 is issued by the Department to a retailer under the Retailers'
20 Occupation Tax Act shall permit the retailer to engage in a
21 business that is taxable without registering separately with
22 the Department under an ordinance or resolution under this
23 Section. The Department has full power to administer and
24 enforce this Section, to collect all taxes and penalties due
25 under this Section, to dispose of taxes and penalties so
26 collected in the manner provided in this Section, and to

1 determine all rights to credit memoranda arising on account of
2 the erroneous payment of a tax or penalty under this Section.
3 In the administration of and compliance with this Section, the
4 Department and persons who are subject to this Section shall
5 (i) have the same rights, remedies, privileges, immunities,
6 powers, and duties, (ii) be subject to the same conditions,
7 restrictions, limitations, penalties, and definitions of
8 terms, and (iii) employ the same modes of procedure as are
9 prescribed in Sections 1, 1a, 1a-1, 1d, 1e, 1f, 1i, 1j, 1k, 1m,
10 1n, 2, 2-5, 2-5.5, 2-10 (in respect to all provisions contained
11 in those Sections other than the State rate of tax), 2-12, 2-15
12 through 2-70, 2a, 2b, 2c, 3 (except provisions relating to
13 transaction returns and quarter monthly payments), 4, 5, 5a,
14 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d,
15 7, 8, 9, 10, 11, 11a, 12, and 13 of the Retailers' Occupation
16 Tax Act and the Uniform Penalty and Interest Act as if those
17 provisions were set forth in this Section.

18 Persons subject to any tax imposed under the authority
19 granted in this Section may reimburse themselves for their
20 sellers' tax liability by separately stating the tax as an
21 additional charge, which charge may be stated in combination,
22 in a single amount, with State tax which sellers are required
23 to collect under the Use Tax Act, pursuant to such bracketed
24 schedules as the Department may prescribe.

25 Whenever the Department determines that a refund should be
26 made under this Section to a claimant instead of issuing a

1 credit memorandum, the Department shall notify the State
2 Comptroller, who shall cause the order 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 State Metro-East Park and Recreation
6 District Fund.

7 (b) If a tax has been imposed under subsection (a), a
8 service occupation tax shall also be imposed at the same rate
9 upon all persons engaged, in the District, in the business of
10 making sales of service, who, as an incident to making those
11 sales of service, transfer tangible personal property within
12 the District as an incident to a sale of service. This tax may
13 not be imposed on sales of food for human consumption that is
14 to be consumed off the premises where it is sold (other than
15 alcoholic beverages, soft drinks, and food prepared for
16 immediate consumption) and prescription and non-prescription
17 medicines, drugs, medical appliances, and insulin, urine
18 testing materials, syringes, and needles used by diabetics. The
19 tax imposed under this subsection and all civil penalties that
20 may be assessed as an incident thereof shall be collected and
21 enforced by the Department of Revenue. The Department has full
22 power to administer and enforce this subsection; to collect all
23 taxes and penalties due hereunder; to dispose of taxes and
24 penalties so collected in the manner hereinafter provided; and
25 to determine all rights to credit memoranda arising on account
26 of the erroneous payment of tax or penalty hereunder. In the

1 administration of, and compliance with this subsection, the
2 Department and persons who are subject to this paragraph shall
3 (i) have the same rights, remedies, privileges, immunities,
4 powers, and duties, (ii) be subject to the same conditions,
5 restrictions, limitations, penalties, exclusions, exemptions,
6 and definitions of terms, and (iii) employ the same modes of
7 procedure as are prescribed in Sections 2 (except that the
8 reference to State in the definition of supplier maintaining a
9 place of business in this State shall mean the District), 2a,
10 2b, 2c, 3 through 3-50 (in respect to all provisions therein
11 other than the State rate of tax), 4 (except that the reference
12 to the State shall be to the District), 5, 7, 8 (except that
13 the jurisdiction to which the tax shall be a debt to the extent
14 indicated in that Section 8 shall be the District), 9 (except
15 as to the disposition of taxes and penalties collected), 10,
16 11, 12 (except the reference therein to Section 2b of the
17 Retailers' Occupation Tax Act), 13 (except that any reference
18 to the State shall mean the District), Sections 15, 16, 17, 18,
19 19 and 20 of the Service Occupation Tax Act and the Uniform
20 Penalty and Interest Act, as fully as if those provisions were
21 set forth herein.

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

1 authorized to collect under the Service Use Tax Act, in
2 accordance with such bracket schedules as the Department may
3 prescribe.

4 Whenever the Department determines that a refund should be
5 made under this subsection to a claimant instead of issuing a
6 credit memorandum, the Department shall notify the State
7 Comptroller, who shall cause the warrant to be drawn for the
8 amount specified, and to the person named, in the notification
9 from the Department. The refund shall be paid by the State
10 Treasurer out of the State Metro-East Park and Recreation
11 District Fund.

12 Nothing in this subsection shall be construed to authorize
13 the board to impose a tax upon the privilege of engaging in any
14 business which under the Constitution of the United States may
15 not be made the subject of taxation by the State.

16 (c) The Department shall immediately pay over to the State
17 Treasurer, ex officio, as trustee, all taxes and penalties
18 collected under this Section to be deposited into the State
19 Metro-East Park and Recreation District Fund, which shall be an
20 unappropriated trust fund held outside of the State treasury.

21 As soon as possible after the first day of each month,
22 beginning January 1, 2011, upon certification of the Department
23 of Revenue, the Comptroller shall order transferred, and the
24 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
25 local sales tax increment, as defined in the Innovation
26 Development and Economy Act, collected under this Section

1 during the second preceding calendar month for sales within a
2 STAR bond district. The Department shall make this
3 certification only if the Metro East Park and Recreation
4 District imposes a tax on real property as provided in the
5 definition of "local sales taxes" under the Innovation
6 Development and Economy Act.

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 pursuant to Section 35 of
11 this Act to the District from which retailers have paid taxes
12 or penalties to the Department during the second preceding
13 calendar month. The amount to be paid to the District shall be
14 the amount (not including credit memoranda) collected under
15 this Section during the second preceding calendar month by the
16 Department plus an amount the Department determines is
17 necessary to offset any amounts that were erroneously paid to a
18 different taxing body, and not including (i) an amount equal to
19 the amount of refunds made during the second preceding calendar
20 month by the Department on behalf of the District, (ii) any
21 amount that the Department determines is necessary to offset
22 any amounts that were payable to a different taxing body but
23 were erroneously paid to the District, (iii) any amounts that
24 are transferred to the STAR Bonds Revenue Fund, and (iv) 1%
25 ~~1.5%~~ of the remainder, which the Department shall transfer into
26 the Tax Compliance and Administration Fund. The Department, at

1 the time of each monthly disbursement to the District, 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 subsection. Within 10 days after receipt by the
5 Comptroller of the disbursement certification to the District
6 and the Tax Compliance and Administration Fund provided for in
7 this Section to be given to the Comptroller by the Department,
8 the Comptroller shall cause the orders to be drawn for the
9 respective amounts in accordance with directions contained in
10 the certification.

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

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

24 (f) An ordinance imposing a tax under this Section or an
25 ordinance extending the imposition of a tax to an additional
26 county or counties shall be certified by the board and filed

1 with the Department of Revenue either (i) on or before the
2 first day of April, whereupon the Department shall proceed to
3 administer and enforce the tax as of the first day of July next
4 following the filing; or (ii) on or before the first day of
5 October, whereupon the Department shall proceed to administer
6 and enforce the tax as of the first day of January next
7 following the filing.

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

14 (Source: P.A. 99-217, eff. 7-31-15; 100-23, eff. 7-6-17;
15 100-587, eff. 6-4-18.)

16 Section 25. The Local Mass Transit District Act is amended
17 by changing Section 5.01 as follows:

18 (70 ILCS 3610/5.01) (from Ch. 111 2/3, par. 355.01)

19 Sec. 5.01. Metro East Mass Transit District; use and
20 occupation taxes.

21 (a) The Board of Trustees of any Metro East Mass Transit
22 District may, by ordinance adopted with the concurrence of
23 two-thirds of the then trustees, impose throughout the District
24 any or all of the taxes and fees provided in this Section. All

1 taxes and fees imposed under this Section shall be used only
2 for public mass transportation systems, and the amount used to
3 provide mass transit service to unserved areas of the District
4 shall be in the same proportion to the total proceeds as the
5 number of persons residing in the unserved areas is to the
6 total population of the District. Except as otherwise provided
7 in this Act, taxes imposed under this Section and civil
8 penalties imposed incident thereto shall be collected and
9 enforced by the State Department of Revenue. The Department
10 shall have the power to administer and enforce the taxes and to
11 determine all rights for refunds for erroneous payments of the
12 taxes.

13 (b) The Board may impose a Metro East Mass Transit District
14 Retailers' Occupation Tax upon all persons engaged in the
15 business of selling tangible personal property at retail in the
16 district at a rate of 1/4 of 1%, or as authorized under
17 subsection (d-5) of this Section, of the gross receipts from
18 the sales made in the course of such business within the
19 district. The tax imposed under this Section and all civil
20 penalties that may be assessed as an incident thereof shall be
21 collected and enforced by the State Department of Revenue. The
22 Department shall have full power to administer and enforce this
23 Section; to collect all taxes and penalties so collected in the
24 manner hereinafter provided; and to determine all rights to
25 credit memoranda arising on account of the erroneous payment of
26 tax or penalty hereunder. In the administration of, and

1 compliance with, this Section, the Department and persons who
2 are subject to this Section shall have the same rights,
3 remedies, privileges, immunities, powers and duties, and be
4 subject to the same conditions, restrictions, limitations,
5 penalties, exclusions, exemptions and definitions of terms and
6 employ the same modes of procedure, as are prescribed in
7 Sections 1, 1a, 1a-1, 1c, 1d, 1e, 1f, 1i, 1j, 2 through 2-65
8 (in respect to all provisions therein other than the State rate
9 of tax), 2c, 3 (except as to the disposition of taxes and
10 penalties collected), 4, 5, 5a, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j,
11 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 12, 13, and 14 of
12 the Retailers' Occupation Tax Act and Section 3-7 of the
13 Uniform Penalty and Interest Act, as fully as if those
14 provisions were set forth herein.

15 Persons subject to any tax imposed under the Section may
16 reimburse themselves for their seller's tax liability
17 hereunder by separately stating the tax as an additional
18 charge, which charge may be stated in combination, in a single
19 amount, with State taxes that sellers are required to collect
20 under the Use Tax Act, in accordance with such bracket
21 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 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 Metro East Mass Transit District tax fund
3 established under paragraph (h) of this Section.

4 If a tax is imposed under this subsection (b), a tax shall
5 also be imposed under subsections (c) and (d) of this Section.

6 For the purpose of determining whether a tax authorized
7 under this Section is applicable, a retail sale, by a producer
8 of coal or other mineral mined in Illinois, is a sale at retail
9 at the place where the coal or other mineral mined in Illinois
10 is extracted from the earth. This paragraph does not apply to
11 coal or other mineral when it is delivered or shipped by the
12 seller to the purchaser at a point outside Illinois so that the
13 sale is exempt under the Federal Constitution as a sale in
14 interstate or foreign commerce.

15 No tax shall be imposed or collected under this subsection
16 on the sale of a motor vehicle in this State to a resident of
17 another state if that motor vehicle will not be titled in this
18 State.

19 Nothing in this Section shall be construed to authorize the
20 Metro East Mass Transit District to impose a tax upon the
21 privilege of engaging in any business which under the
22 Constitution of the United States may not be made the subject
23 of taxation by this State.

24 (c) If a tax has been imposed under subsection (b), a Metro
25 East Mass Transit District Service Occupation Tax shall also be
26 imposed upon all persons engaged, in the district, in the

1 business of making sales of service, who, as an incident to
2 making those sales of service, transfer tangible personal
3 property within the District, either in the form of tangible
4 personal property or in the form of real estate as an incident
5 to a sale of service. The tax rate shall be 1/4%, or as
6 authorized under subsection (d-5) of this Section, of the
7 selling price of tangible personal property so transferred
8 within the district. The tax imposed under this paragraph and
9 all civil penalties that may be assessed as an incident thereof
10 shall be collected and enforced by the State Department of
11 Revenue. The Department shall have full power to administer and
12 enforce this paragraph; to collect all taxes and penalties due
13 hereunder; to dispose of taxes and penalties so collected in
14 the manner hereinafter provided; and to determine all rights to
15 credit memoranda arising on account of the erroneous payment of
16 tax or penalty hereunder. In the administration of, and
17 compliance with this paragraph, the Department and persons who
18 are subject to this paragraph shall have the same rights,
19 remedies, privileges, immunities, powers and duties, and be
20 subject to the same conditions, restrictions, limitations,
21 penalties, exclusions, exemptions and definitions of terms and
22 employ the same modes of procedure as are prescribed in
23 Sections 1a-1, 2 (except that the reference to State in the
24 definition of supplier maintaining a place of business in this
25 State shall mean the Authority), 2a, 3 through 3-50 (in respect
26 to all provisions therein other than the State rate of tax), 4

1 (except that the reference to the State shall be to the
2 Authority), 5, 7, 8 (except that the jurisdiction to which the
3 tax shall be a debt to the extent indicated in that Section 8
4 shall be the District), 9 (except as to the disposition of
5 taxes and penalties collected, and except that the returned
6 merchandise credit for this tax may not be taken against any
7 State tax), 10, 11, 12 (except the reference therein to Section
8 2b of the Retailers' Occupation Tax Act), 13 (except that any
9 reference to the State shall mean the District), the first
10 paragraph of Section 15, 16, 17, 18, 19 and 20 of the Service
11 Occupation Tax Act and Section 3-7 of the Uniform Penalty and
12 Interest Act, as fully as if those provisions were set forth
13 herein.

14 Persons subject to any tax imposed under the authority
15 granted in this paragraph may reimburse themselves for their
16 serviceman's tax liability hereunder by separately stating the
17 tax as an additional charge, which charge may be stated in
18 combination, in a single amount, with State tax that servicemen
19 are 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 paragraph 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 Metro East Mass Transit District tax fund
3 established under paragraph (h) of this Section.

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

8 (d) If a tax has been imposed under subsection (b), a Metro
9 East Mass Transit District Use Tax shall also be imposed upon
10 the privilege of using, in the district, any item of tangible
11 personal property that is purchased outside the district at
12 retail from a retailer, and that is titled or registered with
13 an agency of this State's government, at a rate of 1/4%, or as
14 authorized under subsection (d-5) of this Section, of the
15 selling price of the tangible personal property within the
16 District, as "selling price" is defined in the Use Tax Act. The
17 tax shall be collected from persons whose Illinois address for
18 titling or registration purposes is given as being in the
19 District. The tax shall be collected by the Department of
20 Revenue for the Metro East Mass Transit District. The tax must
21 be paid to the State, or an exemption determination must be
22 obtained from the Department of Revenue, before the title or
23 certificate of registration for the property may be issued. The
24 tax or proof of exemption may be transmitted to the Department
25 by way of the State agency with which, or the State officer
26 with whom, the tangible personal property must be titled or

1 registered if the Department and the State agency or State
2 officer determine that this procedure will expedite the
3 processing of applications for title or registration.

4 The Department shall have full power to administer and
5 enforce this paragraph; to collect all taxes, penalties and
6 interest due hereunder; to dispose of taxes, penalties and
7 interest so collected in the manner hereinafter provided; and
8 to determine all rights to credit memoranda or refunds arising
9 on account of the erroneous payment of tax, penalty or interest
10 hereunder. In the administration of, and compliance with, this
11 paragraph, the Department and persons who are subject to this
12 paragraph shall have the same rights, remedies, privileges,
13 immunities, powers and duties, and be subject to the same
14 conditions, restrictions, limitations, penalties, exclusions,
15 exemptions and definitions of terms and employ the same modes
16 of procedure, as are prescribed in Sections 2 (except the
17 definition of "retailer maintaining a place of business in this
18 State"), 3 through 3-80 (except provisions pertaining to the
19 State rate of tax, and except provisions concerning collection
20 or refunding of the tax by retailers), 4, 11, 12, 12a, 14, 15,
21 19 (except the portions pertaining to claims by retailers and
22 except the last paragraph concerning refunds), 20, 21 and 22 of
23 the Use Tax Act and Section 3-7 of the Uniform Penalty and
24 Interest Act, that are not inconsistent with this paragraph, as
25 fully as if those provisions were set forth herein.

26 Whenever the Department determines that a refund should be

1 made under this paragraph to a claimant instead of issuing a
2 credit memorandum, the Department shall notify the State
3 Comptroller, who shall cause the order to be drawn for the
4 amount specified, and to the person named, in the notification
5 from the Department. The refund shall be paid by the State
6 Treasurer out of the Metro East Mass Transit District tax fund
7 established under paragraph (h) of this Section.

8 (d-5) (A) The county board of any county participating in
9 the Metro East Mass Transit District may authorize, by
10 ordinance, a referendum on the question of whether the tax
11 rates for the Metro East Mass Transit District Retailers'
12 Occupation Tax, the Metro East Mass Transit District Service
13 Occupation Tax, and the Metro East Mass Transit District Use
14 Tax for the District should be increased from 0.25% to 0.75%.
15 Upon adopting the ordinance, the county board shall certify the
16 proposition to the proper election officials who shall submit
17 the proposition to the voters of the District at the next
18 election, in accordance with the general election law.

19 The proposition shall be in substantially the following
20 form:

21 Shall the tax rates for the Metro East Mass Transit
22 District Retailers' Occupation Tax, the Metro East Mass
23 Transit District Service Occupation Tax, and the Metro East
24 Mass Transit District Use Tax be increased from 0.25% to
25 0.75%?

26 (B) Two thousand five hundred electors of any Metro East

1 Mass Transit District may petition the Chief Judge of the
2 Circuit Court, or any judge of that Circuit designated by the
3 Chief Judge, in which that District is located to cause to be
4 submitted to a vote of the electors the question whether the
5 tax rates for the Metro East Mass Transit District Retailers'
6 Occupation Tax, the Metro East Mass Transit District Service
7 Occupation Tax, and the Metro East Mass Transit District Use
8 Tax for the District should be increased from 0.25% to 0.75%.

9 Upon submission of such petition the court shall set a date
10 not less than 10 nor more than 30 days thereafter for a hearing
11 on the sufficiency thereof. Notice of the filing of such
12 petition and of such date shall be given in writing to the
13 District and the County Clerk at least 7 days before the date
14 of such hearing.

15 If such petition is found sufficient, the court shall enter
16 an order to submit that proposition at the next election, in
17 accordance with general election law.

18 The form of the petition shall be in substantially the
19 following form: To the Circuit Court of the County of (name of
20 county):

21 We, the undersigned electors of the (name of transit
22 district), respectfully petition your honor to submit to a
23 vote of the electors of (name of transit district) the
24 following proposition:

25 Shall the tax rates for the Metro East Mass Transit
26 District Retailers' Occupation Tax, the Metro East Mass

1 Transit District Service Occupation Tax, and the Metro East
 2 Mass Transit District Use Tax be increased from 0.25% to
 3 0.75%?

4 Name Address, with Street and Number.

5

6

7 (C) The votes shall be recorded as "YES" or "NO". If a
 8 majority of all votes cast on the proposition are for the
 9 increase in the tax rates, the Metro East Mass Transit District
 10 shall begin imposing the increased rates in the District, and
 11 the Department of Revenue shall begin collecting the increased
 12 amounts, as provided under this Section. An ordinance imposing
 13 or discontinuing a tax hereunder or effecting a change in the
 14 rate thereof shall be adopted and a certified copy thereof
 15 filed with the Department on or before the first day of
 16 October, whereupon the Department shall proceed to administer
 17 and enforce this Section as of the first day of January next
 18 following the adoption and filing, or on or before the first
 19 day of April, whereupon the Department shall proceed to
 20 administer and enforce this Section as of the first day of July
 21 next following the adoption and filing.

22 (D) If the voters have approved a referendum under this
 23 subsection, before November 1, 1994, to increase the tax rate
 24 under this subsection, the Metro East Mass Transit District
 25 Board of Trustees may adopt by a majority vote an ordinance at
 26 any time before January 1, 1995 that excludes from the rate

1 increase tangible personal property that is titled or
2 registered with an agency of this State's government. The
3 ordinance excluding titled or registered tangible personal
4 property from the rate increase must be filed with the
5 Department at least 15 days before its effective date. At any
6 time after adopting an ordinance excluding from the rate
7 increase tangible personal property that is titled or
8 registered with an agency of this State's government, the Metro
9 East Mass Transit District Board of Trustees may adopt an
10 ordinance applying the rate increase to that tangible personal
11 property. The ordinance shall be adopted, and a certified copy
12 of that ordinance shall be filed with the Department, on or
13 before October 1, whereupon the Department shall proceed to
14 administer and enforce the rate increase against tangible
15 personal property titled or registered with an agency of this
16 State's government as of the following January 1. After
17 December 31, 1995, any reimposed rate increase in effect under
18 this subsection shall no longer apply to tangible personal
19 property titled or registered with an agency of this State's
20 government. Beginning January 1, 1996, the Board of Trustees of
21 any Metro East Mass Transit District may never reimpose a
22 previously excluded tax rate increase on tangible personal
23 property titled or registered with an agency of this State's
24 government. After July 1, 2004, if the voters have approved a
25 referendum under this subsection to increase the tax rate under
26 this subsection, the Metro East Mass Transit District Board of

1 Trustees may adopt by a majority vote an ordinance that
2 excludes from the rate increase tangible personal property that
3 is titled or registered with an agency of this State's
4 government. The ordinance excluding titled or registered
5 tangible personal property from the rate increase shall be
6 adopted, and a certified copy of that ordinance shall be filed
7 with the Department on or before October 1, whereupon the
8 Department shall administer and enforce this exclusion from the
9 rate increase as of the following January 1, or on or before
10 April 1, whereupon the Department shall administer and enforce
11 this exclusion from the rate increase as of the following July
12 1. The Board of Trustees of any Metro East Mass Transit
13 District may never reimpose a previously excluded tax rate
14 increase on tangible personal property titled or registered
15 with an agency of this State's government.

16 (d-6) If the Board of Trustees of any Metro East Mass
17 Transit District has imposed a rate increase under subsection
18 (d-5) and filed an ordinance with the Department of Revenue
19 excluding titled property from the higher rate, then that Board
20 may, by ordinance adopted with the concurrence of two-thirds of
21 the then trustees, impose throughout the District a fee. The
22 fee on the excluded property shall not exceed \$20 per retail
23 transaction or an amount equal to the amount of tax excluded,
24 whichever is less, on tangible personal property that is titled
25 or registered with an agency of this State's government.
26 Beginning July 1, 2004, the fee shall apply only to titled

1 property that is subject to either the Metro East Mass Transit
2 District Retailers' Occupation Tax or the Metro East Mass
3 Transit District Service Occupation Tax. No fee shall be
4 imposed or collected under this subsection on the sale of a
5 motor vehicle in this State to a resident of another state if
6 that motor vehicle will not be titled in this State.

7 (d-7) Until June 30, 2004, if a fee has been imposed under
8 subsection (d-6), a fee shall also be imposed upon the
9 privilege of using, in the district, any item of tangible
10 personal property that is titled or registered with any agency
11 of this State's government, in an amount equal to the amount of
12 the fee imposed under subsection (d-6).

13 (d-7.1) Beginning July 1, 2004, any fee imposed by the
14 Board of Trustees of any Metro East Mass Transit District under
15 subsection (d-6) and all civil penalties that may be assessed
16 as an incident of the fees shall be collected and enforced by
17 the State Department of Revenue. Reference to "taxes" in this
18 Section shall be construed to apply to the administration,
19 payment, and remittance of all fees under this Section. For
20 purposes of any fee imposed under subsection (d-6), 4% of the
21 fee, penalty, and interest received by the Department in the
22 first 12 months that the fee is collected and enforced by the
23 Department and 2% of the fee, penalty, and interest following
24 the first 12 months shall be deposited into the Tax Compliance
25 and Administration Fund and shall be used by the Department,
26 subject to appropriation, to cover the costs of the Department.

1 No retailers' discount shall apply to any fee imposed under
2 subsection (d-6).

3 (d-8) No item of titled property shall be subject to both
4 the higher rate approved by referendum, as authorized under
5 subsection (d-5), and any fee imposed under subsection (d-6) or
6 (d-7).

7 (d-9) (Blank).

8 (d-10) (Blank).

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

18 (f) (Blank).

19 (g) Any ordinance imposing or discontinuing any tax under
20 this Section shall be adopted and a certified copy thereof
21 filed with the Department on or before June 1, whereupon the
22 Department of Revenue shall proceed to administer and enforce
23 this Section on behalf of the Metro East Mass Transit District
24 as of September 1 next following such adoption and filing.
25 Beginning January 1, 1992, an ordinance or resolution imposing
26 or discontinuing the tax hereunder shall be adopted and a

1 certified copy thereof filed with the Department on or before
2 the first day of July, whereupon the Department shall proceed
3 to administer and enforce this Section as of the first day of
4 October next following such adoption and filing. Beginning
5 January 1, 1993, except as provided in subsection (d-5) of this
6 Section, an ordinance or resolution imposing or discontinuing
7 the tax hereunder 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 such adoption and filing, or, beginning January 1,
12 2004, on or before the first day of April, whereupon the
13 Department shall proceed to administer and enforce this Section
14 as of the first day of July next following the adoption and
15 filing.

16 (h) Except as provided in subsection (d-7.1), the State
17 Department of Revenue shall, upon collecting any taxes as
18 provided in this Section, pay the taxes over to the State
19 Treasurer as trustee for the District. The taxes shall be held
20 in a trust fund outside the State Treasury.

21 As soon as possible after the first day of each month,
22 beginning January 1, 2011, upon certification of the Department
23 of Revenue, the Comptroller shall order transferred, and the
24 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
25 local sales tax increment, as defined in the Innovation
26 Development and Economy Act, collected under this Section

1 during the second preceding calendar month for sales within a
2 STAR bond district. The Department shall make this
3 certification only if the local mass transit district imposes a
4 tax on real property as provided in the definition of "local
5 sales taxes" under the Innovation Development and Economy Act.

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 District, 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 District, 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 District, and less any amounts that are transferred
21 to the STAR Bonds Revenue Fund, less 1% ~~1.5%~~ of the remainder,
22 which the Department shall transfer into the Tax Compliance and
23 Administration Fund. The Department, at the time of each
24 monthly disbursement to the District, shall prepare and certify
25 to the State Comptroller the amount to be transferred into the
26 Tax Compliance and Administration Fund under this subsection.

1 Within 10 days after receipt by the Comptroller of the
2 certification of the amount to be paid to the District and the
3 Tax Compliance and Administration Fund, the Comptroller shall
4 cause an order to be drawn for payment for the amount in
5 accordance with the direction in the certification.

6 (Source: P.A. 99-217, eff. 7-31-15; 100-23, eff. 7-6-17;
7 100-587, eff. 6-4-18.)

8 Section 30. The Regional Transportation Authority Act is
9 amended by changing Section 4.03 as follows:

10 (70 ILCS 3615/4.03) (from Ch. 111 2/3, par. 704.03)

11 Sec. 4.03. Taxes.

12 (a) In order to carry out any of the powers or purposes of
13 the Authority, the Board may by ordinance adopted with the
14 concurrence of 12 of the then Directors, impose throughout the
15 metropolitan region any or all of the taxes provided in this
16 Section. Except as otherwise provided in this Act, taxes
17 imposed under this Section and civil penalties imposed incident
18 thereto shall be collected and enforced by the State Department
19 of Revenue. The Department shall have the power to administer
20 and enforce the taxes and to determine all rights for refunds
21 for erroneous payments of the taxes. Nothing in Public Act
22 95-708 is intended to invalidate any taxes currently imposed by
23 the Authority. The increased vote requirements to impose a tax
24 shall only apply to actions taken after January 1, 2008 (the

1 effective date of Public Act 95-708).

2 (b) The Board may impose a public transportation tax upon
3 all persons engaged in the metropolitan region in the business
4 of selling at retail motor fuel for operation of motor vehicles
5 upon public highways. The tax shall be at a rate not to exceed
6 5% of the gross receipts from the sales of motor fuel in the
7 course of the business. As used in this Act, the term "motor
8 fuel" shall have the same meaning as in the Motor Fuel Tax Law.
9 The Board may provide for details of the tax. The provisions of
10 any tax shall conform, as closely as may be practicable, to the
11 provisions of the Municipal Retailers Occupation Tax Act,
12 including without limitation, conformity to penalties with
13 respect to the tax imposed and as to the powers of the State
14 Department of Revenue to promulgate and enforce rules and
15 regulations relating to the administration and enforcement of
16 the provisions of the tax imposed, except that reference in the
17 Act to any municipality shall refer to the Authority and the
18 tax shall be imposed only with regard to receipts from sales of
19 motor fuel in the metropolitan region, at rates as limited by
20 this Section.

21 (c) In connection with the tax imposed under paragraph (b)
22 of this Section the Board may impose a tax upon the privilege
23 of using in the metropolitan region motor fuel for the
24 operation of a motor vehicle upon public highways, the tax to
25 be at a rate not in excess of the rate of tax imposed under
26 paragraph (b) of this Section. The Board may provide for

1 details of the tax.

2 (d) The Board may impose a motor vehicle parking tax upon
3 the privilege of parking motor vehicles at off-street parking
4 facilities in the metropolitan region at which a fee is
5 charged, and may provide for reasonable classifications in and
6 exemptions to the tax, for administration and enforcement
7 thereof and for civil penalties and refunds thereunder and may
8 provide criminal penalties thereunder, the maximum penalties
9 not to exceed the maximum criminal penalties provided in the
10 Retailers' Occupation Tax Act. The Authority may collect and
11 enforce the tax itself or by contract with any unit of local
12 government. The State Department of Revenue shall have no
13 responsibility for the collection and enforcement unless the
14 Department agrees with the Authority to undertake the
15 collection and enforcement. As used in this paragraph, the term
16 "parking facility" means a parking area or structure having
17 parking spaces for more than 2 vehicles at which motor vehicles
18 are permitted to park in return for an hourly, daily, or other
19 periodic fee, whether publicly or privately owned, but does not
20 include parking spaces on a public street, the use of which is
21 regulated by parking meters.

22 (e) The Board may impose a Regional Transportation
23 Authority Retailers' Occupation Tax upon all persons engaged in
24 the business of selling tangible personal property at retail in
25 the metropolitan region. In Cook County the tax rate shall be
26 1.25% of the gross receipts from sales of food for human

1 consumption that is to be consumed off the premises where it is
2 sold (other than alcoholic beverages, soft drinks and food that
3 has been prepared for immediate consumption) and prescription
4 and nonprescription medicines, drugs, medical appliances and
5 insulin, urine testing materials, syringes and needles used by
6 diabetics, and 1% of the gross receipts from other taxable
7 sales made in the course of that business. In DuPage, Kane,
8 Lake, McHenry, and Will Counties, the tax rate shall be 0.75%
9 of the gross receipts from all taxable sales made in the course
10 of that business. The tax imposed under this Section and all
11 civil penalties that may be assessed as an incident thereof
12 shall be collected and enforced by the State Department of
13 Revenue. The Department shall have full power to administer and
14 enforce this Section; to collect all taxes and penalties so
15 collected in the manner hereinafter provided; and to determine
16 all rights to credit memoranda arising on account of the
17 erroneous payment of tax or penalty hereunder. In the
18 administration of, and compliance with this Section, the
19 Department and persons who are subject to this Section shall
20 have the same rights, remedies, privileges, immunities, powers
21 and duties, and be subject to the same conditions,
22 restrictions, limitations, penalties, exclusions, exemptions
23 and definitions of terms, and employ the same modes of
24 procedure, as are prescribed in Sections 1, 1a, 1a-1, 1c, 1d,
25 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all provisions
26 therein other than the State rate of tax), 2c, 3 (except as to

1 the disposition of taxes and penalties collected), 4, 5, 5a,
2 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d,
3 7, 8, 9, 10, 11, 12 and 13 of the Retailers' Occupation Tax Act
4 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 Section may reimburse themselves for their
8 seller's tax liability hereunder by separately stating the tax
9 as an additional charge, which charge may be stated in
10 combination in a single amount with State taxes that sellers
11 are required to collect under the Use Tax Act, under any
12 bracket schedules 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 warrant to be drawn for the
17 amount specified, and to the person named, in the notification
18 from the Department. The refund shall be paid by the State
19 Treasurer out of the Regional Transportation Authority tax fund
20 established under paragraph (n) of this Section.

21 If a tax is imposed under this subsection (e), a tax shall
22 also be imposed under subsections (f) and (g) of this Section.

23 For the purpose of determining whether a tax authorized
24 under this Section is applicable, a retail sale by a producer
25 of coal or other mineral mined in Illinois, is a sale at retail
26 at the place where the coal or other mineral mined in Illinois

1 is extracted from the earth. This paragraph does not apply to
2 coal or other mineral when it is delivered or shipped by the
3 seller to the purchaser at a point outside Illinois so that the
4 sale is exempt under the Federal Constitution as a sale in
5 interstate or foreign commerce.

6 No tax shall be imposed or collected under this subsection
7 on the sale of a motor vehicle in this State to a resident of
8 another state if that motor vehicle will not be titled in this
9 State.

10 Nothing in this Section shall be construed to authorize the
11 Regional Transportation Authority to impose a tax upon the
12 privilege of engaging in any business that under the
13 Constitution of the United States may not be made the subject
14 of taxation by this State.

15 (f) If a tax has been imposed under paragraph (e), a
16 Regional Transportation Authority Service Occupation Tax shall
17 also be imposed upon all persons engaged, in the metropolitan
18 region in the business of making sales of service, who as an
19 incident to making the sales of service, transfer tangible
20 personal property within the metropolitan region, either in the
21 form of tangible personal property or in the form of real
22 estate as an incident to a sale of service. In Cook County, the
23 tax rate shall be: (1) 1.25% of the serviceman's cost price of
24 food prepared for immediate consumption and transferred
25 incident to a sale of service subject to the service occupation
26 tax by an entity licensed under the Hospital Licensing Act, the

1 Nursing Home Care Act, the Specialized Mental Health
2 Rehabilitation Act of 2013, the ID/DD Community Care Act, or
3 the MC/DD Act that is located in the metropolitan region; (2)
4 1.25% of the selling price of food for human consumption that
5 is to be consumed off the premises where it is sold (other than
6 alcoholic beverages, soft drinks and food that has been
7 prepared for immediate consumption) and prescription and
8 nonprescription medicines, drugs, medical appliances and
9 insulin, urine testing materials, syringes and needles used by
10 diabetics; and (3) 1% of the selling price from other taxable
11 sales of tangible personal property transferred. In DuPage,
12 Kane, Lake, McHenry and Will Counties the rate shall be 0.75%
13 of the selling price of all tangible personal property
14 transferred.

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 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 with
24 this paragraph, the Department and persons who are subject to
25 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 1a-1, 2,
4 2a, 3 through 3-50 (in respect to all provisions therein other
5 than the State rate of tax), 4 (except that the reference to
6 the State shall be to the Authority), 5, 7, 8 (except that the
7 jurisdiction to which the tax shall be a debt to the extent
8 indicated in that Section 8 shall be the Authority), 9 (except
9 as to the disposition of taxes and penalties collected, and
10 except that the returned merchandise credit for this tax may
11 not be taken against any State tax), 10, 11, 12 (except the
12 reference therein to Section 2b of the Retailers' Occupation
13 Tax Act), 13 (except that any reference to the State shall mean
14 the Authority), the first paragraph of Section 15, 16, 17, 18,
15 19 and 20 of the Service Occupation Tax Act and Section 3-7 of
16 the Uniform Penalty and Interest Act, as fully as if those
17 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.

7 Nothing in this paragraph shall be construed to authorize
8 the Authority to impose a tax upon the privilege of engaging in
9 any business that under the Constitution of the United States
10 may not be made the subject of taxation by the State.

11 (g) If a tax has been imposed under paragraph (e), a tax
12 shall also be imposed upon the privilege of using in the
13 metropolitan region, any item of tangible personal property
14 that is purchased outside the metropolitan region at retail
15 from a retailer, and that is titled or registered with an
16 agency of this State's government. In Cook County the tax rate
17 shall be 1% of the selling price of the tangible personal
18 property, as "selling price" is defined in the Use Tax Act. In
19 DuPage, Kane, Lake, McHenry and Will counties the tax rate
20 shall be 0.75% of the selling price of the tangible personal
21 property, as "selling price" is defined in the Use Tax Act. The
22 tax shall be collected from persons whose Illinois address for
23 titling or registration purposes is given as being in the
24 metropolitan region. The tax shall be collected by the
25 Department of Revenue for the Regional Transportation
26 Authority. The tax must be paid to the State, or an exemption

1 determination must be obtained from the Department of Revenue,
2 before the title or certificate of registration for the
3 property may be issued. The tax or proof of exemption may be
4 transmitted to the Department by way of the State agency with
5 which, or the State officer with whom, the tangible personal
6 property must be titled or registered if the Department and the
7 State agency or State officer determine that this procedure
8 will expedite the processing of applications for title or
9 registration.

10 The Department shall have full power to administer and
11 enforce this paragraph; to collect all taxes, penalties and
12 interest due hereunder; to dispose of taxes, penalties and
13 interest collected in the manner hereinafter provided; and to
14 determine all rights to credit memoranda or refunds arising on
15 account of the erroneous payment of tax, penalty or interest
16 hereunder. In the administration of and compliance with this
17 paragraph, the Department and persons who are subject to this
18 paragraph shall have the same rights, remedies, privileges,
19 immunities, powers and duties, and be subject to the same
20 conditions, restrictions, limitations, penalties, exclusions,
21 exemptions and definitions of terms and employ the same modes
22 of procedure, as are prescribed in Sections 2 (except the
23 definition of "retailer maintaining a place of business in this
24 State"), 3 through 3-80 (except provisions pertaining to the
25 State rate of tax, and except provisions concerning collection
26 or refunding of the tax by retailers), 4, 11, 12, 12a, 14, 15,

1 19 (except the portions pertaining to claims by retailers and
2 except the last paragraph concerning refunds), 20, 21 and 22 of
3 the Use Tax Act, and are not inconsistent with this paragraph,
4 as fully as if those provisions were set forth herein.

5 Whenever the Department determines that a refund should be
6 made under this paragraph to a claimant instead of issuing a
7 credit memorandum, the Department shall notify the State
8 Comptroller, who shall cause the order to be drawn for the
9 amount specified, and to the person named in the notification
10 from the Department. The refund shall be paid by the State
11 Treasurer out of the Regional Transportation Authority tax fund
12 established under paragraph (n) of this Section.

13 (h) The Authority may impose a replacement vehicle tax of
14 \$50 on any passenger car as defined in Section 1-157 of the
15 Illinois Vehicle Code purchased within the metropolitan region
16 by or on behalf of an insurance company to replace a passenger
17 car of an insured person in settlement of a total loss claim.
18 The tax imposed may not become effective before the first day
19 of the month following the passage of the ordinance imposing
20 the tax and receipt of a certified copy of the ordinance by the
21 Department of Revenue. The Department of Revenue shall collect
22 the tax for the Authority in accordance with Sections 3-2002
23 and 3-2003 of the Illinois Vehicle Code.

24 The Department shall immediately pay over to the State
25 Treasurer, ex officio, as trustee, all taxes collected
26 hereunder.

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 the Authority. The
13 amount to be paid to the Authority shall be the amount
14 collected hereunder during the second preceding calendar month
15 by the Department, less any amount determined by the Department
16 to be necessary for the payment of refunds, and less any
17 amounts that are transferred to the STAR Bonds Revenue Fund.
18 Within 10 days after receipt by the Comptroller of the
19 disbursement certification to the Authority provided for in
20 this Section to be given to the Comptroller by the Department,
21 the Comptroller shall cause the orders to be drawn for that
22 amount in accordance with the directions contained in the
23 certification.

24 (i) The Board may not impose any other taxes except as it
25 may from time to time be authorized by law to impose.

26 (j) A certificate of registration issued by the State

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

9 (k) The provisions of any tax imposed under paragraph (c)
10 of this Section shall conform as closely as may be practicable
11 to the provisions of the Use Tax Act, including without
12 limitation conformity as to penalties with respect to the tax
13 imposed and as to the powers of the State Department of Revenue
14 to promulgate and enforce rules and regulations relating to the
15 administration and enforcement of the provisions of the tax
16 imposed. The taxes shall be imposed only on use within the
17 metropolitan region and at rates as provided in the paragraph.

18 (l) The Board in imposing any tax as provided in paragraphs
19 (b) and (c) of this Section, shall, after seeking the advice of
20 the State Department of Revenue, provide means for retailers,
21 users or purchasers of motor fuel for purposes other than those
22 with regard to which the taxes may be imposed as provided in
23 those paragraphs to receive refunds of taxes improperly paid,
24 which provisions may be at variance with the refund provisions
25 as applicable under the Municipal Retailers Occupation Tax Act.
26 The State Department of Revenue may provide for certificates of

1 registration for users or purchasers of motor fuel for purposes
2 other than those with regard to which taxes may be imposed as
3 provided in paragraphs (b) and (c) of this Section to
4 facilitate the reporting and nontaxability of the exempt sales
5 or uses.

6 (m) Any ordinance imposing or discontinuing any tax under
7 this Section shall be adopted and a certified copy thereof
8 filed with the Department on or before June 1, whereupon the
9 Department of Revenue shall proceed to administer and enforce
10 this Section on behalf of the Regional Transportation Authority
11 as of September 1 next following such adoption and filing.
12 Beginning January 1, 1992, an ordinance or resolution imposing
13 or discontinuing the tax hereunder shall be adopted and a
14 certified copy thereof filed with the Department on or before
15 the first day of July, whereupon the Department shall proceed
16 to administer and enforce this Section as of the first day of
17 October next following such adoption and filing. Beginning
18 January 1, 1993, an ordinance or resolution imposing,
19 increasing, decreasing, or discontinuing the tax hereunder
20 shall be adopted and a certified copy thereof filed with the
21 Department, whereupon the Department shall proceed to
22 administer and enforce this Section as of the first day of the
23 first month to occur not less than 60 days following such
24 adoption and filing. Any ordinance or resolution of the
25 Authority imposing a tax under this Section and in effect on
26 August 1, 2007 shall remain in full force and effect and shall

1 be administered by the Department of Revenue under the terms
2 and conditions and rates of tax established by such ordinance
3 or resolution until the Department begins administering and
4 enforcing an increased tax under this Section as authorized by
5 Public Act 95-708. The tax rates authorized by Public Act
6 95-708 are effective only if imposed by ordinance of the
7 Authority.

8 (n) Except as otherwise provided in this subsection (n),
9 the State Department of Revenue shall, upon collecting any
10 taxes as provided in this Section, pay the taxes over to the
11 State Treasurer as trustee for the Authority. The taxes shall
12 be held in a trust fund outside the State Treasury. On or
13 before the 25th day of each calendar month, the State
14 Department of Revenue shall prepare and certify to the
15 Comptroller of the State of Illinois and to the Authority (i)
16 the amount of taxes collected in each County other than Cook
17 County in the metropolitan region, (ii) the amount of taxes
18 collected within the City of Chicago, and (iii) the amount
19 collected in that portion of Cook County outside of Chicago,
20 each amount less the amount necessary for the payment of
21 refunds to taxpayers located in those areas described in items
22 (i), (ii), and (iii), and less 1% ~~1.5%~~ of the remainder, which
23 shall be transferred from the trust fund into the Tax
24 Compliance and Administration Fund. The Department, at the time
25 of each monthly disbursement to the Authority, shall prepare
26 and certify to the State Comptroller the amount to be

1 transferred into the Tax Compliance and Administration Fund
2 under this subsection. Within 10 days after receipt by the
3 Comptroller of the certification of the amounts, the
4 Comptroller shall cause an order to be drawn for the transfer
5 of the amount certified into the Tax Compliance and
6 Administration Fund and the payment of two-thirds of the
7 amounts certified in item (i) of this subsection to the
8 Authority and one-third of the amounts certified in item (i) of
9 this subsection to the respective counties other than Cook
10 County and the amount certified in items (ii) and (iii) of this
11 subsection to the Authority.

12 In addition to the disbursement required by the preceding
13 paragraph, an allocation shall be made in July 1991 and each
14 year thereafter to the Regional Transportation Authority. The
15 allocation shall be made in an amount equal to the average
16 monthly distribution during the preceding calendar year
17 (excluding the 2 months of lowest receipts) and the allocation
18 shall include the amount of average monthly distribution from
19 the Regional Transportation Authority Occupation and Use Tax
20 Replacement Fund. The distribution made in July 1992 and each
21 year thereafter under this paragraph and the preceding
22 paragraph shall be reduced by the amount allocated and
23 disbursed under this paragraph in the preceding calendar year.
24 The Department of Revenue shall prepare and certify to the
25 Comptroller for disbursement the allocations made in
26 accordance with this paragraph.

1 (o) Failure to adopt a budget ordinance or otherwise to
2 comply with Section 4.01 of this Act or to adopt a Five-year
3 Capital Program or otherwise to comply with paragraph (b) of
4 Section 2.01 of this Act shall not affect the validity of any
5 tax imposed by the Authority otherwise in conformity with law.

6 (p) At no time shall a public transportation tax or motor
7 vehicle parking tax authorized under paragraphs (b), (c) and
8 (d) of this Section be in effect at the same time as any
9 retailers' occupation, use or service occupation tax
10 authorized under paragraphs (e), (f) and (g) of this Section is
11 in effect.

12 Any taxes imposed under the authority provided in
13 paragraphs (b), (c) and (d) shall remain in effect only until
14 the time as any tax authorized by paragraphs (e), (f) or (g) of
15 this Section are imposed and becomes effective. Once any tax
16 authorized by paragraphs (e), (f) or (g) is imposed the Board
17 may not reimpose taxes as authorized in paragraphs (b), (c) and
18 (d) of the Section unless any tax authorized by paragraphs (e),
19 (f) or (g) of this Section becomes ineffective by means other
20 than an ordinance of the Board.

21 (q) Any existing rights, remedies and obligations
22 (including enforcement by the Regional Transportation
23 Authority) arising under any tax imposed under paragraphs (b),
24 (c) or (d) of this Section shall not be affected by the
25 imposition of a tax under paragraphs (e), (f) or (g) of this
26 Section.

1 (Source: P.A. 99-180, eff. 7-29-15; 99-217, eff. 7-31-15;
2 99-642, eff. 7-28-16; 100-23, eff. 7-6-17; 100-587, eff.
3 6-4-18.)

4 Section 35. The Water Commission Act of 1985 is amended by
5 changing Section 4 as follows:

6 (70 ILCS 3720/4) (from Ch. 111 2/3, par. 254)
7 Sec. 4. Taxes.

8 (a) The board of commissioners of any county water
9 commission may, by ordinance, impose throughout the territory
10 of the commission any or all of the taxes provided in this
11 Section for its corporate purposes. However, no county water
12 commission may impose any such tax unless the commission
13 certifies the proposition of imposing the tax to the proper
14 election officials, who shall submit the proposition to the
15 voters residing in the territory at an election in accordance
16 with the general election law, and the proposition has been
17 approved by a majority of those voting on the proposition.

18 The proposition shall be in the form provided in Section 5
19 or shall be substantially in the following form:

20 -----

21 Shall the (insert corporate
22 name of county water commission) YES
23 impose (state type of tax or -----
24 taxes to be imposed) at the NO

1 rate of 1/4%?

2 -----

3 Taxes imposed under this Section and civil penalties
4 imposed incident thereto shall be collected and enforced by the
5 State Department of Revenue. The Department shall have the
6 power to administer and enforce the taxes and to determine all
7 rights for refunds for erroneous payments of the taxes.

8 (b) The board of commissioners may impose a County Water
9 Commission Retailers' Occupation Tax upon all persons engaged
10 in the business of selling tangible personal property at retail
11 in the territory of the commission at a rate of 1/4% of the
12 gross receipts from the sales made in the course of such
13 business within the territory. The tax imposed under this
14 paragraph and all civil penalties that may be assessed as an
15 incident thereof shall be collected and enforced by the State
16 Department of Revenue. The Department shall have full power to
17 administer and enforce this paragraph; to collect all taxes and
18 penalties due hereunder; to dispose of taxes and penalties so
19 collected in the manner hereinafter provided; and to determine
20 all rights to credit memoranda arising on account of the
21 erroneous payment of tax or penalty hereunder. In the
22 administration of, and compliance with, this paragraph, the
23 Department and persons who are subject to this paragraph shall
24 have the same rights, remedies, privileges, immunities, powers
25 and duties, and be subject to the same conditions,
26 restrictions, limitations, penalties, exclusions, exemptions

1 and definitions of terms, and employ the same modes of
2 procedure, as are prescribed in Sections 1, 1a, 1a-1, 1c, 1d,
3 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all provisions
4 therein other than the State rate of tax except that food for
5 human consumption that is to be consumed off the premises where
6 it is sold (other than alcoholic beverages, soft drinks, and
7 food that has been prepared for immediate consumption) and
8 prescription and nonprescription medicine, drugs, medical
9 appliances and insulin, urine testing materials, syringes, and
10 needles used by diabetics, for human use, shall not be subject
11 to tax hereunder), 2c, 3 (except as to the disposition of taxes
12 and penalties collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h,
13 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 12, and 13
14 of the Retailers' Occupation Tax Act and Section 3-7 of the
15 Uniform Penalty and Interest Act, as fully as if those
16 provisions were set forth herein.

17 Persons subject to any tax imposed under the authority
18 granted in this paragraph may reimburse themselves for their
19 seller's tax liability hereunder by separately stating the tax
20 as an additional charge, which charge may be stated in
21 combination, in a single amount, with State taxes that sellers
22 are required to collect under the Use Tax Act and under
23 subsection (e) of Section 4.03 of the Regional Transportation
24 Authority Act, in accordance with such bracket schedules as the
25 Department may prescribe.

26 Whenever the Department determines that a refund should be

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

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

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

19 No tax shall be imposed or collected under this subsection
20 on the sale of a motor vehicle in this State to a resident of
21 another state if that motor vehicle will not be titled in this
22 State.

23 Nothing in this paragraph shall be construed to authorize a
24 county water commission to impose a tax upon the privilege of
25 engaging in any business which under the Constitution of the
26 United States may not be made the subject of taxation by this

1 State.

2 (c) If a tax has been imposed under subsection (b), a
3 County Water Commission Service Occupation Tax shall also be
4 imposed upon all persons engaged, in the territory of the
5 commission, in the business of making sales of service, who, as
6 an incident to making the sales of service, transfer tangible
7 personal property within the territory. The tax rate shall be
8 1/4% of the selling price of tangible personal property so
9 transferred within the territory. The tax imposed under this
10 paragraph and all civil penalties that may be assessed as an
11 incident thereof shall be collected and enforced by the State
12 Department of Revenue. The Department shall have full power to
13 administer and enforce this paragraph; to collect all taxes and
14 penalties due hereunder; to dispose of taxes and penalties so
15 collected in the manner hereinafter provided; and to determine
16 all rights to credit memoranda arising on account of the
17 erroneous payment of tax or penalty hereunder. In the
18 administration of, and compliance with, this paragraph, the
19 Department and persons who are subject to this paragraph shall
20 have the same rights, remedies, privileges, immunities, powers
21 and duties, and be subject to the same conditions,
22 restrictions, limitations, penalties, exclusions, exemptions
23 and definitions of terms, and employ the same modes of
24 procedure, as are prescribed in Sections 1a-1, 2 (except that
25 the reference to State in the definition of supplier
26 maintaining a place of business in this State shall mean the

1 territory of the commission), 2a, 3 through 3-50 (in respect to
2 all provisions therein other than the State rate of tax except
3 that food for human consumption that is to be consumed off the
4 premises where it is sold (other than alcoholic beverages, soft
5 drinks, and food that has been prepared for immediate
6 consumption) and prescription and nonprescription medicines,
7 drugs, medical appliances and insulin, urine testing
8 materials, syringes, and needles used by diabetics, for human
9 use, shall not be subject to tax hereunder), 4 (except that the
10 reference to the State shall be to the territory of the
11 commission), 5, 7, 8 (except that the jurisdiction to which the
12 tax shall be a debt to the extent indicated in that Section 8
13 shall be the commission), 9 (except as to the disposition of
14 taxes and penalties collected and except that the returned
15 merchandise credit for this tax may not be taken against any
16 State tax), 10, 11, 12 (except the reference therein to Section
17 2b 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, and
5 except that food for human consumption that is to be consumed
6 off the premises where it is sold (other than alcoholic
7 beverages, soft drinks, and food that has been prepared for
8 immediate consumption) and prescription and nonprescription
9 medicines, drugs, medical appliances and insulin, urine
10 testing materials, syringes, and needles used by diabetics, for
11 human use, shall not be subject to tax hereunder), 4, 11, 12,
12 12a, 14, 15, 19 (except the portions pertaining to claims by
13 retailers and except the last paragraph concerning refunds),
14 20, 21, and 22 of the Use Tax Act and Section 3-7 of the Uniform
15 Penalty and Interest Act that are not inconsistent with this
16 paragraph, as fully as if those provisions were set forth
17 herein.

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

26 (e) A certificate of registration issued by the State

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

9 (f) Any ordinance imposing or discontinuing any tax under
10 this Section shall be adopted and a certified copy thereof
11 filed with the Department on or before June 1, whereupon the
12 Department of Revenue shall proceed to administer and enforce
13 this Section on behalf of the county water commission as of
14 September 1 next following the adoption and filing. Beginning
15 January 1, 1992, an ordinance or resolution imposing or
16 discontinuing the tax hereunder shall be adopted and a
17 certified copy thereof filed with the Department on or before
18 the first day of July, whereupon the Department shall proceed
19 to administer and enforce this Section as of the first day of
20 October next following such adoption and filing. Beginning
21 January 1, 1993, an ordinance or resolution imposing or
22 discontinuing the tax hereunder shall be adopted and a
23 certified copy thereof filed with the Department on or before
24 the first day of October, whereupon the Department shall
25 proceed to administer and enforce this Section as of the first
26 day of January next following such adoption and filing.

1 (g) The State Department of Revenue shall, upon collecting
2 any taxes as provided in this Section, pay the taxes over to
3 the State Treasurer as trustee for the commission. The taxes
4 shall be held in a trust fund outside the State Treasury.

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

13 After the monthly transfer to the STAR Bonds Revenue Fund,
14 on or before the 25th day of each calendar month, the State
15 Department of Revenue shall prepare and certify to the
16 Comptroller of the State of Illinois the amount to be paid to
17 the commission, which shall be the amount (not including credit
18 memoranda) collected under this Section during the second
19 preceding calendar month by the Department plus an amount the
20 Department determines is necessary to offset any amounts that
21 were erroneously paid to a different taxing body, and not
22 including any amount equal to the amount of refunds made during
23 the second preceding calendar month by the Department on behalf
24 of the commission, and not including any amount that the
25 Department determines is necessary to offset any amounts that
26 were payable to a different taxing body but were erroneously

1 paid to the commission, and less any amounts that are
2 transferred to the STAR Bonds Revenue Fund, less 1% ~~4.5%~~ of the
3 remainder, which shall be transferred into the Tax Compliance
4 and Administration Fund. The Department, at the time of each
5 monthly disbursement to the commission, 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 certification of the amount to be paid to the commission
10 and the Tax Compliance and Administration Fund, the Comptroller
11 shall cause an order to be drawn for the payment for the amount
12 in accordance with the direction in the certification.

13 (h) Beginning June 1, 2016, any tax imposed pursuant to
14 this Section may no longer be imposed or collected, unless a
15 continuation of the tax is approved by the voters at a
16 referendum as set forth in this Section.

17 (Source: P.A. 99-217, eff. 7-31-15; 99-642, eff. 7-28-16;
18 100-23, eff. 7-6-17; 100-587, eff. 6-4-18; 100-863, eff.
19 8-14-18.)

20 Section 99. Effective date. This Act takes effect July 1,
21 2019.