



## 100TH GENERAL ASSEMBLY

### State of Illinois

### 2017 and 2018

### SB2245

Introduced 10/24/2017, by Sen. Laura M. Murphy

#### SYNOPSIS AS INTRODUCED:

20 ILCS 2505/2505-190	was 20 ILCS 2505/39c-4
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 210/13	from Ch. 85, par. 1233
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 Counties Code, the Illinois Municipal Code, the Metropolitan Pier and Exposition Authority Act, the Local Mass Transit District Act, the Regional Transportation Authority Act, the Water Commission Act of 1985, and the State Finance Act. Removes provisions providing that a percentage of the tax proceeds collected under those Acts shall be deposited into the Tax Compliance and Administration Fund. Amends the Department of Revenue Law of the Civil Administrative Code of Illinois to reinstate an annual transfer from the Tax Compliance and Administration Fund to the General Revenue Fund. Effective immediately.

LRB100 14892 HLH 29717 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning revenue.

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

4 Section 5. The Department of Revenue Law of the Civil  
5 Administrative Code of Illinois is amended by changing Section  
6 2505-190 as follows:

7 (20 ILCS 2505/2505-190) (was 20 ILCS 2505/39c-4)

8 Sec. 2505-190. Tax Compliance and Administration Fund.

9 (a) Amounts deposited into the Tax Compliance and  
10 Administration Fund, a special fund in the State treasury that  
11 is hereby created, must be appropriated to the Department to  
12 reimburse the Department for its costs of collecting,  
13 administering, and enforcing the tax laws that provide for  
14 deposits into the Fund. Moneys in the Fund shall consist of  
15 deposits provided for in tax laws, reimbursements, or other  
16 payments received from units of local government for  
17 administering a local tax or fee on behalf of the unit of local  
18 government in accordance with the Local Tax Collection Act, or  
19 other payments designated for deposit into the Fund.

20 (b) As soon as possible after July 1, 2015, and as soon as  
21 possible after each July 1 thereafter ~~through July 1, 2016~~, the  
22 Director of the Department of Revenue shall certify the balance  
23 in the Tax Compliance and Administration Fund as of July 1,

1 less any amounts obligated, and the State Comptroller shall  
2 order transferred and the State Treasurer shall transfer from  
3 the Tax Compliance and Administration Fund to the General  
4 Revenue Fund the amount certified that exceeds \$2,500,000.  
5 Notwithstanding the provisions of this subsection, the  
6 certification and transfer for calendar year 2017 shall occur  
7 as soon as possible after the effective date of this amendatory  
8 Act of the 100th General Assembly.

9 (Source: P.A. 99-517, eff. 6-30-16; 100-23, eff. 7-6-17.)

10 Section 10. The State Finance Act is amended by changing  
11 Section 6z-20 as follows:

12 (30 ILCS 105/6z-20) (from Ch. 127, par. 142z-20)

13 Sec. 6z-20. County and Mass Transit District Fund. Of the  
14 money received from the 6.25% general rate (and, beginning July  
15 1, 2000 and through December 31, 2000, the 1.25% rate on motor  
16 fuel and gasohol, and beginning on August 6, 2010 through  
17 August 15, 2010, the 1.25% rate on sales tax holiday items) on  
18 sales subject to taxation under the Retailers' Occupation Tax  
19 Act and Service Occupation Tax Act and paid into the County and  
20 Mass Transit District Fund, distribution to the Regional  
21 Transportation Authority tax fund, created pursuant to Section  
22 4.03 of the Regional Transportation Authority Act, for deposit  
23 therein shall be made based upon the retail sales occurring in  
24 a county having more than 3,000,000 inhabitants. The remainder

1 shall be distributed to each county having 3,000,000 or fewer  
2 inhabitants based upon the retail sales occurring in each such  
3 county.

4 For the purpose of determining allocation to the local  
5 government unit, a retail sale by a producer of coal or other  
6 mineral mined in Illinois is a sale at retail at the place  
7 where the coal or other mineral mined in Illinois is extracted  
8 from the earth. This paragraph does not apply to coal or other  
9 mineral when it is delivered or shipped by the seller to the  
10 purchaser at a point outside Illinois so that the sale is  
11 exempt under the United States Constitution as a sale in  
12 interstate or foreign commerce.

13 Of the money received from the 6.25% general use tax rate  
14 on tangible personal property which is purchased outside  
15 Illinois at retail from a retailer and which is titled or  
16 registered by any agency of this State's government and paid  
17 into the County and Mass Transit District Fund, the amount for  
18 which Illinois addresses for titling or registration purposes  
19 are given as being in each county having more than 3,000,000  
20 inhabitants shall be distributed into the Regional  
21 Transportation Authority tax fund, created pursuant to Section  
22 4.03 of the Regional Transportation Authority Act. The  
23 remainder of the money paid from such sales shall be  
24 distributed to each county based on sales for which Illinois  
25 addresses for titling or registration purposes are given as  
26 being located in the county. Any money paid into the Regional

1 Transportation Authority Occupation and Use Tax Replacement  
2 Fund from the County and Mass Transit District Fund prior to  
3 January 14, 1991, which has not been paid to the Authority  
4 prior to that date, shall be transferred to the Regional  
5 Transportation Authority tax fund.

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

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

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

1 ~~to the State Comptroller the amount to be transferred into the~~  
2 ~~Tax Compliance and Administration Fund under this Section.~~

3 Within 10 days after receipt, by the Comptroller, of the  
4 disbursement certification to the Regional Transportation  
5 Authority and 7 counties, ~~and the Tax Compliance and~~  
6 ~~Administration Fund~~ provided for in this Section to be given to  
7 the Comptroller by the Department, the Comptroller shall cause  
8 the orders to be drawn for the respective amounts in accordance  
9 with the directions contained in such certification.

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

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

25 In construing any development, redevelopment, annexation,  
26 preannexation or other lawful agreement in effect prior to

1 September 1, 1990, which describes or refers to receipts from a  
2 county or municipal retailers' occupation tax, use tax or  
3 service occupation tax which now cannot be imposed, such  
4 description or reference shall be deemed to include the  
5 replacement revenue for such abolished taxes, distributed from  
6 the County and Mass Transit District Fund or Local Government  
7 Distributive Fund, as the case may be.

8 (Source: P.A. 100-23, eff. 7-6-17.)

9 Section 15. The Counties Code is amended by changing  
10 Sections 5-1006, 5-1006.5, and 5-1007 as follows:

11 (55 ILCS 5/5-1006) (from Ch. 34, par. 5-1006)

12 Sec. 5-1006. Home Rule County Retailers' Occupation Tax  
13 Law. Any county that is a home rule unit may impose a tax upon  
14 all persons engaged in the business of selling tangible  
15 personal property, other than an item of tangible personal  
16 property titled or registered with an agency of this State's  
17 government, at retail in the county on the gross receipts from  
18 such sales made in the course of their business. If imposed,  
19 this tax shall only be imposed in 1/4% increments. On and after  
20 September 1, 1991, this additional tax may not be imposed on  
21 the sales of food for human consumption which is to be consumed  
22 off the premises where it is sold (other than alcoholic  
23 beverages, soft drinks and food which has been prepared for  
24 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 home rule county pursuant to this Section and  
4 all 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 that is issued by the  
7 Department to a retailer under the Retailers' Occupation Tax  
8 Act shall permit the retailer to engage in a business that is  
9 taxable under any ordinance or resolution enacted pursuant to  
10 this Section without registering separately with the  
11 Department under such ordinance or resolution or under this  
12 Section. The Department shall have full power to administer and  
13 enforce this Section; to collect all taxes and penalties due  
14 hereunder; to dispose of taxes and penalties so collected in  
15 the manner hereinafter provided; and to determine all rights to  
16 credit memoranda arising on account of the erroneous payment of  
17 tax or penalty hereunder. In the administration of, and  
18 compliance with, this Section, the Department and persons who  
19 are subject to this Section shall have the same rights,  
20 remedies, privileges, immunities, powers and duties, and be  
21 subject to the same conditions, restrictions, limitations,  
22 penalties and definitions of terms, and employ the same modes  
23 of procedure, as are prescribed in Sections 1, 1a, 1a-1, 1d,  
24 1e, 1f, 1i, 1j, 1k, 1m, 1n, 2 through 2-65 (in respect to all  
25 provisions therein other than the State rate of tax), 4, 5, 5a,  
26 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d,

1 7, 8, 9, 10, 11, 12 and 13 of the Retailers' Occupation Tax Act  
2 and Section 3-7 of the Uniform Penalty and Interest Act, as  
3 fully as if those provisions were set forth herein.

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

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

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

22 The Department shall forthwith pay over to the State  
23 Treasurer, ex officio, as trustee, all taxes and penalties  
24 collected hereunder.

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

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

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

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

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

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

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

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

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

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

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

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

1 (55 ILCS 5/5-1006.5)

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

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

1 rail transportation plan and must make the plan publicly  
2 available prior to approval of the ordinance or resolution  
3 imposing the tax.

4 If a tax is imposed for public facilities purposes, then  
5 the name of the project may be included in the proposition at  
6 the discretion of the county board as determined in the  
7 enabling resolution. For example, the "XXX Nursing Home" or the  
8 "YYY Museum".

9 The county clerk shall certify the question to the proper  
10 election authority, who shall submit the proposition at an  
11 election in accordance with the general election law.

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

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

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

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

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



1 purposes shall be in substantially the following form:

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

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

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

14 For the purposes of the paragraph, "public safety  
15 purposes" means crime prevention, detention, fire  
16 fighting, police, medical, ambulance, or other emergency  
17 services.

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

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

1 below the question pursuant to this item (1).

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

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

8 As additional information on the ballot below the  
9 question shall appear the following:

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

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

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

23 As additional information on the ballot below the  
24 question shall appear the following:

25 "This would mean that a consumer would pay an  
26 additional (insert amount) in sales tax for every \$100 of

1           tangible personal property bought at retail. If imposed,  
2           the additional tax would cease being collected at the end  
3           of (insert number of years), if not terminated earlier by a  
4           vote of the county board."

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

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

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

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

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

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

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

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

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

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

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

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

25            If a majority of the electors voting on the proposition  
26 vote in favor of it, the county may impose the tax. A county

1 may not submit more than one proposition authorized by this  
2 Section to the electors at any one time.

3 This additional tax may not be imposed on the sales of food  
4 for human consumption that is to be consumed off the premises  
5 where it is sold (other than alcoholic beverages, soft drinks,  
6 and food which has been prepared for immediate consumption) and  
7 prescription and non-prescription medicines, drugs, medical  
8 appliances and insulin, urine testing materials, syringes, and  
9 needles used by diabetics. The tax imposed by a county under  
10 this Section and all civil penalties that may be assessed as an  
11 incident of the tax shall be collected and enforced by the  
12 Illinois Department of Revenue and deposited into a special  
13 fund created for that purpose. The certificate of registration  
14 that is issued by the Department to a retailer under the  
15 Retailers' Occupation Tax Act shall permit the retailer to  
16 engage in a business that is taxable without registering  
17 separately with the Department under an ordinance or resolution  
18 under this Section. The Department has full power to administer  
19 and enforce this Section, to collect all taxes and penalties  
20 due under this Section, to dispose of taxes and penalties so  
21 collected in the manner provided in this Section, and to  
22 determine all rights to credit memoranda arising on account of  
23 the erroneous payment of a tax or penalty under this Section.  
24 In the administration of and compliance with this Section, the  
25 Department and persons who are subject to this Section shall  
26 (i) have the same rights, remedies, privileges, immunities,

1 powers, and duties, (ii) be subject to the same conditions,  
2 restrictions, limitations, penalties, and definitions of  
3 terms, and (iii) employ the same modes of procedure as are  
4 prescribed in Sections 1, 1a, 1a-1, 1d, 1e, 1f, 1i, 1j, 1k, 1m,  
5 1n, 2 through 2-70 (in respect to all provisions contained in  
6 those Sections other than the State rate of tax), 2a, 2b, 2c, 3  
7 (except provisions relating to transaction returns and quarter  
8 monthly payments), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i,  
9 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 11a, 12, and 13  
10 of the Retailers' Occupation Tax Act and Section 3-7 of the  
11 Uniform Penalty and Interest Act as if those provisions were  
12 set forth in this Section.

13 Persons subject to any tax imposed under the authority  
14 granted in this Section may reimburse themselves for their  
15 sellers' 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 which sellers are required  
18 to collect under the Use Tax Act, pursuant to such bracketed  
19 schedules as the Department may prescribe.

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

1 Retailers' Occupation Tax Fund.

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

1 and definitions of terms, and (iii) employ the same modes of  
2 procedure as are prescribed in Sections 2 (except that the  
3 reference to State in the definition of supplier maintaining a  
4 place of business in this State shall mean the county), 2a, 2b,  
5 2c, 3 through 3-50 (in respect to all provisions therein other  
6 than the State rate of tax), 4 (except that the reference to  
7 the State shall be to the county), 5, 7, 8 (except that the  
8 jurisdiction to which the tax shall be a debt to the extent  
9 indicated in that Section 8 shall be the county), 9 (except as  
10 to the disposition of taxes and penalties collected), 10, 11,  
11 12 (except the reference therein to Section 2b of the  
12 Retailers' Occupation Tax Act), 13 (except that any reference  
13 to the State shall mean the county), Section 15, 16, 17, 18, 19  
14 and 20 of the Service 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 subsection may reimburse themselves for their  
19 serviceman's tax liability by separately stating the tax as an  
20 additional charge, which charge may be stated in combination,  
21 in a single amount, with State tax that servicemen are  
22 authorized to collect under the Service Use Tax Act, in  
23 accordance with such bracket schedules as the Department may  
24 prescribe.

25 Whenever the Department determines that a refund should be  
26 made under this subsection 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 County Public Safety or Transportation  
6 Retailers' Occupation Fund.

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

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

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

25 After the monthly transfer to the STAR Bonds Revenue Fund,  
26 on or before the 25th day of each calendar month, the

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

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

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

19 A county may direct, by ordinance, that all or a portion of  
20 the taxes and penalties collected under the Special County  
21 Retailers' Occupation Tax For Public Safety or Transportation  
22 be deposited into the Transportation Development Partnership  
23 Trust Fund.

24 (d) For the purpose of determining the local governmental  
25 unit whose tax is applicable, a retail sale by a producer of  
26 coal or another mineral mined in Illinois is a sale at retail

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

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

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

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

1 and enforce the tax as of the first day of January next  
2 following the filing.

3 Beginning January 1, 2014, the results of any election  
4 authorizing a proposition to impose a tax under this Section or  
5 effecting an increase in the rate of tax, along with the  
6 ordinance adopted to impose the tax or increase the rate of the  
7 tax, or any ordinance adopted to lower the rate or discontinue  
8 the tax, shall be certified by the county clerk and filed with  
9 the Illinois Department of Revenue either (i) on or before the  
10 first day of May, whereupon the Department shall proceed to  
11 administer and enforce the tax as of the first day of July next  
12 following the adoption and filing; or (ii) on or before the  
13 first day of October, whereupon the Department shall proceed to  
14 administer and enforce the tax as of the first day of January  
15 next following the adoption and filing.

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

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

25 (i) For purposes of this Section, "public safety" includes,  
26 but is not limited to, crime prevention, detention, fire

1 fighting, police, medical, ambulance, or other emergency  
2 services. The county may share tax proceeds received under this  
3 Section for public safety purposes, including proceeds  
4 received before August 4, 2009 (the effective date of Public  
5 Act 96-124), with any fire protection district located in the  
6 county. For the purposes of this Section, "transportation"  
7 includes, but is not limited to, the construction, maintenance,  
8 operation, and improvement of public highways, any other  
9 purpose for which a county may expend funds under the Illinois  
10 Highway Code, and passenger rail transportation. For the  
11 purposes of this Section, "public facilities purposes"  
12 includes, but is not limited to, the acquisition, development,  
13 construction, reconstruction, rehabilitation, improvement,  
14 financing, architectural planning, and installation of capital  
15 facilities consisting of buildings, structures, and durable  
16 equipment and for the acquisition and improvement of real  
17 property and interest in real property required, or expected to  
18 be required, in connection with the public facilities, for use  
19 by the county for the furnishing of governmental services to  
20 its citizens, including but not limited to museums and nursing  
21 homes.

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

26 (Source: P.A. 99-4, eff. 5-31-15; 99-217, eff. 7-31-15; 99-642,

1 eff. 7-28-16; 100-23, eff. 7-6-17.)

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

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

4 The corporate authorities of a home rule county may impose a  
5 tax upon all persons engaged, in such county, in the business  
6 of making sales of service at the same rate of tax imposed  
7 pursuant to Section 5-1006 of the selling price of all tangible  
8 personal property transferred by such servicemen either in the  
9 form of tangible personal property or in the form of real  
10 estate as an incident to a sale of service. If imposed, such  
11 tax shall only be imposed in 1/4% increments. On and after  
12 September 1, 1991, this additional tax may not be imposed on  
13 the sales of food for human consumption which is to be consumed  
14 off the premises where it is sold (other than alcoholic  
15 beverages, soft drinks and food which has been prepared for  
16 immediate consumption) and prescription and nonprescription  
17 medicines, drugs, medical appliances and insulin, urine  
18 testing materials, syringes and needles used by diabetics. The  
19 tax imposed by a home rule county pursuant to this Section and  
20 all civil penalties that may be assessed as an incident thereof  
21 shall be collected and enforced by the State Department of  
22 Revenue. The certificate of registration which is issued by the  
23 Department to a retailer under the Retailers' Occupation Tax  
24 Act or under the Service Occupation Tax Act shall permit such  
25 registrant to engage in a business which is taxable under any

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



1 Service Occupation Tax Act and Section 3-7 of the Uniform  
2 Penalty and Interest Act, as fully as if those provisions were  
3 set forth herein.

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

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

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

22 The Department shall forthwith pay over to the State  
23 Treasurer, ex-officio, as trustee, all taxes and penalties  
24 collected hereunder.

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

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

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

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

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

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

24 An ordinance or resolution imposing or discontinuing a tax  
25 hereunder or effecting a change in the rate thereof shall be  
26 adopted and a certified copy thereof filed with the Department

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

1 January next following the adoption and filing.

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

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

5 Section 20. The Illinois Municipal Code is amended by  
6 changing Sections 8-11-1, 8-11-1.3, 8-11-1.4, 8-11-1.6,  
7 8-11-1.7, and 8-11-5 as follows:

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

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

1 this Section and all civil penalties that may be assessed as an  
2 incident of the tax shall be collected and enforced by the  
3 State Department of Revenue. The certificate of registration  
4 that is issued by the Department to a retailer under the  
5 Retailers' Occupation Tax Act shall permit the retailer to  
6 engage in a business that is taxable under any ordinance or  
7 resolution enacted pursuant to this Section without  
8 registering separately with the Department under such  
9 ordinance or resolution or under this Section. The Department  
10 shall have full power to administer and enforce this Section;  
11 to collect all taxes and penalties due hereunder; to dispose of  
12 taxes and penalties so collected in the manner hereinafter  
13 provided; and to determine all rights to credit memoranda  
14 arising on account of the erroneous payment of tax or penalty  
15 hereunder. In the administration of, and compliance with, this  
16 Section the Department and persons who are subject to this  
17 Section shall have the same rights, remedies, privileges,  
18 immunities, powers and duties, and be subject to the same  
19 conditions, restrictions, limitations, penalties and  
20 definitions of terms, and employ the same modes of procedure,  
21 as are prescribed in Sections 1, 1a, 1d, 1e, 1f, 1i, 1j, 1k,  
22 1m, 1n, 2 through 2-65 (in respect to all provisions therein  
23 other than the State rate of tax), 2c, 3 (except as to the  
24 disposition of taxes and penalties collected), 4, 5, 5a, 5b,  
25 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8,  
26 9, 10, 11, 12 and 13 of the Retailers' Occupation Tax Act and

1 Section 3-7 of the Uniform Penalty and Interest Act, as fully  
2 as if those provisions were set forth herein.

3 No tax may be imposed by a home rule municipality under  
4 this Section unless the municipality also imposes a tax at the  
5 same rate under Section 8-11-5 of this Act.

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 that tax  
9 as an additional charge, which charge may be stated in  
10 combination, in a single amount, with State tax which sellers  
11 are required to collect under the Use Tax Act, pursuant to such  
12 bracket schedules as the Department may prescribe.

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

21 The Department shall immediately pay over to the State  
22 Treasurer, ex officio, as trustee, all taxes and penalties  
23 collected hereunder.

24 As soon as possible after the first day of each month,  
25 beginning January 1, 2011, upon certification of the Department  
26 of Revenue, the Comptroller shall order transferred, and the

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

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



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

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

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

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

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

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

24 Any unobligated balance remaining in the Municipal  
25 Retailers' Occupation Tax Fund on December 31, 1989, which fund  
26 was abolished by Public Act 85-1135, and all receipts of

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

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

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

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

18 (65 ILCS 5/8-11-1.3) (from Ch. 24, par. 8-11-1.3)

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

1 for property tax relief or both as defined in Section 8-11-1.2  
2 if approved by referendum as provided in Section 8-11-1.1, of  
3 the gross receipts from such sales made in the course of such  
4 business. If the tax is approved by referendum on or after July  
5 14, 2010 (the effective date of Public Act 96-1057), the  
6 corporate authorities of a non-home rule municipality may,  
7 until December 31, 2020, use the proceeds of the tax for  
8 expenditure on municipal operations, in addition to or in lieu  
9 of any expenditure on public infrastructure or for property tax  
10 relief. The tax imposed may not be more than 1% and may be  
11 imposed only in 1/4% increments. The tax may not be imposed on  
12 the sale of food for human consumption that is to be consumed  
13 off the premises where it is sold (other than alcoholic  
14 beverages, soft drinks, and food that has been prepared for  
15 immediate consumption) and prescription and nonprescription  
16 medicines, drugs, medical appliances, and insulin, urine  
17 testing materials, syringes, and needles used by diabetics. The  
18 tax imposed by a municipality pursuant to this Section and all  
19 civil penalties that may be assessed as an incident thereof  
20 shall be collected and enforced by the State Department of  
21 Revenue. The certificate of registration which is issued by the  
22 Department to a retailer under the Retailers' Occupation Tax  
23 Act shall permit such retailer to engage in a business which is  
24 taxable under any ordinance or resolution enacted pursuant to  
25 this Section without registering separately with the  
26 Department under such ordinance or resolution or under this

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

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

23 Persons subject to any tax imposed pursuant to the  
24 authority granted in this Section may reimburse themselves for  
25 their seller's tax liability hereunder by separately stating  
26 such tax as an additional charge, which charge may be stated in

1 combination, in a single amount, with State tax which sellers  
2 are required to collect under the Use Tax Act, pursuant to such  
3 bracket schedules as the Department may prescribe.

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

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

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

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



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

1 directions contained in such certification.

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

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

15 When certifying the amount of a monthly disbursement to a  
16 municipality under this Section, the Department shall increase  
17 or decrease such 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 The Department of Revenue shall implement this amendatory  
22 Act of the 91st General Assembly so as to collect the tax on  
23 and after January 1, 2002.

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

1           This Section shall be known and may be cited as the  
2 "Non-Home Rule Municipal Retailers' Occupation Tax Act".  
3 (Source: P.A. 99-217, eff. 7-31-15; 100-23, eff. 7-6-17.)

4           (65 ILCS 5/8-11-1.4) (from Ch. 24, par. 8-11-1.4)

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

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

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

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

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

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

1 memorandum, the Department shall notify the State Comptroller,  
2 who shall cause the order to be drawn for the amount specified,  
3 and to the person named, in such notification from the  
4 Department. Such refund shall be paid by the State Treasurer  
5 out of the municipal retailers' occupation tax fund.

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

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 under this Section  
15 during the second preceding calendar month for sales within a  
16 STAR bond district.

17 After the monthly transfer to the STAR Bonds Revenue Fund,  
18 on or before the 25th day of each calendar month, the  
19 Department shall prepare and certify to the Comptroller the  
20 disbursement of stated sums of money to named municipalities,  
21 the municipalities to be those from which suppliers and  
22 servicemen have paid taxes or penalties hereunder to the  
23 Department during the second preceding calendar month. The  
24 amount to be paid to each municipality shall be the amount (not  
25 including credit memoranda) collected hereunder during the  
26 second preceding calendar month by the Department, and not

1 including an amount equal to the amount of refunds made during  
2 the second preceding calendar month by the Department on behalf  
3 of such municipality, and not including any amounts that are  
4 transferred to the STAR Bonds Revenue Fund, ~~less 2% of the~~  
5 ~~remainder, which the Department shall transfer into the Tax~~  
6 ~~Compliance and Administration Fund. The Department, at the time~~  
7 ~~of each monthly disbursement to the municipalities, shall~~  
8 ~~prepare and certify to the State Comptroller the amount to be~~  
9 ~~transferred into the Tax Compliance and Administration Fund~~  
10 ~~under this Section.~~ Within 10 days after receipt, by the  
11 Comptroller, of the disbursement certification to the  
12 municipalities and ~~7~~ the General Revenue Fund, ~~and the Tax~~  
13 ~~Compliance and Administration Fund~~ provided for in this Section  
14 to be given to the Comptroller by the Department, the  
15 Comptroller shall cause the orders to be drawn for the  
16 respective amounts in accordance with the directions contained  
17 in such certification.

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

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

25 As used in this Section, "municipal" or "municipality"  
26 means or refers to a city, village or incorporated town,

1 including an incorporated town which has superseded a civil  
2 township.

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

5 (Source: P.A. 100-23, eff. 7-6-17.)

6 (65 ILCS 5/8-11-1.6)

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



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

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

13 A tax may not be imposed by a municipality under this  
14 Section unless the municipality also imposes a tax at the same  
15 rate under Section 8-11-1.7 of this Act.

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

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

1 amount specified, and to the person named in the notification  
2 from the Department. The refund shall be paid by the State  
3 Treasurer out of the Non-Home Rule Municipal Retailers'  
4 Occupation Tax Fund, which is hereby created.

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 retailers have paid  
21 taxes or penalties hereunder to the Department during the  
22 second preceding calendar month. The amount to be paid to each  
23 municipality shall be the amount (not including credit  
24 memoranda) collected hereunder during the second preceding  
25 calendar month by the Department plus an amount the Department  
26 determines is necessary to offset any amounts that were

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

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

1 to the purchaser at a point outside Illinois so that the sale  
2 is exempt under the federal Constitution as a sale in  
3 interstate or foreign commerce.

4 Nothing in this Section shall be construed to authorize a  
5 municipality 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 this State.

8 When certifying the amount of a monthly disbursement to a  
9 municipality under this Section, the Department shall increase  
10 or decrease the amount 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 As used in this Section, "municipal" and "municipality"  
15 means a city, village, or incorporated town, including an  
16 incorporated town that has superseded a civil township.

17 (Source: P.A. 99-217, eff. 7-31-15; 99-642, eff. 7-28-16;  
18 100-23, eff. 7-6-17; revised 10-3-17.)

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 ~~Sec.~~ and all civil penalties that may be assessed as an  
20 incident thereof shall be collected and enforced by the State  
21 Department of Revenue. An ordinance imposing a tax hereunder or  
22 effecting a change in the rate thereof 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. 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 2% 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; revised 10-3-17.)

22 (65 ILCS 5/8-11-5) (from Ch. 24, par. 8-11-5)

23 Sec. 8-11-5. Home Rule Municipal Service Occupation Tax  
24 Act. The corporate authorities of a home rule municipality may  
25 impose a tax upon all persons engaged, in such municipality, in

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

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

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

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

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 municipal 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 municipalities,  
7 the municipalities to be those from which suppliers and  
8 servicemen have paid taxes or penalties hereunder to the  
9 Department during the second preceding calendar month. The  
10 amount to be paid to each municipality shall be the amount (not  
11 including credit memoranda) collected hereunder during the  
12 second preceding calendar month by the Department, and not  
13 including an amount equal to the amount of refunds made during  
14 the second preceding calendar month by the Department on behalf  
15 of such municipality, and not including any amounts that are  
16 transferred to the STAR Bonds Revenue Fund, ~~less 2% of the~~  
17 ~~remainder, which the Department shall transfer into the Tax~~  
18 ~~Compliance and Administration Fund. The Department, at the time~~  
19 ~~of each monthly disbursement to the municipalities, shall~~  
20 ~~prepare and certify to the State Comptroller the amount to be~~  
21 ~~transferred into the Tax Compliance and Administration Fund~~  
22 ~~under this Section.~~ Within 10 days after receipt, by the  
23 Comptroller, of the disbursement certification to the  
24 municipalities ~~and the Tax Compliance and Administration Fund~~  
25 provided for in this Section to be given to the Comptroller by  
26 the Department, the Comptroller shall cause the orders to be

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

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

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

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

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



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

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

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

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

20 (Source: P.A. 100-23, eff. 7-6-17.)

21 Section 25. The Metropolitan Pier and Exposition Authority  
22 Act is amended by changing Section 13 as follows:

23 (70 ILCS 210/13) (from Ch. 85, par. 1233)

24 Sec. 13. (a) The Authority shall not have power to levy

1 taxes for any purpose, except as provided in subsections (b),  
2 (c), (d), (e), and (f).

3 (b) By ordinance the Authority shall, as soon as  
4 practicable after July 1, 1992 (the effective date of Public  
5 Act 87-733) ~~this amendatory Act of 1991~~, impose a Metropolitan  
6 Pier and Exposition Authority Retailers' Occupation Tax upon  
7 all persons engaged in the business of selling tangible  
8 personal property at retail within the territory described in  
9 this subsection at the rate of 1.0% of the gross receipts (i)  
10 from the sale of food, alcoholic beverages, and soft drinks  
11 sold for consumption on the premises where sold and (ii) from  
12 the sale of food, alcoholic beverages, and soft drinks sold for  
13 consumption off the premises where sold by a retailer whose  
14 principal source of gross receipts is from the sale of food,  
15 alcoholic beverages, and soft drinks prepared for immediate  
16 consumption.

17 The tax imposed under this subsection and all civil  
18 penalties that may be assessed as an incident to that tax shall  
19 be collected and enforced by the Illinois Department of  
20 Revenue. The Department shall have full power to administer and  
21 enforce this subsection, to collect all taxes and penalties so  
22 collected in the manner provided in this subsection, and to  
23 determine all rights to credit memoranda arising on account of  
24 the erroneous payment of tax or penalty under this subsection.  
25 In the administration of and compliance with this subsection,  
26 the Department and persons who are subject to this subsection

1 shall have the same rights, remedies, privileges, immunities,  
2 powers, and duties, shall be subject to the same conditions,  
3 restrictions, limitations, penalties, exclusions, exemptions,  
4 and definitions of terms, and shall employ the same modes of  
5 procedure applicable to this Retailers' Occupation Tax as are  
6 prescribed in Sections 1, 2 through 2-65 (in respect to all  
7 provisions of those Sections other than the State rate of  
8 taxes), 2c, 2h, 2i, 3 (except as to the disposition of taxes  
9 and penalties collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i,  
10 5j, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 12, 13, and, until January  
11 1, 1994, 13.5 of the Retailers' Occupation Tax Act, and, on and  
12 after January 1, 1994, all applicable provisions of the Uniform  
13 Penalty and Interest Act that are not inconsistent with this  
14 Act, as fully as if provisions contained in those Sections of  
15 the Retailers' Occupation Tax Act were set forth in this  
16 subsection.

17 Persons subject to any tax imposed under the authority  
18 granted in this subsection may reimburse themselves for their  
19 seller's tax liability under this subsection by separately  
20 stating that tax as an additional charge, which charge may be  
21 stated in combination, in a single amount, with State taxes  
22 that sellers are required to collect under the Use Tax Act,  
23 pursuant to bracket schedules as the Department may prescribe.  
24 The retailer filing the return shall, at the time of filing the  
25 return, pay to the Department the amount of tax imposed under  
26 this subsection, less a discount of 1.75%, which is allowed to

1 reimburse the retailer for the expenses incurred in keeping  
2 records, preparing and filing returns, remitting the tax, and  
3 supplying data to the Department on request.

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 a 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 Metropolitan Pier and Exposition Authority  
11 trust fund held by the State Treasurer as trustee for the  
12 Authority.

13 Nothing in this subsection authorizes the Authority to  
14 impose a tax upon the privilege of engaging in any business  
15 that under the Constitution of the United States may not be  
16 made the subject of taxation by this State.

17 The Department shall forthwith pay over to the State  
18 Treasurer, ex officio, as trustee for the Authority, all taxes  
19 and penalties collected under this subsection for deposit into  
20 a 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 subsection

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 amounts to be paid under subsection (g) of this Section, which  
7 shall be the amounts, not including credit memoranda, collected  
8 under this subsection during the second preceding calendar  
9 month by the Department, less any amounts determined by the  
10 Department to be necessary for the payment of refunds, less 2%  
11 of such balance, which sum shall be deposited by the State  
12 Treasurer into the Tax Compliance and Administration Fund in  
13 the State Treasury from which it shall be appropriated to the  
14 Department to cover the costs of the Department in  
15 administering and enforcing the provisions of this subsection,  
16 and less any amounts that are transferred to the STAR Bonds  
17 Revenue Fund. Within 10 days after receipt by the Comptroller  
18 of the certification, the Comptroller shall cause the orders to  
19 be drawn for the remaining amounts, and the Treasurer shall  
20 administer those amounts as required in subsection (g).

21 A certificate of registration issued by the Illinois  
22 Department of Revenue to a retailer under the Retailers'  
23 Occupation Tax Act shall permit the registrant to engage in a  
24 business that is taxed under the tax imposed under this  
25 subsection, and no additional registration shall be required  
26 under the ordinance imposing the tax or under this subsection.

1           A certified copy of any ordinance imposing or discontinuing  
2 any tax under this subsection or effecting a change in the rate  
3 of that tax shall be filed with the Department, whereupon the  
4 Department shall proceed to administer and enforce this  
5 subsection on behalf of the Authority as of the first day of  
6 the third calendar month following the date of filing.

7           The tax authorized to be levied under this subsection may  
8 be levied within all or any part of the following described  
9 portions of the metropolitan area:

10           (1) that portion of the City of Chicago located within  
11 the following area: Beginning at the point of intersection  
12 of the Cook County - DuPage County line and York Road, then  
13 North along York Road to its intersection with Touhy  
14 Avenue, then east along Touhy Avenue to its intersection  
15 with the Northwest Tollway, then southeast along the  
16 Northwest Tollway to its intersection with Lee Street, then  
17 south along Lee Street to Higgins Road, then south and east  
18 along Higgins Road to its intersection with Mannheim Road,  
19 then south along Mannheim Road to its intersection with  
20 Irving Park Road, then west along Irving Park Road to its  
21 intersection with the Cook County - DuPage County line,  
22 then north and west along the county line to the point of  
23 beginning; and

24           (2) that portion of the City of Chicago located within  
25 the following area: Beginning at the intersection of West  
26 55th Street with Central Avenue, then east along West 55th

1 Street to its intersection with South Cicero Avenue, then  
2 south along South Cicero Avenue to its intersection with  
3 West 63rd Street, then west along West 63rd Street to its  
4 intersection with South Central Avenue, then north along  
5 South Central Avenue to the point of beginning; and

6 (3) that portion of the City of Chicago located within  
7 the following area: Beginning at the point 150 feet west of  
8 the intersection of the west line of North Ashland Avenue  
9 and the north line of West Diversey Avenue, then north 150  
10 feet, then east along a line 150 feet north of the north  
11 line of West Diversey Avenue extended to the shoreline of  
12 Lake Michigan, then following the shoreline of Lake  
13 Michigan (including Navy Pier and all other improvements  
14 fixed to land, docks, or piers) to the point where the  
15 shoreline of Lake Michigan and the Adlai E. Stevenson  
16 Expressway extended east to that shoreline intersect, then  
17 west along the Adlai E. Stevenson Expressway to a point 150  
18 feet west of the west line of South Ashland Avenue, then  
19 north along a line 150 feet west of the west line of South  
20 and North Ashland Avenue to the point of beginning.

21 The tax authorized to be levied under this subsection may  
22 also be levied on food, alcoholic beverages, and soft drinks  
23 sold on boats and other watercraft departing from and returning  
24 to the shoreline of Lake Michigan (including Navy Pier and all  
25 other improvements fixed to land, docks, or piers) described in  
26 item (3).



1           (c) By ordinance the Authority shall, as soon as  
2 practicable after July 1, 1992 (the effective date of Public  
3 Act 87-733) ~~this amendatory Act of 1991~~, impose an occupation  
4 tax upon all persons engaged in the corporate limits of the  
5 City of Chicago in the business of renting, leasing, or letting  
6 rooms in a hotel, as defined in the Hotel Operators' Occupation  
7 Tax Act, at a rate of 2.5% of the gross rental receipts from  
8 the renting, leasing, or letting of hotel rooms within the City  
9 of Chicago, excluding, however, from gross rental receipts the  
10 proceeds of renting, leasing, or letting to permanent residents  
11 of a hotel, as defined in that Act. Gross rental receipts shall  
12 not include charges that are added on account of the liability  
13 arising from any tax imposed by the State or any governmental  
14 agency on the occupation of renting, leasing, or letting rooms  
15 in a hotel.

16           The tax imposed by the Authority under this subsection and  
17 all civil penalties that may be assessed as an incident to that  
18 tax shall be collected and enforced by the Illinois Department  
19 of Revenue. The certificate of registration that is issued by  
20 the Department to a lessor under the Hotel Operators'  
21 Occupation Tax Act shall permit that registrant to engage in a  
22 business that is taxable under any ordinance enacted under this  
23 subsection without registering separately with the Department  
24 under that ordinance or under this subsection. The Department  
25 shall have full power to administer and enforce this  
26 subsection, to collect all taxes and penalties due under this

1 subsection, to dispose of taxes and penalties so collected in  
2 the manner provided in this subsection, and to determine all  
3 rights to credit memoranda arising on account of the erroneous  
4 payment of tax or penalty under this subsection. In the  
5 administration of and compliance with this subsection, the  
6 Department and persons who are subject to this subsection shall  
7 have the same rights, remedies, privileges, immunities,  
8 powers, and duties, shall be subject to the same conditions,  
9 restrictions, limitations, penalties, and definitions of  
10 terms, and shall employ the same modes of procedure as are  
11 prescribed in the Hotel Operators' Occupation Tax Act (except  
12 where that Act is inconsistent with this subsection), as fully  
13 as if the provisions contained in the Hotel Operators'  
14 Occupation Tax Act were set out in this subsection.

15 Whenever the Department determines that a refund should be  
16 made under this subsection to a claimant instead of issuing a  
17 credit memorandum, the Department shall notify the State  
18 Comptroller, who shall cause a warrant to be drawn for the  
19 amount specified and to the person named in the notification  
20 from the Department. The refund shall be paid by the State  
21 Treasurer out of the Metropolitan Pier and Exposition Authority  
22 trust fund held by the State Treasurer as trustee for the  
23 Authority.

24 Persons subject to any tax imposed under the authority  
25 granted in this subsection may reimburse themselves for their  
26 tax liability for that tax by separately stating that tax as an

1 additional charge, which charge may be stated in combination,  
2 in a single amount, with State taxes imposed under the Hotel  
3 Operators' Occupation Tax Act, the municipal tax imposed under  
4 Section 8-3-13 of the Illinois Municipal Code, and the tax  
5 imposed under Section 19 of the Illinois Sports Facilities  
6 Authority Act.

7 The person filing the return shall, at the time of filing  
8 the return, pay to the Department the amount of tax, less a  
9 discount of 2.1% or \$25 per calendar year, whichever is  
10 greater, which is allowed to reimburse the operator for the  
11 expenses incurred in keeping records, preparing and filing  
12 returns, remitting the tax, and supplying data to the  
13 Department on request.

14 ~~The~~ Except ~~as otherwise provided in this paragraph, the~~  
15 Department shall forthwith pay over to the State Treasurer, ex  
16 officio, as trustee for the Authority, all taxes and penalties  
17 collected under this subsection for deposit into a trust fund  
18 held outside the State Treasury. On or before the 25th day of  
19 each calendar month, the Department shall certify to the  
20 Comptroller the amounts to be paid under subsection (g) of this  
21 Section, which shall be the amounts (not including credit  
22 memoranda) collected under this subsection during the second  
23 preceding calendar month by the Department, less any amounts  
24 determined by the Department to be necessary for payment of  
25 refunds, ~~less 2% of the remainder, which the Department shall~~  
26 ~~transfer into the Tax Compliance and Administration Fund. The~~

1 ~~Department, at the time of each monthly disbursement to the~~  
2 ~~Authority, shall prepare and certify to the State Comptroller~~  
3 ~~the amount to be transferred into the Tax Compliance and~~  
4 ~~Administration Fund under this subsection.~~ Within 10 days after  
5 receipt by the Comptroller of the Department's certification,  
6 the Comptroller shall cause the orders to be drawn for such  
7 amounts, and the Treasurer shall administer those ~~the~~ amounts  
8 ~~distributed to the Authority~~ as required in subsection (g).

9 A certified copy of any ordinance imposing or discontinuing  
10 a tax under this subsection or effecting a change in the rate  
11 of that tax shall be filed with the Illinois Department of  
12 Revenue, whereupon the Department shall proceed to administer  
13 and enforce this subsection on behalf of the Authority as of  
14 the first day of the third calendar month following the date of  
15 filing.

16 (d) By ordinance the Authority shall, as soon as  
17 practicable after July 1, 1992 (the effective date of Public  
18 Act 87-733) ~~this amendatory Act of 1991~~, impose a tax upon all  
19 persons engaged in the business of renting automobiles in the  
20 metropolitan area at the rate of 6% of the gross receipts from  
21 that business, except that no tax shall be imposed on the  
22 business of renting automobiles for use as taxicabs or in  
23 livery service. The tax imposed under this subsection and all  
24 civil penalties that may be assessed as an incident to that tax  
25 shall be collected and enforced by the Illinois Department of  
26 Revenue. The certificate of registration issued by the

1 Department to a retailer under the Retailers' Occupation Tax  
2 Act or under the Automobile Renting Occupation and Use Tax Act  
3 shall permit that person to engage in a business that is  
4 taxable under any ordinance enacted under this subsection  
5 without registering separately with the Department under that  
6 ordinance or under this subsection. The Department shall have  
7 full power to administer and enforce this subsection, to  
8 collect all taxes and penalties due under this subsection, to  
9 dispose of taxes and penalties so collected in the manner  
10 provided in this subsection, and to determine all rights to  
11 credit memoranda arising on account of the erroneous payment of  
12 tax or penalty under this subsection. In the administration of  
13 and compliance with this subsection, the Department and persons  
14 who are subject to this subsection shall have the same rights,  
15 remedies, privileges, immunities, powers, and duties, 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 2 and 3 (in respect  
19 to all provisions of those Sections other than the State rate  
20 of tax; and in respect to the provisions of the Retailers'  
21 Occupation Tax Act referred to in those Sections, except as to  
22 the disposition of taxes and penalties collected, except for  
23 the provision allowing retailers a deduction from the tax to  
24 cover certain costs, and except that credit memoranda issued  
25 under this subsection may not be used to discharge any State  
26 tax liability) of the Automobile Renting Occupation and Use Tax

1 Act, as fully as if provisions contained in those Sections of  
2 that Act were set forth in this subsection.

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

11 Whenever the Department determines that a refund should be  
12 made under this subsection to a claimant instead of issuing a  
13 credit memorandum, the Department shall notify the State  
14 Comptroller, who shall cause a warrant to be drawn for the  
15 amount specified and to the person named in the notification  
16 from the Department. The refund shall be paid by the State  
17 Treasurer out of the Metropolitan Pier and Exposition Authority  
18 trust fund held by the State Treasurer as trustee for the  
19 Authority.

20 The ~~Except as otherwise provided in this paragraph, the~~  
21 Department shall forthwith pay over to the State Treasurer, ex  
22 officio, as trustee, all taxes and penalties collected under  
23 this subsection for deposit into a trust fund held outside the  
24 State Treasury. On or before the 25th day of each calendar  
25 month, the Department shall certify to the Comptroller the  
26 amounts to be paid under subsection (g) of this Section (not

1 including credit memoranda) collected under this subsection  
2 during the second preceding calendar month by the Department,  
3 less any amount determined by the Department to be necessary  
4 for payment of refunds, ~~less 2% of the remainder, which the~~  
5 ~~Department shall transfer into the Tax Compliance and~~  
6 ~~Administration Fund. The Department, at the time of each~~  
7 ~~monthly disbursement to the Authority, shall prepare and~~  
8 ~~certify to the State Comptroller the amount to be transferred~~  
9 ~~into the Tax Compliance and Administration Fund under this~~  
10 ~~subsection.~~ Within 10 days after receipt by the Comptroller of  
11 the Department's certification, the Comptroller shall cause  
12 the orders to be drawn for such amounts, and the Treasurer  
13 shall administer those ~~the~~ amounts ~~distributed to the Authority~~  
14 as required in subsection (g).

15 Nothing in this subsection authorizes the Authority to  
16 impose a tax upon the privilege of engaging in any business  
17 that under the Constitution of the United States may not be  
18 made the subject of taxation by this State.

19 A certified copy of any ordinance imposing or discontinuing  
20 a tax under this subsection or effecting a change in the rate  
21 of that tax shall be filed with the Illinois Department of  
22 Revenue, whereupon the Department shall proceed to administer  
23 and enforce this subsection on behalf of the Authority as of  
24 the first day of the third calendar month following the date of  
25 filing.

26 (e) By ordinance the Authority shall, as soon as

1 practicable after July 1, 1992 (the effective date of Public  
2 Act 87-733) ~~this amendatory Act of 1991~~, impose a tax upon the  
3 privilege of using in the metropolitan area an automobile that  
4 is rented from a rentor outside Illinois and is titled or  
5 registered with an agency of this State's government at a rate  
6 of 6% of the rental price of that automobile, except that no  
7 tax shall be imposed on the privilege of using automobiles  
8 rented for use as taxicabs or in livery service. The tax shall  
9 be collected from persons whose Illinois address for titling or  
10 registration purposes is given as being in the metropolitan  
11 area. The tax shall be collected by the Department of Revenue  
12 for the Authority. The tax must be paid to the State or an  
13 exemption determination must be obtained from the Department of  
14 Revenue before the title or certificate of registration for the  
15 property may be issued. The tax or proof of exemption may be  
16 transmitted to the Department by way of the State agency with  
17 which or State officer with whom the tangible personal property  
18 must be titled or registered if the Department and that agency  
19 or State officer determine that this procedure will expedite  
20 the processing of applications for title or registration.

21 The Department shall have full power to administer and  
22 enforce this subsection, to collect all taxes, penalties, and  
23 interest due under this subsection, to dispose of taxes,  
24 penalties, and interest so collected in the manner provided in  
25 this subsection, and to determine all rights to credit  
26 memoranda or refunds arising on account of the erroneous



1 payment of tax, penalty, or interest under this subsection. In  
2 the administration of and compliance with this subsection, the  
3 Department and persons who are subject to this subsection shall  
4 have the same rights, remedies, privileges, immunities,  
5 powers, and duties, be subject to the same conditions,  
6 restrictions, limitations, penalties, and definitions of  
7 terms, and employ the same modes of procedure as are prescribed  
8 in Sections 2 and 4 (except provisions pertaining to the State  
9 rate of tax; and in respect to the provisions of the Use Tax  
10 Act referred to in that Section, except provisions concerning  
11 collection or refunding of the tax by retailers, except the  
12 provisions of Section 19 pertaining to claims by retailers,  
13 except the last paragraph concerning refunds, and except that  
14 credit memoranda issued under this subsection may not be used  
15 to discharge any State tax liability) of the Automobile Renting  
16 Occupation and Use Tax Act, as fully as if provisions contained  
17 in those Sections of that Act were set forth in this  
18 subsection.

19 Whenever the Department determines that a refund should be  
20 made under this subsection to a claimant instead of issuing a  
21 credit memorandum, the Department shall notify the State  
22 Comptroller, who shall cause a warrant to be drawn for the  
23 amount specified and to the person named in the notification  
24 from the Department. The refund shall be paid by the State  
25 Treasurer out of the Metropolitan Pier and Exposition Authority  
26 trust fund held by the State Treasurer as trustee for the

1 Authority.

2 ~~The Except as otherwise provided in this paragraph, the~~  
3 Department shall forthwith pay over to the State Treasurer, ex  
4 officio, as trustee, all taxes, penalties, and interest  
5 collected under this subsection for deposit into a trust fund  
6 held outside the State Treasury. On or before the 25th day of  
7 each calendar month, the Department shall certify to the State  
8 Comptroller the amounts to be paid under subsection (g) of this  
9 Section, which shall be the amounts (not including credit  
10 memoranda) collected under this subsection during the second  
11 preceding calendar month by the Department, less any amounts  
12 determined by the Department to be necessary for payment of  
13 refunds, ~~less 2% of the remainder, which the Department shall~~  
14 ~~transfer into the Tax Compliance and Administration Fund. The~~  
15 ~~Department, at the time of each monthly disbursement to the~~  
16 ~~Authority, shall prepare and certify to the State Comptroller~~  
17 ~~the amount to be transferred into the Tax Compliance and~~  
18 ~~Administration Fund under this subsection. Within 10 days after~~  
19 receipt by the State Comptroller of the Department's  
20 certification, the Comptroller shall cause the orders to be  
21 drawn for such amounts, and the Treasurer shall administer  
22 those ~~the amounts distributed to the Authority~~ as required in  
23 subsection (g).

24 A certified copy of any ordinance imposing or discontinuing  
25 a tax or effecting a change in the rate of that tax shall be  
26 filed with the Illinois Department of Revenue, whereupon the

1 Department shall proceed to administer and enforce this  
2 subsection on behalf of the Authority as of the first day of  
3 the third calendar month following the date of filing.

4 (f) By ordinance the Authority shall, as soon as  
5 practicable after July 1, 1992 (the effective date of Public  
6 Act 87-733) ~~this amendatory Act of 1991~~, impose an occupation  
7 tax on all persons, other than a governmental agency, engaged  
8 in the business of providing ground transportation for hire to  
9 passengers in the metropolitan area at a rate of (i) \$4 per  
10 taxi or livery vehicle departure with passengers for hire from  
11 commercial service airports in the metropolitan area, (ii) for  
12 each departure with passengers for hire from a commercial  
13 service airport in the metropolitan area in a bus or van  
14 operated by a person other than a person described in item  
15 (iii): \$18 per bus or van with a capacity of 1-12 passengers,  
16 \$36 per bus or van with a capacity of 13-24 passengers, and \$54  
17 per bus or van with a capacity of over 24 passengers, and (iii)  
18 for each departure with passengers for hire from a commercial  
19 service airport in the metropolitan area in a bus or van  
20 operated by a person regulated by the Interstate Commerce  
21 Commission or Illinois Commerce Commission, operating  
22 scheduled service from the airport, and charging fares on a per  
23 passenger basis: \$2 per passenger for hire in each bus or van.  
24 The term "commercial service airports" means those airports  
25 receiving scheduled passenger service and enplaning more than  
26 100,000 passengers per year.

1           In the ordinance imposing the tax, the Authority may  
2 provide for the administration and enforcement of the tax and  
3 the collection of the tax from persons subject to the tax as  
4 the Authority determines to be necessary or practicable for the  
5 effective administration of the tax. The Authority may enter  
6 into agreements as it deems appropriate with any governmental  
7 agency providing for that agency to act as the Authority's  
8 agent to collect the tax.

9           In the ordinance imposing the tax, the Authority may  
10 designate a method or methods for persons subject to the tax to  
11 reimburse themselves for the tax liability arising under the  
12 ordinance (i) by separately stating the full amount of the tax  
13 liability as an additional charge to passengers departing the  
14 airports, (ii) by separately stating one-half of the tax  
15 liability as an additional charge to both passengers departing  
16 from and to passengers arriving at the airports, or (iii) by  
17 some other method determined by the Authority.

18           All taxes, penalties, and interest collected under any  
19 ordinance adopted under this subsection, less any amounts  
20 determined to be necessary for the payment of refunds and less  
21 the taxes, penalties, and interest attributable to any increase  
22 in the rate of tax authorized by Public Act 96-898, shall be  
23 paid forthwith to the State Treasurer, ex officio, for deposit  
24 into a trust fund held outside the State Treasury and shall be  
25 administered by the State Treasurer as provided in subsection  
26 (g) of this Section. All taxes, penalties, and interest

1 attributable to any increase in the rate of tax authorized by  
2 Public Act 96-898 shall be paid by the State Treasurer as  
3 follows: 25% for deposit into the Convention Center Support  
4 Fund, to be used by the Village of Rosemont for the repair,  
5 maintenance, and improvement of the Donald E. Stephens  
6 Convention Center and for debt service on debt instruments  
7 issued for those purposes by the village and 75% to the  
8 Authority to be used for grants to an organization meeting the  
9 qualifications set out in Section 5.6 of this Act, provided the  
10 Metropolitan Pier and Exposition Authority has entered into a  
11 marketing agreement with such an organization.

12 (g) Amounts deposited from the proceeds of taxes imposed by  
13 the Authority under subsections (b), (c), (d), (e), and (f) of  
14 this Section and amounts deposited under Section 19 of the  
15 Illinois Sports Facilities Authority Act shall be held in a  
16 trust fund outside the State Treasury and, ~~other than the~~  
17 ~~amounts transferred into the Tax Compliance and Administration~~  
18 ~~Fund under subsections (b), (c), (d), and (e),~~ shall be  
19 administered by the Treasurer as follows:

20 (1) An amount necessary for the payment of refunds with  
21 respect to those taxes shall be retained in the trust fund  
22 and used for those payments.

23 (2) On July 20 and on the 20th of each month  
24 thereafter, provided that the amount requested in the  
25 annual certificate of the Chairman of the Authority filed  
26 under Section 8.25f of the State Finance Act has been

1 appropriated for payment to the Authority, 1/8 of the local  
2 tax transfer amount, together with any cumulative  
3 deficiencies in the amounts transferred into the McCormick  
4 Place Expansion Project Fund under this subparagraph (2)  
5 during the fiscal year for which the certificate has been  
6 filed, shall be transferred from the trust fund into the  
7 McCormick Place Expansion Project Fund in the State  
8 treasury until 100% of the local tax transfer amount has  
9 been so transferred. "Local tax transfer amount" shall mean  
10 the amount requested in the annual certificate, minus the  
11 reduction amount. "Reduction amount" shall mean \$41.7  
12 million in fiscal year 2011, \$36.7 million in fiscal year  
13 2012, \$36.7 million in fiscal year 2013, \$36.7 million in  
14 fiscal year 2014, and \$31.7 million in each fiscal year  
15 thereafter until 2032, provided that the reduction amount  
16 shall be reduced by (i) the amount certified by the  
17 Authority to the State Comptroller and State Treasurer  
18 under Section 8.25 of the State Finance Act, as amended,  
19 with respect to that fiscal year and (ii) in any fiscal  
20 year in which the amounts deposited in the trust fund under  
21 this Section exceed \$318.3 million, exclusive of amounts  
22 set aside for refunds and for the reserve account, one  
23 dollar for each dollar of the deposits in the trust fund  
24 above \$318.3 million with respect to that year, exclusive  
25 of amounts set aside for refunds and for the reserve  
26 account.

1           (3) On July 20, 2010, the Comptroller shall certify to  
2           the Governor, the Treasurer, and the Chairman of the  
3           Authority the 2010 deficiency amount, which means the  
4           cumulative amount of transfers that were due from the trust  
5           fund to the McCormick Place Expansion Project Fund in  
6           fiscal years 2008, 2009, and 2010 under Section 13(g) of  
7           this Act, as it existed prior to May 27, 2010 (the  
8           effective date of Public Act 96-898), but not made. On July  
9           20, 2011 and on July 20 of each year through July 20, 2014,  
10          the Treasurer shall calculate for the previous fiscal year  
11          the surplus revenues in the trust fund and pay that amount  
12          to the Authority. On July 20, 2015 and on July 20 of each  
13          year thereafter to and including July 20, 2017, as long as  
14          bonds and notes issued under Section 13.2 or bonds and  
15          notes issued to refund those bonds and notes are  
16          outstanding, the Treasurer shall calculate for the  
17          previous fiscal year the surplus revenues in the trust fund  
18          and pay one-half of that amount to the State Treasurer for  
19          deposit into the General Revenue Fund until the 2010  
20          deficiency amount has been paid and shall pay the balance  
21          of the surplus revenues to the Authority. On July 20, 2018  
22          and on July 20 of each year thereafter, the Treasurer shall  
23          calculate for the previous fiscal year the surplus revenues  
24          in the trust fund and pay all of such surplus revenues to  
25          the State Treasurer for deposit into the General Revenue  
26          Fund until the 2010 deficiency amount has been paid. After

1 the 2010 deficiency amount has been paid, the Treasurer  
2 shall pay the balance of the surplus revenues to the  
3 Authority. "Surplus revenues" means the amounts remaining  
4 in the trust fund on June 30 of the previous fiscal year  
5 (A) after the State Treasurer has set aside in the trust  
6 fund (i) amounts retained for refunds under subparagraph  
7 (1) and (ii) any amounts necessary to meet the reserve  
8 account amount and (B) after the State Treasurer has  
9 transferred from the trust fund to the General Revenue Fund  
10 100% of any post-2010 deficiency amount. "Reserve account  
11 amount" means \$15 million in fiscal year 2011 and \$30  
12 million in each fiscal year thereafter. The reserve account  
13 amount shall be set aside in the trust fund and used as a  
14 reserve to be transferred to the McCormick Place Expansion  
15 Project Fund in the event the proceeds of taxes imposed  
16 under this Section 13 are not sufficient to fund the  
17 transfer required in subparagraph (2). "Post-2010  
18 deficiency amount" means any deficiency in transfers from  
19 the trust fund to the McCormick Place Expansion Project  
20 Fund with respect to fiscal years 2011 and thereafter. It  
21 is the intention of this subparagraph (3) that no surplus  
22 revenues shall be paid to the Authority with respect to any  
23 year in which a post-2010 deficiency amount has not been  
24 satisfied by the Authority.

25 Moneys received by the Authority as surplus revenues may be  
26 used (i) for the purposes of paying debt service on the bonds



1 and notes issued by the Authority, including early redemption  
2 of those bonds or notes, (ii) for the purposes of repair,  
3 replacement, and improvement of the grounds, buildings, and  
4 facilities of the Authority, and (iii) for the corporate  
5 purposes of the Authority in fiscal years 2011 through 2015 in  
6 an amount not to exceed \$20,000,000 annually or \$80,000,000  
7 total, which amount shall be reduced \$0.75 for each dollar of  
8 the receipts of the Authority in that year from any contract  
9 entered into with respect to naming rights at McCormick Place  
10 under Section 5(m) of this Act. When bonds and notes issued  
11 under Section 13.2, or bonds or notes issued to refund those  
12 bonds and notes, are no longer outstanding, the balance in the  
13 trust fund shall be paid to the Authority.

14 (h) The ordinances imposing the taxes authorized by this  
15 Section shall be repealed when bonds and notes issued under  
16 Section 13.2 or bonds and notes issued to refund those bonds  
17 and notes are no longer outstanding.

18 (Source: P.A. 100-23, Article 5, Section 5-35, eff. 7-6-17;  
19 100-23, Article 35, Section 35-25, eff. 7-6-17; revised  
20 8-15-17.)

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

23 (70 ILCS 1605/30)

24 Sec. 30. Taxes.

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

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

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

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

24 Whenever the Department determines that a refund should be  
25 made under this Section to a claimant instead of issuing a  
26 credit memorandum, the Department shall notify the State

1 Comptroller, who shall cause the order to be drawn for the  
2 amount specified and to the person named in the notification  
3 from the Department. The refund shall be paid by the State  
4 Treasurer out of the State Metro-East Park and Recreation  
5 District Fund.

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

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

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

1 accordance with such bracket schedules as the Department may  
2 prescribe.

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

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

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

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. The Department shall make this  
2 certification only if the Metro East Park and Recreation  
3 District imposes a tax on real property as provided in the  
4 definition of "local sales taxes" under the Innovation  
5 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  
8 Department shall prepare and certify to the Comptroller the  
9 disbursement of stated sums of money pursuant to Section 35 of  
10 this Act to the District from which retailers have paid taxes  
11 or penalties to the Department during the second preceding  
12 calendar month. The amount to be paid to the District shall be  
13 the amount (not including credit memoranda) collected under  
14 this Section during the second preceding calendar month by the  
15 Department plus an amount the Department determines is  
16 necessary to offset any amounts that were erroneously paid to a  
17 different taxing body, and not including (i) an amount equal to  
18 the amount of refunds made during the second preceding calendar  
19 month by the Department on behalf of the District, (ii) any  
20 amount that the Department determines is necessary to offset  
21 any amounts that were payable to a different taxing body but  
22 were erroneously paid to the District, and (iii) any amounts  
23 that are transferred to the STAR Bonds Revenue Fund, ~~and (iv)~~  
24 ~~2% of the remainder, which the Department shall transfer into~~  
25 ~~the Tax Compliance and Administration Fund. The Department, at~~  
26 ~~the time of each monthly disbursement to the District, 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 subsection.~~ Within 10 days after receipt by the  
4 Comptroller of the disbursement certification to the District  
5 ~~and the Tax Compliance and Administration Fund~~ provided for in  
6 this Section to be given to the Comptroller by the Department,  
7 the Comptroller shall cause the orders to be drawn for the  
8 respective amounts in accordance with directions contained in  
9 the certification.

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

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

23 (f) An ordinance imposing a tax under this Section or an  
24 ordinance extending the imposition of a tax to an additional  
25 county or counties shall be certified by the board and filed  
26 with the Department of Revenue either (i) on or before the



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

7 (g) When certifying the amount of a monthly disbursement to  
8 the District under this Section, the Department shall increase  
9 or decrease the amounts 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 (Source: P.A. 99-217, eff. 7-31-15; 100-23, eff. 7-6-17.)

14 Section 35. The Local Mass Transit District Act is amended  
15 by changing Section 5.01 as follows:

16 (70 ILCS 3610/5.01) (from Ch. 111 2/3, par. 355.01)

17 Sec. 5.01. Metro East Mass Transit District; use and  
18 occupation taxes.

19 (a) The Board of Trustees of any Metro East Mass Transit  
20 District may, by ordinance adopted with the concurrence of  
21 two-thirds of the then trustees, impose throughout the District  
22 any or all of the taxes and fees provided in this Section. All  
23 taxes and fees imposed under this Section shall be used only  
24 for public mass transportation systems, and the amount used to

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

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

1 remedies, privileges, immunities, powers and duties, and be  
2 subject to the same conditions, restrictions, limitations,  
3 penalties, exclusions, exemptions and definitions of terms and  
4 employ the same modes of procedure, as are prescribed in  
5 Sections 1, 1a, 1a-1, 1c, 1d, 1e, 1f, 1i, 1j, 2 through 2-65  
6 (in respect to all provisions therein other than the State rate  
7 of tax), 2c, 3 (except as to the disposition of taxes and  
8 penalties collected), 4, 5, 5a, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j,  
9 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 12, 13, and 14 of  
10 the Retailers' 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 Section may  
14 reimburse themselves for their seller's tax liability  
15 hereunder by separately stating the tax as an additional  
16 charge, which charge may be stated in combination, in a single  
17 amount, with State taxes that sellers are required to collect  
18 under the Use Tax Act, in accordance with such bracket  
19 schedules as the Department may prescribe.

20 Whenever the Department determines that a refund should be  
21 made under this Section to a claimant instead of issuing a  
22 credit memorandum, the Department shall notify the State  
23 Comptroller, who shall cause the warrant to be drawn for the  
24 amount specified, and to the person named, in the notification  
25 from the Department. The refund shall be paid by the State  
26 Treasurer out of the Metro East Mass Transit District tax fund

1 established under paragraph (h) of this Section.

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

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

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

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

22 (c) If a tax has been imposed under subsection (b), a Metro  
23 East Mass Transit District Service Occupation Tax shall also be  
24 imposed upon all persons engaged, in the district, in the  
25 business of making sales of service, who, as an incident to  
26 making those sales of service, transfer tangible personal

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

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

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

20 Whenever the Department determines that a refund should be  
21 made under this paragraph to a claimant instead of issuing a  
22 credit memorandum, the Department shall notify the State  
23 Comptroller, who shall cause the warrant to be drawn for the  
24 amount specified, and to the person named, in the notification  
25 from the Department. The refund shall be paid by the State  
26 Treasurer out of the Metro East Mass Transit District tax fund

1 established under paragraph (h) of this Section.

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

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

1 processing of applications for title or registration.

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

24 Whenever the Department determines that a refund should be  
25 made under this paragraph to a claimant instead of issuing a  
26 credit memorandum, the Department shall notify the State



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

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

17 The proposition shall be in substantially the following  
18 form:

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

24 (B) Two thousand five hundred electors of any Metro East  
25 Mass Transit District may petition the Chief Judge of the  
26 Circuit Court, or any judge of that Circuit designated by the

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

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

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

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

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

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

1 0.75%?

2 Name Address, with Street and Number.

3 .....

4 .....

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

20 (D) If the voters have approved a referendum under this  
21 subsection, before November 1, 1994, to increase the tax rate  
22 under this subsection, the Metro East Mass Transit District  
23 Board of Trustees may adopt by a majority vote an ordinance at  
24 any time before January 1, 1995 that excludes from the rate  
25 increase tangible personal property that is titled or  
26 registered with an agency of this State's government. The

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

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

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

1 Transit District Service Occupation Tax. No fee shall be  
2 imposed or collected under this subsection on the sale of a  
3 motor vehicle in this State to a resident of another state if  
4 that motor vehicle will not be titled in this State.

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

11 (d-7.1) Beginning July 1, 2004, any fee imposed by the  
12 Board of Trustees of any Metro East Mass Transit District under  
13 subsection (d-6) and all civil penalties that may be assessed  
14 as an incident of the fees shall be collected and enforced by  
15 the State Department of Revenue. Reference to "taxes" in this  
16 Section shall be construed to apply to the administration,  
17 payment, and remittance of all fees under this Section. For  
18 purposes of any fee imposed under subsection (d-6), 4% of the  
19 fee, penalty, and interest received by the Department in the  
20 first 12 months that the fee is collected and enforced by the  
21 Department and 2% of the fee, penalty, and interest following  
22 the first 12 months shall be deposited into the Tax Compliance  
23 and Administration Fund and shall be used by the Department,  
24 subject to appropriation, to cover the costs of the Department.  
25 No retailers' discount shall apply to any fee imposed under  
26 subsection (d-6).

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

5 (d-9) (Blank).

6 (d-10) (Blank).

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

16 (f) (Blank).

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

1 to administer and enforce this Section as of the first day of  
2 October next following such adoption and filing. Beginning  
3 January 1, 1993, except as provided in subsection (d-5) of this  
4 Section, an ordinance or resolution imposing or discontinuing  
5 the tax hereunder shall be adopted and a certified copy thereof  
6 filed with the Department on or before the first day of  
7 October, whereupon the Department shall proceed to administer  
8 and enforce this Section as of the first day of January next  
9 following such adoption and filing, or, beginning January 1,  
10 2004, on or before the first day of April, whereupon the  
11 Department shall proceed to administer and enforce this Section  
12 as of the first day of July next following the adoption and  
13 filing.

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

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



1 certification only if the local mass transit district imposes a  
2 tax on real property as provided in the definition of "local  
3 sales taxes" under the Innovation Development and Economy Act.

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

1 ~~Tax Compliance and Administration Fund~~, the Comptroller shall  
2 cause an order to be drawn for payment for the amount in  
3 accordance with the direction in the certification.

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

5 Section 40. The Regional Transportation Authority Act is  
6 amended by changing Section 4.03 as follows:

7 (70 ILCS 3615/4.03) (from Ch. 111 2/3, par. 704.03)

8 Sec. 4.03. Taxes.

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

23 (b) The Board may impose a public transportation tax upon  
24 all persons engaged in the metropolitan region in the business

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

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

25 (d) The Board may impose a motor vehicle parking tax upon  
26 the privilege of parking motor vehicles at off-street parking

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

19 (e) The Board may impose a Regional Transportation  
20 Authority Retailers' Occupation Tax upon all persons engaged in  
21 the business of selling tangible personal property at retail in  
22 the metropolitan region. In Cook County the tax rate shall be  
23 1.25% of the gross receipts from sales of food for human  
24 consumption that is to be consumed off the premises where it is  
25 sold (other than alcoholic beverages, soft drinks and food that  
26 has been prepared for immediate consumption) and prescription

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

1 and Section 3-7 of the Uniform Penalty and Interest Act, as  
2 fully as if those provisions were set forth herein.

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 the tax  
6 as an additional charge, which charge may be stated in  
7 combination in a single amount with State taxes that sellers  
8 are required to collect under the Use Tax Act, under any  
9 bracket schedules 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 warrant to be drawn for the  
14 amount specified, and to the person named, in the notification  
15 from the Department. The refund shall be paid by the State  
16 Treasurer out of the Regional Transportation Authority tax fund  
17 established under paragraph (n) of this Section.

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

20 For the purpose of determining whether a tax authorized  
21 under this Section is applicable, a retail sale by a producer  
22 of coal or other 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 other 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 Federal Constitution as a sale in  
2 interstate or foreign commerce.

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

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

12 (f) If a tax has been imposed under paragraph (e), a  
13 Regional Transportation Authority Service Occupation Tax shall  
14 also be imposed upon all persons engaged, in the metropolitan  
15 region in the business of making sales of service, who as an  
16 incident to making the sales of service, transfer tangible  
17 personal property within the metropolitan region, either in the  
18 form of tangible personal property or in the form of real  
19 estate as an incident to a sale of service. In Cook County, the  
20 tax rate shall be: (1) 1.25% of the serviceman's cost price of  
21 food prepared for immediate consumption and transferred  
22 incident to a sale of service subject to the service occupation  
23 tax by an entity licensed under the Hospital Licensing Act, the  
24 Nursing Home Care Act, the Specialized Mental Health  
25 Rehabilitation Act of 2013, the ID/DD Community Care Act, or  
26 the MC/DD Act that is located in the metropolitan region; (2)

1 1.25% of the selling price of food for human consumption that  
2 is to be consumed off the premises where it is sold (other than  
3 alcoholic beverages, soft drinks and food that has been  
4 prepared for immediate consumption) and prescription and  
5 nonprescription medicines, drugs, medical appliances and  
6 insulin, urine testing materials, syringes and needles used by  
7 diabetics; and (3) 1% of the selling price from other taxable  
8 sales of tangible personal property transferred. In DuPage,  
9 Kane, Lake, McHenry and Will Counties the rate shall be 0.75%  
10 of the selling price of all tangible personal property  
11 transferred.

12 The tax imposed under this paragraph and all civil  
13 penalties that may be assessed as an incident thereof shall be  
14 collected and enforced by the State Department of Revenue. The  
15 Department shall have full power to administer and enforce this  
16 paragraph; to collect all taxes and penalties due hereunder; to  
17 dispose of taxes and penalties collected in the manner  
18 hereinafter provided; and to determine all rights to credit  
19 memoranda arising on account of the erroneous payment of tax or  
20 penalty hereunder. In the administration of and compliance with  
21 this paragraph, the Department and persons who are subject to  
22 this paragraph shall have the same rights, remedies,  
23 privileges, immunities, powers and duties, and be subject to  
24 the same conditions, restrictions, limitations, penalties,  
25 exclusions, exemptions and definitions of terms, and employ the  
26 same modes of procedure, as are prescribed in Sections 1a-1, 2,



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

15 Persons subject to any tax imposed under the authority  
16 granted in this paragraph may reimburse themselves for their  
17 serviceman's tax liability hereunder by separately stating the  
18 tax as an additional charge, that charge may be stated in  
19 combination in a single amount with State tax that servicemen  
20 are authorized to collect under the Service Use Tax Act, under  
21 any bracket schedules the Department may 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 Regional Transportation Authority tax fund  
3 established under paragraph (n) of this Section.

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

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

1 transmitted to the Department by way of the State agency with  
2 which, or the State officer with whom, the tangible personal  
3 property must be titled or registered if the Department and the  
4 State agency or State officer determine that this procedure  
5 will expedite the processing of applications for title or  
6 registration.

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

1 as fully as if those provisions were set forth herein.

2 Whenever the Department determines that a refund should be  
3 made under this paragraph 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 the notification  
7 from the Department. The refund shall be paid by the State  
8 Treasurer out of the Regional Transportation Authority tax fund  
9 established under paragraph (n) of this Section.

10 (h) The Authority may impose a replacement vehicle tax of  
11 \$50 on any passenger car as defined in Section 1-157 of the  
12 Illinois Vehicle Code purchased within the metropolitan region  
13 by or on behalf of an insurance company to replace a passenger  
14 car of an insured person in settlement of a total loss claim.  
15 The tax imposed may not become effective before the first day  
16 of the month following the passage of the ordinance imposing  
17 the tax and receipt of a certified copy of the ordinance by the  
18 Department of Revenue. The Department of Revenue shall collect  
19 the tax for the Authority in accordance with Sections 3-2002  
20 and 3-2003 of the Illinois Vehicle Code.

21 The Department shall immediately pay over to the State  
22 Treasurer, ex officio, as trustee, all taxes collected  
23 hereunder.

24 As soon as possible after the first day of each month,  
25 beginning January 1, 2011, upon certification of the Department  
26 of Revenue, the Comptroller shall order transferred, and the

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

6 After the monthly transfer to the STAR Bonds Revenue Fund,  
7 on or before the 25th day of each calendar month, the  
8 Department shall prepare and certify to the Comptroller the  
9 disbursement of stated sums of money to the Authority. The  
10 amount to be paid to the Authority shall be the amount  
11 collected hereunder during the second preceding calendar month  
12 by the Department, less any amount determined by the Department  
13 to be necessary for the payment of refunds, and less any  
14 amounts that are transferred to the STAR Bonds Revenue Fund.  
15 Within 10 days after receipt by the Comptroller of the  
16 disbursement certification to the Authority provided for in  
17 this Section to be given to the Comptroller by the Department,  
18 the Comptroller shall cause the orders to be drawn for that  
19 amount in accordance with the directions contained in the  
20 certification.

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

23 (j) A certificate of registration issued by the State  
24 Department of Revenue to a retailer under the Retailers'  
25 Occupation Tax Act or under the Service Occupation Tax Act  
26 shall permit the registrant to engage in a business that is

1 taxed under the tax imposed under paragraphs (b), (e), (f) or  
2 (g) of this Section and no additional registration shall be  
3 required under the tax. A certificate issued under the Use Tax  
4 Act or the Service Use Tax Act shall be applicable with regard  
5 to any tax imposed under paragraph (c) of this Section.

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

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

1 facilitate the reporting and nontaxability of the exempt sales  
2 or uses.

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

1 enforcing an increased tax under this Section as authorized by  
2 Public Act 95-708. The tax rates authorized by Public Act  
3 95-708 are effective only if imposed by ordinance of the  
4 Authority.

5 (n) The ~~Except as otherwise provided in this subsection~~  
6 ~~(n),~~ the State Department of Revenue shall, upon collecting any  
7 taxes as provided in this Section, pay the taxes over to the  
8 State Treasurer as trustee for the Authority. The taxes shall  
9 be held in a trust fund outside the State Treasury. On or  
10 before the 25th day of each calendar month, the State  
11 Department of Revenue shall prepare and certify to the  
12 Comptroller of the State of Illinois and to the Authority (i)  
13 the amount of taxes collected in each County other than Cook  
14 County in the metropolitan region, (ii) the amount of taxes  
15 collected within the City of Chicago, and (iii) the amount  
16 collected in that portion of Cook County outside of Chicago,  
17 each amount less the amount necessary for the payment of  
18 refunds to taxpayers located in those areas described in items  
19 (i), (ii), and (iii), ~~and less 2% of the remainder, which shall~~  
20 ~~be transferred from the trust fund into the Tax Compliance and~~  
21 ~~Administration Fund. The Department, at the time of each~~  
22 ~~monthly disbursement to the Authority, shall prepare and~~  
23 ~~certify to the State Comptroller the amount to be transferred~~  
24 ~~into the Tax Compliance and Administration Fund under this~~  
25 ~~subsection.~~ Within 10 days after receipt by the Comptroller of  
26 the certification of the amounts, the Comptroller shall cause



1 an order to be drawn for the ~~transfer of the amount certified~~  
2 ~~into the Tax Compliance and Administration Fund~~ and the payment  
3 of two-thirds of the amounts certified in item (i) of this  
4 subsection to the Authority and one-third of the amounts  
5 certified in item (i) of this subsection to the respective  
6 counties other than Cook County and the amount certified in  
7 items (ii) and (iii) of this subsection to the Authority.

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

23 (o) Failure to adopt a budget ordinance or otherwise to  
24 comply with Section 4.01 of this Act or to adopt a Five-year  
25 Capital Program or otherwise to comply with paragraph (b) of  
26 Section 2.01 of this Act shall not affect the validity of any

1 tax imposed by the Authority otherwise in conformity with law.

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

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

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

23 (Source: P.A. 99-180, eff. 7-29-15; 99-217, eff. 7-31-15;  
24 99-642, eff. 7-28-16; 100-23, eff. 7-6-17.)

25 Section 45. The Water Commission Act of 1985 is amended by

1 changing Section 4 as follows:

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

3 Sec. 4. Taxes.

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

14 The proposition shall be in the form provided in Section 5  
15 or shall be substantially in the following form:

16 -----

17 Shall the (insert corporate

18 name of county water commission) YES

19 impose (state type of tax or -----

20 taxes to be imposed) at the NO

21 rate of 1/4%?

22 -----

23 Taxes imposed under this Section and civil penalties  
24 imposed incident thereto shall be collected and enforced by the  
25 State Department of Revenue. The Department shall have the

1 power to administer and enforce the taxes and to determine all  
2 rights for refunds for erroneous payments of the taxes.

3 (b) The board of commissioners may impose a County Water  
4 Commission Retailers' Occupation Tax upon all persons engaged  
5 in the business of selling tangible personal property at retail  
6 in the territory of the commission at a rate of 1/4% of the  
7 gross receipts from the sales made in the course of such  
8 business within the territory. The tax imposed under this  
9 paragraph and all civil penalties that may be assessed as an  
10 incident thereof shall be collected and enforced by the State  
11 Department of Revenue. The Department shall have full power to  
12 administer and enforce this paragraph; to collect all taxes and  
13 penalties due hereunder; to dispose of taxes and penalties so  
14 collected in the manner hereinafter provided; and to determine  
15 all rights to credit memoranda arising on account of the  
16 erroneous payment of tax or penalty hereunder. In the  
17 administration of, and compliance with, this paragraph, the  
18 Department and persons who are subject to this paragraph shall  
19 have the same rights, remedies, privileges, immunities, powers  
20 and duties, and be subject to the same conditions,  
21 restrictions, limitations, penalties, exclusions, exemptions  
22 and definitions of terms, and employ the same modes of  
23 procedure, as are prescribed in Sections 1, 1a, 1a-1, 1c, 1d,  
24 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all provisions  
25 therein other than the State rate of tax except that food for  
26 human consumption that is to be consumed off the premises where

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

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

21 Whenever the Department determines that a refund should be  
22 made under this paragraph 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 a county water commission tax fund established  
2 under paragraph (g) of this Section.

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

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

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

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

23 (c) If a tax has been imposed under subsection (b), a  
24 County Water Commission Service Occupation Tax shall also be  
25 imposed upon all persons engaged, in the territory of the  
26 commission, in the business of making sales of service, who, as

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

1 consumption) and prescription and nonprescription medicines,  
2 drugs, medical appliances and insulin, urine testing  
3 materials, syringes, and needles used by diabetics, for human  
4 use, shall not be subject to tax hereunder), 4 (except that the  
5 reference to the State shall be to the territory of the  
6 commission), 5, 7, 8 (except that the jurisdiction to which the  
7 tax shall be a debt to the extent indicated in that Section 8  
8 shall be the commission), 9 (except as to the disposition of  
9 taxes and penalties collected and except that the returned  
10 merchandise credit for this tax may not be taken against any  
11 State tax), 10, 11, 12 (except the reference therein to Section  
12 2b of the Retailers' Occupation Tax Act), 13 (except that any  
13 reference to the State shall mean the territory of the  
14 commission), the first paragraph of Section 15, 15.5, 16, 17,  
15 18, 19 and 20 of the Service Occupation Tax Act as fully as if  
16 those 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 serviceman's tax liability hereunder by separately stating the  
20 tax as an additional charge, which charge may be stated in  
21 combination, in a single amount, with State tax that servicemen  
22 are authorized to collect under the Service Use Tax Act, and  
23 any tax for which servicemen may be liable under subsection (f)  
24 of Section 4.03 of the Regional Transportation Authority Act,  
25 in accordance with such bracket schedules as the Department may  
26 prescribe.



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

9           Nothing in this paragraph shall be construed to authorize a  
10 county water commission to impose a tax upon the privilege of  
11 engaging in any business which under the Constitution of the  
12 United States may not be made the subject of taxation by the  
13 State.

14           (d) If a tax has been imposed under subsection (b), a tax  
15 shall also imposed upon the privilege of using, in the  
16 territory of the commission, any item of tangible personal  
17 property that is purchased outside the territory at retail from  
18 a retailer, and that is titled or registered with an agency of  
19 this State's government, at a rate of 1/4% of the selling price  
20 of the tangible personal property within the territory, as  
21 "selling price" is defined in the Use Tax Act. The tax shall be  
22 collected from persons whose Illinois address for titling or  
23 registration purposes is given as being in the territory. The  
24 tax shall be collected by the Department of Revenue for a  
25 county water commission. The tax must be paid to the State, or  
26 an exemption determination must be obtained from the Department

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

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

1 it is sold (other than alcoholic beverages, soft drinks, and  
2 food that has been prepared for immediate consumption) and  
3 prescription and nonprescription medicines, drugs, medical  
4 appliances and insulin, urine testing materials, syringes, and  
5 needles used by diabetics, for human use, shall not be subject  
6 to tax hereunder), 4, 11, 12, 12a, 14, 15, 19 (except the  
7 portions pertaining to claims by retailers and except the last  
8 paragraph concerning refunds), 20, 21 and 22 of the Use Tax Act  
9 and Section 3-7 of the Uniform Penalty and Interest Act that  
10 are not inconsistent with this paragraph, as fully as if those  
11 provisions were set forth herein.

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

20 (e) A certificate of registration issued by the State  
21 Department of Revenue to a retailer under the Retailers'  
22 Occupation Tax Act or under the Service Occupation Tax Act  
23 shall permit the registrant to engage in a business that is  
24 taxed under the tax imposed under paragraphs (b), (c) or (d) of  
25 this Section and no additional registration shall be required  
26 under the tax. A certificate issued under the Use Tax Act or

1 the Service Use Tax Act shall be applicable with regard to any  
2 tax imposed under paragraph (c) of this Section.

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

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

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

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

7 After the monthly transfer to the STAR Bonds Revenue Fund,  
8 on or before the 25th day of each calendar month, the State  
9 Department of Revenue shall prepare and certify to the  
10 Comptroller of the State of Illinois the amount to be paid to  
11 the commission, which shall be the amount (not including credit  
12 memoranda) collected under this Section during the second  
13 preceding calendar month by the Department plus an amount the  
14 Department determines is necessary to offset any amounts that  
15 were erroneously paid to a different taxing body, and not  
16 including any amount equal to the amount of refunds made during  
17 the second preceding calendar month by the Department on behalf  
18 of the commission, and not including any amount that the  
19 Department determines is necessary to offset any amounts that  
20 were payable to a different taxing body but were erroneously  
21 paid to the commission, and less any amounts that are  
22 transferred to the STAR Bonds Revenue Fund, ~~less 2% of the~~  
23 ~~remainder, which shall be transferred into the Tax Compliance~~  
24 ~~and Administration Fund. The Department, at the time of each~~  
25 ~~monthly disbursement to the commission, shall prepare and~~  
26 ~~certify to the State Comptroller the amount to be transferred~~

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

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

11 (Source: P.A. 99-217, eff. 7-31-15; 99-642, eff. 7-28-16;  
12 100-23, eff. 7-6-17.)

13 Section 99. Effective date. This Act takes effect upon  
14 becoming law.