



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4414

Introduced 2/3/2020, by Rep. Anthony DeLuca

SYNOPSIS AS INTRODUCED:

30 ILCS 105/6z-20	from Ch. 127, par. 142z-20
55 ILCS 5/5-1006	from Ch. 34, par. 5-1006
55 ILCS 5/5-1006.5	
55 ILCS 5/5-1006.8	
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
65 ILCS 5/8-11-23	
70 ILCS 1605/30	
70 ILCS 3610/5.01	from Ch. 111 2/3, par. 355.01
70 ILCS 3615/4.03	from Ch. 111 2/3, par. 704.03
70 ILCS 3720/4	from Ch. 111 2/3, par. 254

Amends the State Finance Act, Counties Code, Illinois Municipal Code, Metro-East Park and Recreation District Act, Local Mass Transit District Act, Regional Transportation Authority Act, and Water Commission Act of 1985. Provides that the amounts transferred into the Tax Compliance and Administration Fund shall be reduced from 1.5% to 1%. Effective July 1, 2020.

LRB101 16786 HLH 66179 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning local government.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 Section 10. The Counties Code is amended by changing
5 Sections 5-1006, 5-1006.5, 5-1006.8, and 5-1007 as follows:

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

7 Sec. 5-1006. Home Rule County Retailers' Occupation Tax
8 Law. Any county that is a home rule unit may impose a tax upon
9 all persons engaged in the business of selling tangible
10 personal property, other than an item of tangible personal
11 property titled or registered with an agency of this State's
12 government, at retail in the county on the gross receipts from
13 such sales made in the course of their business. If imposed,
14 this tax shall only be imposed in 1/4% increments. On and after
15 September 1, 1991, this additional tax may not be imposed on
16 tangible personal property taxed at the 1% rate under the
17 Retailers' Occupation Tax Act. Beginning December 1, 2019, this
18 tax is not imposed on sales of aviation fuel unless the tax
19 revenue is expended for airport-related purposes. If the county
20 does not have an airport-related purpose to which it dedicates
21 aviation fuel tax revenue, then aviation fuel is excluded from
22 the tax. The county must comply with the certification
23 requirements for airport-related purposes under Section 2-22
24 of the Retailers' Occupation Tax Act. For purposes of this

1 Section, "airport-related purposes" has the meaning ascribed
2 in Section 6z-20.2 of the State Finance Act. This exclusion for
3 aviation fuel only applies for so long as the revenue use
4 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are
5 binding on the county. The changes made to this Section by this
6 amendatory Act of the 101st General Assembly are a denial and
7 limitation of home rule powers and functions under subsection
8 (g) of Section 6 of Article VII of the Illinois Constitution.
9 The tax imposed by a home rule county pursuant to this Section
10 and all civil penalties that may be assessed as an incident
11 thereof shall be collected and enforced by the State Department
12 of Revenue. The certificate of registration that is issued by
13 the Department to a retailer under the Retailers' Occupation
14 Tax Act shall permit the retailer to engage in a business that
15 is taxable under any ordinance or resolution enacted pursuant
16 to this Section without registering separately with the
17 Department under such ordinance or resolution or under this
18 Section. The Department shall have full power to administer and
19 enforce this Section; to collect all taxes and penalties due
20 hereunder; to dispose of taxes and penalties so collected in
21 the manner hereinafter provided; and to determine all rights to
22 credit memoranda arising on account of the erroneous payment of
23 tax or penalty hereunder. In the administration of, and
24 compliance with, this Section, the Department and persons who
25 are subject to this Section shall have the same rights,
26 remedies, privileges, immunities, powers and duties, and be

1 subject to the same conditions, restrictions, limitations,
2 penalties and definitions of terms, and employ the same modes
3 of procedure, as are prescribed in Sections 1, 1a, 1a-1, 1d,
4 1e, 1f, 1i, 1j, 1k, 1m, 1n, 2 through 2-65 (in respect to all
5 provisions therein other than the State rate of tax), 3 (except
6 as to the disposition of taxes and penalties collected, and
7 except that the retailer's discount is not allowed for taxes
8 paid on aviation fuel that are subject to the revenue use
9 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133), 4, 5,
10 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c,
11 6d, 7, 8, 9, 10, 11, 12 and 13 of the Retailers' Occupation Tax
12 Act and Section 3-7 of the Uniform Penalty and Interest Act, as
13 fully as if those provisions were set forth herein.

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

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

24 Whenever the Department determines that a refund should be
25 made under this Section to a claimant instead of issuing 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 home rule county retailers' occupation tax
5 fund or the Local Government Aviation Trust Fund, as
6 appropriate.

7 Except as otherwise provided in this paragraph, the
8 Department shall forthwith pay over to the State Treasurer, ex
9 officio, as trustee, all taxes and penalties collected
10 hereunder for deposit into the Home Rule County Retailers'
11 Occupation Tax Fund. Taxes and penalties collected on aviation
12 fuel sold on or after December 1, 2019, shall be immediately
13 paid over by the Department to the State Treasurer, ex officio,
14 as trustee, for deposit into the Local Government Aviation
15 Trust Fund. The Department shall only pay moneys into the Local
16 Government Aviation Trust Fund under this Section for so long
17 as the revenue use requirements of 49 U.S.C. 47107(b) and 49
18 U.S.C. 47133 are binding on the county.

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.

1 After the monthly transfer to the STAR Bonds Revenue Fund,
2 on or before the 25th day of each calendar month, the
3 Department shall prepare and certify to the Comptroller the
4 disbursement of stated sums of money to named counties, the
5 counties to be those from which retailers have paid taxes or
6 penalties hereunder to the Department during the second
7 preceding calendar month. The amount to be paid to each county
8 shall be the amount (not including credit memoranda and not
9 including taxes and penalties collected on aviation fuel sold
10 on or after December 1, 2019) collected hereunder during the
11 second preceding calendar month by the Department plus an
12 amount the Department determines is necessary to offset any
13 amounts that were erroneously paid to a different taxing body,
14 and not including an amount equal to the amount of refunds made
15 during the second preceding calendar month by the Department on
16 behalf of such county, and not including any amount which the
17 Department determines is necessary to offset any amounts which
18 were payable to a different taxing body but were erroneously
19 paid to the county, and not including any amounts that are
20 transferred to the STAR Bonds Revenue Fund, less 1% ~~1.5%~~ of the
21 remainder, which the Department shall transfer into the Tax
22 Compliance and Administration Fund. The Department, at the time
23 of each monthly disbursement to the counties, shall prepare and
24 certify to the State Comptroller the amount to be transferred
25 into the Tax Compliance and Administration Fund under this
26 Section. Within 10 days after receipt, by the Comptroller, of

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

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

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

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

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

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

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

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

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

21 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
22 100-1171, eff. 1-4-19; 101-10, eff. 6-5-19; 101-81, eff.
23 7-12-19; 101-604, eff. 12-13-19.)

24 (55 ILCS 5/5-1006.5)

25 Sec. 5-1006.5. Special County Retailers' Occupation Tax

1 For Public Safety, Public Facilities, Mental Health, Substance
2 Abuse, or Transportation.

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

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

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

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

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

13 "To pay for public safety 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 safety
26 purposes shall be in substantially the following form:

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

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

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

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

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

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

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

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

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

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

24 "This would mean that a consumer would pay an
25 additional (insert amount) in sales tax for every \$100 of
26 tangible personal property bought at retail. If imposed,

1 the additional tax would cease being collected at the end
2 of (insert number of years), if not terminated earlier by a
3 vote of the county board."

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

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

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

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

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

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

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

26 "To pay for public facilities purposes, shall (name of

1 county) be authorized to impose an increase on its share of
2 local sales taxes by (insert rate) for a period not to
3 exceed (insert number of years)?"

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

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

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

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

24 (4) The proposition for mental health purposes shall be
25 in substantially the following form:

26 "To pay for mental health purposes, shall (name of

1 county) be authorized to impose an increase on its share of
2 local sales taxes by (insert rate)?"

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

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

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

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

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

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

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

1 (5) The proposition for substance abuse purposes shall
2 be in substantially the following form:

3 "To pay for substance abuse purposes, shall (name of
4 county) be authorized to impose an increase on its share of
5 local sales taxes by (insert rate)?"

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."

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

17 "To pay for substance abuse purposes, shall (name of
18 county) be authorized to impose an increase on its share of
19 local sales taxes by (insert rate) for a period not to
20 exceed (insert number of years)?"

21 As additional information on the ballot below the
22 question shall appear the following:

23 "This would mean that a consumer would pay an
24 additional (insert amount) in sales tax for every \$100 of
25 tangible personal property bought at retail. If imposed,
26 the additional tax would cease being collected at the end

1 of (insert number of years), if not terminated earlier by a
2 vote of the county board."

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

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

8 This additional tax may not be imposed on tangible personal
9 property taxed at the 1% rate under the Retailers' Occupation
10 Tax Act. Beginning December 1, 2019 and through December 31,
11 2020, this tax is not imposed on sales of aviation fuel unless
12 the tax revenue is expended for airport-related purposes. If
13 the county does not have an airport-related purpose to which it
14 dedicates aviation fuel tax revenue, then aviation fuel is
15 excluded from the tax. The county must comply with the
16 certification requirements for airport-related purposes under
17 Section 2-22 of the Retailers' Occupation Tax Act. For purposes
18 of this Section, "airport-related purposes" has the meaning
19 ascribed in Section 6z-20.2 of the State Finance Act. Beginning
20 January 1, 2021, this tax is not imposed on sales of aviation
21 fuel for so long as the revenue use requirements of 49 U.S.C.
22 47107(b) and 49 U.S.C. 47133 are binding on the county. The tax
23 imposed by a county under this Section and all civil penalties
24 that may be assessed as an incident of the tax shall be
25 collected and enforced by the Illinois Department of Revenue
26 and deposited into a special fund created for that purpose. The

1 certificate of registration that is issued by the Department to
2 a retailer under the Retailers' Occupation Tax Act shall permit
3 the retailer to engage in a business that is taxable without
4 registering separately with the Department under an ordinance
5 or resolution under this Section. The Department has full power
6 to administer and enforce this Section, to collect all taxes
7 and penalties due under this Section, to dispose of taxes and
8 penalties so collected in the manner provided in this Section,
9 and to determine all rights to credit memoranda arising on
10 account of the erroneous payment of a tax or penalty under this
11 Section. In the administration of and compliance with this
12 Section, the Department and persons who are subject to this
13 Section shall (i) have the same rights, remedies, privileges,
14 immunities, powers, and duties, (ii) be subject to the same
15 conditions, restrictions, limitations, penalties, and
16 definitions of terms, and (iii) employ the same modes of
17 procedure as are prescribed in Sections 1, 1a, 1a-1, 1d, 1e,
18 1f, 1i, 1j, 1k, 1m, 1n, 2 through 2-70 (in respect to all
19 provisions contained in those Sections other than the State
20 rate of tax), 2a, 2b, 2c, 3 (except provisions relating to
21 transaction returns and quarter monthly payments, and except
22 that the retailer's discount is not allowed for taxes paid on
23 aviation fuel that are deposited into the Local Government
24 Aviation Trust Fund), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i,
25 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 11a, 12, and 13
26 of the Retailers' Occupation Tax Act and Section 3-7 of the

1 Uniform Penalty and Interest Act as if those provisions were
2 set forth in this Section.

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

10 Whenever the Department determines that a refund should be
11 made under this Section to a claimant instead of issuing a
12 credit memorandum, the Department shall notify the State
13 Comptroller, who shall cause the order to be drawn for the
14 amount specified and to the person named in the notification
15 from the Department. The refund shall be paid by the State
16 Treasurer out of the County Public Safety, Public Facilities,
17 Mental Health, Substance Abuse, or Transportation Retailers'
18 Occupation Tax Fund or the Local Government Aviation Trust
19 Fund, as appropriate.

20 (b) If a tax has been imposed under subsection (a), a
21 service occupation tax shall also be imposed at the same rate
22 upon all persons engaged, in the county, in the business of
23 making sales of service, who, as an incident to making those
24 sales of service, transfer tangible personal property within
25 the county as an incident to a sale of service. This tax may
26 not be imposed on tangible personal property taxed at the 1%

1 rate under the Service Occupation Tax Act. Beginning December
2 1, 2019 and through December 31, 2020, this tax is not imposed
3 on sales of aviation fuel unless the tax revenue is expended
4 for airport-related purposes. If the county does not have an
5 airport-related purpose to which it dedicates aviation fuel tax
6 revenue, then aviation fuel is excluded from the tax. The
7 county must comply with the certification requirements for
8 airport-related purposes under Section 2-22 of the Retailers'
9 Occupation Tax Act. For purposes of this Section,
10 "airport-related purposes" has the meaning ascribed in Section
11 6z-20.2 of the State Finance Act. Beginning January 1, 2021,
12 this tax is not imposed on sales of aviation fuel for so long
13 as the revenue use requirements of 49 U.S.C. 47107(b) and 49
14 U.S.C. 47133 are binding on the county. The tax imposed under
15 this subsection and all civil penalties that may be assessed as
16 an incident thereof shall be collected and enforced by the
17 Department of Revenue. The Department has full power to
18 administer and enforce this subsection; to collect all taxes
19 and penalties due hereunder; to dispose of taxes and penalties
20 so collected in the manner hereinafter provided; and to
21 determine all rights to credit memoranda arising on account of
22 the erroneous payment of tax or penalty hereunder. In the
23 administration of and compliance with this subsection, the
24 Department and persons who are subject to this paragraph shall
25 (i) have the same rights, remedies, privileges, immunities,
26 powers, and duties, (ii) be subject to the same conditions,

1 restrictions, limitations, penalties, exclusions, exemptions,
2 and definitions of terms, and (iii) employ the same modes of
3 procedure as are prescribed in Sections 2 (except that the
4 reference to State in the definition of supplier maintaining a
5 place of business in this State shall mean the county), 2a, 2b,
6 2c, 3 through 3-50 (in respect to all provisions therein other
7 than the State rate of tax), 4 (except that the reference to
8 the State shall be to the county), 5, 7, 8 (except that the
9 jurisdiction to which the tax shall be a debt to the extent
10 indicated in that Section 8 shall be the county), 9 (except as
11 to the disposition of taxes and penalties collected, and except
12 that the retailer's discount is not allowed for taxes paid on
13 aviation fuel that are deposited into the Local Government
14 Aviation Trust Fund), 10, 11, 12 (except the reference therein
15 to Section 2b of the Retailers' Occupation Tax Act), 13 (except
16 that any reference to the State shall mean the county), Section
17 15, 16, 17, 18, 19, and 20 of the Service 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 Persons subject to any tax imposed under the authority
21 granted in this subsection may reimburse themselves for their
22 serviceman's tax liability by separately stating the tax as an
23 additional charge, which charge may be stated in combination,
24 in a single amount, with State tax that servicemen are
25 authorized to collect under the Service Use Tax Act, in
26 accordance with such bracket schedules as the Department may

1 prescribe.

2 Whenever the Department determines that a refund should be
3 made under this subsection to a claimant instead of issuing a
4 credit memorandum, the Department shall notify the State
5 Comptroller, who shall cause the warrant to be drawn for the
6 amount specified, and to the person named, in the notification
7 from the Department. The refund shall be paid by the State
8 Treasurer out of the County Public Safety, Public Facilities,
9 Mental Health, Substance Abuse, or Transportation Retailers'
10 Occupation Fund or the Local Government Aviation Trust Fund, as
11 appropriate.

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

16 (c) Except as otherwise provided in this paragraph, the
17 Department shall immediately pay over to the State Treasurer,
18 ex officio, as trustee, all taxes and penalties collected under
19 this Section to be deposited into the County Public Safety,
20 Public Facilities, Mental Health, Substance Abuse, or
21 Transportation Retailers' Occupation Tax Fund, which shall be
22 an unappropriated trust fund held outside of the State
23 treasury. Taxes and penalties collected on aviation fuel sold
24 on or after December 1, 2019 and through December 31, 2020,
25 shall be immediately paid over by the Department to the State
26 Treasurer, ex officio, as trustee, for deposit into the Local

1 Government Aviation Trust Fund. The Department shall only pay
2 moneys into the Local Government Aviation Trust Fund under this
3 Act for so long as the revenue use requirements of 49 U.S.C.
4 47107(b) and 49 U.S.C. 47133 are binding on the county.

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

13 After the monthly transfer to the STAR Bonds Revenue Fund,
14 on or before the 25th day of each calendar month, the
15 Department shall prepare and certify to the Comptroller the
16 disbursement of stated sums of money to the counties from which
17 retailers have paid taxes or penalties to the Department during
18 the second preceding calendar month. The amount to be paid to
19 each county, and deposited by the county into its special fund
20 created for the purposes of this Section, shall be the amount
21 (not including credit memoranda and not including taxes and
22 penalties collected on aviation fuel sold on or after December
23 1, 2019 and through December 31, 2020) collected under this
24 Section during the second preceding calendar month by the
25 Department plus an amount the Department determines is
26 necessary to offset any amounts that were erroneously paid to a

1 different taxing body, and not including (i) an amount equal to
2 the amount of refunds made during the second preceding calendar
3 month by the Department on behalf of the county, (ii) any
4 amount that the Department determines is necessary to offset
5 any amounts that were payable to a different taxing body but
6 were erroneously paid to the county, (iii) any amounts that are
7 transferred to the STAR Bonds Revenue Fund, and (iv) 1% ~~1.5%~~ of
8 the remainder, which shall be transferred into the Tax
9 Compliance and Administration Fund. The Department, at the time
10 of each monthly disbursement to the counties, shall prepare and
11 certify to the State Comptroller the amount to be transferred
12 into the Tax Compliance and Administration Fund under this
13 subsection. Within 10 days after receipt by the Comptroller of
14 the disbursement certification to the counties and the Tax
15 Compliance and Administration Fund provided for in this Section
16 to be given to the Comptroller by the Department, the
17 Comptroller shall cause the orders to be drawn for the
18 respective amounts in accordance with directions contained in
19 the certification.

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

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

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

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

22 (e-5) If a county imposes a tax under this Section, the
23 county board may, by ordinance, discontinue or lower the rate
24 of the tax. If the county board lowers the tax rate or
25 discontinues the tax, a referendum must be held in accordance
26 with subsection (a) of this Section in order to increase the

1 rate of the tax or to reimpose the discontinued tax.

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

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

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

7 (h) This Section may be cited as the "Special County
8 Occupation Tax For Public Safety, Public Facilities, Mental
9 Health, Substance Abuse, or Transportation Law".

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

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

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

11 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
12 100-1167, eff. 1-4-19; 100-1171, eff. 1-4-19; 101-10, eff.
13 6-5-19; 101-81, eff. 7-12-19; 101-275, eff. 8-9-19; 101-604,
14 eff. 12-13-19.)

15 (55 ILCS 5/5-1006.8)

16 Sec. 5-1006.8. County Cannabis Retailers' Occupation Tax
17 Law.

18 (a) This Section may be referred to as the County Cannabis
19 Retailers' Occupation Tax Law. The corporate authorities of any
20 county may, by ordinance, impose a tax upon all persons engaged
21 in the business of selling cannabis, other than cannabis
22 purchased under the Compassionate Use of Medical Cannabis
23 Program Act, at retail in the county on the gross receipts from
24 these sales made in the course of that business. If imposed,
25 the tax shall be imposed only in 0.25% increments. The tax rate

1 may not exceed: (i) 3.75% of the gross receipts of sales made
2 in unincorporated areas of the county; and (ii) 3% of the gross
3 receipts of sales made in a municipality located in the county.
4 The tax imposed under this Section and all civil penalties that
5 may be assessed as an incident of the tax shall be collected
6 and enforced by the Department of Revenue. The Department of
7 Revenue shall have full power to administer and enforce this
8 Section; to collect all taxes and penalties due hereunder; to
9 dispose of taxes and penalties so collected in the manner
10 hereinafter provided; and to determine all rights to credit
11 memoranda arising on account of the erroneous payment of tax or
12 penalty under this Section. In the administration of and
13 compliance with this Section, the Department of Revenue and
14 persons who are subject to this Section shall have the same
15 rights, remedies, privileges, immunities, powers and duties,
16 and be subject to the same conditions, restrictions,
17 limitations, penalties, and definitions of terms, and employ
18 the same modes of procedure, as are described in Sections 1,
19 1a, 1d, 1e, 1f, 1i, 1j, 1k, 1m, 1n, 2 through 2-65 (in respect
20 to all provisions therein other than the State rate of tax),
21 2a, 2b, 2c, 2i, 3 (except as to the disposition of taxes and
22 penalties collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i,
23 5j, 5k, 5l, 6, 6a, 6bb, 6c, 6d, 7, 8, 9, 10, 11, 11a, 12, and 13
24 of the Retailers' Occupation Tax Act and Section 3-7 of the
25 Uniform Penalty and Interest Act as fully as if those
26 provisions were set forth in this Section.

1 (b) Persons subject to any tax imposed under the authority
2 granted in this Section may reimburse themselves for their
3 seller's tax liability hereunder by separately stating that tax
4 as an additional charge, which charge may be stated in
5 combination, in a single amount, with any State tax that
6 sellers are required to collect.

7 (c) Whenever the Department of Revenue determines that a
8 refund should be made under this Section to a claimant instead
9 of issuing a credit memorandum, the Department of Revenue shall
10 notify the State Comptroller, who shall cause the order to be
11 drawn for the amount specified and to the person named in the
12 notification from the Department of Revenue.

13 (d) The Department of Revenue shall immediately pay over to
14 the State Treasurer, *ex officio*, as trustee, all taxes and
15 penalties collected hereunder for deposit into the Local
16 Cannabis Retailers' Occupation Tax Trust Fund.

17 (e) On or before the 25th day of each calendar month, the
18 Department of Revenue shall prepare and certify to the
19 Comptroller the amount of money to be disbursed from the Local
20 Cannabis Retailers' Occupation Tax Trust Fund to counties from
21 which retailers have paid taxes or penalties under this Section
22 during the second preceding calendar month. The amount to be
23 paid to each county shall be the amount (not including credit
24 memoranda) collected under this Section from sales made in the
25 county during the second preceding calendar month, plus an
26 amount the Department of Revenue determines is necessary to

1 offset any amounts that were erroneously paid to a different
2 taxing body, and not including an amount equal to the amount of
3 refunds made during the second preceding calendar month by the
4 Department on behalf of such county, and not including any
5 amount that the Department determines is necessary to offset
6 any amounts that were payable to a different taxing body but
7 were erroneously paid to the county, less 1% ~~1.5%~~ of the
8 remainder, which the Department shall transfer into the Tax
9 Compliance and Administration Fund. The Department, at the time
10 of each monthly disbursement to the counties, shall prepare and
11 certify the State Comptroller the amount to be transferred into
12 the Tax Compliance and Administration Fund under this Section.
13 Within 10 days after receipt by the Comptroller of the
14 disbursement certification to the counties and the Tax
15 Compliance and Administration Fund provided for in this Section
16 to be given to the Comptroller by the Department, the
17 Comptroller shall cause the orders to be drawn for the
18 respective amounts in accordance with the directions contained
19 in the certification.

20 (f) An ordinance or resolution imposing or discontinuing a
21 tax under this Section or effecting a change in the rate
22 thereof that is adopted on or after June 25, 2019 (the
23 effective date of Public Act 101-27) and for which a certified
24 copy is filed with the Department on or before April 1, 2020
25 shall be administered and enforced by the Department beginning
26 on July 1, 2020. For ordinances filed with the Department after

1 April 1, 2020, an ordinance or resolution imposing or
2 discontinuing a tax under this Section or effecting a change in
3 the rate thereof shall either (i) be adopted and a certified
4 copy thereof filed with the Department on or before the first
5 day of April, whereupon the Department shall proceed to
6 administer and enforce this Section as of the first day of July
7 next following the adoption and filing; or (ii) be adopted and
8 a certified copy thereof filed with the Department on or before
9 the first day of October, whereupon the Department shall
10 proceed to administer and enforce this Section as of the first
11 day of January next following the adoption and filing.

12 (Source: P.A. 101-27, eff. 6-25-19; 101-363, eff. 8-9-19;
13 101-593, eff. 12-4-19.)

14 (55 ILCS 5/5-1007) (from Ch. 34, par. 5-1007)

15 Sec. 5-1007. Home Rule County Service Occupation Tax Law.
16 The corporate authorities of a home rule county may impose a
17 tax upon all persons engaged, in such county, in the business
18 of making sales of service at the same rate of tax imposed
19 pursuant to Section 5-1006 of the selling price of all tangible
20 personal property transferred by such servicemen either in the
21 form of tangible personal property or in the form of real
22 estate as an incident to a sale of service. If imposed, such
23 tax shall only be imposed in 1/4% increments. On and after
24 September 1, 1991, this additional tax may not be imposed on
25 tangible personal property taxed at the 1% rate under the

1 Service Occupation Tax Act. Beginning December 1, 2019, this
2 tax is not imposed on sales of aviation fuel unless the tax
3 revenue is expended for airport-related purposes. If the county
4 does not have an airport-related purpose to which it dedicates
5 aviation fuel tax revenue, then aviation fuel is excluded from
6 the tax. The county must comply with the certification
7 requirements for airport-related purposes under Section 2-22
8 of the Retailers' Occupation Tax Act. For purposes of this
9 Section, "airport-related purposes" has the meaning ascribed
10 in Section 6z-20.2 of the State Finance Act. This exclusion for
11 aviation fuel only applies for so long as the revenue use
12 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are
13 binding on the county. The changes made to this Section by this
14 amendatory Act of the 101st General Assembly are a denial and
15 limitation of home rule powers and functions under subsection
16 (g) of Section 6 of Article VII of the Illinois Constitution.
17 The tax imposed by a home rule county pursuant to this Section
18 and all civil penalties that may be assessed as an incident
19 thereof shall be collected and enforced by the State Department
20 of Revenue. The certificate of registration which is issued by
21 the Department to a retailer under the Retailers' Occupation
22 Tax Act or under the Service Occupation Tax Act shall permit
23 such registrant to engage in a business which is taxable under
24 any ordinance or resolution enacted pursuant to this Section
25 without registering separately with the Department under such
26 ordinance or resolution or under this Section. The Department

1 shall have full power to administer and enforce this Section;
2 to collect all taxes and penalties due hereunder; to dispose of
3 taxes and penalties so collected in the manner hereinafter
4 provided; and to determine all rights to credit memoranda
5 arising on account of the erroneous payment of tax or penalty
6 hereunder. In the administration of, and compliance with, this
7 Section the Department and persons who are subject to this
8 Section shall have the same rights, remedies, privileges,
9 immunities, powers and duties, and be subject to the same
10 conditions, restrictions, limitations, penalties and
11 definitions of terms, and employ the same modes of procedure,
12 as are prescribed in Sections 1a-1, 2, 2a, 3 through 3-50 (in
13 respect to all provisions therein other than the State rate of
14 tax), 4 (except that the reference to the State shall be to the
15 taxing county), 5, 7, 8 (except that the jurisdiction to which
16 the tax shall be a debt to the extent indicated in that Section
17 8 shall be the taxing county), 9 (except as to the disposition
18 of taxes and penalties collected, and except that the returned
19 merchandise credit for this county tax may not be taken against
20 any State tax, and except that the retailer's discount is not
21 allowed for taxes paid on aviation fuel that are subject to the
22 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.
23 47133), 10, 11, 12 (except the reference therein to Section 2b
24 of the Retailers' Occupation Tax Act), 13 (except that any
25 reference to the State shall mean the taxing county), the first
26 paragraph of Section 15, 16, 17, 18, 19 and 20 of the Service

1 Occupation Tax Act and Section 3-7 of the Uniform Penalty and
2 Interest Act, as fully as if those provisions were set forth
3 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 or
22 the Local Government Aviation Trust Fund, as appropriate.

23 Except as otherwise provided in this paragraph, the
24 Department shall forthwith pay over to the State Treasurer, ex
25 officio, as trustee, all taxes and penalties collected
26 hereunder for deposit into the Home Rule County Retailers'

1 Occupation Tax Fund. Taxes and penalties collected on aviation
2 fuel sold on or after December 1, 2019, shall be immediately
3 paid over by the Department to the State Treasurer, ex officio,
4 as trustee, for deposit into the Local Government Aviation
5 Trust Fund. The Department shall only pay moneys into the Local
6 Government Aviation Trust Fund under this Section for so long
7 as the revenue use requirements of 49 U.S.C. 47107(b) and 49
8 U.S.C. 47133 are binding on the county.

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 counties, the
21 counties to be those from which suppliers and servicemen have
22 paid taxes or penalties hereunder to the Department during the
23 second preceding calendar month. The amount to be paid to each
24 county shall be the amount (not including credit memoranda and
25 not including taxes and penalties collected on aviation fuel
26 sold on or after December 1, 2019) collected hereunder during

1 the second preceding calendar month by the Department, and not
2 including an amount equal to the amount of refunds made during
3 the second preceding calendar month by the Department on behalf
4 of such county, and not including any amounts that are
5 transferred to the STAR Bonds Revenue Fund, less 1% ~~1.5%~~ of the
6 remainder, which the Department shall transfer into the Tax
7 Compliance and Administration Fund. The Department, at the time
8 of each monthly disbursement to the counties, shall prepare and
9 certify to the State Comptroller the amount to be transferred
10 into the Tax Compliance and Administration Fund under this
11 Section. Within 10 days after receipt, by the Comptroller, of
12 the disbursement certification to the counties 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 In addition to the disbursement required by the preceding
19 paragraph, an allocation shall be made in each year to each
20 county which received more than \$500,000 in disbursements under
21 the preceding paragraph in the preceding calendar year. The
22 allocation shall be in an amount equal to the average monthly
23 distribution made to each such county under the preceding
24 paragraph during the preceding calendar year (excluding the 2
25 months of highest receipts). The distribution made in March of
26 each year subsequent to the year in which an allocation was

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

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

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

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

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

16 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
17 100-1171, eff. 1-4-19; 101-10, eff. 6-5-19; 101-81, eff.
18 7-12-19; 101-604, eff. 12-13-19.)

19 Section 15. The Illinois Municipal Code is amended by
20 changing Sections 8-11-1, 8-11-1.3, 8-11-1.4, 8-11-1.6,
21 8-11-1.7, 8-11-5, and 8-11-23 as follows:

22 (65 ILCS 5/8-11-1) (from Ch. 24, par. 8-11-1)

23 Sec. 8-11-1. Home Rule Municipal Retailers' Occupation Tax
24 Act. The corporate authorities of a home rule municipality may

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

1 penalties that may be assessed as an incident of the tax shall
2 be collected and enforced by the State Department of Revenue.
3 The certificate of registration that is issued by the
4 Department to a retailer under the Retailers' Occupation Tax
5 Act shall permit the retailer to engage in a business that is
6 taxable under any ordinance or resolution enacted pursuant to
7 this Section without registering separately with the
8 Department under such ordinance or resolution or under this
9 Section. The Department shall have full power to administer and
10 enforce this Section; 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 Section the Department and persons who
16 are subject to this Section shall have the same rights,
17 remedies, privileges, immunities, powers and duties, and be
18 subject to the same conditions, restrictions, limitations,
19 penalties and definitions of terms, and employ the same modes
20 of procedure, as are prescribed in Sections 1, 1a, 1d, 1e, 1f,
21 1i, 1j, 1k, 1m, 1n, 2 through 2-65 (in respect to all
22 provisions therein other than the State rate of tax), 2c, 3
23 (except as to the disposition of taxes and penalties collected,
24 and except that the retailer's discount is not allowed for
25 taxes paid on aviation fuel that are subject to the revenue use
26 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133), 4, 5,

1 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c,
2 6d, 7, 8, 9, 10, 11, 12 and 13 of the Retailers' Occupation Tax
3 Act and Section 3-7 of the Uniform Penalty and Interest Act, as
4 fully as if those provisions were set forth herein.

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

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

15 Whenever the Department determines that a refund should be
16 made under this Section to a claimant instead of issuing a
17 credit memorandum, the Department shall notify the State
18 Comptroller, who shall cause the order 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 home rule municipal retailers' occupation
22 tax fund or the Local Government Aviation Trust Fund, as
23 appropriate.

24 Except as otherwise provided in this paragraph, the
25 Department shall immediately pay over to the State Treasurer,
26 ex officio, as trustee, all taxes and penalties collected

1 hereunder for deposit into the Home Rule Municipal Retailers'
2 Occupation Tax Fund. Taxes and penalties collected on aviation
3 fuel sold on or after December 1, 2019, shall be immediately
4 paid over by the Department to the State Treasurer, ex officio,
5 as trustee, for deposit into the Local Government Aviation
6 Trust Fund. The Department shall only pay moneys into the Local
7 Government Aviation Trust Fund under this Section for so long
8 as the revenue use requirements of 49 U.S.C. 47107(b) and 49
9 U.S.C. 47133 are binding on the State.

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

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

1 aviation fuel sold on or after December 1, 2019) collected
2 hereunder during the second preceding calendar month by the
3 Department plus an amount the Department determines is
4 necessary to offset any amounts that were erroneously paid to a
5 different taxing body, and not including an amount equal to the
6 amount of refunds made during the second preceding calendar
7 month by the Department on behalf of such municipality, and not
8 including any amount that the Department determines is
9 necessary to offset any amounts that were payable to a
10 different taxing body but were erroneously paid to the
11 municipality, and not including any amounts that are
12 transferred to the STAR Bonds Revenue Fund, less 1% ~~1.5%~~ of the
13 remainder, which the Department shall transfer into the Tax
14 Compliance and Administration Fund. The Department, at the time
15 of each monthly disbursement to the municipalities, shall
16 prepare and certify to the State Comptroller the amount to be
17 transferred into the Tax Compliance and Administration Fund
18 under this Section. Within 10 days after receipt by the
19 Comptroller of the disbursement certification to the
20 municipalities and the Tax Compliance and Administration Fund
21 provided for in this Section to be given to the Comptroller by
22 the Department, the Comptroller shall cause the orders to be
23 drawn for the respective amounts in accordance with the
24 directions contained in the certification.

25 In addition to the disbursement required by the preceding
26 paragraph and in order to mitigate delays caused by

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

1 excluding the 2 months of highest receipts. The distribution
2 made in November 1991 and each year thereafter under this
3 paragraph and the preceding paragraph shall be reduced by the
4 amount allocated and disbursed under this paragraph in the
5 preceding period of July 1 through June 30. The Department
6 shall prepare and certify to the Comptroller for disbursement
7 the allocations made in accordance with this paragraph.

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

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

1 Beginning January 1, 1992, an ordinance or resolution imposing
2 or discontinuing the tax hereunder or effecting a change in the
3 rate thereof shall be adopted and a certified copy thereof
4 filed with the Department on or before the first day of July,
5 whereupon the Department shall proceed to administer and
6 enforce this Section as of the first day of October next
7 following such adoption and filing. Beginning January 1, 1993,
8 an ordinance or resolution imposing or discontinuing the tax
9 hereunder or effecting a change in the rate thereof shall be
10 adopted and a certified copy thereof filed with the Department
11 on or before the first day of October, whereupon the Department
12 shall proceed to administer and enforce this Section as of the
13 first day of January next following the adoption and filing.
14 However, a municipality located in a county with a population
15 in excess of 3,000,000 that elected to become a home rule unit
16 at the general primary election in 1994 may adopt an ordinance
17 or resolution imposing the tax under this Section and file a
18 certified copy of the ordinance or resolution with the
19 Department on or before July 1, 1994. The Department shall then
20 proceed to administer and enforce this Section as of October 1,
21 1994. Beginning April 1, 1998, an ordinance or resolution
22 imposing or discontinuing the tax hereunder or effecting a
23 change in the rate thereof shall either (i) be adopted and a
24 certified copy thereof filed with the Department on or before
25 the first day of April, whereupon the Department shall proceed
26 to administer and enforce this Section as of the first day of

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

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

12 Any unobligated balance remaining in the Municipal
13 Retailers' Occupation Tax Fund on December 31, 1989, which fund
14 was abolished by Public Act 85-1135, and all receipts of
15 municipal tax as a result of audits of liability periods prior
16 to January 1, 1990, shall be paid into the Local Government Tax
17 Fund for distribution as provided by this Section prior to the
18 enactment of Public Act 85-1135. All receipts of municipal tax
19 as a result of an assessment not arising from an audit, for
20 liability periods prior to January 1, 1990, shall be paid into
21 the Local Government Tax Fund for distribution before July 1,
22 1990, as provided by this Section prior to the enactment of
23 Public Act 85-1135; and on and after July 1, 1990, all such
24 receipts shall be distributed as provided in Section 6z-18 of
25 the State Finance Act.

26 As used in this Section, "municipal" and "municipality"

1 means a city, village or incorporated town, including an
2 incorporated town that has superseded a civil township.

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

5 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
6 100-1171, eff. 1-4-19; 101-10, eff. 6-5-19; 101-81, eff.
7 7-12-19; 101-604, eff. 12-13-19.)

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

9 Sec. 8-11-1.3. Non-Home Rule Municipal Retailers'
10 Occupation Tax Act. The corporate authorities of a non-home
11 rule municipality may impose a tax upon all persons engaged in
12 the business of selling tangible personal property, other than
13 on an item of tangible personal property which is titled and
14 registered by an agency of this State's Government, at retail
15 in the municipality for expenditure on public infrastructure or
16 for property tax relief or both as defined in Section 8-11-1.2
17 if approved by referendum as provided in Section 8-11-1.1, of
18 the gross receipts from such sales made in the course of such
19 business. If the tax is approved by referendum on or after July
20 14, 2010 (the effective date of Public Act 96-1057), the
21 corporate authorities of a non-home rule municipality may,
22 until July 1, 2030, use the proceeds of the tax for expenditure
23 on municipal operations, in addition to or in lieu of any
24 expenditure on public infrastructure or for property tax
25 relief. The tax imposed may not be more than 1% and may be

1 imposed only in 1/4% increments. The tax may not be imposed on
2 tangible personal property taxed at the 1% rate under the
3 Retailers' Occupation Tax Act. Beginning December 1, 2019, this
4 tax is not imposed on sales of aviation fuel unless the tax
5 revenue is expended for airport-related purposes. If a
6 municipality does not have an airport-related purpose to which
7 it dedicates aviation fuel tax revenue, then aviation fuel is
8 excluded from the tax. Each municipality must comply with the
9 certification requirements for airport-related purposes under
10 Section 2-22 of the Retailers' Occupation Tax Act. For purposes
11 of this Section, "airport-related purposes" has the meaning
12 ascribed in Section 6z-20.2 of the State Finance Act. This
13 exclusion for aviation fuel only applies for so long as the
14 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.
15 47133 are binding on the municipality. The tax imposed by a
16 municipality pursuant to this Section and all civil penalties
17 that may be assessed as an incident thereof shall be collected
18 and enforced by the State Department of Revenue. The
19 certificate of registration which is issued by the Department
20 to a retailer under the Retailers' Occupation Tax Act shall
21 permit such retailer to engage in a business which is taxable
22 under any ordinance or resolution enacted pursuant to this
23 Section without registering separately with the Department
24 under such ordinance or resolution or under this Section. The
25 Department shall have full power to administer and enforce this
26 Section; to collect all taxes and penalties due hereunder; to

1 dispose of taxes and penalties so collected in the manner
2 hereinafter provided, and to determine all rights to credit
3 memoranda, arising on account of the erroneous payment of tax
4 or penalty hereunder. In the administration of, and compliance
5 with, this Section, the Department and persons who are subject
6 to this Section shall have the same rights, remedies,
7 privileges, immunities, powers and duties, and be subject to
8 the same conditions, restrictions, limitations, penalties and
9 definitions of terms, and employ the same modes of procedure,
10 as are prescribed in Sections 1, 1a, 1a-1, 1d, 1e, 1f, 1i, 1j,
11 2 through 2-65 (in respect to all provisions therein other than
12 the State rate of tax), 2c, 3 (except as to the disposition of
13 taxes and penalties collected, and except that the retailer's
14 discount is not allowed for taxes paid on aviation fuel that
15 are subject to the revenue use requirements of 49 U.S.C.
16 47107(b) and 49 U.S.C. 47133), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f,
17 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 12
18 and 13 of the Retailers' Occupation Tax Act and Section 3-7 of
19 the Uniform Penalty and Interest Act as fully as if those
20 provisions were set forth herein.

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

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

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

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

14 Except as otherwise provided, the Department shall
15 forthwith pay over to the State Treasurer, ex officio, as
16 trustee, all taxes and penalties collected hereunder for
17 deposit into the Non-Home Rule Municipal Retailers' Occupation
18 Tax Fund. Taxes and penalties collected on aviation fuel sold
19 on or after December 1, 2019, shall be immediately paid over by
20 the Department to the State Treasurer, ex officio, as trustee,
21 for deposit into the Local Government Aviation Trust Fund. The
22 Department shall only pay moneys into the Local Government
23 Aviation Trust Fund under this Section for so long as the
24 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.
25 47133 are binding on the municipality.

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

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

8 After the monthly transfer to the STAR Bonds Revenue Fund,
9 on or before the 25th day of each calendar month, the
10 Department shall prepare and certify to the Comptroller the
11 disbursement of stated sums of money to named municipalities,
12 the municipalities to be those from which retailers have paid
13 taxes or penalties hereunder to the Department during the
14 second preceding calendar month. The amount to be paid to each
15 municipality shall be the amount (not including credit
16 memoranda and not including taxes and penalties collected on
17 aviation fuel sold on or after December 1, 2019) collected
18 hereunder during the second preceding calendar month by the
19 Department plus an amount the Department determines is
20 necessary to offset any amounts which were erroneously paid to
21 a different taxing body, and not including an amount equal to
22 the amount of refunds made during the second preceding calendar
23 month by the Department on behalf of such municipality, and not
24 including any amount which the Department determines is
25 necessary to offset any amounts which were payable to a
26 different taxing body but were erroneously paid to the

1 municipality, and not including any amounts that are
2 transferred to the STAR Bonds Revenue Fund, less 1% ~~4.5%~~ of the
3 remainder, which the Department shall transfer into the Tax
4 Compliance and Administration Fund. The Department, at the time
5 of each monthly disbursement to the municipalities, shall
6 prepare and certify to the State Comptroller the amount to be
7 transferred into the Tax Compliance and Administration Fund
8 under this Section. Within 10 days after receipt, by the
9 Comptroller, of the disbursement certification to the
10 municipalities and the Tax Compliance and Administration Fund
11 provided for in this Section to be given to the Comptroller by
12 the Department, the Comptroller shall cause the orders to be
13 drawn for the respective amounts in accordance with the
14 directions contained in such certification.

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

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

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

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

8 The Department of Revenue shall implement Public Act 91-649
9 so as to collect the tax on and after January 1, 2002.

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

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

15 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
16 100-1171, eff. 1-4-19; 101-10, eff. 6-5-19; 101-47, eff.
17 1-1-20; 101-81, eff. 7-12-19; 101-604, eff. 12-13-19.)

18 (65 ILCS 5/8-11-1.4) (from Ch. 24, par. 8-11-1.4)

19 Sec. 8-11-1.4. Non-Home Rule Municipal Service Occupation
20 Tax Act. The corporate authorities of a non-home rule
21 municipality may impose a tax upon all persons engaged, in such
22 municipality, in the business of making sales of service for
23 expenditure on public infrastructure or for property tax relief
24 or both as defined in Section 8-11-1.2 if approved by
25 referendum as provided in Section 8-11-1.1, of the selling

1 price of all tangible personal property transferred by such
2 servicemen either in the form of tangible personal property or
3 in the form of real estate as an incident to a sale of service.
4 If the tax is approved by referendum on or after July 14, 2010
5 (the effective date of Public Act 96-1057), the corporate
6 authorities of a non-home rule municipality may, until December
7 31, 2020, use the proceeds of the tax for expenditure on
8 municipal operations, in addition to or in lieu of any
9 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 tangible personal property taxed at the 1% rate under the
13 Service Occupation Tax Act. Beginning December 1, 2019, this
14 tax is not imposed on sales of aviation fuel unless the tax
15 revenue is expended for airport-related purposes. If a
16 municipality does not have an airport-related purpose to which
17 it dedicates aviation fuel tax revenue, then aviation fuel is
18 excluded from the tax. Each municipality must comply with the
19 certification requirements for airport-related purposes under
20 Section 2-22 of the Retailers' Occupation Tax Act. For purposes
21 of this Section, "airport-related purposes" has the meaning
22 ascribed in Section 6z-20.2 of the State Finance Act. This
23 exclusion for aviation fuel only applies for so long as the
24 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.
25 47133 are binding on the municipality. The tax imposed by a
26 municipality pursuant to this Section and all civil penalties

1 that may be assessed as an incident thereof shall be collected
2 and enforced by the State Department of Revenue. The
3 certificate of registration which is issued by the Department
4 to a retailer under the Retailers' Occupation Tax Act or under
5 the Service Occupation Tax Act shall permit such registrant to
6 engage in a business which is taxable under any ordinance or
7 resolution enacted pursuant to this 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 1a-1, 2, 2a, 3 through 3-50 (in
22 respect to all provisions therein other than the State rate of
23 tax), 4 (except that the reference to the State shall be to the
24 taxing municipality), 5, 7, 8 (except that the jurisdiction to
25 which the tax shall be a debt to the extent indicated in that
26 Section 8 shall be the taxing municipality), 9 (except as to

1 the disposition of taxes and penalties collected, and except
2 that the returned merchandise credit for this municipal tax may
3 not be taken against any State tax, and except that the
4 retailer's discount is not allowed for taxes paid on aviation
5 fuel that are subject to the revenue use requirements of 49
6 U.S.C. 47107(b) and 49 U.S.C. 47133), 10, 11, 12 (except the
7 reference therein to Section 2b of the Retailers' Occupation
8 Tax Act), 13 (except that any reference to the State shall mean
9 the taxing municipality), the first paragraph of Section 15,
10 16, 17, 18, 19 and 20 of the Service Occupation Tax Act and
11 Section 3-7 of the Uniform Penalty and Interest Act, as fully
12 as if those provisions were set forth herein.

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

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

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

1 who shall cause the order to be drawn for the amount specified,
2 and to the person named, in such notification from the
3 Department. Such refund shall be paid by the State Treasurer
4 out of the municipal retailers' occupation tax fund or the
5 Local Government Aviation Trust Fund, as appropriate.

6 Except as otherwise provided in this paragraph, the
7 Department shall forthwith pay over to the State Treasurer, ex
8 officio, as trustee, all taxes and penalties collected
9 hereunder for deposit into the municipal retailers' occupation
10 tax fund. Taxes and penalties collected on aviation fuel sold
11 on or after December 1, 2019, shall be immediately paid over by
12 the Department to the State Treasurer, ex officio, as trustee,
13 for deposit into the Local Government Aviation Trust Fund. The
14 Department shall only pay moneys into the Local Government
15 Aviation Trust Fund under this Section for so long as the
16 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.
17 47133 are binding on the municipality.

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

26 After the monthly transfer to the STAR Bonds Revenue Fund,

1 on or before the 25th day of each calendar month, the
2 Department shall prepare and certify to the Comptroller the
3 disbursement of stated sums of money to named municipalities,
4 the municipalities to be those from which suppliers and
5 servicemen have paid taxes or penalties hereunder to the
6 Department during the second preceding calendar month. The
7 amount to be paid to each municipality shall be the amount (not
8 including credit memoranda and not including taxes and
9 penalties collected on aviation fuel sold on or after December
10 1, 2019) collected hereunder during the second preceding
11 calendar month by the Department, and not including an amount
12 equal to the amount of refunds made during the second preceding
13 calendar month by the Department on behalf of such
14 municipality, and not including any amounts that are
15 transferred to the STAR Bonds Revenue Fund, less 1% ~~1.5%~~ of the
16 remainder, which the Department shall transfer into the Tax
17 Compliance and Administration Fund. The Department, at the time
18 of each monthly disbursement to the municipalities, shall
19 prepare and certify to the State Comptroller the amount to be
20 transferred into the Tax Compliance and Administration Fund
21 under this Section. Within 10 days after receipt, by the
22 Comptroller, of the disbursement certification to the
23 municipalities, the General Revenue Fund, and the Tax
24 Compliance and Administration Fund provided for in this Section
25 to be given to the Comptroller by the Department, the
26 Comptroller shall cause the orders to be drawn for the

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

3 The Department of Revenue shall implement Public Act 91-649
4 so as to collect the tax on and after January 1, 2002.

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

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

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

15 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
16 100-1171, eff. 1-4-19; 101-10, eff. 6-5-19; 101-81, eff.
17 7-12-19; 101-604, eff. 12-13-19.)

18 (65 ILCS 5/8-11-1.6)

19 Sec. 8-11-1.6. Non-home rule municipal retailers'
20 occupation tax; municipalities between 20,000 and 25,000. The
21 corporate authorities of a non-home rule municipality with a
22 population of more than 20,000 but less than 25,000 that has,
23 prior to January 1, 1987, established a Redevelopment Project
24 Area that has been certified as a State Sales Tax Boundary and
25 has issued bonds or otherwise incurred indebtedness to pay for

1 costs in excess of \$5,000,000, which is secured in part by a
2 tax increment allocation fund, in accordance with the
3 provisions of Division 11-74.4 of this Code may, by passage of
4 an ordinance, impose a tax upon all persons engaged in the
5 business of selling tangible personal property, other than on
6 an item of tangible personal property that is titled and
7 registered by an agency of this State's Government, at retail
8 in the municipality. This tax may not be imposed on tangible
9 personal property taxed at the 1% rate under the Retailers'
10 Occupation Tax Act. Beginning December 1, 2019, this tax is not
11 imposed on sales of aviation fuel unless the tax revenue is
12 expended for airport-related purposes. If a municipality does
13 not have an airport-related purpose to which it dedicates
14 aviation fuel tax revenue, then aviation fuel is excluded from
15 the tax. Each municipality must comply with the certification
16 requirements for airport-related purposes under Section 2-22
17 of the Retailers' Occupation Tax Act. For purposes of this
18 Section, "airport-related purposes" has the meaning ascribed
19 in Section 6z-20.2 of the State Finance Act. This exclusion for
20 aviation fuel only applies for so long as the revenue use
21 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are
22 binding on the municipality. If imposed, the tax shall only be
23 imposed in .25% increments of the gross receipts from such
24 sales made in the course of business. Any tax imposed by a
25 municipality under this Section and all civil penalties that
26 may be assessed as an incident thereof shall be collected and

1 enforced by the State Department of Revenue. An ordinance
2 imposing a tax hereunder or effecting a change in the rate
3 thereof shall be adopted and a certified copy thereof filed
4 with the Department on or before the first day of October,
5 whereupon the Department shall proceed to administer and
6 enforce this Section as of the first day of January next
7 following such adoption and filing. The certificate of
8 registration that is issued by the Department to a retailer
9 under the Retailers' Occupation Tax Act shall permit the
10 retailer to engage in a business that is taxable under any
11 ordinance or resolution enacted under this Section without
12 registering separately with the Department under the ordinance
13 or resolution or under this Section. The Department shall have
14 full power to administer and enforce this Section, to collect
15 all taxes and penalties due hereunder, to dispose of taxes and
16 penalties so collected in the manner hereinafter provided, and
17 to determine all rights to credit memoranda, arising on account
18 of the erroneous payment of tax or penalty hereunder. In the
19 administration of, and compliance with this Section, the
20 Department and persons who are subject to this Section shall
21 have the same rights, remedies, privileges, immunities,
22 powers, and duties, and be subject to the same conditions,
23 restrictions, limitations, penalties, and definitions of
24 terms, and employ the same modes of procedure, as are
25 prescribed in Sections 1, 1a, 1a-1, 1d, 1e, 1f, 1i, 1j, 2
26 through 2-65 (in respect to all provisions therein other than

1 the State rate of tax), 2c, 3 (except as to the disposition of
2 taxes and penalties collected, and except that the retailer's
3 discount is not allowed for taxes paid on aviation fuel that
4 are subject to the revenue use requirements of 49 U.S.C.
5 47107(b) and 49 U.S.C. 47133), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f,
6 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 12
7 and 13 of the Retailers' Occupation Tax Act and Section 3-7 of
8 the Uniform Penalty and Interest Act as fully as if those
9 provisions were set forth herein.

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

13 Persons subject to any tax imposed under the authority
14 granted in this Section may reimburse themselves for their
15 seller's tax liability hereunder by separately stating the tax
16 as an additional charge, which charge may be stated in
17 combination, in a single amount, with State tax which sellers
18 are required to collect under the Use Tax Act, pursuant to such
19 bracket 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 Non-Home Rule Municipal Retailers'

1 Occupation Tax Fund, which is hereby created or the Local
2 Government Aviation Trust Fund, as appropriate.

3 Except as otherwise provided in this paragraph, the
4 Department shall forthwith pay over to the State Treasurer, ex
5 officio, as trustee, all taxes and penalties collected
6 hereunder for deposit into the Non-Home Rule Municipal
7 Retailers' Occupation Tax Fund. Taxes and penalties collected
8 on aviation fuel sold on or after December 1, 2019, shall be
9 immediately paid over by the Department to the State Treasurer,
10 ex officio, as trustee, for deposit into the Local Government
11 Aviation Trust Fund. The Department shall only pay moneys into
12 the Local Government Aviation Trust Fund under this Section for
13 so long as the revenue use requirements of 49 U.S.C. 47107(b)
14 and 49 U.S.C. 47133 are binding on the municipality.

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 and not including taxes and penalties collected on
6 aviation fuel sold on or after December 1, 2019) collected
7 hereunder during the second preceding calendar month by the
8 Department plus an amount the Department determines is
9 necessary to offset any amounts that were erroneously paid to a
10 different taxing body, and not including an amount equal to the
11 amount of refunds made during the second preceding calendar
12 month by the Department on behalf of the municipality, and not
13 including any amount that the Department determines is
14 necessary to offset any amounts that were payable to a
15 different taxing body but were erroneously paid to the
16 municipality, and not including any amounts that are
17 transferred to the STAR Bonds Revenue Fund, less 1% ~~1.5%~~ of the
18 remainder, which the Department shall transfer into the Tax
19 Compliance and Administration Fund. The Department, at the time
20 of each monthly disbursement to the municipalities, shall
21 prepare and certify to the State Comptroller the amount to be
22 transferred into the Tax Compliance and Administration Fund
23 under this Section. Within 10 days after receipt by the
24 Comptroller of the disbursement certification to the
25 municipalities and the Tax Compliance and Administration Fund
26 provided for in this Section to be given to the Comptroller by

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

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

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

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

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

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

1 100-863, eff. 8-14-18; 100-1171, eff. 1-4-19; 101-10, eff.
2 6-5-19; 101-81, eff. 7-12-19; 101-604, eff. 12-13-19.)

3 (65 ILCS 5/8-11-1.7)

4 Sec. 8-11-1.7. Non-home rule municipal service occupation
5 tax; municipalities between 20,000 and 25,000. The corporate
6 authorities of a non-home rule municipality with a population
7 of more than 20,000 but less than 25,000 as determined by the
8 last preceding decennial census that has, prior to January 1,
9 1987, established a Redevelopment Project Area that has been
10 certified as a State Sales Tax Boundary and has issued bonds or
11 otherwise incurred indebtedness to pay for costs in excess of
12 \$5,000,000, which is secured in part by a tax increment
13 allocation fund, in accordance with the provisions of Division
14 11-74.4 of this Code may, by passage of an ordinance, impose a
15 tax upon all persons engaged in the municipality in the
16 business of making sales of service. If imposed, the tax shall
17 only be imposed in .25% increments of the selling price of all
18 tangible personal property transferred by such servicemen
19 either in the form of tangible personal property or in the form
20 of real estate as an incident to a sale of service. This tax
21 may not be imposed on tangible personal property taxed at the
22 1% rate under the Service Occupation Tax Act. Beginning
23 December 1, 2019, this tax is not imposed on sales of aviation
24 fuel unless the tax revenue is expended for airport-related
25 purposes. If a municipality does not have an airport-related

1 purpose to which it dedicates aviation fuel tax revenue, then
2 aviation fuel is excluded from the tax. Each municipality must
3 comply with the certification requirements for airport-related
4 purposes under Section 2-22 of the Retailers' Occupation Tax
5 Act. For purposes of this Section, "airport-related purposes"
6 has the meaning ascribed in Section 6z-20.2 of the State
7 Finance Act. This exclusion for aviation fuel only applies for
8 so long as the revenue use requirements of 49 U.S.C. 47107(b)
9 and 49 U.S.C. 47133 are binding on the municipality. The tax
10 imposed by a municipality under this Section and all civil
11 penalties that may be assessed as an incident thereof shall be
12 collected and enforced by the State Department of Revenue. An
13 ordinance imposing a tax hereunder or effecting a change in the
14 rate thereof shall be adopted and a certified copy thereof
15 filed with the Department on or before the first day of
16 October, whereupon the Department shall proceed to administer
17 and enforce this Section as of the first day of January next
18 following such adoption and filing. The certificate of
19 registration that is issued by the Department to a retailer
20 under the Retailers' Occupation Tax Act or under the Service
21 Occupation Tax Act shall permit the registrant to engage in a
22 business that is taxable under any ordinance or resolution
23 enacted under this Section without registering separately with
24 the Department under the ordinance or resolution or under this
25 Section. The Department shall have full power to administer and
26 enforce this Section, to collect all taxes and penalties due

1 hereunder, to dispose of taxes and penalties so collected in a
2 manner hereinafter provided, and to determine all rights to
3 credit memoranda arising on account of the erroneous payment of
4 tax or penalty hereunder. In the administration of and
5 compliance with this Section, the Department and persons who
6 are subject to this Section shall have the same rights,
7 remedies, privileges, immunities, powers, and duties, and be
8 subject to the same conditions, restrictions, limitations,
9 penalties and definitions of terms, and employ the same modes
10 of procedure, as are prescribed in Sections 1a-1, 2, 2a, 3
11 through 3-50 (in respect to all provisions therein other than
12 the State rate of tax), 4 (except that the reference to the
13 State shall be to the taxing municipality), 5, 7, 8 (except
14 that the jurisdiction to which the tax shall be a debt to the
15 extent indicated in that Section 8 shall be the taxing
16 municipality), 9 (except as to the disposition of taxes and
17 penalties collected, and except that the returned merchandise
18 credit for this municipal tax may not be taken against any
19 State tax, and except that the retailer's discount is not
20 allowed for taxes paid on aviation fuel that are subject to the
21 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.
22 47133), 10, 11, 12, (except the reference therein to Section 2b
23 of the Retailers' Occupation Tax Act), 13 (except that any
24 reference to the State shall mean the taxing municipality), the
25 first paragraph of Sections 15, 16, 17, 18, 19, and 20 of the
26 Service Occupation Tax Act and Section 3-7 of the Uniform

1 Penalty and Interest Act, as fully as if those provisions were
2 set forth herein.

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

6 Person subject to any tax imposed under the authority
7 granted in this Section may reimburse themselves for their
8 servicemen's tax liability hereunder by separately stating the
9 tax as an additional charge, which charge may be stated in
10 combination, in a single amount, with State tax that servicemen
11 are authorized to collect under the Service Use Tax Act, under
12 such 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 credit
15 memorandum, the Department shall notify the State Comptroller,
16 who shall cause the order to be drawn for the amount specified,
17 and to the person named, in such notification from the
18 Department. The refund shall be paid by the State Treasurer out
19 of the Non-Home Rule Municipal Retailers' Occupation Tax Fund
20 or the Local Government Aviation Trust Fund, as appropriate.

21 Except as otherwise provided in this paragraph, the
22 Department shall forthwith pay over to the State Treasurer, ex
23 officio, as trustee, all taxes and penalties collected
24 hereunder for deposit into the Non-Home Rule Municipal
25 Retailers' Occupation Tax Fund. Taxes and penalties collected
26 on aviation fuel sold on or after December 1, 2019, shall be

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

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

15 After the monthly transfer to the STAR Bonds Revenue Fund,
16 on or before the 25th day of each calendar month, the
17 Department shall prepare and certify to the Comptroller the
18 disbursement of stated sums of money to named municipalities,
19 the municipalities to be those from which suppliers and
20 servicemen have paid taxes or penalties hereunder to the
21 Department during the second preceding calendar month. The
22 amount to be paid to each municipality shall be the amount (not
23 including credit memoranda and not including taxes and
24 penalties collected on aviation fuel sold on or after December
25 1, 2019) collected hereunder during the second preceding
26 calendar month by the Department, and not including an amount

1 equal to the amount of refunds made during the second preceding
2 calendar month by the Department on behalf of such
3 municipality, and not including any amounts that are
4 transferred to the STAR Bonds Revenue Fund, less 1% ~~1.5%~~ 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, the Tax Compliance and Administration Fund,
13 and the General Revenue Fund, provided for in this Section to
14 be given to the Comptroller by the Department, the Comptroller
15 shall cause the orders to be drawn for the respective amounts
16 in accordance with the directions contained in the
17 certification.

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

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

2 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
3 100-863, eff. 8-14-18; 100-1171, eff. 1-4-19; 101-10, eff.
4 6-5-19; 101-81, eff. 7-12-19; 101-604, eff. 12-13-19.)

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

6 Sec. 8-11-5. Home Rule Municipal Service Occupation Tax
7 Act. The corporate authorities of a home rule municipality may
8 impose a tax upon all persons engaged, in such municipality, in
9 the business of making sales of service at the same rate of tax
10 imposed pursuant to Section 8-11-1, of the selling price of all
11 tangible personal property transferred by such servicemen
12 either in the form of tangible personal property or in the form
13 of real estate as an incident to a sale of service. If imposed,
14 such tax shall only be imposed in 1/4% increments. On and after
15 September 1, 1991, this additional tax may not be imposed on
16 tangible personal property taxed at the 1% rate under the
17 Retailers' Occupation Tax Act. Beginning December 1, 2019, this
18 tax may not be imposed on sales of aviation fuel unless the tax
19 revenue is expended for airport-related purposes. If a
20 municipality does not have an airport-related purpose to which
21 it dedicates aviation fuel tax revenue, then aviation fuel
22 shall be excluded from tax. Each municipality must comply with
23 the certification requirements for airport-related purposes
24 under Section 2-22 of the Retailers' Occupation Tax Act. For
25 purposes of this Section, "airport-related purposes" has the

1 meaning ascribed in Section 6z-20.2 of the State Finance Act.
2 This exception for aviation fuel only applies for so long as
3 the revenue use requirements of 49 U.S.C. 47107(b) and 49
4 U.S.C. 47133 are binding on the State. The changes made to this
5 Section by this amendatory Act of the 101st General Assembly
6 are a denial and limitation of home rule powers and functions
7 under subsection (g) of Section 6 of Article VII of the
8 Illinois Constitution. The tax imposed by a home rule
9 municipality pursuant to this Section and all civil penalties
10 that may be assessed as an incident thereof shall be collected
11 and enforced by the State Department of Revenue. The
12 certificate of registration which is issued by the Department
13 to a retailer under the Retailers' Occupation Tax Act or under
14 the Service Occupation Tax Act shall permit such registrant to
15 engage in a business which is taxable under any ordinance or
16 resolution enacted pursuant to this Section without
17 registering separately with the Department under such
18 ordinance or resolution or under this Section. The Department
19 shall have full power to administer and enforce this Section;
20 to collect all taxes and penalties due hereunder; to dispose of
21 taxes and penalties so collected in the manner hereinafter
22 provided, and to determine all rights to credit memoranda
23 arising on account of the erroneous payment of tax or penalty
24 hereunder. In the administration of, and compliance with, this
25 Section the Department and persons who are subject to this
26 Section shall have the same rights, remedies, privileges,

1 immunities, powers and duties, and be subject to the same
2 conditions, restrictions, limitations, penalties and
3 definitions of terms, and employ the same modes of procedure,
4 as are prescribed in Sections 1a-1, 2, 2a, 3 through 3-50 (in
5 respect to all provisions therein other than the State rate of
6 tax), 4 (except that the reference to the State shall be to the
7 taxing municipality), 5, 7, 8 (except that the jurisdiction to
8 which the tax shall be a debt to the extent indicated in that
9 Section 8 shall be the taxing municipality), 9 (except as to
10 the disposition of taxes and penalties collected, and except
11 that the returned merchandise credit for this municipal tax may
12 not be taken against any State tax, and except that the
13 retailer's discount is not allowed for taxes paid on aviation
14 fuel that are subject to the revenue use requirements of 49
15 U.S.C. 47107(b) and 49 U.S.C. 47133), 10, 11, 12 (except the
16 reference therein to Section 2b of the Retailers' Occupation
17 Tax Act), 13 (except that any reference to the State shall mean
18 the taxing municipality), the first paragraph of Section 15,
19 16, 17 (except that credit memoranda issued hereunder may not
20 be used to discharge any State tax liability), 18, 19 and 20 of
21 the Service Occupation Tax Act and Section 3-7 of the Uniform
22 Penalty and Interest Act, as fully as if those provisions were
23 set forth herein.

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

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

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

17 Except as otherwise provided in this paragraph, the
18 Department shall forthwith pay over to the State Treasurer, ex
19 officio, as trustee, all taxes and penalties collected
20 hereunder for deposit into the Home Rule Municipal Retailers'
21 Occupation Tax Fund. Taxes and penalties collected on aviation
22 fuel sold on or after December 1, 2019, shall be immediately
23 paid over by the Department to the State Treasurer, ex officio,
24 as trustee, for deposit into the Local Government Aviation
25 Trust Fund. The Department shall only pay moneys into the Local
26 Government Aviation Trust Fund under this Section for so long

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

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

11 After the monthly transfer to the STAR Bonds Revenue Fund,
12 on or before the 25th day of each calendar month, the
13 Department shall prepare and certify to the Comptroller the
14 disbursement of stated sums of money to named municipalities,
15 the municipalities to be those from which suppliers and
16 servicemen have paid taxes or penalties hereunder to the
17 Department during the second preceding calendar month. The
18 amount to be paid to each municipality shall be the amount (not
19 including credit memoranda and not including taxes and
20 penalties collected on aviation fuel sold on or after December
21 1, 2019) collected hereunder during the second preceding
22 calendar month by the Department, and not including an amount
23 equal to the amount of refunds made during the second preceding
24 calendar month by the Department on behalf of such
25 municipality, and not including any amounts that are
26 transferred to the STAR Bonds Revenue Fund, less 1% ~~1.5%~~ of the

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

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

1 occupation tax during the period July 1, 1989 through June 30,
2 1990. The allocation within 10 days after January 14, 1991,
3 shall be in an amount equal to the monthly average of these
4 amounts, excluding the 2 months of highest receipts. Monthly
5 average for the period of July 1, 1990 through June 30, 1991
6 will be determined as follows: the amounts collected by the
7 municipality under its home rule occupation and service
8 occupation tax during the period of July 1, 1990 through
9 September 30, 1990, plus amounts collected by the Department
10 and paid to such municipality through June 30, 1991, excluding
11 the 2 months of highest receipts. The monthly average for each
12 subsequent period of July 1 through June 30 shall be an amount
13 equal to the monthly distribution made to each such
14 municipality under the preceding paragraph during this period,
15 excluding the 2 months of highest receipts. The distribution
16 made in November 1991 and each year thereafter under this
17 paragraph and the preceding paragraph shall be reduced by the
18 amount allocated and disbursed under this paragraph in the
19 preceding period of July 1 through June 30. The Department
20 shall prepare and certify to the Comptroller for disbursement
21 the allocations made in accordance with this paragraph.

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

26 An ordinance or resolution imposing or discontinuing a tax

1 hereunder or effecting a change in the rate thereof shall be
2 adopted and a certified copy thereof filed with the Department
3 on or before the first day of June, whereupon the Department
4 shall proceed to administer and enforce this Section as of the
5 first day of September next following such adoption and filing.
6 Beginning January 1, 1992, an ordinance or resolution imposing
7 or discontinuing the tax hereunder or effecting a change in the
8 rate thereof shall be adopted and a certified copy thereof
9 filed with the Department on or before the first day of July,
10 whereupon the Department shall proceed to administer and
11 enforce this Section as of the first day of October next
12 following such adoption and filing. Beginning January 1, 1993,
13 an ordinance or resolution imposing or discontinuing the tax
14 hereunder or effecting a change in the rate thereof shall be
15 adopted and a certified copy thereof filed with the Department
16 on or before the first day of October, whereupon the Department
17 shall proceed to administer and enforce this Section as of the
18 first day of January next following such adoption and filing.
19 However, a municipality located in a county with a population
20 in excess of 3,000,000 that elected to become a home rule unit
21 at the general primary election in 1994 may adopt an ordinance
22 or resolution imposing the tax under this Section and file a
23 certified copy of the ordinance or resolution with the
24 Department on or before July 1, 1994. The Department shall then
25 proceed to administer and enforce this Section as of October 1,
26 1994. Beginning April 1, 1998, an ordinance or resolution

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

11 Any unobligated balance remaining in the Municipal
12 Retailers' Occupation Tax Fund on December 31, 1989, which fund
13 was abolished by Public Act 85-1135, and all receipts of
14 municipal tax as a result of audits of liability periods prior
15 to January 1, 1990, shall be paid into the Local Government Tax
16 Fund, for distribution as provided by this Section prior to the
17 enactment of Public Act 85-1135. All receipts of municipal tax
18 as a result of an assessment not arising from an audit, for
19 liability periods prior to January 1, 1990, shall be paid into
20 the Local Government Tax Fund for distribution before July 1,
21 1990, as provided by this Section prior to the enactment of
22 Public Act 85-1135, and on and after July 1, 1990, all such
23 receipts shall be distributed as provided in Section 6z-18 of
24 the State Finance Act.

25 As used in this Section, "municipal" and "municipality"
26 means a city, village or incorporated town, including an

1 incorporated town which has superseded a civil township.

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

4 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
5 100-1171, eff. 1-4-19; 101-10, eff. 6-5-19; 101-81, eff.
6 7-12-19; 101-604, eff. 12-13-19.)

7 (65 ILCS 5/8-11-23)

8 Sec. 8-11-23. Municipal Cannabis Retailers' Occupation Tax
9 Law.

10 (a) This Section may be referred to as the Municipal
11 Cannabis Retailers' Occupation Tax Law. The corporate
12 authorities of any municipality may, by ordinance, impose a tax
13 upon all persons engaged in the business of selling cannabis,
14 other than cannabis purchased under the Compassionate Use of
15 Medical Cannabis Program Act, at retail in the municipality on
16 the gross receipts from these sales made in the course of that
17 business. If imposed, the tax may not exceed 3% of the gross
18 receipts from these sales and shall only be imposed in 1/4%
19 increments. The tax imposed under this Section and all civil
20 penalties that may be assessed as an incident of the tax shall
21 be collected and enforced by the Department of Revenue. The
22 Department of Revenue shall have full power to administer and
23 enforce this Section; to collect all taxes and penalties due
24 hereunder; to dispose of taxes and penalties so collected in
25 the manner hereinafter provided; and to determine all rights to

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

17 (b) Persons subject to any tax imposed under the authority
18 granted in this Section may reimburse themselves for their
19 seller's tax liability hereunder by separately stating that tax
20 as an additional charge, which charge may be stated in
21 combination, in a single amount, with any State tax that
22 sellers are required to collect.

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

1 drawn for the amount specified and to the person named in the
2 notification from the Department of Revenue.

3 (d) The Department of Revenue shall immediately pay over to
4 the State Treasurer, ex officio, as trustee, all taxes and
5 penalties collected hereunder for deposit into the Local
6 Cannabis Retailers' Occupation Tax Trust Fund.

7 (e) On or before the 25th day of each calendar month, the
8 Department of Revenue shall prepare and certify to the
9 Comptroller the amount of money to be disbursed from the Local
10 Cannabis Retailers' Occupation Tax Trust Fund to
11 municipalities from which retailers have paid taxes or
12 penalties under this Section during the second preceding
13 calendar month. The amount to be paid to each municipality
14 shall be the amount (not including credit memoranda) collected
15 under this Section from sales made in the municipality during
16 the second preceding calendar month, plus an amount the
17 Department of Revenue determines is necessary to offset any
18 amounts that were erroneously paid to a different taxing body,
19 and not including an amount equal to the amount of refunds made
20 during the second preceding calendar month by the Department on
21 behalf of such municipality, and not including any amount that
22 the Department determines is necessary to offset any amounts
23 that were payable to a different taxing body but were
24 erroneously paid to the municipality, less 1% ~~1.5%~~ of the
25 remainder, which the Department shall transfer into the Tax
26 Compliance and Administration Fund. The Department, at the time

1 of each monthly disbursement to the municipalities, shall
2 prepare and certify to the State Comptroller the amount to be
3 transferred into the Tax Compliance and Administration Fund
4 under this Section. Within 10 days after receipt by the
5 Comptroller of the disbursement certification to the
6 municipalities 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 (f) An ordinance or resolution imposing or discontinuing a
12 tax under this Section or effecting a change in the rate
13 thereof that is adopted on or after June 25, 2019 (the
14 effective date of Public Act 101-27) and for which a certified
15 copy is filed with the Department on or before April 1, 2020
16 shall be administered and enforced by the Department beginning
17 on July 1, 2020. For ordinances filed with the Department after
18 April 1, 2020, an ordinance or resolution imposing or
19 discontinuing a tax under this Section or effecting a change in
20 the rate thereof shall either (i) be adopted and a certified
21 copy thereof filed with the Department on or before the first
22 day of April, whereupon the Department shall proceed to
23 administer and enforce this Section as of the first day of July
24 next following the adoption and filing; or (ii) be adopted and
25 a certified copy thereof filed with the Department on or before
26 the first day of October, whereupon the Department shall

1 proceed to administer and enforce this Section as of the first
2 day of January next following the adoption and filing.

3 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

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

6 (70 ILCS 1605/30)

7 Sec. 30. Taxes.

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

15 This additional tax may not be imposed on tangible personal
16 property taxed at the 1% rate under the Retailers' Occupation
17 Tax Act. Beginning December 1, 2019 and through December 31,
18 2020, this tax is not imposed on sales of aviation fuel unless
19 the tax revenue is expended for airport-related purposes. If
20 the District does not have an airport-related purpose to which
21 it dedicates aviation fuel tax revenue, then aviation fuel
22 shall be excluded from tax. The board must comply with the
23 certification requirements for airport-related purposes under
24 Section 2-22 of the Retailers' Occupation Tax Act. For purposes

1 of this Act, "airport-related purposes" has the meaning
2 ascribed in Section 6z-20.2 of the State Finance Act. Beginning
3 January 1, 2021, this tax is not imposed on sales of aviation
4 fuel for so long as the revenue use requirements of 49 U.S.C.
5 47107(b) and 49 U.S.C. 47133 are binding on the District. The
6 tax imposed by the Board under this Section and all civil
7 penalties that may be assessed as an incident of the tax shall
8 be collected and enforced by the Department of Revenue. The
9 certificate of registration that is issued by the Department to
10 a retailer under the Retailers' Occupation Tax Act shall permit
11 the retailer to engage in a business that is taxable without
12 registering separately with the Department under an ordinance
13 or resolution under this Section. The Department has full power
14 to administer and enforce this Section, to collect all taxes
15 and penalties due under this Section, to dispose of taxes and
16 penalties so collected in the manner provided in this Section,
17 and to determine all rights to credit memoranda arising on
18 account of the erroneous payment of a tax or penalty under this
19 Section. In the administration of and compliance with this
20 Section, the Department and persons who are subject to this
21 Section shall (i) have the same rights, remedies, privileges,
22 immunities, powers, and duties, (ii) be subject to the same
23 conditions, restrictions, limitations, penalties, and
24 definitions of terms, and (iii) employ the same modes of
25 procedure as are prescribed in Sections 1, 1a, 1a-1, 1d, 1e,
26 1f, 1i, 1j, 1k, 1m, 1n, 2, 2-5, 2-5.5, 2-10 (in respect to all

1 provisions contained in those Sections other than the State
2 rate of tax), 2-12, 2-15 through 2-70, 2a, 2b, 2c, 3 (except
3 provisions relating to transaction returns and quarter monthly
4 payments, and except that the retailer's discount is not
5 allowed for taxes paid on aviation fuel that are subject to the
6 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.
7 47133), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6,
8 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 11a, 12, and 13 of the
9 Retailers' Occupation Tax Act and the Uniform Penalty and
10 Interest Act as if those provisions were set forth in this
11 Section.

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

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

1 appropriate.

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 District, 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 District as an incident to a sale of service. This tax may
8 not be imposed on tangible personal property taxed at the 1%
9 rate under the Service Occupation Tax Act. Beginning December
10 1, 2019 and through December 31, 2020, this tax may not be
11 imposed on sales of aviation fuel unless the tax revenue is
12 expended for airport-related purposes. If the District does not
13 have an airport-related purpose to which it dedicates aviation
14 fuel tax revenue, then aviation fuel shall be excluded from
15 tax. The board must comply with the certification requirements
16 for airport-related purposes under Section 2-22 of the
17 Retailers' Occupation Tax Act. For purposes of this Act,
18 "airport-related purposes" has the meaning ascribed in Section
19 6z-20.2 of the State Finance Act. Beginning January 1, 2021,
20 this tax is not imposed on sales of aviation fuel for so long
21 as the revenue use requirements of 49 U.S.C. 47107(b) and 49
22 U.S.C. 47133 are binding on the District. The tax imposed under
23 this subsection and all civil penalties that may be assessed as
24 an incident thereof shall be collected and enforced by the
25 Department of Revenue. The Department has full power to
26 administer and enforce this subsection; to collect all taxes

1 and penalties due hereunder; to dispose of taxes and penalties
2 so collected in the manner hereinafter provided; and to
3 determine all rights to credit memoranda arising on account of
4 the erroneous payment of tax or penalty hereunder. In the
5 administration of, and compliance with this subsection, the
6 Department and persons who are subject to this paragraph shall
7 (i) have the same rights, remedies, privileges, immunities,
8 powers, and duties, (ii) be subject to the same conditions,
9 restrictions, limitations, penalties, exclusions, exemptions,
10 and definitions of terms, and (iii) employ the same modes of
11 procedure as are prescribed in Sections 2 (except that the
12 reference to State in the definition of supplier maintaining a
13 place of business in this State shall mean the District), 2a,
14 2b, 2c, 3 through 3-50 (in respect to all provisions therein
15 other than the State rate of tax), 4 (except that the reference
16 to the State shall be to the District), 5, 7, 8 (except that
17 the jurisdiction to which the tax shall be a debt to the extent
18 indicated in that Section 8 shall be the District), 9 (except
19 as to the disposition of taxes and penalties collected, and
20 except that the retailer's discount is not allowed for taxes
21 paid on aviation fuel that are subject to the revenue use
22 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133), 10,
23 11, 12 (except the reference therein to Section 2b of the
24 Retailers' Occupation Tax Act), 13 (except that any reference
25 to the State shall mean the District), Sections 15, 16, 17, 18,
26 19 and 20 of the Service Occupation Tax Act and the Uniform

1 Penalty and Interest Act, as fully as if those provisions were
2 set forth herein.

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

11 Whenever the Department determines that a refund should be
12 made under this subsection to a claimant instead of issuing a
13 credit memorandum, the Department shall notify the State
14 Comptroller, who shall cause the warrant to be drawn for the
15 amount specified, and to the person named, in the notification
16 from the Department. The refund shall be paid by the State
17 Treasurer out of the State Metro-East Park and Recreation
18 District Fund or the Local Government Aviation Trust Fund, as
19 appropriate.

20 Nothing in this subsection shall be construed to authorize
21 the board 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 the State.

24 (c) Except as otherwise provided in this paragraph, the
25 Department shall immediately pay over to the State Treasurer,
26 ex officio, as trustee, all taxes and penalties collected under

1 this Section to be deposited into the State Metro-East Park and
2 Recreation District Fund, which shall be an unappropriated
3 trust fund held outside of the State treasury. Taxes and
4 penalties collected on aviation fuel sold on or after December
5 1, 2019 and through December 31, 2020, shall be immediately
6 paid over by the Department to the State Treasurer, ex officio,
7 as trustee, for deposit into the Local Government Aviation
8 Trust Fund. The Department shall only pay moneys into the Local
9 Government Aviation Trust Fund under this Act for so long as
10 the revenue use requirements of 49 U.S.C. 47107(b) and 49
11 U.S.C. 47133 are binding on the District.

12 As soon as possible after the first day of each month,
13 beginning January 1, 2011, upon certification of the Department
14 of Revenue, the Comptroller shall order transferred, and the
15 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
16 local sales tax increment, as defined in the Innovation
17 Development and Economy Act, collected under this Section
18 during the second preceding calendar month for sales within a
19 STAR bond district. The Department shall make this
20 certification only if the Metro East Park and Recreation
21 District imposes a tax on real property as provided in the
22 definition of "local sales taxes" under the Innovation
23 Development and Economy Act.

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

1 disbursement of stated sums of money pursuant to Section 35 of
2 this Act to the District from which retailers have paid taxes
3 or penalties to the Department during the second preceding
4 calendar month. The amount to be paid to the District shall be
5 the amount (not including credit memoranda and not including
6 taxes and penalties collected on aviation fuel sold on or after
7 December 1, 2019 and through December 31, 2020) collected under
8 this Section during the second preceding calendar month by the
9 Department plus an amount the Department determines is
10 necessary to offset any amounts that were erroneously paid to a
11 different taxing body, and not including (i) an amount equal to
12 the amount of refunds made during the second preceding calendar
13 month by the Department on behalf of the District, (ii) any
14 amount that the Department determines is necessary to offset
15 any amounts that were payable to a different taxing body but
16 were erroneously paid to the District, (iii) any amounts that
17 are transferred to the STAR Bonds Revenue Fund, and (iv) 1%
18 ~~1.5%~~ of the remainder, which the Department shall transfer into
19 the Tax Compliance and Administration Fund. The Department, at
20 the time of each monthly disbursement to the District, shall
21 prepare and certify to the State Comptroller the amount to be
22 transferred into the Tax Compliance and Administration Fund
23 under this subsection. Within 10 days after receipt by the
24 Comptroller of the disbursement certification to the District
25 and the Tax Compliance and Administration Fund provided for in
26 this Section to be given to the Comptroller by the Department,

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

4 (d) 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 another mineral mined in Illinois is a sale at
7 retail at the place where the coal or other mineral mined in
8 Illinois is extracted from the earth. This paragraph does not
9 apply to coal or another mineral when it is delivered or
10 shipped by the seller to the purchaser at a point outside
11 Illinois so that the sale is exempt under the United States
12 Constitution as a sale in interstate or foreign commerce.

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

17 (f) An ordinance imposing a tax under this Section or an
18 ordinance extending the imposition of a tax to an additional
19 county or counties shall be certified by the board and filed
20 with the Department of Revenue either (i) on or before the
21 first day of April, whereupon the Department shall proceed to
22 administer and enforce the tax as of the first day of July next
23 following the filing; or (ii) on or before the first day of
24 October, whereupon the Department shall proceed to administer
25 and enforce the tax as of the first day of January next
26 following the filing.

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

7 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
8 100-1171, eff. 1-4-19; 101-10, eff. 6-5-19; 101-81, eff.
9 7-12-19; 101-604, eff. 12-13-19.)

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

12 (70 ILCS 3610/5.01) (from Ch. 111 2/3, par. 355.01)

13 Sec. 5.01. Metro East Mass Transit District; use and
14 occupation taxes.

15 (a) The Board of Trustees of any Metro East Mass Transit
16 District may, by ordinance adopted with the concurrence of
17 two-thirds of the then trustees, impose throughout the District
18 any or all of the taxes and fees provided in this Section.
19 Except as otherwise provided, all taxes and fees imposed under
20 this Section shall be used only for public mass transportation
21 systems, and the amount used to provide mass transit service to
22 unserved areas of the District shall be in the same proportion
23 to the total proceeds as the number of persons residing in the
24 unserved areas is to the total population of the District.

1 Except as otherwise provided in this Act, taxes imposed under
2 this Section and civil penalties imposed incident thereto shall
3 be collected and enforced by the State Department of Revenue.
4 The Department shall have the power to administer and enforce
5 the taxes and to determine all rights for refunds for erroneous
6 payments of the taxes.

7 (b) The Board may impose a Metro East Mass Transit District
8 Retailers' Occupation Tax upon all persons engaged in the
9 business of selling tangible personal property at retail in the
10 district at a rate of 1/4 of 1%, or as authorized under
11 subsection (d-5) of this Section, of the gross receipts from
12 the sales made in the course of such business within the
13 district, except that the rate of tax imposed under this
14 Section on sales of aviation fuel on or after December 1, 2019
15 shall be 0.25% in Madison County unless the Metro-East Mass
16 Transit District in Madison County has an "airport-related
17 purpose" and any additional amount authorized under subsection
18 (d-5) is expended for airport-related purposes. If there is no
19 airport-related purpose to which aviation fuel tax revenue is
20 dedicated, then aviation fuel is excluded from any additional
21 amount authorized under subsection (d-5). The rate in St. Clair
22 County shall be 0.25% unless the Metro-East Mass Transit
23 District in St. Clair County has an "airport-related purpose"
24 and the additional 0.50% of the 0.75% tax on aviation fuel
25 imposed in that County is expended for airport-related
26 purposes. If there is no airport-related purpose to which

1 aviation fuel tax revenue is dedicated, then aviation fuel is
2 excluded from the additional 0.50% of the 0.75% tax.

3 The Board must comply with the certification requirements
4 for airport-related purposes under Section 2-22 of the
5 Retailers' Occupation Tax Act. For purposes of this Section,
6 "airport-related purposes" has the meaning ascribed in Section
7 6z-20.2 of the State Finance Act. This exclusion for aviation
8 fuel only applies for so long as the revenue use requirements
9 of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the
10 District.

11 The tax imposed under this Section and all civil penalties
12 that may be assessed as an incident thereof shall be collected
13 and enforced by the State Department of Revenue. The Department
14 shall have full power to administer and enforce this Section;
15 to collect all taxes and penalties so collected in the manner
16 hereinafter provided; and to determine all rights to credit
17 memoranda arising on account of the erroneous payment of tax or
18 penalty hereunder. In the administration of, and compliance
19 with, this Section, the Department and persons who are subject
20 to this Section shall have the same rights, remedies,
21 privileges, immunities, powers and duties, and be subject to
22 the same conditions, restrictions, limitations, penalties,
23 exclusions, exemptions and definitions of terms and employ the
24 same modes of procedure, as are prescribed in Sections 1, 1a,
25 1a-1, 1c, 1d, 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all
26 provisions therein other than the State rate of tax), 2c, 3

1 (except as to the disposition of taxes and penalties collected,
2 and except that the retailer's discount is not allowed for
3 taxes paid on aviation fuel that are subject to the revenue use
4 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133), 4, 5,
5 5a, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d,
6 7, 8, 9, 10, 11, 12, 13, and 14 of the Retailers' Occupation
7 Tax Act and Section 3-7 of the Uniform Penalty and Interest
8 Act, as fully as if those provisions were set forth herein.

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

16 Whenever the Department determines that a refund should be
17 made under this Section to a claimant instead of issuing a
18 credit memorandum, the Department shall notify the State
19 Comptroller, who shall cause the warrant to be drawn for the
20 amount specified, and to the person named, in the notification
21 from the Department. The refund shall be paid by the State
22 Treasurer out of the Metro East Mass Transit District tax fund
23 established under paragraph (h) of this Section or the Local
24 Government Aviation Trust Fund, as appropriate.

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

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

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

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

19 (c) If a tax has been imposed under subsection (b), a Metro
20 East Mass Transit District Service Occupation Tax shall also be
21 imposed upon all persons engaged, in the district, in the
22 business of making sales of service, who, as an incident to
23 making those sales of service, transfer tangible personal
24 property within the District, either in the form of tangible
25 personal property or in the form of real estate as an incident
26 to a sale of service. The tax rate shall be 1/4%, or as

1 authorized under subsection (d-5) of this Section, of the
2 selling price of tangible personal property so transferred
3 within the district, except that the rate of tax imposed in
4 these Counties under this Section on sales of aviation fuel on
5 or after December 1, 2019 shall be 0.25% in Madison County
6 unless the Metro-East Mass Transit District in Madison County
7 has an "airport-related purpose" and any additional amount
8 authorized under subsection (d-5) is expended for
9 airport-related purposes. If there is no airport-related
10 purpose to which aviation fuel tax revenue is dedicated, then
11 aviation fuel is excluded from any additional amount authorized
12 under subsection (d-5). The rate in St. Clair County shall be
13 0.25% unless the Metro-East Mass Transit District in St. Clair
14 County has an "airport-related purpose" and the additional
15 0.50% of the 0.75% tax on aviation fuel is expended for
16 airport-related purposes. If there is no airport-related
17 purpose to which aviation fuel tax revenue is dedicated, then
18 aviation fuel is excluded from the additional 0.50% of the
19 0.75% tax.

20 The Board must comply with the certification requirements
21 for airport-related purposes under Section 2-22 of the
22 Retailers' Occupation Tax Act. For purposes of this Section,
23 "airport-related purposes" has the meaning ascribed in Section
24 6z-20.2 of the State Finance Act. This exclusion for aviation
25 fuel only applies for so long as the revenue use requirements
26 of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the

1 District.

2 The tax imposed under this paragraph and all civil
3 penalties that may be assessed as an incident thereof shall be
4 collected and enforced by the State Department of Revenue. The
5 Department shall have full power to administer and enforce this
6 paragraph; to collect all taxes and penalties due hereunder; to
7 dispose of taxes and penalties so collected in the manner
8 hereinafter provided; and to determine all rights to credit
9 memoranda arising on account of the erroneous payment of tax or
10 penalty hereunder. In the administration of, and compliance
11 with this paragraph, the Department and persons who are subject
12 to this paragraph shall have the same rights, remedies,
13 privileges, immunities, powers and duties, and be subject to
14 the same conditions, restrictions, limitations, penalties,
15 exclusions, exemptions and definitions of terms and employ the
16 same modes of procedure as are prescribed in Sections 1a-1, 2
17 (except that the reference to State in the definition of
18 supplier maintaining a place of business in this State shall
19 mean the Authority), 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 Authority), 5,
22 7, 8 (except that the jurisdiction to which the tax shall be a
23 debt to the extent indicated in that Section 8 shall be the
24 District), 9 (except as to the disposition of taxes and
25 penalties collected, and except that the returned merchandise
26 credit for this tax may not be taken against any State tax, and

1 except that the retailer's discount is not allowed for taxes
2 paid on aviation fuel that are subject to the revenue use
3 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133), 10,
4 11, 12 (except the reference therein to Section 2b of the
5 Retailers' Occupation Tax Act), 13 (except that any reference
6 to the State shall mean the District), the first paragraph of
7 Section 15, 16, 17, 18, 19 and 20 of the Service Occupation Tax
8 Act and Section 3-7 of the Uniform Penalty and Interest Act, as
9 fully as if those provisions were set forth herein.

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

18 Whenever the Department determines that a refund should be
19 made under this paragraph to a claimant instead of issuing a
20 credit memorandum, the Department shall notify the State
21 Comptroller, who shall cause the warrant to be drawn for the
22 amount specified, and to the person named, in the notification
23 from the Department. The refund shall be paid by the State
24 Treasurer out of the Metro East Mass Transit District tax fund
25 established under paragraph (h) of this Section or the Local
26 Government Aviation Trust Fund, as appropriate.

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

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

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

23 Whenever the Department determines that a refund should be
24 made under this paragraph 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 Metro East Mass Transit District tax fund
4 established under paragraph (h) of this Section.

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

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

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

23 (B) Two thousand five hundred electors of any Metro East
24 Mass Transit District may petition the Chief Judge of the
25 Circuit Court, or any judge of that Circuit designated by the
26 Chief Judge, in which that District is located to cause to be

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

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

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

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

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

22 Shall the tax rates for the Metro East Mass Transit
23 District Retailers' Occupation Tax, the Metro East Mass
24 Transit District Service Occupation Tax, and the Metro East
25 Mass Transit District Use Tax be increased from 0.25% to
26 0.75%?

1 Name Address, with Street and Number.

2

3

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

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

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

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

13 (d-6) If the Board of Trustees of any Metro East Mass
14 Transit District has imposed a rate increase under subsection
15 (d-5) and filed an ordinance with the Department of Revenue
16 excluding titled property from the higher rate, then that Board
17 may, by ordinance adopted with the concurrence of two-thirds of
18 the then trustees, impose throughout the District a fee. The
19 fee on the excluded property shall not exceed \$20 per retail
20 transaction or an amount equal to the amount of tax excluded,
21 whichever is less, on tangible personal property that is titled
22 or registered with an agency of this State's government.
23 Beginning July 1, 2004, the fee shall apply only to titled
24 property that is subject to either the Metro East Mass Transit
25 District Retailers' Occupation Tax or the Metro East Mass
26 Transit District Service Occupation Tax. No fee shall be

1 imposed or collected under this subsection on the sale of a
2 motor vehicle in this State to a resident of another state if
3 that motor vehicle will not be titled in this State.

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

10 (d-7.1) Beginning July 1, 2004, any fee imposed by the
11 Board of Trustees of any Metro East Mass Transit District under
12 subsection (d-6) and all civil penalties that may be assessed
13 as an incident of the fees shall be collected and enforced by
14 the State Department of Revenue. Reference to "taxes" in this
15 Section shall be construed to apply to the administration,
16 payment, and remittance of all fees under this Section. For
17 purposes of any fee imposed under subsection (d-6), 4% of the
18 fee, penalty, and interest received by the Department in the
19 first 12 months that the fee is collected and enforced by the
20 Department and 2% of the fee, penalty, and interest following
21 the first 12 months (except the amount collected on aviation
22 fuel sold on or after December 1, 2019) shall be deposited into
23 the Tax Compliance and Administration Fund and shall be used by
24 the Department, subject to appropriation, to cover the costs of
25 the Department. No retailers' discount shall apply to any fee
26 imposed under 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. If an
19 airport-related purpose has been certified, taxes and
20 penalties collected in St. Clair County on aviation fuel sold
21 on or after December 1, 2019 from the 0.50% of the 0.75% rate
22 shall be immediately paid over by the Department to the State
23 Treasurer, ex officio, as trustee, for deposit into the Local
24 Government Aviation Trust Fund. The Department shall only pay
25 moneys into the Local Government Aviation Trust Fund under this
26 Act for so long as the revenue use requirements of 49 U.S.C.

1 47107(b) and 49 U.S.C. 47133 are binding on the District.

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. The Department shall make this
10 certification only if the local mass transit district imposes a
11 tax on real property as provided in the definition of "local
12 sales taxes" under the Innovation Development and Economy Act.

13 After the monthly transfer to the STAR Bonds Revenue Fund,
14 on or before the 25th day of each calendar month, the State
15 Department of Revenue shall prepare and certify to the
16 Comptroller of the State of Illinois the amount to be paid to
17 the District, which shall be the amount (not including credit
18 memoranda and not including taxes and penalties collected on
19 aviation fuel sold on or after December 1, 2019 that are
20 deposited into the Local Government Aviation Trust Fund)
21 collected under this Section during the second preceding
22 calendar month by the Department plus an amount the Department
23 determines is necessary to offset any amounts that were
24 erroneously paid to a different taxing body, and not including
25 any amount equal to the amount of refunds made during the
26 second preceding calendar month by the Department on behalf of

1 the District, and not including any amount that the Department
2 determines is necessary to offset any amounts that were payable
3 to a different taxing body but were erroneously paid to the
4 District, and less any amounts that are transferred to the STAR
5 Bonds Revenue Fund, less 1% ~~1.5%~~ of the remainder, which the
6 Department shall transfer into the Tax Compliance and
7 Administration Fund. The Department, at the time of each
8 monthly disbursement to the District, shall prepare and certify
9 to the State Comptroller the amount to be transferred into the
10 Tax Compliance and Administration Fund under this subsection.
11 Within 10 days after receipt by the Comptroller of the
12 certification of the amount to be paid to the District and the
13 Tax Compliance and Administration Fund, the Comptroller shall
14 cause an order to be drawn for payment for the amount in
15 accordance with the direction in the certification.

16 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
17 101-10, eff. 6-5-19; 101-604, eff. 12-13-19.)

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

20 (70 ILCS 3615/4.03) (from Ch. 111 2/3, par. 704.03)

21 Sec. 4.03. Taxes.

22 (a) In order to carry out any of the powers or purposes of
23 the Authority, the Board may by ordinance adopted with the
24 concurrence of 12 of the then Directors, impose throughout the

1 metropolitan region any or all of the taxes provided in this
2 Section. Except as otherwise provided in this Act, taxes
3 imposed under this Section and civil penalties imposed incident
4 thereto shall be collected and enforced by the State Department
5 of Revenue. The Department shall have the power to administer
6 and enforce the taxes and to determine all rights for refunds
7 for erroneous payments of the taxes. Nothing in Public Act
8 95-708 is intended to invalidate any taxes currently imposed by
9 the Authority. The increased vote requirements to impose a tax
10 shall only apply to actions taken after January 1, 2008 (the
11 effective date of Public Act 95-708).

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

1 Act to any municipality shall refer to the Authority and the
2 tax shall be imposed only with regard to receipts from sales of
3 motor fuel in the metropolitan region, at rates as limited by
4 this Section.

5 (c) In connection with the tax imposed under paragraph (b)
6 of this Section, the Board may impose a tax upon the privilege
7 of using in the metropolitan region motor fuel for the
8 operation of a motor vehicle upon public highways, the tax to
9 be at a rate not in excess of the rate of tax imposed under
10 paragraph (b) of this Section. The Board may provide for
11 details of the tax.

12 (d) The Board may impose a motor vehicle parking tax upon
13 the privilege of parking motor vehicles at off-street parking
14 facilities in the metropolitan region at which a fee is
15 charged, and may provide for reasonable classifications in and
16 exemptions to the tax, for administration and enforcement
17 thereof and for civil penalties and refunds thereunder and may
18 provide criminal penalties thereunder, the maximum penalties
19 not to exceed the maximum criminal penalties provided in the
20 Retailers' Occupation Tax Act. The Authority may collect and
21 enforce the tax itself or by contract with any unit of local
22 government. The State Department of Revenue shall have no
23 responsibility for the collection and enforcement unless the
24 Department agrees with the Authority to undertake the
25 collection and enforcement. As used in this paragraph, the term
26 "parking facility" means a parking area or structure having

1 parking spaces for more than 2 vehicles at which motor vehicles
2 are permitted to park in return for an hourly, daily, or other
3 periodic fee, whether publicly or privately owned, but does not
4 include parking spaces on a public street, the use of which is
5 regulated by parking meters.

6 (e) The Board may impose a Regional Transportation
7 Authority Retailers' Occupation Tax upon all persons engaged in
8 the business of selling tangible personal property at retail in
9 the metropolitan region. In Cook County, the tax rate shall be
10 1.25% of the gross receipts from sales of tangible personal
11 property taxed at the 1% rate under the Retailers' Occupation
12 Tax Act, and 1% of the gross receipts from other taxable sales
13 made in the course of that business. In DuPage, Kane, Lake,
14 McHenry, and Will counties, the tax rate shall be 0.75% of the
15 gross receipts from all taxable sales made in the course of
16 that business. The rate of tax imposed in DuPage, Kane, Lake,
17 McHenry, and Will counties under this Section on sales of
18 aviation fuel on or after December 1, 2019 shall, however, be
19 0.25% unless the Regional Transportation Authority in DuPage,
20 Kane, Lake, McHenry, and Will counties has an "airport-related
21 purpose" and the additional 0.50% of the 0.75% tax on aviation
22 fuel is expended for airport-related purposes. If there is no
23 airport-related purpose to which aviation fuel tax revenue is
24 dedicated, then aviation fuel is excluded from the additional
25 0.50% of the 0.75% tax. The tax imposed under this Section and
26 all civil penalties that may be assessed as an incident thereof

1 shall be collected and enforced by the State Department of
2 Revenue. The Department shall have full power to administer and
3 enforce this Section; to collect all taxes and penalties so
4 collected in the manner hereinafter provided; and to determine
5 all rights to credit memoranda arising on account of the
6 erroneous payment of tax or penalty hereunder. In the
7 administration of, and compliance with this Section, the
8 Department and persons who are subject to this Section shall
9 have the same rights, remedies, privileges, immunities,
10 powers, and duties, and be subject to the same conditions,
11 restrictions, limitations, penalties, exclusions, exemptions,
12 and definitions of terms, and employ the same modes of
13 procedure, as are prescribed in Sections 1, 1a, 1a-1, 1c, 1d,
14 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all provisions
15 therein other than the State rate of tax), 2c, 3 (except as to
16 the disposition of taxes and penalties collected, and except
17 that the retailer's discount is not allowed for taxes paid on
18 aviation fuel that are subject to the revenue use requirements
19 of 49 U.S.C. 47107(b) and 49 U.S.C. 47133), 4, 5, 5a, 5b, 5c,
20 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9,
21 10, 11, 12, and 13 of the Retailers' Occupation Tax Act and
22 Section 3-7 of the Uniform Penalty and Interest Act, as fully
23 as if those provisions were set forth herein.

24 The Board and DuPage, Kane, Lake, McHenry, and Will
25 counties must comply with the certification requirements for
26 airport-related purposes under Section 2-22 of the Retailers'

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

7 Persons subject to any tax imposed under the authority
8 granted in this Section may reimburse themselves for their
9 seller's tax liability hereunder by separately stating the tax
10 as an additional charge, which charge may be stated in
11 combination in a single amount with State taxes that sellers
12 are required to collect under the Use Tax Act, under any
13 bracket schedules 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 warrant to be drawn for the
18 amount specified, and to the person named, in the notification
19 from the Department. The refund shall be paid by the State
20 Treasurer out of the Regional Transportation Authority tax fund
21 established under paragraph (n) of this Section or the Local
22 Government Aviation Trust Fund, as appropriate.

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

25 For the purpose of determining whether a tax authorized
26 under this Section is applicable, a retail sale by a producer

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

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

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

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

1 incident to a sale of service subject to the service occupation
2 tax by an entity licensed under the Hospital Licensing Act, the
3 Nursing Home Care Act, the Specialized Mental Health
4 Rehabilitation Act of 2013, the ID/DD Community Care Act, or
5 the MC/DD Act that is located in the metropolitan region; (2)
6 1.25% of the selling price of tangible personal property taxed
7 at the 1% rate under the Service Occupation Tax Act; and (3) 1%
8 of the selling price from other taxable sales of tangible
9 personal property transferred. In DuPage, Kane, Lake, McHenry,
10 and Will counties, the rate shall be 0.75% of the selling price
11 of all tangible personal property transferred. The rate of tax
12 imposed in DuPage, Kane, Lake, McHenry, and Will counties under
13 this Section on sales of aviation fuel on or after December 1,
14 2019 shall, however, be 0.25% unless the Regional
15 Transportation Authority in DuPage, Kane, Lake, McHenry, and
16 Will counties has an "airport-related purpose" and the
17 additional 0.50% of the 0.75% tax on aviation fuel is expended
18 for airport-related purposes. If there is no airport-related
19 purpose to which aviation fuel tax revenue is dedicated, then
20 aviation fuel is excluded from the additional 0.5% of the 0.75%
21 tax.

22 The Board and DuPage, Kane, Lake, McHenry, and Will
23 counties must comply with the certification requirements for
24 airport-related purposes under Section 2-22 of the Retailers'
25 Occupation Tax Act. For purposes of this Section,
26 "airport-related purposes" has the meaning ascribed in Section

1 6z-20.2 of the State Finance Act. This exclusion for aviation
2 fuel only applies for so long as the revenue use requirements
3 of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the
4 Authority.

5 The tax imposed under this paragraph 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. The
8 Department shall have full power to administer and enforce this
9 paragraph; to collect all taxes and penalties due hereunder; to
10 dispose of taxes and penalties collected in the manner
11 hereinafter provided; and to determine all rights to credit
12 memoranda arising on account of the erroneous payment of tax or
13 penalty hereunder. In the administration of and compliance with
14 this paragraph, the Department and persons who are subject to
15 this paragraph shall have the same rights, remedies,
16 privileges, immunities, powers, and duties, and be subject to
17 the same conditions, restrictions, limitations, penalties,
18 exclusions, exemptions, and definitions of terms, and employ
19 the same modes of procedure, as are prescribed in Sections
20 1a-1, 2, 2a, 3 through 3-50 (in respect to all provisions
21 therein other than the State rate of tax), 4 (except that the
22 reference to the State shall be to the Authority), 5, 7, 8
23 (except that the jurisdiction to which the tax shall be a debt
24 to the extent indicated in that Section 8 shall be the
25 Authority), 9 (except as to the disposition of taxes and
26 penalties collected, and except that the returned merchandise

1 credit for this tax may not be taken against any State tax, and
2 except that the retailer's discount is not allowed for taxes
3 paid on aviation fuel that are subject to the revenue use
4 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133), 10,
5 11, 12 (except the reference therein to Section 2b of the
6 Retailers' Occupation Tax Act), 13 (except that any reference
7 to the State shall mean the Authority), the first paragraph of
8 Section 15, 16, 17, 18, 19, and 20 of the Service Occupation
9 Tax Act and Section 3-7 of the Uniform Penalty and Interest
10 Act, as fully as if those provisions were set forth herein.

11 Persons subject to any tax imposed under the authority
12 granted in this paragraph may reimburse themselves for their
13 serviceman's tax liability hereunder by separately stating the
14 tax as an additional charge, that 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 any bracket schedules the Department may prescribe.

18 Whenever the Department determines that a refund should be
19 made under this paragraph to a claimant instead of issuing a
20 credit memorandum, the Department shall notify the State
21 Comptroller, who shall cause the warrant to be drawn for the
22 amount specified, and to the person named in the notification
23 from the Department. The refund shall be paid by the State
24 Treasurer out of the Regional Transportation Authority tax fund
25 established under paragraph (n) of this Section or the Local
26 Government Aviation Trust Fund, as appropriate.

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

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

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

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

26 Whenever the Department determines that a refund should be

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

8 (h) The Authority may impose a replacement vehicle tax of
9 \$50 on any passenger car as defined in Section 1-157 of the
10 Illinois Vehicle Code purchased within the metropolitan region
11 by or on behalf of an insurance company to replace a passenger
12 car of an insured person in settlement of a total loss claim.
13 The tax imposed may not become effective before the first day
14 of the month following the passage of the ordinance imposing
15 the tax and receipt of a certified copy of the ordinance by the
16 Department of Revenue. The Department of Revenue shall collect
17 the tax for the Authority in accordance with Sections 3-2002
18 and 3-2003 of the Illinois Vehicle Code.

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

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

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

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

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

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

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

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

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

1 (m) Any ordinance imposing or discontinuing any tax under
2 this Section shall be adopted and a certified copy thereof
3 filed with the Department on or before June 1, whereupon the
4 Department of Revenue shall proceed to administer and enforce
5 this Section on behalf of the Regional Transportation Authority
6 as of September 1 next following such adoption and filing.
7 Beginning January 1, 1992, an ordinance or resolution imposing
8 or discontinuing the tax hereunder shall be adopted and a
9 certified copy thereof filed with the Department on or before
10 the first day of July, whereupon the Department shall proceed
11 to administer and enforce this Section as of the first day of
12 October next following such adoption and filing. Beginning
13 January 1, 1993, an ordinance or resolution imposing,
14 increasing, decreasing, or discontinuing the tax hereunder
15 shall be adopted and a certified copy thereof filed with the
16 Department, whereupon the Department shall proceed to
17 administer and enforce this Section as of the first day of the
18 first month to occur not less than 60 days following such
19 adoption and filing. Any ordinance or resolution of the
20 Authority imposing a tax under this Section and in effect on
21 August 1, 2007 shall remain in full force and effect and shall
22 be administered by the Department of Revenue under the terms
23 and conditions and rates of tax established by such ordinance
24 or resolution until the Department begins administering and
25 enforcing an increased tax under this Section as authorized by
26 Public Act 95-708. The tax rates authorized by Public Act

1 95-708 are effective only if imposed by ordinance of the
2 Authority.

3 (n) Except as otherwise provided in this subsection (n),
4 the State Department of Revenue shall, upon collecting any
5 taxes as provided in this Section, pay the taxes over to the
6 State Treasurer as trustee for the Authority. The taxes shall
7 be held in a trust fund outside the State Treasury. If an
8 airport-related purpose has been certified, taxes and
9 penalties collected in DuPage, Kane, Lake, McHenry and Will
10 counties on aviation fuel sold on or after December 1, 2019
11 from the 0.50% of the 0.75% rate shall be immediately paid over
12 by the Department to the State Treasurer, ex officio, as
13 trustee, for deposit into the Local Government Aviation Trust
14 Fund. The Department shall only pay moneys into the Local
15 Government Aviation Trust Fund under this Act for so long as
16 the revenue use requirements of 49 U.S.C. 47107(b) and 49
17 U.S.C. 47133 are binding on the Authority. On or before the
18 25th day of each calendar month, the State Department of
19 Revenue shall prepare and certify to the Comptroller of the
20 State of Illinois and to the Authority (i) the amount of taxes
21 collected in each county other than Cook County in the
22 metropolitan region, (not including, if an airport-related
23 purpose has been certified, the taxes and penalties collected
24 from the 0.50% of the 0.75% rate on aviation fuel sold on or
25 after December 1, 2019 that are deposited into the Local
26 Government Aviation Trust Fund) (ii) the amount of taxes

1 collected within the City of Chicago, and (iii) the amount
2 collected in that portion of Cook County outside of Chicago,
3 each amount less the amount necessary for the payment of
4 refunds to taxpayers located in those areas described in items
5 (i), (ii), and (iii), and less 1% ~~1.5%~~ of the remainder, which
6 shall be transferred from the trust fund into the Tax
7 Compliance and Administration Fund. The Department, at the time
8 of each monthly disbursement to the Authority, shall prepare
9 and certify to the State Comptroller the amount to be
10 transferred into the Tax Compliance and Administration Fund
11 under this subsection. Within 10 days after receipt by the
12 Comptroller of the certification of the amounts, the
13 Comptroller shall cause an order to be drawn for the transfer
14 of the amount certified into the Tax Compliance and
15 Administration Fund and the payment of two-thirds of the
16 amounts certified in item (i) of this subsection to the
17 Authority and one-third of the amounts certified in item (i) of
18 this subsection to the respective counties other than Cook
19 County and the amount certified in items (ii) and (iii) of this
20 subsection to the Authority.

21 In addition to the disbursement required by the preceding
22 paragraph, an allocation shall be made in July 1991 and each
23 year thereafter to the Regional Transportation Authority. The
24 allocation shall be made in an amount equal to the average
25 monthly distribution during the preceding calendar year
26 (excluding the 2 months of lowest receipts) and the allocation

1 shall include the amount of average monthly distribution from
2 the Regional Transportation Authority Occupation and Use Tax
3 Replacement Fund. The distribution made in July 1992 and each
4 year thereafter under this paragraph and the preceding
5 paragraph shall be reduced by the amount allocated and
6 disbursed under this paragraph in the preceding calendar year.
7 The Department of Revenue shall prepare and certify to the
8 Comptroller for disbursement the allocations made in
9 accordance with this paragraph.

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

15 (p) At no time shall a public transportation tax or motor
16 vehicle parking tax authorized under paragraphs (b), (c), and
17 (d) of this Section be in effect at the same time as any
18 retailers' occupation, use or service occupation tax
19 authorized under paragraphs (e), (f), and (g) of this Section
20 is in effect.

21 Any taxes imposed under the authority provided in
22 paragraphs (b), (c), and (d) shall remain in effect only until
23 the time as any tax authorized by paragraph (e), (f), or (g) of
24 this Section are imposed and becomes effective. Once any tax
25 authorized by paragraph (e), (f), or (g) is imposed the Board
26 may not reimpose taxes as authorized in paragraphs (b), (c),

1 and (d) of the Section unless any tax authorized by paragraph
2 (e), (f), or (g) of this Section becomes ineffective by means
3 other than an ordinance of the Board.

4 (q) Any existing rights, remedies and obligations
5 (including enforcement by the Regional Transportation
6 Authority) arising under any tax imposed under paragraph (b),
7 (c), or (d) of this Section shall not be affected by the
8 imposition of a tax under paragraph (e), (f), or (g) of this
9 Section.

10 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
11 100-1171, eff. 1-4-19; 101-10, eff. 6-5-19; 101-81, eff.
12 7-12-19; 101-604, eff. 12-13-19.)

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

15 (70 ILCS 3720/4) (from Ch. 111 2/3, par. 254)

16 Sec. 4. Taxes.

17 (a) The board of commissioners of any county water
18 commission may, by ordinance, impose throughout the territory
19 of the commission any or all of the taxes provided in this
20 Section for its corporate purposes. However, no county water
21 commission may impose any such tax unless the commission
22 certifies the proposition of imposing the tax to the proper
23 election officials, who shall submit the proposition to the
24 voters residing in the territory at an election in accordance

1 with the general election law, and the proposition has been
2 approved by a majority of those voting on the proposition.

3 The proposition shall be in the form provided in Section 5
4 or shall be substantially in the following form:

5 -----

6	Shall the (insert corporate	
7	name of county water commission)	YES
8	impose (state type of tax or	-----
9	taxes to be imposed) at the	NO
10	rate of 1/4%?	

11 -----

12 Taxes imposed under this Section and civil penalties
13 imposed incident thereto shall be collected and enforced by the
14 State Department of Revenue. The Department shall have the
15 power to administer and enforce the taxes and to determine all
16 rights for refunds for erroneous payments of the taxes.

17 (b) The board of commissioners may impose a County Water
18 Commission Retailers' Occupation Tax upon all persons engaged
19 in the business of selling tangible personal property at retail
20 in the territory of the commission at a rate of 1/4% of the
21 gross receipts from the sales made in the course of such
22 business within the territory. Beginning January 1, 2021, this
23 tax is not imposed on sales of aviation fuel for so long as the
24 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.
25 47133 are binding on the District.

26 The tax imposed under this paragraph and all civil

1 penalties that may be assessed as an incident thereof shall be
2 collected and enforced by the State Department of Revenue. The
3 Department shall have full power to administer and enforce this
4 paragraph; to collect all taxes and penalties due hereunder; to
5 dispose of taxes and penalties so collected in the manner
6 hereinafter provided; and to determine all rights to credit
7 memoranda arising on account of the erroneous payment of tax or
8 penalty hereunder. In the administration of, and compliance
9 with, this paragraph, the Department and persons who are
10 subject to this paragraph shall have the same rights, remedies,
11 privileges, immunities, powers and duties, and be subject to
12 the same conditions, restrictions, limitations, penalties,
13 exclusions, exemptions and definitions of terms, and employ the
14 same modes of procedure, as are prescribed in Sections 1, 1a,
15 1a-1, 1c, 1d, 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all
16 provisions therein other than the State rate of tax except that
17 tangible personal property taxed at the 1% rate under the
18 Retailers' Occupation Tax Act shall not be subject to tax
19 hereunder), 2c, 3 (except as to the disposition of taxes and
20 penalties collected, and except that the retailer's discount is
21 not allowed for taxes paid on aviation fuel sold on or after
22 December 1, 2019 and through December 31, 2020), 4, 5, 5a, 5b,
23 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8,
24 9, 10, 11, 12, and 13 of the Retailers' Occupation Tax Act and
25 Section 3-7 of the Uniform Penalty and Interest Act, as fully
26 as if those provisions were set forth herein.

1 Persons subject to any tax imposed under the authority
2 granted in this paragraph may reimburse themselves for their
3 seller's tax liability hereunder by separately stating the tax
4 as an additional charge, which charge may be stated in
5 combination, in a single amount, with State taxes that sellers
6 are required to collect under the Use Tax Act and under
7 subsection (e) of Section 4.03 of the Regional Transportation
8 Authority Act, in accordance with such bracket schedules as the
9 Department may prescribe.

10 Whenever the Department determines that a refund should be
11 made under this paragraph 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 a county water commission tax fund established
17 under subsection (g) of this Section.

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

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

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 paragraph shall be construed to authorize a
8 county water commission to impose a tax upon the privilege of
9 engaging in any business which under the Constitution of the
10 United States may not be made the subject of taxation by this
11 State.

12 (c) If a tax has been imposed under subsection (b), a
13 County Water Commission Service Occupation Tax shall also be
14 imposed upon all persons engaged, in the territory of the
15 commission, in the business of making sales of service, who, as
16 an incident to making the sales of service, transfer tangible
17 personal property within the territory. The tax rate shall be
18 1/4% of the selling price of tangible personal property so
19 transferred within the territory. Beginning January 1, 2021,
20 this tax is not imposed on sales of aviation fuel for so long
21 as the revenue use requirements of 49 U.S.C. 47107(b) and 49
22 U.S.C. 47133 are binding on the District.

23 The tax imposed under this paragraph and all civil
24 penalties that may be assessed as an incident thereof shall be
25 collected and enforced by the State Department of Revenue. The
26 Department shall have full power to administer and enforce this

1 paragraph; to collect all taxes and penalties due hereunder; to
2 dispose of taxes and penalties so collected in the manner
3 hereinafter provided; and to determine all rights to credit
4 memoranda arising on account of the erroneous payment of tax or
5 penalty hereunder. In the administration of, and compliance
6 with, this paragraph, the Department and persons who are
7 subject to this paragraph shall have the same rights, remedies,
8 privileges, immunities, powers and duties, and be subject to
9 the same conditions, restrictions, limitations, penalties,
10 exclusions, exemptions and definitions of terms, and employ the
11 same modes of procedure, as are prescribed in Sections 1a-1, 2
12 (except that the reference to State in the definition of
13 supplier maintaining a place of business in this State shall
14 mean the territory of the commission), 2a, 3 through 3-50 (in
15 respect to all provisions therein other than the State rate of
16 tax except that tangible personal property taxed at the 1% rate
17 under the Service Occupation Tax Act shall not be subject to
18 tax hereunder), 4 (except that the reference to the State shall
19 be to the territory of the commission), 5, 7, 8 (except that
20 the jurisdiction to which the tax shall be a debt to the extent
21 indicated in that Section 8 shall be the commission), 9 (except
22 as to the disposition of taxes and penalties collected and
23 except that the returned merchandise credit for this tax may
24 not be taken against any State tax, and except that the
25 retailer's discount is not allowed for taxes paid on aviation
26 fuel sold on or after December 1, 2019 and through December 31,

1 2020), 10, 11, 12 (except the reference therein to Section 2b
2 of the Retailers' Occupation Tax Act), 13 (except that any
3 reference to the State shall mean the territory of the
4 commission), the first paragraph of Section 15, 15.5, 16, 17,
5 18, 19, and 20 of the Service Occupation Tax Act as fully as if
6 those provisions were set forth herein.

7 Persons subject to any tax imposed under the authority
8 granted in this paragraph may reimburse themselves for their
9 serviceman's tax liability hereunder by separately stating the
10 tax as an additional charge, which charge may be stated in
11 combination, in a single amount, with State tax that servicemen
12 are authorized to collect under the Service Use Tax Act, and
13 any tax for which servicemen may be liable under subsection (f)
14 of Section 4.03 of the Regional Transportation Authority Act,
15 in accordance with such bracket schedules as the Department may
16 prescribe.

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

25 Nothing in this paragraph shall be construed to authorize a
26 county water commission to impose a tax upon the privilege of

1 engaging in any business which under the Constitution of the
2 United States may not be made the subject of taxation by the
3 State.

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

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

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

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 order to be drawn for the
26 amount specified, and to the person named, in the notification

1 from the Department. The refund shall be paid by the State
2 Treasurer out of a county water commission tax fund established
3 under subsection (g) of this Section.

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

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

1 certified copy thereof filed with the Department on or before
2 the first day of October, whereupon the Department shall
3 proceed to administer and enforce this Section as of the first
4 day of January next following such adoption and filing.

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

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 State
19 Department of Revenue shall prepare and certify to the
20 Comptroller of the State of Illinois the amount to be paid to
21 the commission, which shall be the amount (not including credit
22 memoranda) collected under this Section during the second
23 preceding calendar month by the Department plus an amount the
24 Department determines is necessary to offset any amounts that
25 were erroneously paid to a different taxing body, and not
26 including any amount equal to the amount of refunds made during

1 the second preceding calendar month by the Department on behalf
2 of the commission, and not including any amount that the
3 Department determines is necessary to offset any amounts that
4 were payable to a different taxing body but were erroneously
5 paid to the commission, and less any amounts that are
6 transferred to the STAR Bonds Revenue Fund, less 1% ~~1.5%~~ of the
7 remainder, which shall be transferred into the Tax Compliance
8 and Administration Fund. The Department, at the time of each
9 monthly disbursement to the commission, shall prepare and
10 certify to the State Comptroller the amount to be transferred
11 into the Tax Compliance and Administration Fund under this
12 subsection. Within 10 days after receipt by the Comptroller of
13 the certification of the amount to be paid to the commission
14 and the Tax Compliance and Administration Fund, the Comptroller
15 shall cause an order to be drawn for the payment for the amount
16 in accordance with the direction in the certification.

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

21 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
22 100-863, eff. 8-14-18; 100-1171, eff. 1-4-19; 101-10, eff.
23 6-5-19; 101-81, eff. 7-12-19; 101-604, eff. 12-13-19.)

24 Section 99. Effective date. This Act takes effect July 1,
25 2020.