



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB0006

Introduced 1/14/2021, 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, 2021.

LRB102 02600 HLH 12603 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
9 July 1, 2000 and through December 31, 2000, the 1.25% rate on
10 motor fuel and gasohol, and beginning on August 6, 2010
11 through August 15, 2010, the 1.25% rate on sales tax holiday
12 items) on sales subject to taxation under the Retailers'
13 Occupation Tax Act and Service Occupation Tax Act and paid
14 into the County and Mass Transit District Fund, distribution
15 to the Regional Transportation Authority tax fund, created
16 pursuant to Section 4.03 of the Regional Transportation
17 Authority Act, for deposit therein shall be made based upon
18 the retail sales occurring in a county having more than
19 3,000,000 inhabitants. The remainder shall be distributed to
20 each county having 3,000,000 or fewer inhabitants based upon
21 the retail sales occurring in each such 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
11 Department of Revenue, the Comptroller shall order
12 transferred, and the Treasurer shall transfer, to the STAR
13 Bonds Revenue Fund the local sales tax increment, as defined
14 in the Innovation Development and Economy Act, collected
15 during the second preceding calendar month for sales within a
16 STAR bond district and deposited into the County and Mass
17 Transit District Fund, less 3% of that amount, which shall be
18 transferred into the Tax Compliance and Administration Fund
19 and shall be used by the Department, subject to appropriation,
20 to cover the costs of the Department in administering the
21 Innovation Development and 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

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

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

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

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

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

1 replacement revenue for such abolished taxes, distributed from
2 the County and Mass Transit District Fund or Local Government
3 Distributive Fund, as the case may be.

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

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

7 (55 ILCS 5/5-1006) (from Ch. 34, par. 5-1006)

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

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

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

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

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

26 Whenever the Department determines that a refund should be

1 made under this Section 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 home rule county retailers' occupation
7 tax fund or the Local Government Aviation Trust Fund, as
8 appropriate.

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
25 100-1171, eff. 1-4-19; 101-10, eff. 6-5-19; 101-81, eff.
26 7-12-19; 101-604, eff. 12-13-19.)

1 (55 ILCS 5/5-1006.5)

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

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

1 imposing the tax. If the tax is imposed for transportation
2 purposes for expenditures for passenger rail transportation,
3 the county board must publish notice of the existence of its
4 long-range passenger rail transportation plan and must make
5 the plan publicly available prior to approval of the ordinance
6 or resolution imposing the tax.

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

12 The county clerk shall certify the question to the proper
13 election authority, who shall submit the proposition at an
14 election in accordance with the general election law.

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

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

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

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

25 The county board may also opt to establish a sunset
26 provision at which time the additional sales tax would

1 cease being collected, if not terminated earlier by a vote
2 of the county board. If the county board votes to include a
3 sunset provision, the proposition for public safety
4 purposes shall be in substantially the following form:

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

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

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

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

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

22 Beginning on the January 1 or July 1, whichever is
23 first, that occurs not less than 30 days after May 31, 2015
24 (the effective date of Public Act 99-4), Adams County may
25 impose a public safety retailers' occupation tax and
26 service occupation tax at the rate of 0.25%, as provided

1 in the referendum approved by the voters on April 7, 2015,
2 notwithstanding the omission of the additional information
3 that is otherwise required to be printed on the ballot
4 below the question pursuant to this item (1).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 The county board may also opt to establish a sunset
26 provision at which time the additional sales tax would

1 cease being collected, if not terminated earlier by a vote
2 of the county board. If the county board votes to include a
3 sunset provision, the proposition for public facilities
4 purposes shall be in substantially the following form:

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

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

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

17 For purposes of this Section, "public facilities
18 purposes" means the acquisition, development,
19 construction, reconstruction, rehabilitation,
20 improvement, financing, architectural planning, and
21 installation of capital facilities consisting of
22 buildings, structures, and durable equipment and for the
23 acquisition and improvement of real property and interest
24 in real property required, or expected to be required, in
25 connection with the public facilities, for use by the
26 county for the furnishing of governmental services to its

1 citizens, including, but not limited to, museums and
2 nursing homes.

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

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

6 "To pay for mental health purposes, shall (name of
7 county) be authorized to impose an increase on its share
8 of local sales taxes by (insert rate)?"

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

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

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

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

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

26 "This would mean that a consumer would pay an

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

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

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

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

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

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

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

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

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

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

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

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

14 This additional tax may not be imposed on tangible
15 personal property taxed at the 1% rate under the Retailers'
16 Occupation Tax Act. Beginning December 1, 2019 and through
17 December 31, 2020, this tax is not imposed on sales of aviation
18 fuel unless the tax revenue is expended for airport-related
19 purposes. If the county does not have an airport-related
20 purpose to which it dedicates aviation fuel tax revenue, then
21 aviation fuel is excluded from the tax. The county must comply
22 with the certification requirements for airport-related
23 purposes under Section 2-22 of the Retailers' Occupation Tax
24 Act. For purposes of this Section, "airport-related purposes"
25 has the meaning ascribed in Section 6z-20.2 of the State
26 Finance Act. Beginning January 1, 2021, this tax is not

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

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

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

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

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

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

1 herein.

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

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

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

24 (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

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

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

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

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

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

18 (d) For the purpose of determining the local governmental
19 unit whose tax is applicable, a retail sale by a producer of
20 coal or another 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 another 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 United States Constitution as a sale
26 in interstate or foreign commerce.

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

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

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

24 Beginning January 1, 2014, the results of any election
25 authorizing a proposition to impose a tax under this Section
26 or effecting an increase in the rate of tax, along with the

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

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

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

20 (i) For purposes of this Section, "public safety"
21 includes, but is not limited to, crime prevention, detention,
22 fire fighting, police, medical, ambulance, or other emergency
23 services. The county may share tax proceeds received under
24 this Section for public safety purposes, including proceeds
25 received before August 4, 2009 (the effective date of Public
26 Act 96-124), with any fire protection district located in the

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

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

22 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
23 100-1167, eff. 1-4-19; 100-1171, eff. 1-4-19; 101-10, eff.
24 6-5-19; 101-81, eff. 7-12-19; 101-275, eff. 8-9-19; 101-604,
25 eff. 12-13-19.)

1 (55 ILCS 5/5-1006.8)

2 Sec. 5-1006.8. County Cannabis Retailers' Occupation Tax
3 Law.

4 (a) This Section may be referred to as the County Cannabis
5 Retailers' Occupation Tax Law. The corporate authorities of
6 any county may, by ordinance, impose a tax upon all persons
7 engaged in the business of selling cannabis, other than
8 cannabis purchased under the Compassionate Use of Medical
9 Cannabis Program Act, at retail in the county on the gross
10 receipts from these sales made in the course of that business.
11 If imposed, the tax shall be imposed only in 0.25% increments.
12 The tax rate may not exceed: (i) 3.75% of the gross receipts of
13 sales made in unincorporated areas of the county; and (ii) 3%
14 of the gross receipts of sales made in a municipality located
15 in the county. The tax imposed under this Section and all civil
16 penalties that may be assessed as an incident of the tax shall
17 be collected and enforced by the Department of Revenue. The
18 Department of Revenue 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
22 to credit memoranda arising on account of the erroneous
23 payment of tax or penalty under this Section. In the
24 administration of and compliance with this Section, the
25 Department of Revenue 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 described in Sections 1, 1a, 1d, 1e, 1f, 1i, 1j, 1k, 1m,
5 1n, 2 through 2-65 (in respect to all provisions therein other
6 than the State rate of tax), 2a, 2b, 2c, 2i, 3 (except as to
7 the disposition of taxes and penalties collected), 4, 5, 5a,
8 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6bb, 6c, 6d,
9 7, 8, 9, 10, 11, 11a, 12, and 13 of the Retailers' Occupation
10 Tax Act and Section 3-7 of the Uniform Penalty and Interest Act
11 as fully as if those provisions were set forth in this Section.

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

18 (c) Whenever the Department of Revenue determines that a
19 refund should be made under this Section to a claimant instead
20 of issuing a credit memorandum, the Department of Revenue
21 shall notify the State Comptroller, who shall cause the order
22 to be drawn for the amount specified and to the person named in
23 the notification from the Department of Revenue.

24 (d) The Department of Revenue shall immediately pay over
25 to the State Treasurer, ex officio, as trustee, all taxes and
26 penalties collected hereunder for deposit into the Local

1 Cannabis Retailers' Occupation Tax Trust Fund.

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

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

5 (f) An ordinance or resolution imposing or discontinuing a
6 tax under this Section or effecting a change in the rate
7 thereof that is adopted on or after June 25, 2019 (the
8 effective date of Public Act 101-27) and for which a certified
9 copy is filed with the Department on or before April 1, 2020
10 shall be administered and enforced by the Department beginning
11 on July 1, 2020. For ordinances filed with the Department
12 after April 1, 2020, an ordinance or resolution imposing or
13 discontinuing a tax under this Section or effecting a change
14 in the rate thereof shall either (i) be adopted and a certified
15 copy thereof filed with the Department 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; or (ii) be adopted and
19 a certified copy thereof filed with the Department on or
20 before the first day of October, whereupon the Department
21 shall proceed to administer and enforce this Section as of the
22 first day of January next following the adoption and filing.

23 (Source: P.A. 101-27, eff. 6-25-19; 101-363, eff. 8-9-19;
24 101-593, eff. 12-4-19.)

25 (55 ILCS 5/5-1007) (from Ch. 34, par. 5-1007)

1 Sec. 5-1007. Home Rule County Service Occupation Tax Law.
2 The corporate authorities of a home rule county may impose a
3 tax upon all persons engaged, in such county, in the business
4 of making sales of service at the same rate of tax imposed
5 pursuant to Section 5-1006 of the selling price of all
6 tangible personal property transferred by such servicemen
7 either in the form of tangible personal property or in the form
8 of real estate as an incident to a sale of service. If imposed,
9 such tax shall only be imposed in 1/4% increments. On and after
10 September 1, 1991, this additional tax may not be imposed on
11 tangible personal property taxed at the 1% rate under the
12 Service Occupation Tax Act. Beginning December 1, 2019, this
13 tax is not imposed on sales of aviation fuel unless the tax
14 revenue is expended for airport-related purposes. If the
15 county does not have an airport-related purpose to which it
16 dedicates aviation fuel tax revenue, then aviation fuel is
17 excluded from the tax. The county must comply with the
18 certification requirements for airport-related purposes under
19 Section 2-22 of the Retailers' Occupation Tax Act. For
20 purposes of this Section, "airport-related purposes" has the
21 meaning ascribed in Section 6z-20.2 of the State Finance Act.
22 This exclusion for aviation fuel only applies for so long as
23 the revenue use requirements of 49 U.S.C. 47107(b) and 49
24 U.S.C. 47133 are binding on the county. The changes made to
25 this Section by this amendatory Act of the 101st General
26 Assembly are a denial and limitation of home rule powers and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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 Section 15. The Illinois Municipal Code is amended by
9 changing Sections 8-11-1, 8-11-1.3, 8-11-1.4, 8-11-1.6,
10 8-11-1.7, 8-11-5, and 8-11-23 as follows:

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

12 Sec. 8-11-1. Home Rule Municipal Retailers' Occupation Tax
13 Act. The corporate authorities of a home rule municipality may
14 impose a tax upon all persons engaged in the business of
15 selling tangible personal property, other than an item of
16 tangible personal property titled or registered with an agency
17 of this State's government, at retail in the municipality on
18 the gross receipts from these sales made in the course of such
19 business. If imposed, the tax shall only be imposed in 1/4%
20 increments. On and after September 1, 1991, this additional
21 tax may not be imposed on tangible personal property taxed at
22 the 1% rate under the Retailers' 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

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

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

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

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

1 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 the notification
10 from the Department. The refund shall be paid by the State
11 Treasurer out of the home rule municipal retailers' occupation
12 tax fund or the Local Government Aviation Trust Fund, as
13 appropriate.

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

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

1 beginning January 1, 2011, upon certification of the
2 Department of Revenue, the Comptroller shall order
3 transferred, and the Treasurer shall transfer, to the STAR
4 Bonds Revenue Fund the local sales tax increment, as defined
5 in the Innovation Development and Economy Act, collected under
6 this Section during the second preceding calendar month for
7 sales within a 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 that 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
23 calendar month by the Department on behalf of such
24 municipality, and not including any amount that the Department
25 determines is necessary to offset any amounts that were
26 payable to a different taxing body but were erroneously paid

1 to the municipality, and not including any amounts that are
2 transferred to the STAR Bonds Revenue Fund, less 1% ~~1.5%~~ of the
3 remainder, which the Department shall transfer into the Tax
4 Compliance and Administration Fund. The Department, at the
5 time 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 the certification.

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

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

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

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

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

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

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

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

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

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

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

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

22 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
23 100-1171, eff. 1-4-19; 101-10, eff. 6-5-19; 101-81, eff.
24 7-12-19; 101-604, eff. 12-13-19.)

25 (65 ILCS 5/8-11-1.3) (from Ch. 24, par. 8-11-1.3)

1 Sec. 8-11-1.3. Non-Home Rule Municipal Retailers'
2 Occupation Tax Act. The corporate authorities of a non-home
3 rule municipality may impose a tax upon all persons engaged in
4 the business of selling tangible personal property, other than
5 on an item of tangible personal property which is titled and
6 registered by an agency of this State's Government, at retail
7 in the municipality for expenditure on public infrastructure
8 or for property tax relief or both as defined in Section
9 8-11-1.2 if approved by referendum as provided in Section
10 8-11-1.1, of the gross receipts from such sales made in the
11 course of such business. If the tax is approved by referendum
12 on or after July 14, 2010 (the effective date of Public Act
13 96-1057), the corporate authorities of a non-home rule
14 municipality may, until July 1, 2030, use the proceeds of the
15 tax for expenditure on municipal operations, in addition to or
16 in lieu of any expenditure on public infrastructure or for
17 property tax relief. The tax imposed may not be more than 1%
18 and may be imposed only in 1/4% increments. The tax may not be
19 imposed on tangible personal property taxed at the 1% rate
20 under the Retailers' Occupation Tax Act. Beginning December 1,
21 2019, this tax is not imposed on sales of aviation fuel unless
22 the tax revenue is expended for airport-related purposes. If a
23 municipality does not have an airport-related purpose to which
24 it dedicates aviation fuel tax revenue, then aviation fuel is
25 excluded from the tax. Each municipality must comply with the
26 certification requirements for airport-related purposes under

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

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

12 No municipality may impose a tax under this Section unless
13 the municipality also imposes a tax at the same rate under
14 Section 8-11-1.4 of this Code.

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

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

1 notification from the Department. Such refund shall be paid by
2 the State Treasurer out of the non-home rule municipal
3 retailers' occupation tax fund or the Local Government
4 Aviation Trust Fund, as appropriate.

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

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

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

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

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

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

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

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

25 The Department of Revenue shall implement Public Act
26 91-649 so as to collect the tax on and after January 1, 2002.

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

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

6 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
7 100-1171, eff. 1-4-19; 101-10, eff. 6-5-19; 101-47, eff.
8 1-1-20; 101-81, eff. 7-12-19; 101-604, eff. 12-13-19.)

9 (65 ILCS 5/8-11-1.4) (from Ch. 24, par. 8-11-1.4)

10 Sec. 8-11-1.4. Non-Home Rule Municipal Service Occupation
11 Tax Act. The corporate authorities of a non-home rule
12 municipality may impose a tax upon all persons engaged, in
13 such municipality, in the business of making sales of service
14 for expenditure on public infrastructure or for property tax
15 relief or both as defined in Section 8-11-1.2 if approved by
16 referendum as provided in Section 8-11-1.1, of the selling
17 price of all tangible personal property transferred by such
18 servicemen either in the form of tangible personal property or
19 in the form of real estate as an incident to a sale of service.
20 If the tax is approved by referendum on or after July 14, 2010
21 (the effective date of Public Act 96-1057), the corporate
22 authorities of a non-home rule municipality may, until
23 December 31, 2020, use the proceeds of the tax for expenditure
24 on municipal operations, in addition to or in lieu of any
25 expenditure on public infrastructure or for property tax

1 relief. The tax imposed may not be more than 1% and may be
2 imposed only in 1/4% increments. The tax may not be imposed on
3 tangible personal property taxed at the 1% rate under the
4 Service Occupation Tax Act. Beginning December 1, 2019, this
5 tax is not imposed on sales of aviation fuel unless the tax
6 revenue is expended for airport-related purposes. If a
7 municipality does not have an airport-related purpose to which
8 it dedicates aviation fuel tax revenue, then aviation fuel is
9 excluded from the tax. Each municipality must comply with the
10 certification requirements for airport-related purposes under
11 Section 2-22 of the Retailers' Occupation Tax Act. For
12 purposes of this Section, "airport-related purposes" has the
13 meaning ascribed in Section 6z-20.2 of the State Finance Act.
14 This exclusion for aviation fuel only applies for so long as
15 the revenue use requirements of 49 U.S.C. 47107(b) and 49
16 U.S.C. 47133 are binding on the municipality. The tax imposed
17 by a municipality pursuant to this Section and all civil
18 penalties that may be assessed as an incident thereof shall be
19 collected and enforced by the State Department of Revenue. The
20 certificate of registration which is issued by the Department
21 to a retailer under the Retailers' Occupation Tax Act or under
22 the Service Occupation Tax Act shall permit such registrant to
23 engage in a business which is taxable under any ordinance or
24 resolution enacted pursuant to this Section without
25 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
3 of 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 municipality), 5, 7, 8 (except that the jurisdiction to
16 which the tax shall be a debt to the extent indicated in that
17 Section 8 shall be the taxing municipality), 9 (except as to
18 the disposition of taxes and penalties collected, and except
19 that the returned merchandise credit for this municipal tax
20 may not be taken against any State tax, and except that the
21 retailer's discount is not allowed for taxes paid on aviation
22 fuel that are subject to the revenue use requirements of 49
23 U.S.C. 47107(b) and 49 U.S.C. 47133), 10, 11, 12 (except the
24 reference therein to Section 2b of the Retailers' Occupation
25 Tax Act), 13 (except that any reference to the State shall mean
26 the taxing municipality), the first paragraph of Section 15,

1 16, 17, 18, 19 and 20 of the Service Occupation Tax Act and
2 Section 3-7 of the Uniform Penalty and Interest Act, as fully
3 as if those provisions were set forth herein.

4 No municipality may impose a tax under this Section unless
5 the municipality also imposes a tax at the same rate under
6 Section 8-11-1.3 of this Code.

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
12 which servicemen are authorized to collect under the Service
13 Use Tax Act, pursuant to such bracket schedules as the
14 Department may prescribe.

15 Whenever the Department determines that a refund should be
16 made under this Section to a claimant instead of issuing
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 such
20 notification from the Department. Such refund shall be paid by
21 the State Treasurer out of the 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 forthwith pay over to the State Treasurer, ex
26 officio, as trustee, all taxes and penalties collected

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

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

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

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

21 The Department of Revenue shall implement Public Act
22 91-649 so as to collect the tax on and after January 1, 2002.

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

1 As used in this Section, "municipal" or "municipality"
2 means or refers to a city, village or incorporated town,
3 including an incorporated town which has superseded a civil
4 township.

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

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 (65 ILCS 5/8-11-1.6)

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

1 personal property taxed at the 1% rate under the Retailers'
2 Occupation Tax Act. Beginning December 1, 2019, this tax is
3 not imposed on sales of aviation fuel unless the tax revenue is
4 expended for airport-related purposes. If a municipality does
5 not have an airport-related purpose to which it dedicates
6 aviation fuel tax revenue, then aviation fuel is excluded from
7 the tax. Each municipality must comply with the certification
8 requirements for airport-related purposes under Section 2-22
9 of the Retailers' Occupation Tax Act. For purposes of this
10 Section, "airport-related purposes" has the meaning ascribed
11 in Section 6z-20.2 of the State Finance Act. This exclusion
12 for aviation fuel only applies for so long as the revenue use
13 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are
14 binding on the municipality. If imposed, the tax shall only be
15 imposed in .25% increments of the gross receipts from such
16 sales made in the course of business. Any tax imposed by a
17 municipality under this Section and all civil penalties that
18 may be assessed as an incident thereof shall be collected and
19 enforced by the State Department of Revenue. An ordinance
20 imposing a tax hereunder or effecting a change in the rate
21 thereof shall be adopted and a certified copy thereof filed
22 with the Department on or before the first day of October,
23 whereupon the Department shall proceed to administer and
24 enforce this Section as of the first day of January next
25 following such adoption and filing. The certificate of
26 registration that is issued by the Department to a retailer

1 under the Retailers' Occupation Tax Act shall permit the
2 retailer to engage in a business that is taxable under any
3 ordinance or resolution enacted under this Section without
4 registering separately with the Department under the ordinance
5 or resolution or under this Section. The Department shall have
6 full power to administer and enforce this Section, to collect
7 all taxes and penalties due hereunder, to dispose of taxes and
8 penalties so collected in the manner hereinafter provided, and
9 to determine all rights to credit memoranda, arising on
10 account of the erroneous payment of tax or penalty hereunder.
11 In the administration of, and compliance with this Section,
12 the Department and persons who are subject to this Section
13 shall have the same rights, remedies, privileges, immunities,
14 powers, and duties, and be subject to the same conditions,
15 restrictions, limitations, penalties, and definitions of
16 terms, and employ the same modes of procedure, as are
17 prescribed in Sections 1, 1a, 1a-1, 1d, 1e, 1f, 1i, 1j, 2
18 through 2-65 (in respect to all provisions therein other than
19 the State rate of tax), 2c, 3 (except as to the disposition of
20 taxes and penalties collected, and except that the retailer's
21 discount is not allowed for taxes paid on aviation fuel that
22 are subject to the revenue use requirements of 49 U.S.C.
23 47107(b) and 49 U.S.C. 47133), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f,
24 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 12
25 and 13 of the Retailers' Occupation Tax Act and Section 3-7 of
26 the Uniform Penalty and Interest Act as fully as if those

1 provisions were set forth herein.

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

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

12 Whenever the Department determines that a refund should be
13 made under this Section to a claimant, instead of issuing a
14 credit memorandum, the Department shall notify the State
15 Comptroller, who shall cause the order to be drawn for the
16 amount specified, and to the person named in the notification
17 from the Department. The refund shall be paid by the State
18 Treasurer out of the Non-Home Rule Municipal Retailers'
19 Occupation Tax Fund, which is hereby created or the Local
20 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
2 Treasurer, ex officio, as trustee, for deposit into the Local
3 Government Aviation Trust Fund. The Department shall only pay
4 moneys into the Local Government Aviation Trust Fund under
5 this Section for so long as the revenue use requirements of 49
6 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the
7 municipality.

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

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

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

23 For the purpose of determining the local governmental unit
24 whose tax is applicable, a retail sale by a producer of coal or
25 other mineral mined in Illinois is a sale at retail at the
26 place where the coal or other mineral mined in Illinois is

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

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

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

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

19 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
20 100-863, eff. 8-14-18; 100-1171, eff. 1-4-19; 101-10, eff.
21 6-5-19; 101-81, eff. 7-12-19; 101-604, eff. 12-13-19.)

22 (65 ILCS 5/8-11-1.7)

23 Sec. 8-11-1.7. Non-home rule municipal service occupation
24 tax; municipalities between 20,000 and 25,000. The corporate
25 authorities of a non-home rule municipality with a population

1 of more than 20,000 but less than 25,000 as determined by the
2 last preceding decennial census that has, prior to January 1,
3 1987, established a Redevelopment Project Area that has been
4 certified as a State Sales Tax Boundary and has issued bonds or
5 otherwise incurred indebtedness to pay for costs in excess of
6 \$5,000,000, which is secured in part by a tax increment
7 allocation fund, in accordance with the provisions of Division
8 11-74.4 of this Code may, by passage of an ordinance, impose a
9 tax upon all persons engaged in the municipality in the
10 business of making sales of service. If imposed, the tax shall
11 only be imposed in .25% increments of the selling price of all
12 tangible personal property transferred by such servicemen
13 either in the form of tangible personal property or in the form
14 of real estate as an incident to a sale of service. This tax
15 may not be imposed on tangible personal property taxed at the
16 1% rate under the Service Occupation Tax Act. Beginning
17 December 1, 2019, this tax is not imposed on sales of aviation
18 fuel unless the tax revenue is expended for airport-related
19 purposes. If a municipality does not have an airport-related
20 purpose to which it dedicates aviation fuel tax revenue, then
21 aviation fuel is excluded from the tax. Each municipality must
22 comply with the certification requirements for airport-related
23 purposes under Section 2-22 of the Retailers' Occupation Tax
24 Act. For purposes of this Section, "airport-related purposes"
25 has the meaning ascribed in Section 6z-20.2 of the State
26 Finance Act. This exclusion for aviation fuel only applies for

1 so long as the revenue use requirements of 49 U.S.C. 47107(b)
2 and 49 U.S.C. 47133 are binding on the municipality. The tax
3 imposed by a municipality under this Section and all civil
4 penalties that may be assessed as an incident thereof shall be
5 collected and enforced by the State Department of Revenue. An
6 ordinance imposing a tax hereunder or effecting a change in
7 the rate thereof shall be adopted and a certified copy thereof
8 filed with the Department on or before the first day of
9 October, whereupon the Department shall proceed to administer
10 and enforce this Section as of the first day of January next
11 following such adoption and filing. The certificate of
12 registration that is issued by the Department to a retailer
13 under the Retailers' Occupation Tax Act or under the Service
14 Occupation Tax Act shall permit the registrant to engage in a
15 business that is taxable under any ordinance or resolution
16 enacted under this Section without registering separately with
17 the Department under the ordinance or resolution or under this
18 Section. The Department shall have full power to administer
19 and enforce this Section, to collect all taxes and penalties
20 due hereunder, to dispose of taxes and penalties so collected
21 in a manner hereinafter provided, and to determine all rights
22 to credit memoranda arising on account of the erroneous
23 payment of tax or penalty hereunder. In the administration of
24 and compliance with this Section, the Department and persons
25 who 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 1a-1, 2, 2a, 3
4 through 3-50 (in respect to all provisions therein other than
5 the State rate of tax), 4 (except that the reference to the
6 State shall be to the taxing municipality), 5, 7, 8 (except
7 that the jurisdiction to which the tax shall be a debt to the
8 extent indicated in that Section 8 shall be the taxing
9 municipality), 9 (except as to the disposition of taxes and
10 penalties collected, and except that the returned merchandise
11 credit for this municipal tax may not be taken against any
12 State tax, and except that the retailer's discount is not
13 allowed for taxes paid on aviation fuel that are subject to the
14 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.
15 47133), 10, 11, 12, (except the reference therein to Section
16 2b of the Retailers' Occupation Tax Act), 13 (except that any
17 reference to the State shall mean the taxing municipality),
18 the first paragraph of Sections 15, 16, 17, 18, 19, and 20 of
19 the Service Occupation Tax Act and Section 3-7 of the Uniform
20 Penalty and Interest Act, as fully as if those provisions were
21 set forth herein.

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

25 Person subject to any tax imposed under the authority
26 granted in this Section may reimburse themselves for their

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

7 Whenever the Department determines that a refund should be
8 made under this Section to a claimant instead of issuing
9 credit memorandum, the Department shall notify the State
10 Comptroller, who shall cause the order to be drawn for the
11 amount specified, and to the person named, in such
12 notification from the Department. The refund shall be paid by
13 the State Treasurer out of the Non-Home Rule Municipal
14 Retailers' Occupation Tax Fund or the Local Government
15 Aviation Trust Fund, as appropriate.

16 Except as otherwise provided in this paragraph, the
17 Department shall forthwith pay over to the State Treasurer, ex
18 officio, as trustee, all taxes and penalties collected
19 hereunder for deposit into the Non-Home Rule Municipal
20 Retailers' Occupation Tax Fund. Taxes and penalties collected
21 on aviation fuel sold on or after December 1, 2019, shall be
22 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
26 this Section for so long as the revenue use requirements of 49

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

3 As soon as possible after the first day of each month,
4 beginning January 1, 2011, upon certification of the
5 Department of Revenue, the Comptroller shall order
6 transferred, and the Treasurer shall transfer, to the STAR
7 Bonds Revenue Fund the local sales tax increment, as defined
8 in the Innovation Development and Economy Act, collected under
9 this Section during the second preceding calendar month for
10 sales within a 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
24 preceding 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
3 time 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, the Tax Compliance and Administration Fund,
9 and the General Revenue Fund, provided for in this Section to
10 be given to the Comptroller by the Department, the Comptroller
11 shall cause the orders to be drawn for the respective amounts
12 in accordance with the directions contained in the
13 certification.

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

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

24 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
25 100-863, eff. 8-14-18; 100-1171, eff. 1-4-19; 101-10, eff.
26 6-5-19; 101-81, eff. 7-12-19; 101-604, eff. 12-13-19.)

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

2 Sec. 8-11-5. Home Rule Municipal Service Occupation Tax
3 Act. The corporate authorities of a home rule municipality may
4 impose a tax upon all persons engaged, in such municipality,
5 in the business of making sales of service at the same rate of
6 tax imposed pursuant to Section 8-11-1, of the selling price
7 of all tangible personal property transferred by such
8 servicemen either in the form of tangible personal property or
9 in the form of real estate as an incident to a sale of service.
10 If imposed, such tax shall only be imposed in 1/4% increments.
11 On and after September 1, 1991, this additional tax may not be
12 imposed on tangible personal property taxed at the 1% rate
13 under the Retailers' Occupation Tax Act. Beginning December 1,
14 2019, this tax may not be imposed on sales of aviation fuel
15 unless the tax revenue is expended for airport-related
16 purposes. If a municipality does not have an airport-related
17 purpose to which it dedicates aviation fuel tax revenue, then
18 aviation fuel shall be excluded from tax. Each municipality
19 must comply with the certification requirements for
20 airport-related purposes under Section 2-22 of the Retailers'
21 Occupation Tax Act. For purposes of this Section,
22 "airport-related purposes" has the meaning ascribed in Section
23 6z-20.2 of the State Finance Act. This exception for aviation
24 fuel only applies for so long as the revenue use requirements
25 of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the

1 State. The changes made to this Section by this amendatory Act
2 of the 101st General Assembly are a denial and limitation of
3 home rule powers and functions under subsection (g) of Section
4 6 of Article VII of the Illinois Constitution. The tax imposed
5 by a home rule municipality pursuant to this Section and all
6 civil penalties that may be assessed as an incident thereof
7 shall be collected and enforced by the State Department of
8 Revenue. The certificate of registration which is issued by
9 the Department to a retailer under the Retailers' Occupation
10 Tax Act or under the Service Occupation Tax Act shall permit
11 such registrant to engage in a business which is taxable under
12 any ordinance or resolution enacted pursuant to this Section
13 without registering separately with the Department under such
14 ordinance or resolution or under this Section. The Department
15 shall have full power to administer and enforce this Section;
16 to collect all taxes and penalties due hereunder; to dispose
17 of taxes and penalties so collected in the manner hereinafter
18 provided, and to determine all rights to credit memoranda
19 arising on account of the erroneous payment of tax or penalty
20 hereunder. In the administration of, and compliance with, this
21 Section the Department and persons who are subject to this
22 Section shall have the same rights, remedies, privileges,
23 immunities, powers and duties, and be subject to the same
24 conditions, restrictions, limitations, penalties and
25 definitions of terms, and employ the same modes of procedure,
26 as are prescribed in Sections 1a-1, 2, 2a, 3 through 3-50 (in

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

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

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

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

5 Whenever the Department determines that a refund should be
6 made under this Section to a claimant instead of issuing
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
10 notification from the Department. Such refund shall be paid by
11 the State Treasurer out of the home rule municipal retailers'
12 occupation tax fund or the Local Government Aviation Trust
13 Fund, as appropriate.

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

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

1 beginning January 1, 2011, upon certification of the
2 Department of Revenue, the Comptroller shall order
3 transferred, and the Treasurer shall transfer, to the STAR
4 Bonds Revenue Fund the local sales tax increment, as defined
5 in the Innovation Development and Economy Act, collected under
6 this Section during the second preceding calendar month for
7 sales within a 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 suppliers and
13 servicemen have paid taxes or penalties hereunder to the
14 Department during the second preceding calendar month. The
15 amount to be paid to each municipality shall be the amount (not
16 including credit memoranda and not including taxes and
17 penalties collected on aviation fuel sold on or after December
18 1, 2019) collected hereunder during the second preceding
19 calendar month by the Department, and not including an amount
20 equal to the amount of refunds made during the second
21 preceding calendar month by the Department on behalf of such
22 municipality, and not including any amounts that are
23 transferred to the STAR Bonds Revenue Fund, less 1% ~~1.5%~~ of the
24 remainder, which the Department shall transfer into the Tax
25 Compliance and Administration Fund. The Department, at the
26 time of each monthly disbursement to the municipalities, shall

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

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

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

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

23 An ordinance or resolution imposing or discontinuing a 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 June, whereupon the Department

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

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

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

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

26 This Section shall be known and may be cited as the Home

1 Rule Municipal Service Occupation Tax Act.

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

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

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

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

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

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

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

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

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

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

9 (f) An ordinance or resolution imposing or discontinuing a
10 tax under this Section or effecting a change in the rate
11 thereof that is adopted on or after June 25, 2019 (the
12 effective date of Public Act 101-27) and for which a certified
13 copy is filed with the Department on or before April 1, 2020
14 shall be administered and enforced by the Department beginning
15 on July 1, 2020. For ordinances filed with the Department
16 after April 1, 2020, an ordinance or resolution imposing or
17 discontinuing a tax under this Section or effecting a change
18 in the rate thereof shall either (i) be adopted and a certified
19 copy thereof filed with the Department on or before the first
20 day of April, whereupon the Department shall proceed to
21 administer and enforce this Section as of the first day of July
22 next following the adoption and filing; or (ii) be adopted and
23 a certified copy thereof filed with the Department on or
24 before the first day of October, whereupon the Department
25 shall proceed to administer and enforce this Section as of the
26 first day of January next following the adoption and filing.

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

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

4 (70 ILCS 1605/30)

5 Sec. 30. Taxes.

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

13 This additional tax may not be imposed on tangible
14 personal property taxed at the 1% rate under the Retailers'
15 Occupation Tax Act. Beginning December 1, 2019 and through
16 December 31, 2020, this tax is not imposed on sales of aviation
17 fuel unless the tax revenue is expended for airport-related
18 purposes. If the District does not have an airport-related
19 purpose to which it dedicates aviation fuel tax revenue, then
20 aviation fuel shall be excluded from tax. The board must
21 comply with the certification requirements for airport-related
22 purposes under Section 2-22 of the Retailers' Occupation Tax
23 Act. For purposes of this Act, "airport-related purposes" has
24 the meaning ascribed in Section 6z-20.2 of the State Finance

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

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

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

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

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

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

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

1 herein.

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

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

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

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

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

12 As soon as possible after the first day of each month,
13 beginning January 1, 2011, upon certification of the
14 Department of Revenue, the Comptroller shall order
15 transferred, and the Treasurer shall transfer, to the STAR
16 Bonds Revenue Fund the local sales tax increment, as defined
17 in the Innovation Development and Economy Act, collected under
18 this Section during the second preceding calendar month for
19 sales within a STAR bond district. The Department shall make
20 this 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
7 after December 1, 2019 and through December 31, 2020)
8 collected under this Section during the second preceding
9 calendar month by the Department plus an amount the Department
10 determines is necessary to offset any amounts that were
11 erroneously paid to a different taxing body, and not including
12 (i) an amount equal to the amount of refunds made during the
13 second preceding calendar month by the Department on behalf of
14 the District, (ii) any amount that the Department determines
15 is necessary to offset any amounts that were payable to a
16 different taxing body but were erroneously paid to the
17 District, (iii) any amounts that are transferred to the STAR
18 Bonds Revenue Fund, and (iv) 1% ~~1.5%~~ of the remainder, which
19 the Department shall transfer into the Tax Compliance and
20 Administration Fund. The Department, at the time of each
21 monthly disbursement to the District, shall prepare and
22 certify to the State Comptroller the amount to be transferred
23 into the Tax Compliance and Administration Fund under this
24 subsection. Within 10 days after receipt by the Comptroller of
25 the disbursement certification to the District and the Tax
26 Compliance and Administration Fund provided for in this

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

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

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

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

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

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

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

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

14 (70 ILCS 3610/5.01) (from Ch. 111 2/3, par. 355.01)

15 Sec. 5.01. Metro East Mass Transit District; use and
16 occupation taxes.

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

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

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

1 imposed in that County is expended for airport-related
2 purposes. If there is no airport-related purpose to which
3 aviation fuel tax revenue is dedicated, then aviation fuel is
4 excluded from the additional 0.50% of the 0.75% tax.

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

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

1 Sections 1, 1a, 1a-1, 1c, 1d, 1e, 1f, 1i, 1j, 2 through 2-65
2 (in respect to all provisions therein other than the State
3 rate of tax), 2c, 3 (except as to the disposition of taxes and
4 penalties collected, and except that the retailer's discount
5 is not allowed for taxes paid on aviation fuel that are subject
6 to the revenue use requirements of 49 U.S.C. 47107(b) and 49
7 U.S.C. 47133), 4, 5, 5a, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k,
8 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 12, 13, and 14 of the
9 Retailers' Occupation Tax Act and Section 3-7 of the Uniform
10 Penalty and Interest Act, as fully as if those provisions were
11 set forth herein.

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

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

1 Government Aviation Trust Fund, as appropriate.

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

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

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

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

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

1 property within the District, either in the form of tangible
2 personal property or in the form of real estate as an incident
3 to a sale of service. The tax rate shall be 1/4%, or as
4 authorized under subsection (d-5) of this Section, of the
5 selling price of tangible personal property so transferred
6 within the district, except that the rate of tax imposed in
7 these Counties under this Section on sales of aviation fuel on
8 or after December 1, 2019 shall be 0.25% in Madison County
9 unless the Metro-East Mass Transit District in Madison County
10 has an "airport-related purpose" and any additional amount
11 authorized under subsection (d-5) is expended for
12 airport-related purposes. If there is no airport-related
13 purpose to which aviation fuel tax revenue is dedicated, then
14 aviation fuel is excluded from any additional amount
15 authorized under subsection (d-5). The rate in St. Clair
16 County shall be 0.25% unless the Metro-East Mass Transit
17 District in St. Clair County has an "airport-related purpose"
18 and the additional 0.50% of the 0.75% tax on aviation fuel is
19 expended for airport-related purposes. If there is no
20 airport-related purpose to which aviation fuel tax revenue is
21 dedicated, then aviation fuel is excluded from the additional
22 0.50% of the 0.75% tax.

23 The Board must comply with the certification requirements
24 for airport-related purposes under Section 2-22 of the
25 Retailers' 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 District.

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

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

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

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

1 from the Department. The refund shall be paid by the State
2 Treasurer out of the Metro East Mass Transit District tax fund
3 established under paragraph (h) of this Section or the Local
4 Government Aviation Trust Fund, as appropriate.

5 Nothing in this paragraph shall be construed to authorize
6 the District 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 the State.

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

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

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

1 provisions were set forth herein.

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

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

21 The proposition shall be in substantially the following
22 form:

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

1 to 0.75%?

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

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

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

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

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

1 Shall the tax rates for the Metro East Mass Transit
 2 District Retailers' Occupation Tax, the Metro East Mass
 3 Transit District Service Occupation Tax, and the Metro
 4 East Mass Transit District Use Tax be increased from 0.25%
 5 to 0.75%?

6 Name	Address, with Street and Number.
7
8

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

24 (D) If the voters have approved a referendum under this
 25 subsection, before November 1, 1994, to increase the tax rate
 26 under this subsection, the Metro East Mass Transit District

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

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

19 (d-6) If the Board of Trustees of any Metro East Mass
20 Transit District has imposed a rate increase under subsection
21 (d-5) and filed an ordinance with the Department of Revenue
22 excluding titled property from the higher rate, then that
23 Board may, by ordinance adopted with the concurrence of
24 two-thirds of the then trustees, impose throughout the
25 District a fee. The fee on the excluded property shall not
26 exceed \$20 per retail transaction or an amount equal to the

1 amount of tax excluded, whichever is less, on tangible
2 personal property that is titled or registered with an agency
3 of this State's government. Beginning July 1, 2004, the fee
4 shall apply only to titled property that is subject to either
5 the Metro East Mass Transit District Retailers' Occupation Tax
6 or the Metro East Mass Transit District Service Occupation
7 Tax. No fee shall be imposed or collected under this
8 subsection on the sale of a motor vehicle in this State to a
9 resident of another state if that motor vehicle will not be
10 titled in this State.

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

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

1 enforced by the Department and 2% of the fee, penalty, and
2 interest following the first 12 months (except the amount
3 collected on aviation fuel sold on or after December 1, 2019)
4 shall be deposited into the Tax Compliance and Administration
5 Fund and shall be used by the Department, subject to
6 appropriation, to cover the costs of the Department. No
7 retailers' discount shall apply to any fee imposed under
8 subsection (d-6).

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

13 (d-9) (Blank).

14 (d-10) (Blank).

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

24 (f) (Blank).

25 (g) Any ordinance imposing or discontinuing any tax under
26 this Section shall be adopted and a certified copy thereof

1 filed with the Department on or before June 1, whereupon the
2 Department of Revenue shall proceed to administer and enforce
3 this Section on behalf of the Metro East Mass Transit District
4 as of September 1 next following such adoption and filing.
5 Beginning January 1, 1992, an ordinance or resolution imposing
6 or discontinuing the tax hereunder shall be adopted and a
7 certified copy thereof filed with the Department on or before
8 the first day of July, whereupon the Department shall proceed
9 to administer and enforce this Section as of the first day of
10 October next following such adoption and filing. Beginning
11 January 1, 1993, except as provided in subsection (d-5) of
12 this Section, an ordinance or resolution imposing or
13 discontinuing the tax hereunder shall be adopted and a
14 certified copy thereof filed with the Department on or before
15 the first day of October, whereupon the Department shall
16 proceed to administer and enforce this Section as of the first
17 day of January next following such adoption and filing, or,
18 beginning January 1, 2004, on or before the first day of April,
19 whereupon the Department shall proceed to administer and
20 enforce this Section as of the first day of July next following
21 the adoption and filing.

22 (h) Except as provided in subsection (d-7.1), the State
23 Department of Revenue shall, upon collecting any taxes as
24 provided in this Section, pay the taxes over to the State
25 Treasurer as trustee for the District. The taxes shall be held
26 in a trust fund outside the State Treasury. If an

1 airport-related purpose has been certified, taxes and
2 penalties collected in St. Clair County on aviation fuel sold
3 on or after December 1, 2019 from the 0.50% of the 0.75% rate
4 shall be immediately paid over by the Department to the State
5 Treasurer, ex officio, as trustee, for deposit into the Local
6 Government Aviation Trust Fund. The Department shall only pay
7 moneys into the Local Government Aviation Trust Fund under
8 this Act for so long as the revenue use requirements of 49
9 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the
10 District.

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

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

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

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

1 101-10, eff. 6-5-19; 101-604, eff. 12-13-19.)

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

4 (70 ILCS 3615/4.03) (from Ch. 111 2/3, par. 704.03)

5 Sec. 4.03. Taxes.

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

21 (b) The Board may impose a public transportation tax upon
22 all persons engaged in the metropolitan region in the business
23 of selling at retail motor fuel for operation of motor
24 vehicles upon public highways. The tax shall be at a rate not

1 to exceed 5% of the gross receipts from the sales of motor fuel
2 in the course of the business. As used in this Act, the term
3 "motor fuel" shall have the same meaning as in the Motor Fuel
4 Tax Law. The Board may provide for details of the tax. The
5 provisions of any tax shall conform, as closely as may be
6 practicable, to the provisions of the Municipal Retailers
7 Occupation Tax Act, including without limitation, conformity
8 to penalties with respect to the tax imposed and as to the
9 powers of the State Department of Revenue to promulgate and
10 enforce rules and regulations relating to the administration
11 and enforcement of the provisions of the tax imposed, except
12 that reference in the Act to any municipality shall refer to
13 the Authority and the tax shall be imposed only with regard to
14 receipts from sales of motor fuel in the metropolitan region,
15 at rates as limited by this Section.

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

23 (d) The Board may impose a motor vehicle parking tax upon
24 the privilege of parking motor vehicles at off-street parking
25 facilities in the metropolitan region at which a fee is
26 charged, and may provide for reasonable classifications in and

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

17 (e) The Board may impose a Regional Transportation
18 Authority Retailers' Occupation Tax upon all persons engaged
19 in the business of selling tangible personal property at
20 retail in the metropolitan region. In Cook County, the tax
21 rate shall be 1.25% of the gross receipts from sales of
22 tangible personal property taxed at the 1% rate under the
23 Retailers' Occupation Tax Act, and 1% of the gross receipts
24 from other taxable sales made in the course of that business.
25 In DuPage, Kane, Lake, McHenry, and Will counties, the tax
26 rate shall be 0.75% of the gross receipts from all taxable

1 sales made in the course of that business. The rate of tax
2 imposed in DuPage, Kane, Lake, McHenry, and Will counties
3 under this Section on sales of aviation fuel on or after
4 December 1, 2019 shall, however, be 0.25% unless the Regional
5 Transportation Authority in DuPage, Kane, Lake, McHenry, and
6 Will counties has an "airport-related purpose" and the
7 additional 0.50% of the 0.75% tax on aviation fuel is expended
8 for airport-related purposes. If there is no airport-related
9 purpose to which aviation fuel tax revenue is dedicated, then
10 aviation fuel is excluded from the additional 0.50% of the
11 0.75% tax. The tax imposed under this Section and all civil
12 penalties that may be assessed as an incident thereof shall be
13 collected and enforced by the State Department of Revenue. The
14 Department shall have full power to administer and enforce
15 this Section; to collect all taxes and penalties so collected
16 in the manner hereinafter provided; and to determine all
17 rights to credit memoranda arising on account of the erroneous
18 payment of tax or penalty hereunder. In the administration of,
19 and compliance with this Section, the Department and persons
20 who are subject to this Section shall have the same rights,
21 remedies, privileges, immunities, powers, and duties, and be
22 subject to the same conditions, restrictions, limitations,
23 penalties, exclusions, exemptions, and definitions of terms,
24 and employ the same modes of procedure, as are prescribed in
25 Sections 1, 1a, 1a-1, 1c, 1d, 1e, 1f, 1i, 1j, 2 through 2-65
26 (in respect to all provisions therein other than the State

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

10 The Board and DuPage, Kane, Lake, McHenry, and Will
11 counties must comply with the certification requirements for
12 airport-related purposes under Section 2-22 of the Retailers'
13 Occupation Tax Act. For purposes of this Section,
14 "airport-related purposes" has the meaning ascribed in Section
15 6z-20.2 of the State Finance Act. This exclusion for aviation
16 fuel only applies for so long as the revenue use requirements
17 of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the
18 Authority.

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

26 Whenever the Department determines that a refund should be

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

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

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

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

24 Nothing in this Section shall be construed to authorize
25 the Regional Transportation Authority to impose a tax upon the
26 privilege of engaging in any business that under the

1 Constitution of the United States may not be made the subject
2 of taxation by this State.

3 (f) If a tax has been imposed under paragraph (e), a
4 Regional Transportation Authority Service Occupation Tax shall
5 also be imposed upon all persons engaged, in the metropolitan
6 region in the business of making sales of service, who as an
7 incident to making the sales of service, transfer tangible
8 personal property within the metropolitan region, either in
9 the form of tangible personal property or in the form of real
10 estate as an incident to a sale of service. In Cook County, the
11 tax rate shall be: (1) 1.25% of the serviceman's cost price of
12 food prepared for immediate consumption and transferred
13 incident to a sale of service subject to the service
14 occupation tax by an entity licensed under the Hospital
15 Licensing Act, the Nursing Home Care Act, the Specialized
16 Mental Health Rehabilitation Act of 2013, the ID/DD Community
17 Care Act, or the MC/DD Act that is located in the metropolitan
18 region; (2) 1.25% of the selling price of tangible personal
19 property taxed at the 1% rate under the Service Occupation Tax
20 Act; and (3) 1% of the selling price from other taxable sales
21 of tangible personal property transferred. In DuPage, Kane,
22 Lake, McHenry, and Will counties, the rate shall be 0.75% of
23 the selling price of all tangible personal property
24 transferred. The rate of tax imposed in DuPage, Kane, Lake,
25 McHenry, and Will counties under this Section on sales of
26 aviation fuel on or after December 1, 2019 shall, however, be

1 0.25% unless the Regional Transportation Authority in DuPage,
2 Kane, Lake, McHenry, and Will counties has an "airport-related
3 purpose" and the additional 0.50% of the 0.75% tax on aviation
4 fuel is expended for airport-related purposes. If there is no
5 airport-related purpose to which aviation fuel tax revenue is
6 dedicated, then aviation fuel is excluded from the additional
7 0.5% of the 0.75% tax.

8 The Board and DuPage, Kane, Lake, McHenry, and Will
9 counties must comply with the certification requirements for
10 airport-related purposes under Section 2-22 of the Retailers'
11 Occupation Tax Act. For purposes of this Section,
12 "airport-related purposes" has the meaning ascribed in Section
13 6z-20.2 of the State Finance Act. This exclusion for aviation
14 fuel only applies for so long as the revenue use requirements
15 of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the
16 Authority.

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

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

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

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

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

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

18 (g) If a tax has been imposed under paragraph (e), a tax
19 shall also be imposed upon the privilege of using in the
20 metropolitan region, any item of tangible personal property
21 that is purchased outside the metropolitan region at retail
22 from a retailer, and that is titled or registered with an
23 agency of this State's government. In Cook County, the tax
24 rate shall be 1% of the selling price of the tangible personal
25 property, as "selling price" is defined in the Use Tax Act. In
26 DuPage, Kane, Lake, McHenry, and Will counties, the tax rate

1 shall be 0.75% of the selling price of the tangible personal
2 property, as "selling price" is defined in the Use Tax Act. The
3 tax shall be collected from persons whose Illinois address for
4 titling or registration purposes is given as being in the
5 metropolitan region. The tax shall be collected by the
6 Department of Revenue for the Regional Transportation
7 Authority. The tax must be paid to the State, or an exemption
8 determination must be obtained from the Department of Revenue,
9 before the title or certificate of registration for the
10 property may be issued. The tax or proof of exemption may be
11 transmitted to the Department by way of the State agency with
12 which, or the State officer with whom, the tangible personal
13 property must be titled or registered if the Department and
14 the State agency or State officer determine that this
15 procedure will expedite the processing of applications for
16 title or registration.

17 The Department shall have full power to administer and
18 enforce this paragraph; to collect all taxes, penalties, and
19 interest due hereunder; to dispose of taxes, penalties, and
20 interest collected in the manner hereinafter provided; and to
21 determine all rights to credit memoranda or refunds arising on
22 account of the erroneous payment of tax, penalty, or interest
23 hereunder. In the administration of and compliance with this
24 paragraph, the Department and persons who are subject to this
25 paragraph shall have the same rights, remedies, privileges,
26 immunities, powers, and duties, and be subject to the same

1 conditions, restrictions, limitations, penalties, exclusions,
2 exemptions, and definitions of terms and employ the same modes
3 of procedure, as are prescribed in Sections 2 (except the
4 definition of "retailer maintaining a place of business in
5 this State"), 3 through 3-80 (except provisions pertaining to
6 the State rate of tax, and except provisions concerning
7 collection or refunding of the tax by retailers), 4, 11, 12,
8 12a, 14, 15, 19 (except the portions pertaining to claims by
9 retailers and except the last paragraph concerning refunds),
10 20, 21, and 22 of the Use Tax Act, and are not inconsistent
11 with this paragraph, as fully as if those provisions were set
12 forth herein.

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

21 (h) The Authority may impose a replacement vehicle tax of
22 \$50 on any passenger car as defined in Section 1-157 of the
23 Illinois Vehicle Code purchased within the metropolitan region
24 by or on behalf of an insurance company to replace a passenger
25 car of an insured person in settlement of a total loss claim.
26 The tax imposed may not become effective before the first day

1 of the month following the passage of the ordinance imposing
2 the tax and receipt of a certified copy of the ordinance by the
3 Department of Revenue. The Department of Revenue shall collect
4 the tax for the Authority in accordance with Sections 3-2002
5 and 3-2003 of the Illinois Vehicle Code.

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

9 As soon as possible after the first day of each month,
10 beginning January 1, 2011, upon certification of the
11 Department of Revenue, the Comptroller shall order
12 transferred, and the Treasurer shall transfer, to the STAR
13 Bonds Revenue Fund the local sales tax increment, as defined
14 in the Innovation Development and Economy Act, collected under
15 this Section during the second preceding calendar month for
16 sales within a 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 the Authority. The
21 amount to be paid to the Authority shall be the amount
22 collected hereunder during the second preceding calendar month
23 by the Department, less any amount determined by the
24 Department to be necessary for the payment of refunds, and
25 less any amounts that are transferred to the STAR Bonds
26 Revenue Fund. Within 10 days after receipt by the Comptroller

1 of the disbursement certification to the Authority provided
2 for in this Section to be given to the Comptroller by the
3 Department, the Comptroller shall cause the orders to be drawn
4 for that amount in accordance with the directions contained in
5 the certification.

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

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

17 (k) The provisions of any tax imposed under paragraph (c)
18 of this Section shall conform as closely as may be practicable
19 to the provisions of the Use Tax Act, including without
20 limitation conformity as to penalties with respect to the tax
21 imposed and as to the powers of the State Department of Revenue
22 to promulgate and enforce rules and regulations relating to
23 the administration and enforcement of the provisions of the
24 tax imposed. The taxes shall be imposed only on use within the
25 metropolitan region and at rates as provided in the paragraph.

26 (l) The Board in imposing any tax as provided in

1 paragraphs (b) and (c) of this Section, shall, after seeking
2 the advice of the State Department of Revenue, provide means
3 for retailers, users or purchasers of motor fuel for purposes
4 other than those with regard to which the taxes may be imposed
5 as provided in those paragraphs to receive refunds of taxes
6 improperly paid, which provisions may be at variance with the
7 refund provisions as applicable under the Municipal Retailers
8 Occupation Tax Act. The State Department of Revenue may
9 provide for certificates of registration for users or
10 purchasers of motor fuel for purposes other than those with
11 regard to which taxes may be imposed as provided in paragraphs
12 (b) and (c) of this Section to facilitate the reporting and
13 nontaxability of the exempt sales or uses.

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

1 imposing, increasing, decreasing, or discontinuing the tax
2 hereunder shall be adopted and a certified copy thereof filed
3 with the Department, whereupon the Department shall proceed to
4 administer and enforce this Section as of the first day of the
5 first month to occur not less than 60 days following such
6 adoption and filing. Any ordinance or resolution of the
7 Authority imposing a tax under this Section and in effect on
8 August 1, 2007 shall remain in full force and effect and shall
9 be administered by the Department of Revenue under the terms
10 and conditions and rates of tax established by such ordinance
11 or resolution until the Department begins administering and
12 enforcing an increased tax under this Section as authorized by
13 Public Act 95-708. The tax rates authorized by Public Act
14 95-708 are effective only if imposed by ordinance of the
15 Authority.

16 (n) Except as otherwise provided in this subsection (n),
17 the State Department of Revenue shall, upon collecting any
18 taxes as provided in this Section, pay the taxes over to the
19 State Treasurer as trustee for the Authority. The taxes shall
20 be held in a trust fund outside the State Treasury. If an
21 airport-related purpose has been certified, taxes and
22 penalties collected in DuPage, Kane, Lake, McHenry and Will
23 counties on aviation fuel sold on or after December 1, 2019
24 from the 0.50% of the 0.75% rate shall be immediately paid over
25 by the Department to the State Treasurer, ex officio, as
26 trustee, for deposit into the Local Government Aviation Trust

1 Fund. The Department shall only pay moneys into the Local
2 Government Aviation Trust Fund under this Act 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 Authority. On or before the
5 25th day of each calendar month, the State Department of
6 Revenue shall prepare and certify to the Comptroller of the
7 State of Illinois and to the Authority (i) the amount of taxes
8 collected in each county other than Cook County in the
9 metropolitan region, (not including, if an airport-related
10 purpose has been certified, the taxes and penalties collected
11 from the 0.50% of the 0.75% rate on aviation fuel sold on or
12 after December 1, 2019 that are deposited into the Local
13 Government Aviation Trust Fund) (ii) the amount of taxes
14 collected within the City of Chicago, and (iii) the amount
15 collected in that portion of Cook County outside of Chicago,
16 each amount less the amount necessary for the payment of
17 refunds to taxpayers located in those areas described in items
18 (i), (ii), and (iii), and less 1% ~~1.5%~~ of the remainder, which
19 shall be transferred from the trust fund into the Tax
20 Compliance and Administration Fund. The Department, at the
21 time of each monthly disbursement to the Authority, shall
22 prepare and certify to the State Comptroller the amount to be
23 transferred into the Tax Compliance and Administration Fund
24 under this subsection. Within 10 days after receipt by the
25 Comptroller of the certification of the amounts, the
26 Comptroller shall cause an order to be drawn for the transfer

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

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

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

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

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

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

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

23 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
24 100-1171, eff. 1-4-19; 101-10, eff. 6-5-19; 101-81, eff.
25 7-12-19; 101-604, eff. 12-13-19.)

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

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

4 Sec. 4. Taxes.

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

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

17 -----

18	Shall the (insert corporate	
19	name of county water commission)	YES
20	impose (state type of tax or	-----
21	taxes to be imposed) at the	NO
22	rate of 1/4%?	

23 -----

24 Taxes imposed under this Section and civil penalties
25 imposed incident thereto shall be collected and enforced by

1 the State Department of Revenue. The Department shall have the
2 power to administer and enforce the taxes and to determine all
3 rights for refunds for erroneous payments of the taxes.

4 (b) The board of commissioners may impose a County Water
5 Commission Retailers' Occupation Tax upon all persons engaged
6 in the business of selling tangible personal property at
7 retail in the territory of the commission at a rate of 1/4% of
8 the gross receipts from the sales made in the course of such
9 business within the territory. Beginning January 1, 2021, this
10 tax is not imposed on sales of aviation fuel for so long as the
11 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.
12 47133 are binding on the District.

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

1 of terms, and employ the same modes of procedure, as are
2 prescribed in Sections 1, 1a, 1a-1, 1c, 1d, 1e, 1f, 1i, 1j, 2
3 through 2-65 (in respect to all provisions therein other than
4 the State rate of tax except that tangible personal property
5 taxed at the 1% rate under the Retailers' Occupation Tax Act
6 shall not be subject to tax hereunder), 2c, 3 (except as to the
7 disposition of taxes and penalties collected, and except that
8 the retailer's discount is not allowed for taxes paid on
9 aviation fuel sold on or after December 1, 2019 and through
10 December 31, 2020), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i,
11 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 12, and 13 of
12 the Retailers' Occupation Tax Act and Section 3-7 of the
13 Uniform Penalty and Interest Act, as fully as if those
14 provisions were set forth herein.

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

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

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

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

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

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

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

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

1 County Water Commission Service Occupation Tax shall also be
2 imposed upon all persons engaged, in the territory of the
3 commission, in the business of making sales of service, who,
4 as an incident to making the sales of service, transfer
5 tangible personal property within the territory. The tax rate
6 shall be 1/4% of the selling price of tangible personal
7 property so transferred within the territory. Beginning
8 January 1, 2021, this tax is not imposed on sales of aviation
9 fuel for so long as the revenue use requirements of 49 U.S.C.
10 47107(b) and 49 U.S.C. 47133 are binding on the District.

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

1 State in the definition of supplier maintaining a place of
2 business in this State shall mean the territory of the
3 commission), 2a, 3 through 3-50 (in respect to all provisions
4 therein other than the State rate of tax except that tangible
5 personal property taxed at the 1% rate under the Service
6 Occupation Tax Act shall not be subject to tax hereunder), 4
7 (except that the reference to the State shall be to the
8 territory of the commission), 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 commission), 9
11 (except as to the disposition of taxes and penalties collected
12 and except that the returned merchandise credit for this tax
13 may not be taken against any State tax, and except that the
14 retailer's discount is not allowed for taxes paid on aviation
15 fuel sold on or after December 1, 2019 and through December 31,
16 2020), 10, 11, 12 (except the reference therein to Section 2b
17 of the Retailers' Occupation Tax Act), 13 (except that any
18 reference to the State shall mean the territory of the
19 commission), the first paragraph of Section 15, 15.5, 16, 17,
20 18, 19, and 20 of the Service Occupation Tax Act as fully as if
21 those provisions were set forth herein.

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

1 servicemen are authorized to collect under the Service Use Tax
2 Act, and any tax for which servicemen may be liable under
3 subsection (f) of Section 4.03 of the Regional Transportation
4 Authority Act, in accordance with such bracket schedules as
5 the Department may prescribe.

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

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

19 (d) If a tax has been imposed under subsection (b), a tax
20 shall also be imposed upon the privilege of using, in the
21 territory of the commission, any item of tangible personal
22 property that is purchased outside the territory at retail
23 from a retailer, and that is titled or registered with an
24 agency of this State's government, at a rate of 1/4% of the
25 selling price of the tangible personal property within the
26 territory, as "selling price" is defined in the Use Tax Act.

1 The tax shall be collected from persons whose Illinois address
2 for titling or registration purposes is given as being in the
3 territory. The tax shall be collected by the Department of
4 Revenue for a county water commission. The tax must be paid to
5 the State, or an exemption determination must be obtained from
6 the Department of Revenue, before the title or certificate of
7 registration for the property may be issued. The tax or proof
8 of exemption may be transmitted to the Department by way of the
9 State agency with which, or the State officer with whom, the
10 tangible personal property must be titled or registered if the
11 Department and the State agency or State officer determine
12 that this procedure will expedite the processing of
13 applications for title or registration.

14 The Department shall have full power to administer and
15 enforce this paragraph; to collect all taxes, penalties, and
16 interest due hereunder; to dispose of taxes, penalties, and
17 interest so collected in the manner hereinafter provided; and
18 to determine all rights to credit memoranda or refunds arising
19 on account of the erroneous payment of tax, penalty, or
20 interest hereunder. In the administration of and compliance
21 with this paragraph, the Department and persons who are
22 subject to this paragraph shall have the same rights,
23 remedies, privileges, immunities, powers, and duties, and be
24 subject to the same conditions, restrictions, limitations,
25 penalties, exclusions, exemptions, and definitions of terms
26 and employ the same modes of procedure, as are prescribed in

1 Sections 2 (except the definition of "retailer maintaining a
2 place of business in this State"), 3 through 3-80 (except
3 provisions pertaining to the State rate of tax, and except
4 provisions concerning collection or refunding of the tax by
5 retailers), 4, 11, 12, 12a, 14, 15, 19 (except the portions
6 pertaining to claims by retailers and except the last
7 paragraph concerning refunds), 20, 21, and 22 of the Use Tax
8 Act and Section 3-7 of the Uniform Penalty and Interest Act
9 that are not inconsistent with this paragraph, as fully as if
10 those provisions were set forth herein.

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

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

1 to any tax imposed under subsection (c) of this Section.

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

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

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

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

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

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

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

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

14 Section 99. Effective date. This Act takes effect July 1,
15 2021.