



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB5999

by Rep. Brad E. Halbrook

SYNOPSIS AS INTRODUCED:

See Index

Repeals the Motor Fuel Tax Law. Makes conforming changes in the following Acts, Codes, and Laws: Illinois Renewable Fuels Development Program Act, Department of Revenue Law of the Civil Administrative Code of Illinois, Illinois Finance Authority Act, State Finance Act, Use Tax Act, Service Use Tax Act, Service Occupation Tax Act, Retailers' Occupation Tax Act, Illinois Independent Tax Tribunal Act of 2012, Investment of Municipal Funds Act, Illinois Municipal Code, Southwestern Illinois Development Authority Act, Regional Transportation Authority Act, Environmental Protection Act, Environmental Impact Fee Law, Gasoline Storage Act, Illinois Highway Code, Illinois Vehicle Code, and Motor Fuel and Petroleum Standards Act.

LRB098 18464 HLH 53601 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 Illinois Renewable Fuels Development
5 Program Act is amended by changing Section 10 as follows:

6 (20 ILCS 689/10)

7 Sec. 10. Definitions. As used in this Act:

8 "Biodiesel" means a renewable diesel fuel derived from
9 biomass that is intended for use in diesel engines.

10 "Biodiesel blend" means a blend of biodiesel with
11 petroleum-based diesel fuel in which the resultant product
12 contains no less than 1% and no more than 99% biodiesel.

13 "Biomass" means non-fossil organic materials that have an
14 intrinsic chemical energy content. "Biomass" includes, but is
15 not limited to, soybean oil, other vegetable oils, and ethanol.

16 "Department" means the Department of Commerce and Economic
17 Opportunity.

18 "Diesel fuel" means any product intended for use or offered
19 for sale as a fuel for engines in which the fuel is injected
20 into the combustion chamber and ignited by pressure without
21 electric spark.

22 "Director" means the Director of Commerce and Economic
23 Opportunity.

1 "Ethanol" means a product produced from agricultural
2 commodities or by-products used as a fuel or to be blended with
3 other fuels for use in motor vehicles.

4 "Fuel" means fuel as defined in Section 1.19 of the Motor
5 Fuel Tax Law as it existed prior to the effective date of this
6 amendatory Act of the 98th General Assembly.

7 "Gasohol" means motor fuel that is no more than 90%
8 gasoline and at least 10% denatured ethanol that contains no
9 more than 1.25% water by weight.

10 "Gasoline" means all products commonly or commercially
11 known or sold as gasoline (including casing head and absorption
12 or natural gasoline).

13 "Illinois agricultural product" means any agricultural
14 commodity grown in Illinois that is used by a production
15 facility to produce renewable fuel in Illinois, including, but
16 not limited to, corn, barley, and soy beans.

17 "Labor Organization" means any organization defined as a
18 "labor organization" under Section 2 of the National Labor
19 Relations Act (29 U.S.C. 152).

20 "Majority blended ethanol fuel" means motor fuel that
21 contains no less than 70% and no more than 90% denatured
22 ethanol and no less than 10% and no more than 30% gasoline.

23 "Motor vehicles" means motor vehicles as defined in the
24 Illinois Vehicle Code and watercraft propelled by an internal
25 combustion engine.

26 "Owner" means any individual, sole proprietorship, limited

1 partnership, co-partnership, joint venture, corporation,
2 cooperative, or other legal entity, including its agents, that
3 operates or will operate a plant located within the State of
4 Illinois.

5 "Plant" means a production facility that produces a
6 renewable fuel. "Plant" includes land, any building or other
7 improvement on or to land, and any personal properties deemed
8 necessary or suitable for use, whether or not now in existence,
9 in the processing of fuel from agricultural commodities or
10 by-products.

11 "Renewable fuel" means ethanol, gasohol, majority blended
12 ethanol fuel, biodiesel blend fuel, and biodiesel.

13 (Source: P.A. 93-15, eff. 6-11-03; 93-618, eff. 12-11-03;
14 94-793, eff. 5-19-06.)

15 Section 10. The Department of Revenue Law of the Civil
16 Administrative Code of Illinois is amended by changing Sections
17 2505-20 and 2505-210 as follows:

18 (20 ILCS 2505/2505-20) (was 20 ILCS 2505/39b2)

19 Sec. 2505-20. Motor Fuel Tax Law; Environmental Impact Fee
20 Law; fuel tax agreements and programs.

21 (a) The Department has the power to administer and enforce
22 the rights, powers and duties ~~contained in the Motor Fuel Tax~~
23 ~~Law that relate to the collection of revenues and to succeed to~~
24 ~~the rights, powers, and duties previously exercised by the~~

1 ~~Department of Finance in connection therewith; and to~~
2 ~~administer and enforce all the rights, powers, and duties that~~
3 relate to the collection of fees under the Environmental Impact
4 Fee Law.

5 (b) The Department is authorized to receive federal funds
6 provided for the purpose of facilitating participation in the
7 International Fuel Tax Agreement, International Registration
8 Plan, and other State fuel tax agreements and programs relating
9 to uniform motor fuel taxation and compliance. Those funds
10 shall be deposited in the Motor Fuel Tax Fund and will be
11 available to the Department pursuant to appropriation for its
12 administrative expenses including technical assistance,
13 personnel training, travel costs, and technology and equipment
14 associated with that participation. Those funds deposited in
15 the Motor Fuel Tax Fund shall not be distributed or allocated
16 as provided in the Motor Fuel Tax Law, but shall be reserved
17 for use by the Department.

18 (Source: P.A. 91-239, eff. 1-1-00.)

19 (20 ILCS 2505/2505-210) (was 20 ILCS 2505/39c-1)

20 Sec. 2505-210. Electronic funds transfer.

21 (a) The Department may provide means by which persons
22 having a tax liability under any Act administered by the
23 Department may use electronic funds transfer to pay the tax
24 liability.

25 (b) Mandatory payment by electronic funds transfer.

1 Beginning on October 1, 2002, and through September 30, 2010, a
2 taxpayer who has an annual tax liability of \$200,000 or more
3 shall make all payments of that tax to the Department by
4 electronic funds transfer. Beginning October 1, 2010, a
5 taxpayer (other than an individual taxpayer) who has an annual
6 tax liability of \$20,000 or more and an individual taxpayer who
7 has an annual tax liability of \$200,000 or more shall make all
8 payments of that tax to the Department by electronic funds
9 transfer. Before August 1 of each year, beginning in 2002, the
10 Department shall notify all taxpayers required to make payments
11 by electronic funds transfer. All taxpayers required to make
12 payments by electronic funds transfer shall make those payments
13 for a minimum of one year beginning on October 1. For purposes
14 of this subsection (b), the term "annual tax liability" means,
15 except as provided in subsections (c) and (d) of this Section,
16 the sum of the taxpayer's liabilities under a tax Act
17 administered by the Department, except the ~~Motor Fuel Tax Law~~
18 ~~and the~~ Environmental Impact Fee Law, for the immediately
19 preceding calendar year.

20 (c) For purposes of subsection (b), the term "annual tax
21 liability" means, for a taxpayer that incurs a tax liability
22 under the Retailers' Occupation Tax Act, Service Occupation Tax
23 Act, Use Tax Act, Service Use Tax Act, or any other State or
24 local occupation or use tax law that is administered by the
25 Department, the sum of the taxpayer's liabilities under the
26 Retailers' Occupation Tax Act, Service Occupation Tax Act, Use

1 Tax Act, Service Use Tax Act, and all other State and local
2 occupation and use tax laws administered by the Department for
3 the immediately preceding calendar year.

4 (d) For purposes of subsection (b), the term "annual tax
5 liability" means, for a taxpayer that incurs an Illinois income
6 tax liability, the greater of:

7 (1) the amount of the taxpayer's tax liability under
8 Article 7 of the Illinois Income Tax Act for the
9 immediately preceding calendar year; or

10 (2) the taxpayer's estimated tax payment obligation
11 under Article 8 of the Illinois Income Tax Act for the
12 immediately preceding calendar year.

13 (e) The Department shall adopt such rules as are necessary
14 to effectuate a program of electronic funds transfer and the
15 requirements of this Section.

16 (Source: P.A. 96-1027, eff. 7-12-10.)

17 Section 15. The Illinois Finance Authority Act is amended
18 by changing Sections 820-50 and 825-35 as follows:

19 (20 ILCS 3501/820-50)

20 Sec. 820-50. Pledge of Funds by Units of Local Government.

21 (a) Pledge of Funds. Any unit of local government which
22 receives funds from the Department of Revenue, including
23 without limitation funds received pursuant to Sections 8-11-1,
24 8-11-1.4, 8-11-5 or 8-11-6 of the Illinois Municipal Code, the

1 Home Rule County Retailers' Occupation Tax Act, the Home Rule
2 County Service Occupation Tax Act, Sections 25.05-2, 25.05-3 or
3 25.05-10 of "An Act to revise the law in relation to counties",
4 Section 5.01 of the Local Mass Transit District Act, Section
5 4.03 of the Regional Transportation Authority Act, Sections 2
6 or 12 of the State Revenue Sharing Act, ~~or from the Department~~
7 ~~of Transportation pursuant to Section 8 of the Motor Fuel Tax~~
8 ~~Law~~, or from the State Superintendent of Education (directly or
9 indirectly through regional superintendents of schools)
10 pursuant to Article 18 of the School Code, or any unit of
11 government which receives other funds which are at any time in
12 the custody of the State Treasurer, the State Comptroller, the
13 Department of Revenue, the Department of Transportation or the
14 State Superintendent of Education may by appropriate
15 proceedings, pledge to the Authority or any entity acting on
16 behalf of the Authority (including, without limitation, any
17 trustee), any or all of such receipts to the extent that such
18 receipts are necessary to provide revenues to pay the principal
19 of, premium, if any, and interest on, and other fees related
20 to, or to secure, any of the local government securities of
21 such unit of local government which have been sold or delivered
22 to the Authority or its designee or to pay lease rental
23 payments to be made by such unit of local government to the
24 extent that such lease rental payments secure the payment of
25 the principal of, premium, if any, and interest on, and other
26 fees related to, any local government securities which have

1 been sold or delivered to the Authority or its designee. Any
2 pledge of such receipts (or any portion thereof) shall
3 constitute a first and prior lien thereon and shall be binding
4 from the time the pledge is made.

5 (b) Direct Payment of Pledged Receipts. Any such unit of
6 local government may, by such proceedings, direct that all or
7 any of such pledged receipts payable to such unit of local
8 government be paid directly to the Authority or such other
9 entity (including, without limitation, any trustee) for the
10 purpose of paying the principal of, premium, if any, and
11 interest on, and fees relating to, such local government
12 securities or for the purpose of paying such lease rental
13 payments to the extent necessary to pay the principal of,
14 premium, if any, and interest on, and other fees related to,
15 such local government securities secured by such lease rental
16 payments. Upon receipt of a certified copy of such proceedings
17 by the State Treasurer, the State Comptroller, the Department
18 of Revenue, the Department of Transportation or the State
19 Superintendent of Education, as the case may be, such
20 Department or State Superintendent shall direct the State
21 Comptroller and State Treasurer to pay to, or on behalf of, the
22 Authority or such other entity (including, without limitation,
23 any trustee) all or such portion of the pledged receipts from
24 the Department of Revenue, or the Department of Transportation
25 or the State Superintendent of Education (directly or
26 indirectly through regional superintendents of schools), as

1 the case may be, sufficient to pay the principal of and
2 premium, if any, and interest on, and other fees related to,
3 the local governmental securities for which the pledge was made
4 or to pay such lease rental payments securing such local
5 government securities for which the pledge was made. The
6 proceedings shall constitute authorization for such a
7 directive to the State Comptroller to cause orders to be drawn
8 and to the State Treasurer to pay in accordance with such
9 directive. To the extent that the Authority or its designee
10 notifies the Department of Revenue, the Department of
11 Transportation or the State Superintendent of Education, as the
12 case may be, that the unit of local government has previously
13 paid to the Authority or its designee the amount of any
14 principal, premium, interest and fees payable from such pledged
15 receipts, the State Comptroller shall cause orders to be drawn
16 and the State Treasurer shall pay such pledged receipts to the
17 unit of local government as if they were not pledged receipts.
18 To the extent that such receipts are pledged and paid to the
19 Authority or such other entity, any taxes which have been
20 levied or fees or charges assessed pursuant to law on account
21 of the issuance of such local government securities shall be
22 paid to the unit of local government and may be used for the
23 purposes for which the pledged receipts would have been used.

24 (c) Payment of Pledged Receipts upon Default. Any such unit
25 of local government may, by such proceedings, direct that such
26 pledged receipts payable to such unit of local government be

1 paid to the Authority or such other entity (including, without
2 limitation, any trustee) upon a default in the payment of any
3 principal of, premium, if any, or interest on, or fees relating
4 to, any of the local government securities of such unit of
5 local government which have been sold or delivered to the
6 Authority or its designee or any of the local government
7 securities which have been sold or delivered to the Authority
8 or its designee and which are secured by such lease rental
9 payments. If such local governmental security is in default as
10 to the payment of principal thereof, premium, if any, or
11 interest thereon, or fees relating thereto, to the extent that
12 the State Treasurer, the State Comptroller, the Department of
13 Revenue, the Department of Transportation or the State
14 Superintendent of Education (directly or indirectly through
15 regional superintendents of schools) shall be the custodian at
16 any time of any other available funds or moneys pledged to the
17 payment of such local government securities or such lease
18 rental payments securing such local government securities
19 pursuant to this Section and due or payable to such a unit of
20 local government at any time subsequent to written notice to
21 the State Comptroller and State Treasurer from the Authority or
22 any entity acting on behalf of the Authority (including,
23 without limitation, any trustee) to the effect that such unit
24 of local government has not paid or is in default as to payment
25 of the principal of, premium, if any, or interest on, or fees
26 relating to, any local government security sold or delivered to

1 the Authority or any such entity (including, without
2 limitation, any trustee) or has not paid or is in default as to
3 the payment of such lease rental payments securing the payment
4 of the principal of, premium, if any, or interest on, or other
5 fees relating to, any local government security sold or
6 delivered to the Authority or such other entity (including,
7 without limitation, any trustee):

8 (i) The State Comptroller and the State Treasurer shall
9 withhold the payment of such funds or moneys from such unit
10 of local government until the amount of such principal,
11 premium, if any, interest or fees then due and unpaid has
12 been paid to the Authority or any such entity (including,
13 without limitation, any trustee), or the State Comptroller
14 and the State Treasurer have been advised that
15 arrangements, satisfactory to the Authority or such
16 entity, have been made for the payment of such principal,
17 premium, if any, interest and fees; and

18 (ii) Within 10 days after a demand for payment by the
19 Authority or such entity given to such unit of local
20 government, the State Treasurer and the State Comptroller,
21 the State Treasurer shall pay such funds or moneys as are
22 legally available therefor to the Authority or such entity
23 for the payment of principal of, premium, if any, or
24 interest on, or fees relating to, such local government
25 securities. The Authority or any such entity may carry out
26 this Section and exercise all the rights, remedies and

1 provisions provided or referred to in this Section.

2 (d) Remedies. Upon the sale or delivery of any local
3 government securities of the Authority or its designee, the
4 local government which issued such local government securities
5 shall be deemed to have agreed that upon its failure to pay
6 interest or premium, if any, on, or principal of, or fees
7 relating to, the local government securities sold or delivered
8 to the Authority or any entity acting on behalf of the
9 Authority (including, without limitation, any trustee) when
10 payable, all statutory defenses to nonpayment are thereby
11 waived. Upon a default in payment of principal of or interest
12 on any local government securities issued by a unit of local
13 government and sold or delivered to the Authority or its
14 designee, and upon demand on the unit of local government for
15 payment, if the local government securities are payable from
16 property taxes and funds are not legally available in the
17 treasury of the unit of local government to make payment, an
18 action in mandamus for the levy of a tax by the unit of local
19 government to pay the principal of or interest on the local
20 government securities shall lie, and the Authority or such
21 entity shall be constituted a holder or owner of the local
22 government securities as being in default. Upon the occurrence
23 of any failure or default with respect to any local government
24 securities issued by a unit of local government, the Authority
25 or such entity may thereupon avail itself of all remedies,
26 rights and provisions of law applicable in the circumstances,

1 and the failure to exercise or exert any rights or remedies
2 within a time or period provided by law may not be raised as a
3 defense by the unit of local government.

4 (Source: P.A. 93-205, eff. 1-1-04.)

5 (20 ILCS 3501/825-35)

6 Sec. 825-35. Pledge of Funds. Any financially distressed
7 city which receives funds from the Department of Revenue,
8 including without limitation funds received pursuant to
9 Section 8-11-1, 8-11-5 or 8-11-6 of the Illinois Municipal Code
10 or Section 2 or 12 of the State Revenue Sharing Act, or from
11 the Department of Transportation pursuant to Section 8 of the
12 Motor Fuel Tax Law, as it existed prior to the effective date
13 of this amendatory Act of the 98th General Assembly, may, by
14 appropriate proceedings, pledge to the Authority, or any entity
15 acting on behalf of the Authority (including, without
16 limitation, any trustee), any or all of such receipts to the
17 extent that such receipts are determined by the Authority to be
18 necessary to provide revenues to pay or secure the payment of
19 the principal of, premium, if any, and interest on any of the
20 bonds issued on behalf of, or loans made to, the financially
21 distressed city by the Authority under Sections 825-20 through
22 825-60. The adoption of such proceedings shall constitute a
23 directive to the State Comptroller and State Treasurer to pay
24 to, or on behalf of, the Authority or such other entity
25 (including, without limitation, any trustee) such portion of

1 the pledged receipts from the Department of Revenue or
2 Department of Transportation, as the case may be, and with the
3 State Comptroller and the State Treasurer. With respect to any
4 bonds issued on behalf of, or loans made to, the financially
5 distressed city by the Authority under Sections 825-20 through
6 825-60, which are in default in the payment of principal,
7 premium, if any, or interest, to the extent that the State
8 Treasurer, the State Comptroller, the Department of Revenue or
9 the Department of Transportation shall be the custodian at any
10 time of any other available funds or moneys pledged to the
11 payment of such local government securities or such lease
12 rental payments securing such local government securities
13 pursuant to this Section and due or payable to such a unit of
14 local government at any time subsequent to written notice to
15 the State Comptroller and State Treasurer from the Authority or
16 any entity acting on behalf of the Authority (including,
17 without limitation, any trustee) to the effect that such
18 financially distressed city has not paid or is in default as to
19 payment of the principal of, premium, if any, or interest on
20 any bonds issued on behalf of, or loans made to, the
21 financially distressed city by the Authority under Sections
22 825-20 through 825-60:

23 (a) The State Comptroller and the State Treasurer shall
24 withhold the payment of such funds or moneys from the
25 financially distressed city until the amount of such principal,
26 premium, if any, and interest then due and unpaid has been paid

1 to the Authority or such entity acting on behalf of the
2 Authority (including, without limitation, any trustee), or the
3 State Comptroller or State Treasurer have been advised that
4 arrangements, satisfactory to the Authority or such entity,
5 have been made for the payment of such principal, premium, if
6 any, and interest; and

7 (b) Within 10 days after a demand for payment by the
8 Authority or such entity is given to the State Treasurer and
9 the State Comptroller, the State Treasurer shall pay such funds
10 or moneys as are legally available therefor to the Authority or
11 such entity for the payment of principal, premium, if any, and
12 interest on such bonds or loans. The Authority or such entity
13 may carry out this Section and exercise all the rights,
14 remedies and provisions provided or referred to in this
15 Section.

16 (Source: P.A. 93-205, eff. 1-1-04.)

17 Section 20. The State Finance Act is amended by changing
18 Section 5d as follows:

19 (30 ILCS 105/5d) (from Ch. 127, par. 141d)

20 Sec. 5d. Except as provided by Section 5e of this Act, the
21 State Construction Account Fund shall be used exclusively for
22 the construction, reconstruction and maintenance of the State
23 maintained highway system. Except as provided by Section 5e of
24 this Act, none of the money deposited in the State Construction

1 Account Fund shall ~~be used to pay the cost of administering the~~
2 ~~Motor Fuel Tax Law as now or hereafter amended, nor~~ be
3 appropriated for use by the Department of Transportation to pay
4 the cost of its operations or administration, nor be used in
5 any manner for the payment of regular or contractual employees
6 of the State, nor be transferred or allocated by the
7 Comptroller and Treasurer or be otherwise used, except for the
8 sole purpose of construction, reconstruction and maintenance
9 of the State maintained highway system as the Illinois General
10 Assembly shall provide by appropriation from this fund.
11 Beginning with the month immediately following the effective
12 date of this amendatory Act of 1985, investment income which is
13 attributable to the investment of moneys of the State
14 Construction Account Fund shall be retained in that fund for
15 the uses specified in this Section.

16 (Source: P.A. 84-431.)

17 Section 25. The Use Tax Act is amended by changing Section
18 3-10 as follows:

19 (35 ILCS 105/3-10)

20 Sec. 3-10. Rate of tax. Unless otherwise provided in this
21 Section, the tax imposed by this Act is at the rate of 6.25% of
22 either the selling price or the fair market value, if any, of
23 the tangible personal property. In all cases where property
24 functionally used or consumed is the same as the property that

1 was purchased at retail, then the tax is imposed on the selling
2 price of the property. In all cases where property functionally
3 used or consumed is a by-product or waste product that has been
4 refined, manufactured, or produced from property purchased at
5 retail, then the tax is imposed on the lower of the fair market
6 value, if any, of the specific property so used in this State
7 or on the selling price of the property purchased at retail.
8 For purposes of this Section "fair market value" means the
9 price at which property would change hands between a willing
10 buyer and a willing seller, neither being under any compulsion
11 to buy or sell and both having reasonable knowledge of the
12 relevant facts. The fair market value shall be established by
13 Illinois sales by the taxpayer of the same property as that
14 functionally used or consumed, or if there are no such sales by
15 the taxpayer, then comparable sales or purchases of property of
16 like kind and character in Illinois.

17 Beginning on July 1, 2000 and through December 31, 2000,
18 with respect to motor fuel, as defined in Section 1.1 of the
19 Motor Fuel Tax Law, as it existed prior to the effective date
20 of this amendatory Act of the 98th General Assembly, and
21 gasohol, as defined in Section 3-40 of the Use Tax Act, the tax
22 is imposed at the rate of 1.25%.

23 Beginning on August 6, 2010 through August 15, 2010, with
24 respect to sales tax holiday items as defined in Section 3-6 of
25 this Act, the tax is imposed at the rate of 1.25%.

26 With respect to gasohol, the tax imposed by this Act

1 applies to (i) 70% of the proceeds of sales made on or after
2 January 1, 1990, and before July 1, 2003, (ii) 80% of the
3 proceeds of sales made on or after July 1, 2003 and on or
4 before December 31, 2018, and (iii) 100% of the proceeds of
5 sales made thereafter. If, at any time, however, the tax under
6 this Act on sales of gasohol is imposed at the rate of 1.25%,
7 then the tax imposed by this Act applies to 100% of the
8 proceeds of sales of gasohol made during that time.

9 With respect to majority blended ethanol fuel, the tax
10 imposed by this Act does not apply to the proceeds of sales
11 made on or after July 1, 2003 and on or before December 31,
12 2018 but applies to 100% of the proceeds of sales made
13 thereafter.

14 With respect to biodiesel blends with no less than 1% and
15 no more than 10% biodiesel, the tax imposed by this Act applies
16 to (i) 80% of the proceeds of sales made on or after July 1,
17 2003 and on or before December 31, 2018 and (ii) 100% of the
18 proceeds of sales made thereafter. If, at any time, however,
19 the tax under this Act on sales of biodiesel blends with no
20 less than 1% and no more than 10% biodiesel is imposed at the
21 rate of 1.25%, then the tax imposed by this Act applies to 100%
22 of the proceeds of sales of biodiesel blends with no less than
23 1% and no more than 10% biodiesel made during that time.

24 With respect to 100% biodiesel and biodiesel blends with
25 more than 10% but no more than 99% biodiesel, the tax imposed
26 by this Act does not apply to the proceeds of sales made on or

1 after July 1, 2003 and on or before December 31, 2018 but
2 applies to 100% of the proceeds of sales made thereafter.

3 With respect to food for human consumption that is to be
4 consumed off the premises where it is sold (other than
5 alcoholic beverages, soft drinks, and food that has been
6 prepared for immediate consumption) and prescription and
7 nonprescription medicines, drugs, medical appliances,
8 modifications to a motor vehicle for the purpose of rendering
9 it usable by a disabled person, and insulin, urine testing
10 materials, syringes, and needles used by diabetics, for human
11 use, the tax is imposed at the rate of 1%. For the purposes of
12 this Section, until September 1, 2009: the term "soft drinks"
13 means any complete, finished, ready-to-use, non-alcoholic
14 drink, whether carbonated or not, including but not limited to
15 soda water, cola, fruit juice, vegetable juice, carbonated
16 water, and all other preparations commonly known as soft drinks
17 of whatever kind or description that are contained in any
18 closed or sealed bottle, can, carton, or container, regardless
19 of size; but "soft drinks" does not include coffee, tea,
20 non-carbonated water, infant formula, milk or milk products as
21 defined in the Grade A Pasteurized Milk and Milk Products Act,
22 or drinks containing 50% or more natural fruit or vegetable
23 juice.

24 Notwithstanding any other provisions of this Act,
25 beginning September 1, 2009, "soft drinks" means non-alcoholic
26 beverages that contain natural or artificial sweeteners. "Soft

1 drinks" do not include beverages that contain milk or milk
2 products, soy, rice or similar milk substitutes, or greater
3 than 50% of vegetable or fruit juice by volume.

4 Until August 1, 2009, and notwithstanding any other
5 provisions of this Act, "food for human consumption that is to
6 be consumed off the premises where it is sold" includes all
7 food sold through a vending machine, except soft drinks and
8 food products that are dispensed hot from a vending machine,
9 regardless of the location of the vending machine. Beginning
10 August 1, 2009, and notwithstanding any other provisions of
11 this Act, "food for human consumption that is to be consumed
12 off the premises where it is sold" includes all food sold
13 through a vending machine, except soft drinks, candy, and food
14 products that are dispensed hot from a vending machine,
15 regardless of the location of the vending machine.

16 Notwithstanding any other provisions of this Act,
17 beginning September 1, 2009, "food for human consumption that
18 is to be consumed off the premises where it is sold" does not
19 include candy. For purposes of this Section, "candy" means a
20 preparation of sugar, honey, or other natural or artificial
21 sweeteners in combination with chocolate, fruits, nuts or other
22 ingredients or flavorings in the form of bars, drops, or
23 pieces. "Candy" does not include any preparation that contains
24 flour or requires refrigeration.

25 Notwithstanding any other provisions of this Act,
26 beginning September 1, 2009, "nonprescription medicines and

1 drugs" does not include grooming and hygiene products. For
2 purposes of this Section, "grooming and hygiene products"
3 includes, but is not limited to, soaps and cleaning solutions,
4 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan
5 lotions and screens, unless those products are available by
6 prescription only, regardless of whether the products meet the
7 definition of "over-the-counter-drugs". For the purposes of
8 this paragraph, "over-the-counter-drug" means a drug for human
9 use that contains a label that identifies the product as a drug
10 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"
11 label includes:

12 (A) A "Drug Facts" panel; or

13 (B) A statement of the "active ingredient(s)" with a
14 list of those ingredients contained in the compound,
15 substance or preparation.

16 Beginning on the effective date of this amendatory Act of
17 the 98th General Assembly, "prescription and nonprescription
18 medicines and drugs" includes medical cannabis purchased from a
19 registered dispensing organization under the Compassionate Use
20 of Medical Cannabis Pilot Program Act.

21 If the property that is purchased at retail from a retailer
22 is acquired outside Illinois and used outside Illinois before
23 being brought to Illinois for use here and is taxable under
24 this Act, the "selling price" on which the tax is computed
25 shall be reduced by an amount that represents a reasonable
26 allowance for depreciation for the period of prior out-of-state

1 use.

2 (Source: P.A. 97-636, eff. 6-1-12; 98-122, eff. 1-1-14.)

3 Section 30. The Service Use Tax Act is amended by changing
4 Section 3-10 as follows:

5 (35 ILCS 110/3-10) (from Ch. 120, par. 439.33-10)

6 Sec. 3-10. Rate of tax. Unless otherwise provided in this
7 Section, the tax imposed by this Act is at the rate of 6.25% of
8 the selling price of tangible personal property transferred as
9 an incident to the sale of service, but, for the purpose of
10 computing this tax, in no event shall the selling price be less
11 than the cost price of the property to the serviceman.

12 Beginning on July 1, 2000 and through December 31, 2000,
13 with respect to motor fuel, as defined in Section 1.1 of the
14 Motor Fuel Tax Law, as it existed prior to the effective date
15 of this amendatory Act of the 98th General Assembly, and
16 gasohol, as defined in Section 3-40 of the Use Tax Act, the tax
17 is imposed at the rate of 1.25%.

18 With respect to gasohol, as defined in the Use Tax Act, the
19 tax imposed by this Act applies to (i) 70% of the selling price
20 of property transferred as an incident to the sale of service
21 on or after January 1, 1990, and before July 1, 2003, (ii) 80%
22 of the selling price of property transferred as an incident to
23 the sale of service on or after July 1, 2003 and on or before
24 December 31, 2018, and (iii) 100% of the selling price

1 thereafter. If, at any time, however, the tax under this Act on
2 sales of gasohol, as defined in the Use Tax Act, is imposed at
3 the rate of 1.25%, then the tax imposed by this Act applies to
4 100% of the proceeds of sales of gasohol made during that time.

5 With respect to majority blended ethanol fuel, as defined
6 in the Use Tax Act, the tax imposed by this Act does not apply
7 to the selling price of property transferred as an incident to
8 the sale of service on or after July 1, 2003 and on or before
9 December 31, 2018 but applies to 100% of the selling price
10 thereafter.

11 With respect to biodiesel blends, as defined in the Use Tax
12 Act, with no less than 1% and no more than 10% biodiesel, the
13 tax imposed by this Act applies to (i) 80% of the selling price
14 of property transferred as an incident to the sale of service
15 on or after July 1, 2003 and on or before December 31, 2018 and
16 (ii) 100% of the proceeds of the selling price thereafter. If,
17 at any time, however, the tax under this Act on sales of
18 biodiesel blends, as defined in the Use Tax Act, with no less
19 than 1% and no more than 10% biodiesel is imposed at the rate
20 of 1.25%, then the tax imposed by this Act applies to 100% of
21 the proceeds of sales of biodiesel blends with no less than 1%
22 and no more than 10% biodiesel made during that time.

23 With respect to 100% biodiesel, as defined in the Use Tax
24 Act, and biodiesel blends, as defined in the Use Tax Act, with
25 more than 10% but no more than 99% biodiesel, the tax imposed
26 by this Act does not apply to the proceeds of the selling price

1 of property transferred as an incident to the sale of service
2 on or after July 1, 2003 and on or before December 31, 2018 but
3 applies to 100% of the selling price thereafter.

4 At the election of any registered serviceman made for each
5 fiscal year, sales of service in which the aggregate annual
6 cost price of tangible personal property transferred as an
7 incident to the sales of service is less than 35%, or 75% in
8 the case of servicemen transferring prescription drugs or
9 servicemen engaged in graphic arts production, of the aggregate
10 annual total gross receipts from all sales of service, the tax
11 imposed by this Act shall be based on the serviceman's cost
12 price of the tangible personal property transferred as an
13 incident to the sale of those services.

14 The tax shall be imposed at the rate of 1% on food prepared
15 for immediate consumption and transferred incident to a sale of
16 service subject to this Act or the Service Occupation Tax Act
17 by an entity licensed under the Hospital Licensing Act, the
18 Nursing Home Care Act, the ID/DD Community Care Act, the
19 Specialized Mental Health Rehabilitation Act of 2013, or the
20 Child Care Act of 1969. The tax shall also be imposed at the
21 rate of 1% on food for human consumption that is to be consumed
22 off the premises where it is sold (other than alcoholic
23 beverages, soft drinks, and food that has been prepared for
24 immediate consumption and is not otherwise included in this
25 paragraph) and prescription and nonprescription medicines,
26 drugs, medical appliances, modifications to a motor vehicle for

1 the purpose of rendering it usable by a disabled person, and
2 insulin, urine testing materials, syringes, and needles used by
3 diabetics, for human use. For the purposes of this Section,
4 until September 1, 2009: the term "soft drinks" means any
5 complete, finished, ready-to-use, non-alcoholic drink, whether
6 carbonated or not, including but not limited to soda water,
7 cola, fruit juice, vegetable juice, carbonated water, and all
8 other preparations commonly known as soft drinks of whatever
9 kind or description that are contained in any closed or sealed
10 bottle, can, carton, or container, regardless of size; but
11 "soft drinks" does not include coffee, tea, non-carbonated
12 water, infant formula, milk or milk products as defined in the
13 Grade A Pasteurized Milk and Milk Products Act, or drinks
14 containing 50% or more natural fruit or vegetable juice.

15 Notwithstanding any other provisions of this Act,
16 beginning September 1, 2009, "soft drinks" means non-alcoholic
17 beverages that contain natural or artificial sweeteners. "Soft
18 drinks" do not include beverages that contain milk or milk
19 products, soy, rice or similar milk substitutes, or greater
20 than 50% of vegetable or fruit juice by volume.

21 Until August 1, 2009, and notwithstanding any other
22 provisions of this Act, "food for human consumption that is to
23 be consumed off the premises where it is sold" includes all
24 food sold through a vending machine, except soft drinks and
25 food products that are dispensed hot from a vending machine,
26 regardless of the location of the vending machine. Beginning

1 August 1, 2009, and notwithstanding any other provisions of
2 this Act, "food for human consumption that is to be consumed
3 off the premises where it is sold" includes all food sold
4 through a vending machine, except soft drinks, candy, and food
5 products that are dispensed hot from a vending machine,
6 regardless of the location of the vending machine.

7 Notwithstanding any other provisions of this Act,
8 beginning September 1, 2009, "food for human consumption that
9 is to be consumed off the premises where it is sold" does not
10 include candy. For purposes of this Section, "candy" means a
11 preparation of sugar, honey, or other natural or artificial
12 sweeteners in combination with chocolate, fruits, nuts or other
13 ingredients or flavorings in the form of bars, drops, or
14 pieces. "Candy" does not include any preparation that contains
15 flour or requires refrigeration.

16 Notwithstanding any other provisions of this Act,
17 beginning September 1, 2009, "nonprescription medicines and
18 drugs" does not include grooming and hygiene products. For
19 purposes of this Section, "grooming and hygiene products"
20 includes, but is not limited to, soaps and cleaning solutions,
21 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan
22 lotions and screens, unless those products are available by
23 prescription only, regardless of whether the products meet the
24 definition of "over-the-counter-drugs". For the purposes of
25 this paragraph, "over-the-counter-drug" means a drug for human
26 use that contains a label that identifies the product as a drug

1 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"
2 label includes:

3 (A) A "Drug Facts" panel; or

4 (B) A statement of the "active ingredient(s)" with a
5 list of those ingredients contained in the compound,
6 substance or preparation.

7 Beginning on January 1, 2014 (the effective date of Public
8 Act 98-122) ~~this amendatory Act of the 98th General Assembly,~~
9 "prescription and nonprescription medicines and drugs"
10 includes medical cannabis purchased from a registered
11 dispensing organization under the Compassionate Use of Medical
12 Cannabis Pilot Program Act.

13 If the property that is acquired from a serviceman is
14 acquired outside Illinois and used outside Illinois before
15 being brought to Illinois for use here and is taxable under
16 this Act, the "selling price" on which the tax is computed
17 shall be reduced by an amount that represents a reasonable
18 allowance for depreciation for the period of prior out-of-state
19 use.

20 (Source: P.A. 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; 97-636,
21 eff. 6-1-12; 98-104, eff. 7-22-13; 98-122, eff. 1-1-14; revised
22 8-9-13.)

23 Section 35. The Service Occupation Tax Act is amended by
24 changing Section 3-10 as follows:

1 (35 ILCS 115/3-10) (from Ch. 120, par. 439.103-10)

2 Sec. 3-10. Rate of tax. Unless otherwise provided in this
3 Section, the tax imposed by this Act is at the rate of 6.25% of
4 the "selling price", as defined in Section 2 of the Service Use
5 Tax Act, of the tangible personal property. For the purpose of
6 computing this tax, in no event shall the "selling price" be
7 less than the cost price to the serviceman of the tangible
8 personal property transferred. The selling price of each item
9 of tangible personal property transferred as an incident of a
10 sale of service may be shown as a distinct and separate item on
11 the serviceman's billing to the service customer. If the
12 selling price is not so shown, the selling price of the
13 tangible personal property is deemed to be 50% of the
14 serviceman's entire billing to the service customer. When,
15 however, a serviceman contracts to design, develop, and produce
16 special order machinery or equipment, the tax imposed by this
17 Act shall be based on the serviceman's cost price of the
18 tangible personal property transferred incident to the
19 completion of the contract.

20 Beginning on July 1, 2000 and through December 31, 2000,
21 with respect to motor fuel, as defined in Section 1.1 of the
22 Motor Fuel Tax Law, as it existed prior to the effective date
23 of this amendatory Act of the 98th General Assembly, and
24 gasohol, as defined in Section 3-40 of the Use Tax Act, the tax
25 is imposed at the rate of 1.25%.

26 With respect to gasohol, as defined in the Use Tax Act, the

1 tax imposed by this Act shall apply to (i) 70% of the cost
2 price of property transferred as an incident to the sale of
3 service on or after January 1, 1990, and before July 1, 2003,
4 (ii) 80% of the selling price of property transferred as an
5 incident to the sale of service on or after July 1, 2003 and on
6 or before December 31, 2018, and (iii) 100% of the cost price
7 thereafter. If, at any time, however, the tax under this Act on
8 sales of gasohol, as defined in the Use Tax Act, is imposed at
9 the rate of 1.25%, then the tax imposed by this Act applies to
10 100% of the proceeds of sales of gasohol made during that time.

11 With respect to majority blended ethanol fuel, as defined
12 in the Use Tax Act, the tax imposed by this Act does not apply
13 to the selling price of property transferred as an incident to
14 the sale of service on or after July 1, 2003 and on or before
15 December 31, 2018 but applies to 100% of the selling price
16 thereafter.

17 With respect to biodiesel blends, as defined in the Use Tax
18 Act, with no less than 1% and no more than 10% biodiesel, the
19 tax imposed by this Act applies to (i) 80% of the selling price
20 of property transferred as an incident to the sale of service
21 on or after July 1, 2003 and on or before December 31, 2018 and
22 (ii) 100% of the proceeds of the selling price thereafter. If,
23 at any time, however, the tax under this Act on sales of
24 biodiesel blends, as defined in the Use Tax Act, with no less
25 than 1% and no more than 10% biodiesel is imposed at the rate
26 of 1.25%, then the tax imposed by this Act applies to 100% of

1 the proceeds of sales of biodiesel blends with no less than 1%
2 and no more than 10% biodiesel made during that time.

3 With respect to 100% biodiesel, as defined in the Use Tax
4 Act, and biodiesel blends, as defined in the Use Tax Act, with
5 more than 10% but no more than 99% biodiesel material, the tax
6 imposed by this Act does not apply to the proceeds of the
7 selling price of property transferred as an incident to the
8 sale of service on or after July 1, 2003 and on or before
9 December 31, 2018 but applies to 100% of the selling price
10 thereafter.

11 At the election of any registered serviceman made for each
12 fiscal year, sales of service in which the aggregate annual
13 cost price of tangible personal property transferred as an
14 incident to the sales of service is less than 35%, or 75% in
15 the case of servicemen transferring prescription drugs or
16 servicemen engaged in graphic arts production, of the aggregate
17 annual total gross receipts from all sales of service, the tax
18 imposed by this Act shall be based on the serviceman's cost
19 price of the tangible personal property transferred incident to
20 the sale of those services.

21 The tax shall be imposed at the rate of 1% on food prepared
22 for immediate consumption and transferred incident to a sale of
23 service subject to this Act or the Service Occupation Tax Act
24 by an entity licensed under the Hospital Licensing Act, the
25 Nursing Home Care Act, the ID/DD Community Care Act, the
26 Specialized Mental Health Rehabilitation Act of 2013, or the

1 Child Care Act of 1969. The tax shall also be imposed at the
2 rate of 1% on food for human consumption that is to be consumed
3 off the premises where it is sold (other than alcoholic
4 beverages, soft drinks, and food that has been prepared for
5 immediate consumption and is not otherwise included in this
6 paragraph) and prescription and nonprescription medicines,
7 drugs, medical appliances, modifications to a motor vehicle for
8 the purpose of rendering it usable by a disabled person, and
9 insulin, urine testing materials, syringes, and needles used by
10 diabetics, for human use. For the purposes of this Section,
11 until September 1, 2009: the term "soft drinks" means any
12 complete, finished, ready-to-use, non-alcoholic drink, whether
13 carbonated or not, including but not limited to soda water,
14 cola, fruit juice, vegetable juice, carbonated water, and all
15 other preparations commonly known as soft drinks of whatever
16 kind or description that are contained in any closed or sealed
17 can, carton, or container, regardless of size; but "soft
18 drinks" does not include coffee, tea, non-carbonated water,
19 infant formula, milk or milk products as defined in the Grade A
20 Pasteurized Milk and Milk Products Act, or drinks containing
21 50% or more natural fruit or vegetable juice.

22 Notwithstanding any other provisions of this Act,
23 beginning September 1, 2009, "soft drinks" means non-alcoholic
24 beverages that contain natural or artificial sweeteners. "Soft
25 drinks" do not include beverages that contain milk or milk
26 products, soy, rice or similar milk substitutes, or greater

1 than 50% of vegetable or fruit juice by volume.

2 Until August 1, 2009, and notwithstanding any other
3 provisions of this Act, "food for human consumption that is to
4 be consumed off the premises where it is sold" includes all
5 food sold through a vending machine, except soft drinks and
6 food products that are dispensed hot from a vending machine,
7 regardless of the location of the vending machine. Beginning
8 August 1, 2009, and notwithstanding any other provisions of
9 this Act, "food for human consumption that is to be consumed
10 off the premises where it is sold" includes all food sold
11 through a vending machine, except soft drinks, candy, and food
12 products that are dispensed hot from a vending machine,
13 regardless of the location of the vending machine.

14 Notwithstanding any other provisions of this Act,
15 beginning September 1, 2009, "food for human consumption that
16 is to be consumed off the premises where it is sold" does not
17 include candy. For purposes of this Section, "candy" means a
18 preparation of sugar, honey, or other natural or artificial
19 sweeteners in combination with chocolate, fruits, nuts or other
20 ingredients or flavorings in the form of bars, drops, or
21 pieces. "Candy" does not include any preparation that contains
22 flour or requires refrigeration.

23 Notwithstanding any other provisions of this Act,
24 beginning September 1, 2009, "nonprescription medicines and
25 drugs" does not include grooming and hygiene products. For
26 purposes of this Section, "grooming and hygiene products"

1 includes, but is not limited to, soaps and cleaning solutions,
2 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan
3 lotions and screens, unless those products are available by
4 prescription only, regardless of whether the products meet the
5 definition of "over-the-counter-drugs". For the purposes of
6 this paragraph, "over-the-counter-drug" means a drug for human
7 use that contains a label that identifies the product as a drug
8 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"
9 label includes:

10 (A) A "Drug Facts" panel; or

11 (B) A statement of the "active ingredient(s)" with a
12 list of those ingredients contained in the compound,
13 substance or preparation.

14 Beginning on January 1, 2014 (the effective date of Public
15 Act 98-122) ~~this amendatory Act of the 98th General Assembly,~~
16 "prescription and nonprescription medicines and drugs"
17 includes medical cannabis purchased from a registered
18 dispensing organization under the Compassionate Use of Medical
19 Cannabis Pilot Program Act.

20 (Source: P.A. 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; 97-636,
21 eff. 6-1-12; 98-104, eff. 7-22-13; 98-122, eff. 1-1-14; revised
22 8-9-13.)

23 Section 40. The Retailers' Occupation Tax Act is amended by
24 changing Sections 2-10 and 2d as follows:

1 (35 ILCS 120/2-10)

2 Sec. 2-10. Rate of tax. Unless otherwise provided in this
3 Section, the tax imposed by this Act is at the rate of 6.25% of
4 gross receipts from sales of tangible personal property made in
5 the course of business.

6 Beginning on July 1, 2000 and through December 31, 2000,
7 with respect to motor fuel, as defined in Section 1.1 of the
8 Motor Fuel Tax Law, as it existed prior to the effective date
9 of this amendatory Act of the 98th General Assembly, and
10 gasohol, as defined in Section 3-40 of the Use Tax Act, the tax
11 is imposed at the rate of 1.25%.

12 Beginning on August 6, 2010 through August 15, 2010, with
13 respect to sales tax holiday items as defined in Section 2-8 of
14 this Act, the tax is imposed at the rate of 1.25%.

15 Within 14 days after the effective date of this amendatory
16 Act of the 91st General Assembly, each retailer of motor fuel
17 and gasohol shall cause the following notice to be posted in a
18 prominently visible place on each retail dispensing device that
19 is used to dispense motor fuel or gasohol in the State of
20 Illinois: "As of July 1, 2000, the State of Illinois has
21 eliminated the State's share of sales tax on motor fuel and
22 gasohol through December 31, 2000. The price on this pump
23 should reflect the elimination of the tax." The notice shall be
24 printed in bold print on a sign that is no smaller than 4
25 inches by 8 inches. The sign shall be clearly visible to
26 customers. Any retailer who fails to post or maintain a

1 required sign through December 31, 2000 is guilty of a petty
2 offense for which the fine shall be \$500 per day per each
3 retail premises where a violation occurs.

4 With respect to gasohol, as defined in the Use Tax Act, the
5 tax imposed by this Act applies to (i) 70% of the proceeds of
6 sales made on or after January 1, 1990, and before July 1,
7 2003, (ii) 80% of the proceeds of sales made on or after July
8 1, 2003 and on or before December 31, 2018, and (iii) 100% of
9 the proceeds of sales made thereafter. If, at any time,
10 however, the tax under this Act on sales of gasohol, as defined
11 in the Use Tax Act, is imposed at the rate of 1.25%, then the
12 tax imposed by this Act applies to 100% of the proceeds of
13 sales of gasohol made during that time.

14 With respect to majority blended ethanol fuel, as defined
15 in the Use Tax Act, the tax imposed by this Act does not apply
16 to the proceeds of sales made on or after July 1, 2003 and on or
17 before December 31, 2018 but applies to 100% of the proceeds of
18 sales made thereafter.

19 With respect to biodiesel blends, as defined in the Use Tax
20 Act, with no less than 1% and no more than 10% biodiesel, the
21 tax imposed by this Act applies to (i) 80% of the proceeds of
22 sales made on or after July 1, 2003 and on or before December
23 31, 2018 and (ii) 100% of the proceeds of sales made
24 thereafter. If, at any time, however, the tax under this Act on
25 sales of biodiesel blends, as defined in the Use Tax Act, with
26 no less than 1% and no more than 10% biodiesel is imposed at

1 the rate of 1.25%, then the tax imposed by this Act applies to
2 100% of the proceeds of sales of biodiesel blends with no less
3 than 1% and no more than 10% biodiesel made during that time.

4 With respect to 100% biodiesel, as defined in the Use Tax
5 Act, and biodiesel blends, as defined in the Use Tax Act, with
6 more than 10% but no more than 99% biodiesel, the tax imposed
7 by this Act does not apply to the proceeds of sales made on or
8 after July 1, 2003 and on or before December 31, 2018 but
9 applies to 100% of the proceeds of sales made thereafter.

10 With respect to food for human consumption that is to be
11 consumed off the premises where it is sold (other than
12 alcoholic beverages, soft drinks, and food that has been
13 prepared for immediate consumption) and prescription and
14 nonprescription medicines, drugs, medical appliances,
15 modifications to a motor vehicle for the purpose of rendering
16 it usable by a disabled person, and insulin, urine testing
17 materials, syringes, and needles used by diabetics, for human
18 use, the tax is imposed at the rate of 1%. For the purposes of
19 this Section, until September 1, 2009: the term "soft drinks"
20 means any complete, finished, ready-to-use, non-alcoholic
21 drink, whether carbonated or not, including but not limited to
22 soda water, cola, fruit juice, vegetable juice, carbonated
23 water, and all other preparations commonly known as soft drinks
24 of whatever kind or description that are contained in any
25 closed or sealed bottle, can, carton, or container, regardless
26 of size; but "soft drinks" does not include coffee, tea,

1 non-carbonated water, infant formula, milk or milk products as
2 defined in the Grade A Pasteurized Milk and Milk Products Act,
3 or drinks containing 50% or more natural fruit or vegetable
4 juice.

5 Notwithstanding any other provisions of this Act,
6 beginning September 1, 2009, "soft drinks" means non-alcoholic
7 beverages that contain natural or artificial sweeteners. "Soft
8 drinks" do not include beverages that contain milk or milk
9 products, soy, rice or similar milk substitutes, or greater
10 than 50% of vegetable or fruit juice by volume.

11 Until August 1, 2009, and notwithstanding any other
12 provisions of this Act, "food for human consumption that is to
13 be consumed off the premises where it is sold" includes all
14 food sold through a vending machine, except soft drinks and
15 food products that are dispensed hot from a vending machine,
16 regardless of the location of the vending machine. Beginning
17 August 1, 2009, and notwithstanding any other provisions of
18 this Act, "food for human consumption that is to be consumed
19 off the premises where it is sold" includes all food sold
20 through a vending machine, except soft drinks, candy, and food
21 products that are dispensed hot from a vending machine,
22 regardless of the location of the vending machine.

23 Notwithstanding any other provisions of this Act,
24 beginning September 1, 2009, "food for human consumption that
25 is to be consumed off the premises where it is sold" does not
26 include candy. For purposes of this Section, "candy" means a

1 preparation of sugar, honey, or other natural or artificial
2 sweeteners in combination with chocolate, fruits, nuts or other
3 ingredients or flavorings in the form of bars, drops, or
4 pieces. "Candy" does not include any preparation that contains
5 flour or requires refrigeration.

6 Notwithstanding any other provisions of this Act,
7 beginning September 1, 2009, "nonprescription medicines and
8 drugs" does not include grooming and hygiene products. For
9 purposes of this Section, "grooming and hygiene products"
10 includes, but is not limited to, soaps and cleaning solutions,
11 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan
12 lotions and screens, unless those products are available by
13 prescription only, regardless of whether the products meet the
14 definition of "over-the-counter-drugs". For the purposes of
15 this paragraph, "over-the-counter-drug" means a drug for human
16 use that contains a label that identifies the product as a drug
17 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"
18 label includes:

19 (A) A "Drug Facts" panel; or

20 (B) A statement of the "active ingredient(s)" with a
21 list of those ingredients contained in the compound,
22 substance or preparation.

23 Beginning on the effective date of this amendatory Act of
24 the 98th General Assembly, "prescription and nonprescription
25 medicines and drugs" includes medical cannabis purchased from a
26 registered dispensing organization under the Compassionate Use

1 of Medical Cannabis Pilot Program Act.

2 (Source: P.A. 97-636, eff. 6-1-12; 98-122, eff. 1-1-14.)

3 (35 ILCS 120/2d) (from Ch. 120, par. 441d)

4 Sec. 2d. Tax prepayment by motor fuel retailer.

5 (a) Any person engaged in the business of selling motor
6 fuel at retail, as defined in the Motor Fuel Tax Law, as it
7 existed prior to the effective date of this amendatory Act of
8 the 98th General Assembly, and who is not a licensed
9 distributor or supplier, as defined in the Motor Fuel Tax Law,
10 as it existed prior to the effective date of this amendatory
11 Act of the 98th General Assembly, shall prepay to his or her
12 distributor, supplier, or other reseller of motor fuel a
13 portion of the tax imposed by this Act if the distributor,
14 supplier, or other reseller of motor fuel is registered under
15 Section 2a or Section 2c of this Act. The prepayment
16 requirement provided for in this Section does not apply to
17 liquid propane gas.

18 (b) Beginning on July 1, 2000 and through December 31,
19 2000, the Retailers' Occupation Tax paid to the distributor,
20 supplier, or other reseller shall be an amount equal to \$0.01
21 per gallon of the motor fuel, except gasohol as defined in
22 Section 2-10 of this Act which shall be an amount equal to
23 \$0.01 per gallon, purchased from the distributor, supplier, or
24 other reseller.

25 (c) Before July 1, 2000 and then beginning on January 1,

1 2001 and through June 30, 2003, the Retailers' Occupation Tax
2 paid to the distributor, supplier, or other reseller shall be
3 an amount equal to \$0.04 per gallon of the motor fuel, except
4 gasohol as defined in Section 2-10 of this Act which shall be
5 an amount equal to \$0.03 per gallon, purchased from the
6 distributor, supplier, or other reseller.

7 (d) Beginning July 1, 2003 and through December 31, 2010,
8 the Retailers' Occupation Tax paid to the distributor,
9 supplier, or other reseller shall be an amount equal to \$0.06
10 per gallon of the motor fuel, except gasohol as defined in
11 Section 2-10 of this Act which shall be an amount equal to
12 \$0.05 per gallon, purchased from the distributor, supplier, or
13 other reseller.

14 (e) Beginning on January 1, 2011 and thereafter, the
15 Retailers' Occupation Tax paid to the distributor, supplier, or
16 other reseller shall be at the rate established by the
17 Department under this subsection. The rate shall be established
18 by the Department on January 1 and July 1 of each year using
19 the average selling price, as defined in Section 1 of this Act,
20 per gallon of motor fuel sold in the State during the previous
21 6 months and multiplying that amount by 6.25% to determine the
22 cents per gallon rate. In the case of biodiesel blends, as
23 defined in Section 3-42 of the Use Tax Act, with no less than
24 1% and no more than 10% biodiesel, and in the case of gasohol,
25 as defined in Section 3-40 of the Use Tax Act, the rate shall
26 be 80% of the rate established by the Department under this

1 subsection for motor fuel. The Department shall provide persons
2 subject to this Section notice of the rate established under
3 this subsection at least 20 days prior to each January 1 and
4 July 1. Publication of the established rate on the Department's
5 internet website shall constitute sufficient notice under this
6 Section. The Department may use data derived from independent
7 surveys conducted or accumulated by third parties to determine
8 the average selling price per gallon of motor fuel sold in the
9 State.

10 (f) Any person engaged in the business of selling motor
11 fuel at retail shall be entitled to a credit against tax due
12 under this Act in an amount equal to the tax paid to the
13 distributor, supplier, or other reseller.

14 (g) Every distributor, supplier, or other reseller
15 registered as provided in Section 2a or Section 2c of this Act
16 shall remit the prepaid tax on all motor fuel that is due from
17 any person engaged in the business of selling at retail motor
18 fuel with the returns filed under Section 2f or Section 3 of
19 this Act, but the vendors discount provided in Section 3 shall
20 not apply to the amount of prepaid tax that is remitted. Any
21 distributor or supplier who fails to properly collect and remit
22 the tax shall be liable for the tax. For purposes of this
23 Section, the prepaid tax is due on invoiced gallons sold during
24 a month by the 20th day of the following month.

25 (Source: P.A. 96-1384, eff. 7-29-10.)

1 (35 ILCS 505/Act rep.)

2 Section 45. The Motor Fuel Tax Law is repealed.

3 Section 50. The Illinois Independent Tax Tribunal Act of
4 2012 is amended by changing Section 1-45 as follows:

5 (35 ILCS 1010/1-45)

6 Sec. 1-45. Jurisdiction of the Tax Tribunal.

7 (a) Except as provided by the Constitution of the United
8 States, the Constitution of the State of Illinois, or any
9 statutes of this State, including, but not limited to, the
10 State Officers and Employees Money Disposition Act, the Tax
11 Tribunal shall have original jurisdiction over all
12 determinations of the Department reflected on a Notice of
13 Deficiency, Notice of Tax Liability, Notice of Claim Denial, or
14 Notice of Penalty Liability issued under the Illinois Income
15 Tax Act, the Use Tax Act, the Service Use Tax Act, the Service
16 Occupation Tax Act, the Retailers' Occupation Tax Act, the
17 Cigarette Tax Act, the Cigarette Use Tax Act, the Tobacco
18 Products Tax Act of 1995, the Hotel Operators' Occupation Tax
19 Act, ~~the Motor Fuel Tax Law,~~ the Automobile Renting Occupation
20 and Use Tax Act, the Coin-Operated Amusement Device and
21 Redemption Machine Tax Act, the Gas Revenue Tax Act, the Water
22 Company Invested Capital Tax Act, the Telecommunications
23 Excise Tax Act, the Telecommunications Infrastructure
24 Maintenance Fee Act, the Public Utilities Revenue Act, the

1 Electricity Excise Tax Law, the Aircraft Use Tax Law, the
2 Watercraft Use Tax Law, the Gas Use Tax Law, or the Uniform
3 Penalty and Interest Act. Jurisdiction of the Tax Tribunal is
4 limited to Notices of Tax Liability, Notices of Deficiency,
5 Notices of Claim Denial, and Notices of Penalty Liability where
6 the amount at issue in a notice, or the aggregate amount at
7 issue in multiple notices issued for the same tax year or audit
8 period, exceeds \$15,000, exclusive of penalties and interest.
9 In notices solely asserting either an interest or penalty
10 assessment, or both, the Tax Tribunal shall have jurisdiction
11 over cases where the combined total of all penalties or
12 interest assessed exceeds \$15,000.

13 (b) Except as otherwise permitted by this Act and by the
14 Constitution of the State of Illinois or otherwise by State
15 law, including, but not limited to, the State Officers and
16 Employees Money Disposition Act, no person shall contest any
17 matter within the jurisdiction of the Tax Tribunal in any
18 action, suit, or proceeding in the circuit court or any other
19 court of the State. If a person attempts to do so, then such
20 action, suit, or proceeding shall be dismissed without
21 prejudice. The improper commencement of any action, suit, or
22 proceeding does not extend the time period for commencing a
23 proceeding in the Tax Tribunal.

24 (c) The Tax Tribunal may require the taxpayer to post a
25 bond equal to 25% of the liability at issue (1) upon motion of
26 the Department and a showing that (A) the taxpayer's action is

1 frivolous or legally insufficient or (B) the taxpayer is acting
2 primarily for the purpose of delaying the collection of tax or
3 prejudicing the ability ultimately to collect the tax, or (2)
4 if, at any time during the proceedings, it is determined by the
5 Tax Tribunal that the taxpayer is not pursuing the resolution
6 of the case with due diligence. If the Tax Tribunal finds in a
7 particular case that the taxpayer cannot procure and furnish a
8 satisfactory surety or sureties for the kind of bond required
9 herein, the Tax Tribunal may relieve the taxpayer of the
10 obligation of filing such bond, if, upon the timely application
11 for a lien in lieu thereof and accompanying proof therein
12 submitted, the Tax Tribunal is satisfied that any such lien
13 imposed would operate to secure the assessment in the manner
14 and to the degree as would a bond. The Tax Tribunal shall adopt
15 rules for the procedures to be used in securing a bond or lien
16 under this Section.

17 (d) If, with or after the filing of a timely petition, the
18 taxpayer pays all or part of the tax or other amount in issue
19 before the Tax Tribunal has rendered a decision, the Tax
20 Tribunal shall treat the taxpayer's petition as a protest of a
21 denial of claim for refund of the amount so paid upon a written
22 motion filed by the taxpayer.

23 (e) The Tax Tribunal shall not have jurisdiction to review:

24 (1) any assessment made under the Property Tax Code;

25 (2) any decisions relating to the issuance or denial of
26 an exemption ruling for any entity claiming exemption from

1 any tax imposed under the Property Tax Code or any State
2 tax administered by the Department;

3 (3) a notice of proposed tax liability, notice of
4 proposed deficiency, or any other notice of proposed
5 assessment or notice of intent to take some action;

6 (4) any action or determination of the Department
7 regarding tax liabilities that have become finalized by
8 law, including but not limited to the issuance of liens,
9 levies, and revocations, suspensions, or denials of
10 licenses or certificates of registration or any other
11 collection activities;

12 (5) any proceedings of the Department's informal
13 administrative appeals function; and

14 (6) any challenge to an administrative subpoena issued
15 by the Department.

16 (f) The Tax Tribunal shall decide questions regarding the
17 constitutionality of statutes and rules adopted by the
18 Department as applied to the taxpayer, but shall not have the
19 power to declare a statute or rule unconstitutional or
20 otherwise invalid on its face. A taxpayer challenging the
21 constitutionality of a statute or rule on its face may present
22 such challenge to the Tax Tribunal for the sole purpose of
23 making a record for review by the Illinois Appellate Court.
24 Failure to raise a constitutional issue regarding the
25 application of a statute or regulations to the taxpayer shall
26 not preclude the taxpayer or the Department from raising those

1 issues at the appellate court level.

2 (Source: P.A. 97-1129, eff. 8-28-12; 98-463, eff. 8-16-13.)

3 Section 55. The Investment of Municipal Funds Act is
4 amended by changing Section 1 as follows:

5 (50 ILCS 340/1) (from Ch. 146 1/2, par. 3.1)

6 Sec. 1. Every county, park district, sanitary district, or
7 other municipal corporation, holding in its treasury funds
8 which are set aside for use for particular purposes, ~~including~~
9 ~~any funds that are disbursed to a county or municipality as~~
10 ~~their share of the taxes collected under the "Motor Fuel Tax~~
11 ~~Law",~~ but which are not immediately necessary for those
12 purposes, by ordinance, may use those funds, or any of them, in
13 the purchase of tax anticipation warrants issued by the county,
14 park district, sanitary district, or other municipal
15 corporation possessing the funds against taxes levied by that
16 county, park district, sanitary district, or other municipal
17 corporation. These warrants shall bear interest not to exceed
18 four percent annually. All interest upon these warrants, and
19 all money paid in redemption of these warrants, or received
20 from the resale thereof, shall at once be credited to and
21 placed in the particular fund used to purchase the specified
22 warrants. Likewise, every county, park district, sanitary
23 district, or other municipal corporation, by resolution or
24 ordinance may use the money in the specified funds in the

1 purchase of municipal bonds issued by the county, park
2 district, sanitary district, or other municipal corporation,
3 possessing the funds and representing an obligation and
4 pledging the credit of that county, park district, sanitary
5 district, or other municipal corporation, or bonds and other
6 interest bearing obligations of the United States, of the State
7 of Illinois, or of any other state or of any political
8 subdivision or agency of the State of Illinois or of any other
9 state, whether the interest earned thereon is taxable or
10 tax-exempt under federal law, including savings accounts and
11 savings certificates of deposit of any State or National Bank
12 if such accounts and certificates are fully insured by the
13 Federal Deposit Insurance Corporation, withdrawable capital
14 accounts or deposits of State or federal chartered savings and
15 loan associations which are fully insured by the Federal
16 Savings and Loan Insurance Corporation, or treasury notes and
17 other securities issued by agencies of the United States. All
18 interest upon these bonds or obligations and all money paid in
19 redemption of these bonds or obligations or realized from the
20 sale thereof, if afterwards sold, shall at once be credited to
21 and placed in the particular fund used to purchase the
22 specified bonds or obligations.

23 No bank or savings and loan association shall receive
24 public funds as permitted by this Section, unless it has
25 complied with the requirements established pursuant to Section
26 6 of "An Act relating to certain investments of public funds by

1 public agencies", approved July 23, 1943, as now or hereafter
2 amended.

3 This amendatory Act of 1975 is not a limit on any home rule
4 unit.

5 (Source: P.A. 93-360, eff. 7-24-03.)

6 Section 60. The Illinois Municipal Code is amended by
7 changing Sections 8-3-4 and 8-11-15 as follows:

8 (65 ILCS 5/8-3-4) (from Ch. 24, par. 8-3-4)

9 Sec. 8-3-4. Whenever a municipality is required to levy a
10 tax for the payment of a particular debt, appropriation, or
11 liability of the municipality, the tax for that purpose shall
12 be included in the total amount levied by the corporate
13 authorities, and certified to the county clerk as provided in
14 Section 8-3-1. However, if a municipality has funds arising
15 from any source whatsoever, ~~including allocations received or~~
16 ~~to be received under the Motor Fuel Tax Law,~~ as heretofore and
17 hereafter amended which may lawfully be used for the retirement
18 of a particular debt, appropriation or liability of the
19 municipality, or the payment of the next maturing installment
20 thereof, then if the municipality by resolution directs the
21 application of such funds to the payment of the particular
22 debt, appropriation or liability or next maturing installment
23 thereof, it shall certify such resolution to the county clerk
24 as provided in Section 8-3-1. The county clerk shall abate the

1 levy for the payment of the particular debt, appropriation or
2 liability or the next maturing installment thereof to the
3 extent of the funds so certified as available for such payment.
4 The corporate authorities shall determine, in the ordinance
5 making that levy, what proportion of that total amount shall be
6 applied to the payment of the particular debt, appropriation or
7 liability. The municipal treasurer shall set apart that
8 proportion of the tax, collected and paid to him, for the
9 payment of the particular debt, appropriation or liability, and
10 shall not disburse that proportion of the tax for any other
11 purpose until the debt, appropriation or liability has been
12 discharged.

13 (Source: Laws 1961, p. 576.)

14 (65 ILCS 5/8-11-15) (from Ch. 24, par. 8-11-15)

15 Sec. 8-11-15. (a) The corporate authorities of a
16 municipality of over 100,000 inhabitants may, upon approval of
17 the electors of the municipality pursuant to subsection (b),
18 impose a tax of one cent per gallon on motor fuel sold at
19 retail within such municipality. A tax imposed pursuant to this
20 Section shall be paid in addition to any other taxes on such
21 motor fuel.

22 (b) The corporate authorities of the municipality may by
23 resolution call for the submission to the electors of the
24 municipality of the question of whether the municipality shall
25 impose such tax. Such question shall be certified by the

1 municipal clerk to the election authority in accordance with
2 Section 28-5 of The Election Code. The question shall be in
3 substantially the following form:

4 -----

5 Shall the city (village or
6 incorporated town) of YES
7 impose a tax of one cent per -----
8 gallon on motor fuel sold at NO
9 retail within its boundaries?
10 -----

11 If a majority of the electors in the municipality voting
12 upon the question vote in the affirmative, such tax shall be
13 imposed.

14 (c) The purchaser of the motor fuel shall be liable for
15 payment of a tax imposed pursuant to this Section. This Section
16 shall not be construed to impose a tax on the occupation of
17 persons engaged in the sale of motor fuel.

18 If a municipality imposes a tax on motor fuel pursuant to
19 this Section, it shall be the duty of any person engaged in the
20 retail sale of motor fuel within such municipality to collect
21 such tax from the purchaser at the same time he collects the
22 purchase price of the motor fuel and to pay over such tax to
23 the municipality as prescribed by the ordinance of the
24 municipality imposing such tax.

25 (d) For purposes of this Section, "motor fuel" shall have
26 the same meaning as provided in the "Motor Fuel Tax Law" as it

1 existed prior to the effective date of this amendatory Act of
2 the 98th General Assembly.

3 (Source: P.A. 84-1099.)

4 Section 65. The Southwestern Illinois Development
5 Authority Act is amended by changing Section 7.2 as follows:

6 (70 ILCS 520/7.2) (from Ch. 85, par. 6157.2)

7 Sec. 7.2. (a) Any unit of local government which receives
8 funds from the Department of Revenue, including without
9 limitation funds received pursuant to Sections 8-11-1,
10 8-11-1.4 or 8-11-5 of the Illinois Municipal Code, the Home
11 Rule County Retailers' Occupation Tax Act or the Home Rule
12 County Service Occupation Tax Act, Section 5.01 of the Local
13 Mass Transit District Act, Sections 2 or 12 of "An Act in
14 relation to State revenue sharing with local governmental
15 entities", approved July 31, 1969, from the Department of
16 Transportation pursuant to Section 8 of the Motor Fuel Tax Law,
17 as it existed prior to the effective date of this amendatory
18 Act of the 98th General Assembly, or from the State
19 Superintendent of Education (directly or indirectly through
20 regional superintendents of schools) pursuant to Article 18 of
21 The School Code, or any unit of local government which receives
22 other funds which are at any time in the custody of the State
23 Treasurer, the State Comptroller, the Department of Revenue,
24 the Department of Transportation or the State Superintendent of

1 Education may, by appropriate proceedings, pledge to the
2 Authority or any entity acting on behalf of the Authority
3 (including, without limitation, any trustee), any or all of
4 such receipts to the extent that such receipts are necessary to
5 provide revenues to pay the principal of, premium, if any, and
6 interest on, and other fees related to, or to secure, any of
7 the local government securities of such unit of local
8 government which have been sold or delivered to the Authority
9 or its designee or to pay lease rental payments to be made by
10 such unit of local government to the extent that such lease
11 rental payments secure the payment of the principal of,
12 premium, if any, and interest on, and other fees related to,
13 any local government securities which have been sold or
14 delivered to the Authority or its designee. Any pledge of such
15 receipts (or any portion thereof) shall constitute a first and
16 prior lien thereon and shall be binding from the time the
17 pledge is made.

18 (b) Any such unit of local government may, by such
19 proceedings, direct that all or any of such pledged receipts
20 payable to such unit of local government be paid directly to
21 the Authority or such other entity (including, without
22 limitation, any trustee) for the purpose of paying the
23 principal of, premium, if any, and interest on, and fees
24 relating to, such local government securities or for the
25 purpose of paying such lease rental payments to the extent
26 necessary to pay the principal of, premium, if any, and

1 interest on, and other fees related to, such local government
2 securities secured by such lease rental payments. Upon receipt
3 of a certified copy of such proceedings by the State Treasurer,
4 the State Comptroller, the Department of Revenue, the
5 Department of Transportation or the State Superintendent of
6 Education, as the case may be, such Department or State
7 Superintendent shall direct the State Comptroller and State
8 Treasurer to pay to, or on behalf of, the Authority or such
9 other entity (including, without limitation, any trustee) all
10 or such portion of the pledged receipts from the Department of
11 Revenue, or the Department of Transportation or the State
12 Superintendent of Education (directly or indirectly through
13 regional superintendents of schools), as the case may be,
14 sufficient to pay the principal of and premium, if any, and
15 interest on, and other fees related to, the local governmental
16 securities for which the pledge was made or to pay such lease
17 rental payments securing such local government securities for
18 which the pledge was made. The proceedings shall constitute
19 authorization for such a directive to the State Comptroller to
20 cause orders to be drawn and to the State Treasurer to pay in
21 accordance with such directive. To the extent that the
22 Authority or its designee notifies the Department of Revenue,
23 the Department of Transportation or the State Superintendent of
24 Education, as the case may be, that the unit of local
25 government has previously paid to the Authority or its designee
26 the amount of any principal, premium, interest and fees payable

1 from such pledged receipts, the State Comptroller shall cause
2 orders to be drawn and the State Treasurer shall pay such
3 pledged receipts to the unit of local government as if they
4 were not pledged receipts. To the extent that such receipts are
5 pledged and paid to the Authority or such other entity, any
6 taxes which have been levied or fees or charges assessed
7 pursuant to law on account of the issuance of such local
8 government securities shall be paid to the unit of local
9 government and may be used for the purposes which the pledged
10 receipts would have been used.

11 (c) Any such unit of local government may, by such
12 proceedings, direct that such pledged receipts payable to such
13 unit of local government be paid to the Authority or such other
14 entity (including without limitation any trustee) upon a
15 default in the payment of any principal of, premium, if any, or
16 interest on, or fees relating to, any of the local government
17 securities of such unit of local government which have been
18 sold or delivered to the Authority or its designee or any of
19 the local government securities which have been sold or
20 delivered to the Authority or its designee and which are
21 secured by such lease rental payments. If such local
22 governmental security is in default as to the payment of
23 principal thereof, premium, if any, or interest thereon, or
24 fees relating thereto, to the extent that the State Treasurer,
25 the State Comptroller, the Department of Revenue, the
26 Department of Transportation or the State Superintendent of

1 Education (directly or indirectly through regional
2 superintendents of schools) shall be the custodian at any time
3 of any other available funds or moneys pledged to the payment
4 of such local government securities or such lease rental
5 payments securing such local government securities pursuant to
6 this Section and due or payable to such a unit of local
7 government at any time subsequent to written notice to the
8 State Comptroller and State Treasurer from the Authority or any
9 entity acting on behalf of the Authority (including, without
10 limitation, any trustee) to the effect that such unit of local
11 government has not paid or is in default as to payment of the
12 principal of, premium, if any, or interest on, or fees relating
13 to, any local government security sold or delivered to the
14 Authority or any such entity (including, without limitation,
15 any trustee) or has not paid or is in default as to the payment
16 of such lease rental payments securing the payment of the
17 principal of, premiums, if any, or interest on, or other fees
18 relating to, any local government security sold or delivered to
19 the Authority or such other entity (including, without
20 limitation, any trustee):

21 (i) The State Comptroller and the State Treasurer shall
22 withhold the payment of such funds or moneys from such unit
23 of local government until the amount of such principal,
24 premium, if any, interest or fees then due and unpaid has
25 been paid to the Authority or any such entity (including,
26 without limitation, any trustee), or the State Comptroller

1 and the State Treasurer have been advised that
2 arrangements, satisfactory to the Authority or such
3 entity, have been made for the payment of such principal,
4 premium, if any, interest and fees; and

5 (ii) Within 10 days after a demand for payment by the
6 Authority or such entity given to such unit of local
7 government, the State Treasurer and the State Comptroller,
8 the State Treasurer shall pay such funds or moneys as are
9 legally available therefor to the Authority or such entity
10 for the payment of principal of, premium, if any, or
11 interest on, or fees relating to, such local government
12 securities. The Authority or any such entity may carry out
13 this Section and exercise all the rights, remedies and
14 provisions provided or referred to in this Section.

15 (d) Upon the sale or delivery of any local government
16 securities of the Authority or its designee, the local
17 government which issued such local government securities shall
18 be deemed to have agreed that upon its failure to pay interest
19 or premium, if any, on, or principal of, or fees relating to,
20 the local government securities sold or delivered to the
21 Authority or any entity acting on behalf of the Authority
22 (including, without limitation, any trustee) when payable, all
23 statutory defenses to nonpayment are thereby waived. Upon a
24 default in the payment of principal of or interest on any local
25 government securities issued by a unit of local government and
26 sold or delivered to the Authority or its designee, and upon

1 demand on the unit of local government for payment, if the
2 local government securities are payable from property taxes and
3 funds are not legally available in the treasury of the unit of
4 local government to make payment, an action in mandamus for the
5 levy of a tax by the unit of local government to pay the
6 principal of or interest on the local government securities
7 shall lie, and the Authority or such entity shall be
8 constituted a holder or owner of the local government
9 securities as being in default. Upon the occurrence of any
10 failure or default with respect to any local government
11 securities issued by a unit of local government, the Authority
12 or such entity may thereupon avail itself of all remedies,
13 rights and provisions of law applicable in the circumstances,
14 and the failure to exercise or exert any rights or remedies
15 within a time or period provided by law may not be raised as a
16 defense by the unit of local government.

17 (Source: P.A. 86-1455.)

18 Section 70. The Regional Transportation Authority Act is
19 amended by changing Section 4.03 as follows:

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

21 Sec. 4.03. Taxes.

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

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

13 (b) The Board may impose a public transportation tax upon
14 all persons engaged in the metropolitan region in the business
15 of selling at retail motor fuel for operation of motor vehicles
16 upon public highways. The tax shall be at a rate not to exceed
17 5% of the gross receipts from the sales of motor fuel in the
18 course of the business. As used in this Act, the term "motor
19 fuel" shall have the same meaning as in the Motor Fuel Tax Law
20 as it existed prior to the effective date of this amendatory
21 Act of the 98th General Assembly. The Board may provide for
22 details of the tax. The provisions of any tax shall conform, as
23 closely as may be practicable, to the provisions of the
24 Municipal Retailers Occupation Tax Act, including without
25 limitation, conformity to penalties with respect to the tax
26 imposed and as to the powers of the State Department of Revenue

1 to promulgate and enforce rules and regulations relating to the
2 administration and enforcement of the provisions of the tax
3 imposed, except that reference in the Act to any municipality
4 shall refer to the Authority and the tax shall be imposed only
5 with regard to receipts from sales of motor fuel in the
6 metropolitan region, at rates as limited by this Section.

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

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

1 collection and enforcement. As used in this paragraph, the term
2 "parking facility" means a parking area or structure having
3 parking spaces for more than 2 vehicles at which motor vehicles
4 are permitted to park in return for an hourly, daily, or other
5 periodic fee, whether publicly or privately owned, but does not
6 include parking spaces on a public street, the use of which is
7 regulated by parking meters.

8 (e) The Board may impose a Regional Transportation
9 Authority Retailers' Occupation Tax upon all persons engaged in
10 the business of selling tangible personal property at retail in
11 the metropolitan region. In Cook County the tax rate shall be
12 1.25% of the gross receipts from sales of food for human
13 consumption that is to be consumed off the premises where it is
14 sold (other than alcoholic beverages, soft drinks and food that
15 has been prepared for immediate consumption) and prescription
16 and nonprescription medicines, drugs, medical appliances and
17 insulin, urine testing materials, syringes and needles used by
18 diabetics, and 1% of the gross receipts from other taxable
19 sales made in the course of that business. In DuPage, Kane,
20 Lake, McHenry, and Will Counties, the tax rate shall be 0.75%
21 of the gross receipts from all taxable sales made in the course
22 of that business. The tax imposed under this Section and all
23 civil penalties that may be assessed as an incident thereof
24 shall be collected and enforced by the State Department of
25 Revenue. The Department shall have full power to administer and
26 enforce this Section; to collect all taxes and penalties so

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

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

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

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

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

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

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

22 Nothing in this Section shall be construed to authorize the
23 Regional Transportation Authority to impose a tax upon the
24 privilege of engaging in any business that under the
25 Constitution of the United States may not be made the subject
26 of taxation by this State.

1 (f) If a tax has been imposed under paragraph (e), a
2 Regional Transportation Authority Service Occupation Tax shall
3 also be imposed upon all persons engaged, in the metropolitan
4 region in the business of making sales of service, who as an
5 incident to making the sales of service, transfer tangible
6 personal property within the metropolitan region, either in the
7 form of tangible personal property or in the form of real
8 estate as an incident to a sale of service. In Cook County, the
9 tax rate shall be: (1) 1.25% of the serviceman's cost price of
10 food prepared for immediate consumption and transferred
11 incident to a sale of service subject to the service occupation
12 tax by an entity licensed under the Hospital Licensing Act, the
13 Nursing Home Care Act, the Specialized Mental Health
14 Rehabilitation Act of 2013, or the ID/DD Community Care Act
15 that is located in the metropolitan region; (2) 1.25% of the
16 selling price of food for human consumption that is to be
17 consumed off the premises where it is sold (other than
18 alcoholic beverages, soft drinks and food that has been
19 prepared for immediate consumption) and prescription and
20 nonprescription medicines, drugs, medical appliances and
21 insulin, urine testing materials, syringes and needles used by
22 diabetics; and (3) 1% of the selling price from other taxable
23 sales of tangible personal property transferred. In DuPage,
24 Kane, Lake, McHenry and Will Counties the rate shall be 0.75%
25 of the selling price of all tangible personal property
26 transferred.

1 The tax imposed under this paragraph and all civil
2 penalties that may be assessed as an incident thereof shall be
3 collected and enforced by the State Department of Revenue. The
4 Department shall have full power to administer and enforce this
5 paragraph; to collect all taxes and penalties due hereunder; to
6 dispose of taxes and penalties collected in the manner
7 hereinafter provided; and to determine all rights to credit
8 memoranda arising on account of the erroneous payment of tax or
9 penalty hereunder. In the administration of and compliance with
10 this paragraph, the Department and persons who are subject to
11 this paragraph shall have the same rights, remedies,
12 privileges, immunities, powers and duties, and be subject to
13 the same conditions, restrictions, limitations, penalties,
14 exclusions, exemptions and definitions of terms, and employ the
15 same modes of procedure, as are prescribed in Sections 1a-1, 2,
16 2a, 3 through 3-50 (in respect to all provisions therein other
17 than the State rate of tax), 4 (except that the reference to
18 the State shall be to the Authority), 5, 7, 8 (except that the
19 jurisdiction to which the tax shall be a debt to the extent
20 indicated in that Section 8 shall be the Authority), 9 (except
21 as to the disposition of taxes and penalties collected, and
22 except that the returned merchandise credit for this tax may
23 not be taken against any State tax), 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 Authority), the first paragraph of Section 15, 16, 17, 18,

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

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

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 warrant to be drawn for the
15 amount specified, and to the person named in the notification
16 from the Department. The refund shall be paid by the State
17 Treasurer out of the Regional Transportation Authority tax fund
18 established under paragraph (n) of this Section.

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

23 (g) If a tax has been imposed under paragraph (e), a tax
24 shall also be imposed upon the privilege of using in the
25 metropolitan region, any item of tangible personal property
26 that is purchased outside the metropolitan region at retail

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

22 The Department shall have full power to administer and
23 enforce this paragraph; to collect all taxes, penalties and
24 interest due hereunder; to dispose of taxes, penalties and
25 interest collected in the manner hereinafter provided; and to
26 determine all rights to credit memoranda or refunds arising on

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

17 Whenever the Department determines that a refund should be
18 made under this paragraph to a claimant instead of issuing a
19 credit memorandum, the Department shall notify the State
20 Comptroller, who shall cause the 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 Regional Transportation Authority tax fund
24 established under paragraph (n) of this Section.

25 (h) The Authority may impose a replacement vehicle tax of
26 \$50 on any passenger car as defined in Section 1-157 of the

1 Illinois Vehicle Code purchased within the metropolitan region
2 by or on behalf of an insurance company to replace a passenger
3 car of an insured person in settlement of a total loss claim.
4 The tax imposed may not become effective before the first day
5 of the month following the passage of the ordinance imposing
6 the tax and receipt of a certified copy of the ordinance by the
7 Department of Revenue. The Department of Revenue shall collect
8 the tax for the Authority in accordance with Sections 3-2002
9 and 3-2003 of the Illinois Vehicle Code.

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

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

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

1 by the Department, less any amount determined by the Department
2 to be necessary for the payment of refunds, and less any
3 amounts that are transferred to the STAR Bonds Revenue Fund.
4 Within 10 days after receipt by the Comptroller of the
5 disbursement certification to the Authority provided for in
6 this Section to be given to the Comptroller by the Department,
7 the Comptroller shall cause the orders to be drawn for that
8 amount in accordance with the directions contained in the
9 certification.

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

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

21 (k) The provisions of any tax imposed under paragraph (c)
22 of this Section shall conform as closely as may be practicable
23 to the provisions of the Use Tax Act, including without
24 limitation conformity as to penalties with respect to the tax
25 imposed and as to the powers of the State Department of Revenue
26 to promulgate and enforce rules and regulations relating to the

1 administration and enforcement of the provisions of the tax
2 imposed. The taxes shall be imposed only on use within the
3 metropolitan region and at rates as provided in the paragraph.

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

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

1 the first day of July, whereupon the Department shall proceed
2 to administer and enforce this Section as of the first day of
3 October next following such adoption and filing. Beginning
4 January 1, 1993, an ordinance or resolution imposing,
5 increasing, decreasing, or discontinuing the tax hereunder
6 shall be adopted and a certified copy thereof filed with the
7 Department, whereupon the Department shall proceed to
8 administer and enforce this Section as of the first day of the
9 first month to occur not less than 60 days following such
10 adoption and filing. Any ordinance or resolution of the
11 Authority imposing a tax under this Section and in effect on
12 August 1, 2007 shall remain in full force and effect and shall
13 be administered by the Department of Revenue under the terms
14 and conditions and rates of tax established by such ordinance
15 or resolution until the Department begins administering and
16 enforcing an increased tax under this Section as authorized by
17 this amendatory Act of the 95th General Assembly. The tax rates
18 authorized by this amendatory Act of the 95th General Assembly
19 are effective only if imposed by ordinance of the Authority.

20 (n) 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 Authority. The taxes
23 shall be held in a trust fund outside the State Treasury. On or
24 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 and to the Authority (i)

1 the amount of taxes collected in each County other than Cook
2 County in the metropolitan region, (ii) the amount of taxes
3 collected within the City of Chicago, and (iii) the amount
4 collected in that portion of Cook County outside of Chicago,
5 each amount less the amount necessary for the payment of
6 refunds to taxpayers located in those areas described in items
7 (i), (ii), and (iii). Within 10 days after receipt by the
8 Comptroller of the certification of the amounts, the
9 Comptroller shall cause an order to be drawn for the payment of
10 two-thirds of the amounts certified in item (i) of this
11 subsection to the Authority and one-third of the amounts
12 certified in item (i) of this subsection to the respective
13 counties other than Cook County and the amount certified in
14 items (ii) and (iii) of this subsection to the Authority.

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

1 The Department of Revenue shall prepare and certify to the
2 Comptroller for disbursement the allocations made in
3 accordance with this paragraph.

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

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

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

24 (q) Any existing rights, remedies and obligations
25 (including enforcement by the Regional Transportation
26 Authority) arising under any tax imposed under paragraphs (b),

1 (c) or (d) of this Section shall not be affected by the
2 imposition of a tax under paragraphs (e), (f) or (g) of this
3 Section.

4 (Source: P.A. 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; 97-813,
5 eff. 7-13-12; 98-104, eff. 7-22-13.)

6 Section 75. The Environmental Protection Act is amended by
7 changing Sections 57.9 and 57.11 as follows:

8 (415 ILCS 5/57.9)

9 Sec. 57.9. Underground Storage Tank Fund; eligibility and
10 deductibility.

11 (a) The Underground Storage Tank Fund shall be accessible
12 by owners and operators who have a confirmed release from an
13 underground storage tank or related tank system of a substance
14 listed in this Section. The owner or operator is eligible to
15 access the Underground Storage Tank Fund if the eligibility
16 requirements of this Title are satisfied and:

17 (1) Neither the owner nor the operator is the United
18 States Government.

19 (2) (Blank). ~~The tank does not contain fuel which is~~
20 ~~exempt from the Motor Fuel Tax Law.~~

21 (3) The costs were incurred as a result of a confirmed
22 release of any of the following substances:

23 (A) "Fuel", as defined in Section 1.19 of the Motor
24 Fuel Tax Law as it existed prior to the effective date

1 of this amendatory Act of the 98th General Assembly.

2 (B) Aviation fuel.

3 (C) Heating oil.

4 (D) Kerosene.

5 (E) Used oil which has been refined from crude oil
6 used in a motor vehicle, as defined in Section 1.3 of
7 the Motor Fuel Tax Law as it existed prior to the
8 effective date of this amendatory Act of the 98th
9 General Assembly.

10 (4) The owner or operator registered the tank and paid
11 all fees in accordance with the statutory and regulatory
12 requirements of the Gasoline Storage Act.

13 (5) The owner or operator notified the Illinois
14 Emergency Management Agency of a confirmed release, the
15 costs were incurred after the notification and the costs
16 were a result of a release of a substance listed in this
17 Section. Costs of corrective action or indemnification
18 incurred before providing that notification shall not be
19 eligible for payment.

20 (6) The costs have not already been paid to the owner
21 or operator under a private insurance policy, other written
22 agreement, or court order.

23 (7) The costs were associated with "corrective action"
24 of this Act.

25 If the underground storage tank which experienced a
26 release of a substance listed in this Section was installed

1 after July 28, 1989, the owner or operator is eligible to
2 access the Underground Storage Tank Fund if it is
3 demonstrated to the Office of the State Fire Marshal the
4 tank was installed and operated in accordance with Office
5 of the State Fire Marshal regulatory requirements. Office
6 of the State Fire Marshal certification is prima facie
7 evidence the tank was installed pursuant to the Office of
8 the State Fire Marshal regulatory requirements.

9 (b) For releases reported prior to the effective date of
10 this amendatory Act of the 96th General Assembly, an owner or
11 operator may access the Underground Storage Tank Fund for costs
12 associated with an Agency approved plan and the Agency shall
13 approve the payment of costs associated with corrective action
14 after the application of a \$10,000 deductible, except in the
15 following situations:

16 (1) A deductible of \$100,000 shall apply when none of
17 the underground storage tanks were registered prior to July
18 28, 1989, except in the case of underground storage tanks
19 used exclusively to store heating oil for consumptive use
20 on the premises where stored and which serve other than
21 farms or residential units, a deductible of \$100,000 shall
22 apply when none of these tanks were registered prior to
23 July 1, 1992.

24 (2) A deductible of \$50,000 shall apply if any of the
25 underground storage tanks were registered prior to July 28,
26 1989, and the State received notice of the confirmed

1 release prior to July 28, 1989.

2 (3) A deductible of \$15,000 shall apply when one or
3 more, but not all, of the underground storage tanks were
4 registered prior to July 28, 1989, and the State received
5 notice of the confirmed release on or after July 28, 1989.

6 For releases reported on or after the effective date of
7 this amendatory Act of the 96th General Assembly, an owner or
8 operator may access the Underground Storage Tank Fund for costs
9 associated with an Agency approved plan, and the Agency shall
10 approve the payment of costs associated with corrective action
11 after the application of a \$5,000 deductible.

12 A deductible shall apply annually for each site at which
13 costs were incurred under a claim submitted pursuant to this
14 Title, except that if corrective action in response to an
15 occurrence takes place over a period of more than one year, in
16 subsequent years, no deductible shall apply for costs incurred
17 in response to such occurrence.

18 (c) Eligibility and deductibility determinations shall be
19 made by the Office of the State Fire Marshal.

20 (1) When an owner or operator reports a confirmed
21 release of a regulated substance, the Office of the State
22 Fire Marshal shall provide the owner or operator with an
23 "Eligibility and Deductibility Determination" form. The
24 form shall either be provided on-site or within 15 days of
25 the Office of the State Fire Marshal receipt of notice
26 indicating a confirmed release. The form shall request

1 sufficient information to enable the Office of the State
2 Fire Marshal to make a final determination as to owner or
3 operator eligibility to access the Underground Storage
4 Tank Fund pursuant to this Title and the appropriate
5 deductible. The form shall be promulgated as a rule or
6 regulation pursuant to the Illinois Administrative
7 Procedure Act by the Office of the State Fire Marshal.
8 Until such form is promulgated, the Office of State Fire
9 Marshal shall use a form which generally conforms with this
10 Act.

11 (2) Within 60 days of receipt of the "Eligibility and
12 Deductibility Determination" form, the Office of the State
13 Fire Marshal shall issue one letter enunciating the final
14 eligibility and deductibility determination, and such
15 determination or failure to act within the time prescribed
16 shall be a final decision appealable to the Illinois
17 Pollution Control Board.

18 (Source: P.A. 96-908, eff. 6-8-10.)

19 (415 ILCS 5/57.11)

20 Sec. 57.11. Underground Storage Tank Fund; creation.

21 (a) There is hereby created in the State Treasury a special
22 fund to be known as the Underground Storage Tank Fund. There
23 shall be deposited into the Underground Storage Tank Fund all
24 monies received by the Office of the State Fire Marshal as fees
25 for underground storage tanks under Sections 4 and 5 of the

1 Gasoline Storage Act, ~~fees pursuant to the Motor Fuel Tax Law,~~
2 and beginning July 1, 2013, payments pursuant to the Use Tax
3 Act, the Service Use Tax Act, the Service Occupation Tax Act,
4 and the Retailers' Occupation Tax Act. All amounts held in the
5 Underground Storage Tank Fund shall be invested at interest by
6 the State Treasurer. All income earned from the investments
7 shall be deposited into the Underground Storage Tank Fund no
8 less frequently than quarterly. Moneys in the Underground
9 Storage Tank Fund, pursuant to appropriation, may be used by
10 the Agency and the Office of the State Fire Marshal for the
11 following purposes:

12 (1) To take action authorized under Section 57.12 to
13 recover costs under Section 57.12.

14 (2) To assist in the reduction and mitigation of damage
15 caused by leaks from underground storage tanks, including
16 but not limited to, providing alternative water supplies to
17 persons whose drinking water has become contaminated as a
18 result of those leaks.

19 (3) To be used as a matching amount towards federal
20 assistance relative to the release of petroleum from
21 underground storage tanks.

22 (4) For the costs of administering activities of the
23 Agency and the Office of the State Fire Marshal relative to
24 the Underground Storage Tank Fund.

25 (5) For payment of costs of corrective action incurred
26 by and indemnification to operators of underground storage

1 tanks as provided in this Title.

2 (6) For a total of 2 demonstration projects in amounts
3 in excess of a \$10,000 deductible charge designed to assess
4 the viability of corrective action projects at sites which
5 have experienced contamination from petroleum releases.
6 Such demonstration projects shall be conducted in
7 accordance with the provision of this Title.

8 (7) Subject to appropriation, moneys in the
9 Underground Storage Tank Fund may also be used by the
10 Department of Revenue for the costs of administering its
11 activities relative to the Fund and for refunds provided
12 for in Section 13a.8 of the Motor Fuel Tax Act.

13 (b) Moneys in the Underground Storage Tank Fund may,
14 pursuant to appropriation, be used by the Office of the State
15 Fire Marshal or the Agency to take whatever emergency action is
16 necessary or appropriate to assure that the public health or
17 safety is not threatened whenever there is a release or
18 substantial threat of a release of petroleum from an
19 underground storage tank and for the costs of administering its
20 activities relative to the Underground Storage Tank Fund.

21 (c) Beginning July 1, 1993, the Governor shall certify to
22 the State Comptroller and State Treasurer the monthly amount
23 necessary to pay debt service on State obligations issued
24 pursuant to Section 6 of the General Obligation Bond Act. On
25 the last day of each month, the Comptroller shall order
26 transferred and the Treasurer shall transfer from the

1 Underground Storage Tank Fund to the General Obligation Bond
2 Retirement and Interest Fund the amount certified by the
3 Governor, plus any cumulative deficiency in those transfers for
4 prior months.

5 (d) Except as provided in subsection (c) of this Section,
6 the Underground Storage Tank Fund is not subject to
7 administrative charges authorized under Section 8h of the State
8 Finance Act that would in any way transfer any funds from the
9 Underground Storage Tank Fund into any other fund of the State.

10 (e) Each fiscal year, subject to appropriation, the Agency
11 may commit up to \$10,000,000 of the moneys in the Underground
12 Storage Tank Fund to the payment of corrective action costs for
13 legacy sites that meet one or more of the following criteria as
14 a result of the underground storage tank release: (i) the
15 presence of free product, (ii) contamination within a regulated
16 recharge area, a wellhead protection area, or the setback zone
17 of a potable water supply well, (iii) contamination extending
18 beyond the boundaries of the site where the release occurred,
19 or (iv) such other criteria as may be adopted in Agency rules.

20 (1) Fund moneys committed under this subsection (e)
21 shall be held in the Fund for payment of the corrective
22 action costs for which the moneys were committed.

23 (2) The Agency may adopt rules governing the commitment
24 of Fund moneys under this subsection (e).

25 (3) This subsection (e) does not limit the use of Fund
26 moneys at legacy sites as otherwise provided under this

1 Title.

2 (4) For the purposes of this subsection (e), the term
3 "legacy site" means a site for which (i) an underground
4 storage tank release was reported prior to January 1, 2005,
5 (ii) the owner or operator has been determined eligible to
6 receive payment from the Fund for corrective action costs,
7 and (iii) the Agency did not receive any applications for
8 payment prior to January 1, 2010.

9 (f) Beginning July 1, 2013, if the amounts deposited into
10 the Fund from moneys received by the Office of the State Fire
11 Marshal as fees for underground storage tanks under Sections 4
12 and 5 of the Gasoline Storage Act ~~and as fees pursuant to the~~
13 ~~Motor Fuel Tax Law during a State fiscal year~~ are sufficient to
14 pay all claims for payment by the fund received during that
15 State fiscal year, then the amount of any payments into the
16 fund pursuant to the Use Tax Act, the Service Use Tax Act, the
17 Service Occupation Tax Act, and the Retailers' Occupation Tax
18 Act during that State fiscal year shall be deposited as
19 follows: 75% thereof shall be paid into the State treasury and
20 25% shall be reserved in a special account and used only for
21 the transfer to the Common School Fund as part of the monthly
22 transfer from the General Revenue Fund in accordance with
23 Section 8a of the State Finance Act.

24 (Source: P.A. 98-109, eff. 7-25-13.)

25 Section 80. The Environmental Impact Fee Law is amended by

1 changing Sections 305, 315, and 325 as follows:

2 (415 ILCS 125/305)

3 (Section scheduled to be repealed on January 1, 2025)

4 Sec. 305. Definitions. As used in this Article:

5 "Department" means the Illinois Department of Revenue.

6 "Fuel" means all liquids defined as "Motor Fuel" in Section
7 1.1 of the Motor Fuel Tax Law as it existed prior to the
8 effective date of this amendatory Act of the 98th General
9 Assembly and aviation fuels and kerosene, but excluding
10 liquified petroleum gases.

11 "Receiver" means a person who is licensed under Section 3c
12 of the Motor Fuel Tax Law and who either produces, refines,
13 blends, compounds or manufactures fuel in this State, or
14 transports fuel into this State or receives fuel transported to
15 him from without the State or exports fuel out of this State,
16 or who is engaged in distribution of fuel primarily by tank car
17 or tank truck, or both, and who operates an Illinois bulk plant
18 that has active fuel bulk storage capacity of not less than
19 30,000 gallons.

20 (Source: P.A. 89-428, eff. 1-1-96; 89-457, eff. 5-22-96.)

21 (415 ILCS 125/315)

22 (Section scheduled to be repealed on January 1, 2025)

23 Sec. 315. Fee on receivers of fuel for sale or use;
24 collection and reporting. A person that is required to pay the

1 fee imposed by this Law shall pay the fee to the Department by
2 return showing all fuel purchased, acquired, or received and
3 sold, distributed or used during the preceding calendar month,
4 including losses of fuel as the result of evaporation or
5 shrinkage due to temperature variations, and such other
6 reasonable information as the Department may require. Losses of
7 fuel as the result of evaporation or shrinkage due to
8 temperature variations may not exceed 1% of the total gallons
9 in storage at the beginning of the month, plus the receipts of
10 gallonage during the month, minus the gallonage remaining in
11 storage at the end of the month. Any loss reported that is in
12 excess of this amount shall be subject to the fee imposed by
13 Section 310 of this Law. On and after July 1, 2001, for each
14 6-month period January through June, net losses of fuel (for
15 each category of fuel that is required to be reported on a
16 return) as the result of evaporation or shrinkage due to
17 temperature variations may not exceed 1% of the total gallons
18 in storage at the beginning of each January, plus the receipts
19 of gallonage each January through June, minus the gallonage
20 remaining in storage at the end of each June. On and after July
21 1, 2001, for each 6-month period July through December, net
22 losses of fuel (for each category of fuel that is required to
23 be reported on a return) as the result of evaporation or
24 shrinkage due to temperature variations may not exceed 1% of
25 the total gallons in storage at the beginning of each July,
26 plus the receipts of gallonage each July through December,

1 minus the gallonage remaining in storage at the end of each
2 December. Any net loss reported that is in excess of this
3 amount shall be subject to the fee imposed by Section 310 of
4 this Law. For purposes of this Section, "net loss" means the
5 number of gallons gained through temperature variations minus
6 the number of gallons lost through temperature variations or
7 evaporation for each of the respective 6-month periods.

8 The return shall be prescribed by the Department and shall
9 be filed between the 1st and 20th days of each calendar month.
10 ~~The Department may, in its discretion, combine the return filed~~
11 ~~under this Law with the return filed under Section 2b of the~~
12 ~~Motor Fuel Tax Law.~~ If the return is timely filed, the receiver
13 may take a discount of 2% through June 30, 2003 and 1.75%
14 thereafter to reimburse himself for the expenses incurred in
15 keeping records, preparing and filing returns, collecting and
16 remitting the fee, and supplying data to the Department on
17 request. However, the discount applies only to the amount of
18 the fee payment that accompanies a return that is timely filed
19 in accordance with this Section.

20 (Source: P.A. 92-30, eff. 7-1-01; 93-32, eff. 6-20-03.)

21 (415 ILCS 125/325)

22 (Section scheduled to be repealed on January 1, 2025)

23 Sec. 325. Incorporation of other Acts. The provisions of
24 Sections 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b,
25 6c, 8, 9, 10 and 12 ~~(except to the extent to which the minimum~~

1 ~~notice requirement for hearings conflicts with that provided~~
2 ~~for in Section 16 of the Motor Fuel Tax Law), of the Retailers'~~
3 Occupation Tax Act that are not inconsistent with this Act, and
4 Section 3-7 of the Uniform Penalty and Interest Act shall apply
5 as far as practicable, to the subject matter of this Law to the
6 same extent as if those provisions were included in this Law.

7 ~~In addition, Sections 2d, 12, 12a, 13a.8, 14, 15, 16, 17,~~
8 ~~17a, and 18 of the Motor Fuel Tax Law shall apply as far as~~
9 ~~practicable, to the subject matter of this Law to the same~~
10 ~~extent as if those provisions were included in this Law.~~

11 References to "taxes" in these incorporated Sections shall
12 be construed to apply to the administration, payment, and
13 remittance of all fees under this Law.

14 (Source: P.A. 95-264, eff. 8-17-07; 96-1384, eff. 7-29-10.)

15 Section 85. The Gasoline Storage Act is amended by changing
16 Section 2 as follows:

17 (430 ILCS 15/2) (from Ch. 127 1/2, par. 154)

18 Sec. 2. Jurisdiction; regulation of tanks.

19 (1) (a) Except as otherwise provided in this Act, the
20 jurisdiction of the Office of the State Fire Marshal under this
21 Act shall be concurrent with that of municipalities and other
22 political subdivisions. The Office of the State Fire Marshal
23 has power to promulgate, pursuant to the Illinois
24 Administrative Procedure Act, reasonable rules and regulations

1 governing the keeping, storage, transportation, sale or use of
2 gasoline and volatile oils. Nothing in this Act shall relieve
3 any person, corporation, or other entity from complying with
4 any zoning ordinance of a municipality or home rule unit
5 enacted pursuant to Section 11-13-1 of the Illinois Municipal
6 Code or any ordinance enacted pursuant to Section 11-8-4 of the
7 Illinois Municipal Code.

8 (b) The rulemaking power shall include the power to
9 promulgate rules providing for the issuance and revocation of
10 permits allowing the self service dispensing of motor fuels as
11 such term is defined in the Motor Fuel Tax Law, as it existed
12 prior to the effective date of this amendatory Act of the 98th
13 General Assembly, in retail service stations or any other place
14 of business where motor fuels are dispensed into the fuel tanks
15 of motor vehicles, internal combustion engines or portable
16 containers. Such rules shall specify the requirements that must
17 be met both prior and subsequent to the issuance of such
18 permits in order to insure the safety and welfare of the
19 general public. The operation of such service stations without
20 a permit shall be unlawful. The Office of the State Fire
21 Marshal shall revoke such permit if the self service operation
22 of such a service station is found to pose a significant risk
23 to the safety and welfare of the general public.

24 (c) However, except in any county with a population of
25 1,000,000 or more, the Office of the State Fire Marshal shall
26 not have the authority to prohibit the operation of a service

1 station solely on the basis that it is an unattended
2 self-service station which utilizes key or card operated
3 self-service motor fuel dispensing devices. Nothing in this
4 paragraph shall prohibit the Office of the State Fire Marshal
5 from adopting reasonable rules and regulations governing the
6 safety of self-service motor fuel dispensing devices.

7 (d) The State Fire Marshal shall not prohibit the
8 dispensing or delivery of flammable or combustible motor
9 vehicle fuels directly into the fuel tanks of vehicles from
10 tank trucks, tank wagons, or other portable tanks. The State
11 Fire Marshal shall adopt rules (i) for the issuance of permits
12 for the dispensing of motor vehicle fuels in the manner
13 described in this paragraph (d), (ii) that establish fees for
14 permits and inspections, and provide for those fees to be
15 deposited into the Fire Prevention Fund, (iii) that require the
16 dispensing of motor fuel in the manner described in this
17 paragraph (d) to meet conditions consistent with nationally
18 recognized standards such as those of the National Fire
19 Protection Association, and (iv) that restrict the dispensing
20 of motor vehicle fuels in the manner described in this
21 paragraph (d) to the following:

22 (A) agriculture sites for agricultural purposes,

23 (B) construction sites for refueling construction
24 equipment used at the construction site,

25 (C) sites used for the parking, operation, or
26 maintenance of a commercial vehicle fleet, but only if the

1 site is located in a county with 3,000,000 or more
2 inhabitants or a county contiguous to a county with
3 3,000,000 or more inhabitants and the site is not normally
4 accessible to the public, and

5 (D) sites used for the refueling of police, fire, or
6 emergency medical services vehicles or other vehicles that
7 are owned, leased, or operated by (or operated under
8 contract with) the State, a unit of local government, or a
9 school district, or any agency of the State and that are
10 not normally accessible to the public.

11 (2) (a) The Office of the State Fire Marshal shall adopt
12 rules and regulations regarding underground storage tanks and
13 associated piping and no municipality or other political
14 subdivision shall adopt or enforce any ordinances or
15 regulations regarding such underground tanks and piping other
16 than those which are identical to the rules and regulations of
17 the Office of the State Fire Marshal. It is declared to be the
18 law of this State, pursuant to paragraphs (h) and (i) of
19 Section 6 of Article VII of the Illinois Constitution, that the
20 establishment and enforcement of standards regarding
21 underground storage tanks and associated piping within the
22 jurisdiction of the Office of the State Fire Marshal is an
23 exclusive State function which may not be exercised
24 concurrently by a home rule unit except as expressly permitted
25 in this Act.

26 (b) The Office of the State Fire Marshal may enter into

1 written contracts with municipalities of over 500,000 in
2 population to enforce the rules and regulations adopted under
3 this subsection.

4 (3) (a) The Office of the State Fire Marshal shall have
5 authority over underground storage tanks which contain, have
6 contained, or are designed to contain petroleum, hazardous
7 substances and regulated substances as those terms are used in
8 Subtitle I of the Hazardous and Solid Waste Amendments of 1984
9 (P.L. 98-616), as amended by the Superfund Amendments and
10 Reauthorization Act of 1986 (P.L. 99-499). The Office shall
11 have the power with regard to underground storage tanks to
12 require any person who tests, installs, repairs, replaces,
13 relines, or removes any underground storage tank system
14 containing, formerly containing, or which is designed to
15 contain petroleum or other regulated substances, to obtain a
16 permit to install, repair, replace, reline, or remove the
17 particular tank system, and to pay a fee set by the Office for
18 a permit to install, repair, replace, reline, upgrade, test, or
19 remove any portion of an underground storage tank system. All
20 persons who do repairs above grade level for themselves need
21 not pay a fee or be certified. All fees received by the Office
22 from certification and permits shall be deposited in the Fire
23 Prevention Fund for the exclusive use of the Office in
24 administering the Underground Storage Tank program.

25 (b) (i) Within 120 days after the promulgation of
26 regulations or amendments thereto by the Administrator of the

1 United States Environmental Protection Agency to implement
2 Section 9003 of Subtitle I of the Hazardous and Solid Waste
3 Amendments of 1984 (P.L. 98-616) of the Resource Conservation
4 and Recovery Act of 1976 (P.L. 94-580), as amended, the Office
5 of the State Fire Marshal shall adopt regulations or amendments
6 thereto which are identical in substance. The rulemaking
7 provisions of Section 5-35 of the Illinois Administrative
8 Procedure Act shall not apply to regulations or amendments
9 thereto adopted pursuant to this subparagraph (i).

10 (ii) The Office of the State Fire Marshal may adopt
11 additional regulations relating to an underground storage tank
12 program that are not inconsistent with and at least as
13 stringent as Section 9003 of Subtitle I of the Hazardous and
14 Solid Waste Amendments of 1984 (P.L. 98-616) of the Resource
15 Conservation and Recovery Act of 1976 (P.L. 94-580), as
16 amended, or regulations adopted thereunder. Except as provided
17 otherwise in subparagraph (i) of this paragraph (b), the Office
18 of the State Fire Marshal shall not adopt regulations relating
19 to corrective action at underground storage tanks. Regulations
20 adopted pursuant to this subsection shall be adopted in
21 accordance with the procedures for rulemaking in Section 5-35
22 of the Illinois Administrative Procedure Act.

23 (c) The Office of the State Fire Marshal shall require any
24 person, corporation or other entity who tests an underground
25 tank or its piping or cathodic protection for another to report
26 the results of such test to the Office.

1 (d) In accordance with constitutional limitations, the
2 Office shall have authority to enter at all reasonable times
3 upon any private or public property for the purpose of:

4 (i) Inspecting and investigating to ascertain possible
5 violations of this Act, of regulations thereunder or of
6 permits or terms or conditions thereof; or

7 (ii) In accordance with the provisions of this Act,
8 taking whatever emergency action, that is necessary or
9 appropriate, to assure that the public health or safety is
10 not threatened whenever there is a release or a substantial
11 threat of a release of petroleum or a regulated substance
12 from an underground storage tank.

13 (e) The Office of the State Fire Marshal may issue an
14 Administrative Order to any person who it reasonably believes
15 has violated the rules and regulations governing underground
16 storage tanks, including the installation, repair, leak
17 detection, cathodic protection tank testing, removal or
18 release notification. Such an order shall be served by
19 registered or certified mail or in person. Any person served
20 with such an order may appeal such order by submitting in
21 writing any such appeal to the Office within 10 days of the
22 date of receipt of such order. The Office shall conduct an
23 administrative hearing governed by the Illinois Administrative
24 Procedure Act and enter an order to sustain, modify or revoke
25 such order. Any appeal from such order shall be to the circuit
26 court of the county in which the violation took place and shall

1 be governed by the Administrative Review Law.

2 (f) The Office of the State Fire Marshal shall not require
3 the removal of an underground tank system taken out of
4 operation before January 2, 1974, except in the case in which
5 the office of the State Fire Marshal has determined that a
6 release from the underground tank system poses a current or
7 potential threat to human health and the environment. In that
8 case, and upon receipt of an Order from the Office of the State
9 Fire Marshal, the owner or operator of the nonoperational
10 underground tank system shall assess the excavation zone and
11 close the system in accordance with regulations promulgated by
12 the Office of the State Fire Marshal.

13 (4) (a) The Office of the State Fire Marshal shall adopt
14 rules and regulations regarding aboveground storage tanks and
15 associated piping and no municipality or other political
16 subdivision shall adopt or enforce any ordinances or
17 regulations regarding such aboveground tanks and piping other
18 than those which are identical to the rules and regulations of
19 the Office of the State Fire Marshal unless, in the interest of
20 fire safety, the Office of the State Fire Marshal delegates
21 such authority to municipalities, political subdivisions or
22 home rule units. It is declared to be the law of this State,
23 pursuant to paragraphs (h) and (i) of Section 6 of Article VII
24 of the Illinois Constitution, that the establishment of
25 standards regarding aboveground storage tanks and associated
26 piping within the jurisdiction of the Office of the State Fire

1 Marshal is an exclusive State function which may not be
2 exercised concurrently by a home rule unit except as expressly
3 permitted in this Act.

4 (b) The Office of the State Fire Marshal shall enforce its
5 rules and regulations concerning aboveground storage tanks and
6 associated piping; however, municipalities may enforce any of
7 their zoning ordinances or zoning regulations regarding
8 aboveground tanks. The Office of the State Fire Marshal may
9 issue an administrative order to any owner of an aboveground
10 storage tank and associated piping it reasonably believes to be
11 in violation of such rules and regulations to remedy or remove
12 any such violation. Such an order shall be served by registered
13 or certified mail or in person. Any person served with such an
14 order may appeal such order by submitting in writing any such
15 appeal to the Office within 10 days of the date of receipt of
16 such order. The Office shall conduct an administrative hearing
17 governed by the Illinois Administrative Procedure Act and enter
18 an order to sustain, modify or revoke such order. Any appeal
19 from such order shall be to the circuit court of the county in
20 which the violation took place and shall be governed by the
21 Administrative Review Law.

22 (Source: P.A. 95-331, eff. 8-21-07.)

23 Section 90. The Illinois Highway Code is amended by
24 changing Sections 2-101, 2-102, 5-701, 5-701.8, 5-701.15,
25 6-701.8, 6-901, 7-202.21a, and 7-202.22 as follows:

1 (605 ILCS 5/2-101) (from Ch. 121, par. 2-101)

2 Sec. 2-101.

3 The State highway system includes the following rural
4 highways together with their municipal extensions except those
5 not designated by a State highway route number and for which an
6 agreement initiated by a local authority has been executed
7 between the Department and the local authority providing for
8 other jurisdictional responsibility:

9 (a) Highways constructed under the provisions of "An Act in
10 relation to the construction by the State of Illinois of a
11 state-wide system of durable hard surfaced roads upon public
12 highways, of the State and the provision of means for the
13 payment of the cost thereof by an issue of bonds of the State
14 of Illinois", approved June 22, 1917, and under the provisions
15 of "An Act in relation to the construction by the State of
16 Illinois, of durable hard surfaced roads upon public highways
17 of the State along designated routes, and the provision of
18 means for the payment of the cost thereof by an issue of bonds
19 of the State of Illinois", approved June 29, 1923;

20 (b) Highways constructed by the State as federal aid
21 interstate highways or federal aid primary highways under the
22 provisions of "An Act in relation to the construction and
23 maintenance of Federal-aid roads under and in accordance with
24 an Act of Congress entitled, 'An Act to provide that the United
25 States shall aid the states in the construction of rural post

1 roads, and for other purposes', approved July 11, 1916, and
2 known as the Federal Aid Road Act, as heretofore or hereafter
3 amended by Congress and all Acts supplemental thereto",
4 approved June 27, 1917, as amended.

5 (c) Highways constructed as federal aid secondary highways
6 under the provisions of Section 11a of "An Act in relation to
7 State highways", approved June 24, 1921, as amended, and for
8 which maintenance responsibility has not been delegated to a
9 county pursuant to an agreement between the Department and a
10 county under the provisions of that Act.

11 (d) Highways constructed as State aid roads under the
12 provisions of "An Act to revise the law in relation to roads
13 and bridges", approved June 27, 1913, as amended, and accepted
14 by the Department for maintenance under the provisions of
15 Section 32 of that Act;

16 (e) Highways constructed under the provisions of Section 9
17 of the "Motor Fuel Tax Law", approved March 25, 1929, as it
18 existed prior to the effective date of this amendatory Act of
19 the 98th General Assembly ~~as amended~~, which the Department was
20 directed to maintain by such Section 9;

21 (f) Highways constructed by the Department under the
22 provisions of authority granted by any Act of the General
23 Assembly prior to the effective date of this Code;

24 (g) Highways on which construction is completed after the
25 effective date of this Code and which under the provisions of
26 this Code become a part of the State highways system;

1 (h) Highways added to the State Highway system under the
2 provisions of this Code.

3 (Source: Laws 1967, p. 3065.)

4 (605 ILCS 5/2-102) (from Ch. 121, par. 2-102)

5 Sec. 2-102. The county highway system includes the
6 following highways:

7 (a) Highways which were State aid roads under the
8 provisions of "An Act to revise the law in relation to roads
9 and bridges", approved June 27, 1913, as amended, immediately
10 prior to the effective date of this Code together with
11 municipal extensions thereof constructed prior to such
12 effective date and for which the county was responsible for
13 maintenance, in whole or in part, under the provisions of
14 Section 32 of that Act, Section 12 of "An Act in relation to
15 State highways", approved June 24, 1921, as amended, or Section
16 9 of the "Motor Fuel Tax Law", approved March 25, 1929, as it
17 existed prior to the effective date of this amendatory Act of
18 the 98th General Assembly ~~as amended.~~

19 (b) Highways selected and improved as federal aid secondary
20 highways under the provisions of Section 11a of "An Act in
21 relation to State highways", approved June 24, 1921, as
22 amended, which a county has agreed to maintain pursuant to an
23 agreement between the Department and a county under the
24 provisions of that Act.

25 (c) Highways on which construction is completed after the

1 effective date of this Code and which under the provisions of
2 this Code become a part of the county highway system.

3 (d) Highways added to the county highway system under the
4 provisions of this Code.

5 (e) Any access road constructed under Section 10-22.36A of
6 The School Code and connecting school grounds with any highway
7 described in the preceding paragraphs of this Section.

8 (Source: P.A. 76-1500.)

9 (605 ILCS 5/5-701) (from Ch. 121, par. 5-701)

10 Sec. 5-701. Money allotted from the Motor Fuel Tax Fund to
11 the several counties as provided in Section 8 of the "Motor
12 Fuel Tax Law", approved March 25, 1929, as it existed prior to
13 the effective date of this amendatory Act of the 98th General
14 Assembly ~~as now or hereafter amended~~, other than money allotted
15 to counties for the use of road districts, shall be used only
16 for one or more of the purposes stated in Sections 5-701.1
17 through 5-701.16, as the several counties may desire.

18 (Source: P.A. 85-962.)

19 (605 ILCS 5/5-701.15) (from Ch. 121, par. 5-701.15)

20 Sec. 5-701.15. The formula allocation for counties for the
21 distribution of motor fuel tax funds, provided for in Section 8
22 in the "Motor Fuel Tax Law", as it existed prior to the
23 effective date of this amendatory Act of the 98th General
24 Assembly, may be used by the county board for the maintenance

1 or improvement of nondedicated subdivision roads established
2 prior to July 23, 1959. Any such improved road becomes, by
3 operation of law, a part of the township or district road
4 system in accordance with Section 6-325 of this Code. The
5 county board shall condition its approval, as required by this
6 Section, upon proportional matching contributions, whether in
7 cash, kind, services or otherwise, by property owners in the
8 subdivision where such a road is situated. No more than the
9 amount of the increase in allocation of such funds allocated
10 under the formula as provided in Section 8 in the "Motor Fuel
11 Tax Law", as it existed prior to the effective date of this
12 amendatory Act of the 98th General Assembly, which is
13 attributable to this amendatory Act of 1979 and any subsequent
14 amendatory Act and subsequently approved as provided in this
15 Section, may be expended on eligible nondedicated subdivision
16 roads.

17 (Source: P.A. 83-957.)

18 (605 ILCS 5/6-701.8) (from Ch. 121, par. 6-701.8)

19 Sec. 6-701.8. The formula allocation for township and road
20 districts for the distribution of motor fuel tax funds,
21 provided for in Section 8 in the "Motor Fuel Tax Law", as it
22 existed prior to the effective date of this amendatory Act of
23 the 98th General Assembly, may be used by the highway
24 commissioner, subject to the conditions set out in Sections
25 6-301, 6-701.1 and 6-701.2 as respects the methods, equipment

1 and materials appropriate for such maintenance or improvement,
2 and, in township counties, with the approval of the board of
3 town trustees, for the maintenance or improvement of
4 nondedicated subdivision roads established prior to July 23,
5 1959. Any such road improved becomes, by operation of law, a
6 part of the township and district road system providing such
7 road meets standards as established by the county. In township
8 counties, the board of town trustees shall condition its
9 approval, as required by this Section, upon proportional
10 matching contributions, whether in cash, kind, services or
11 otherwise, by property owners in the subdivision where such a
12 road is situated. No more than the amount of the increase in
13 allocation attributable to this amendatory Act of 1979 and any
14 subsequent amendatory Act plus 50% of such funds otherwise
15 allocated under the formula as provided in Section 8 in the
16 "Motor Fuel Tax Law", as it existed prior to the effective date
17 of this amendatory Act of the 98th General Assembly, and
18 subsequently approved as provided in this Section, may be
19 expended on eligible nondedicated subdivision roads.

20 (Source: P.A. 92-800, eff. 8-16-02.)

21 (605 ILCS 5/6-901) (from Ch. 121, par. 6-901)

22 Sec. 6-901. Annually, the General Assembly shall
23 appropriate to the Department of Transportation from the road
24 fund, the general revenue fund, any other State funds or a
25 combination of those funds, \$15,000,000 for apportionment to

1 counties for the use of road districts for the construction of
2 bridges 20 feet or more in length, as provided in Sections
3 6-902 through 6-905.

4 The Department of Transportation shall apportion among the
5 several counties of this State for the use of road districts
6 the amounts appropriated under this Section. The amount
7 apportioned to a county shall be in the proportion which the
8 total mileage of township or district roads in the county bears
9 to the total mileage of all township and district roads in the
10 State. Each county shall allocate to the several road districts
11 in the county the funds so apportioned to the county. The
12 allocation to road districts shall be made in the same manner
13 and be subject to the same conditions and qualifications as are
14 provided by Section 8 of the "Motor Fuel Tax Law", approved
15 March 25, 1929, as it existed prior to the effective date of
16 this amendatory Act of the 98th General Assembly ~~as amended~~,
17 with respect to the allocation to road districts of the amount
18 allotted from the Motor Fuel Tax Fund for apportionment to
19 counties for the use of road districts, but no allocation shall
20 be made to any road district that has not levied taxes for road
21 and bridge purposes and for bridge construction purposes at the
22 maximum rates permitted by Sections 6-501, 6-508 and 6-512 of
23 this Act, without referendum. "Road district" and "township or
24 district road" have the meanings ascribed to those terms in
25 this Act.

26 Road districts in counties in which a property tax

1 extension limitation is imposed under the Property Tax
2 Extension Limitation Law that are made ineligible for receipt
3 of this appropriation due to the imposition of a property tax
4 extension limitation may become eligible if, at the time the
5 property tax extension limitation was imposed, the road
6 district was levying at the required rate and continues to levy
7 the maximum allowable amount after the imposition of the
8 property tax extension limitation. The road district also
9 becomes eligible if it levies at or above the rate required for
10 eligibility by Section 8 of the Motor Fuel Tax Law.

11 The amounts apportioned under this Section for allocation
12 to road districts may be used only for bridge construction as
13 provided in this Division. So much of those amounts as are not
14 obligated under Sections 6-902 through 6-904 and for which
15 local funds have not been committed under Section 6-905 within
16 48 months of the date when such apportionment is made lapses
17 and shall not be paid to the county treasurer for distribution
18 to road districts.

19 (Source: P.A. 96-366, eff. 1-1-10.)

20 (605 ILCS 5/7-202.21a) (from Ch. 121, par. 7-202.21a)

21 Sec. 7-202.21a. The formula allocation for municipalities
22 for the distribution of motor fuel tax funds, provided for in
23 Section 8 in the "Motor Fuel Tax Law", as it existed prior to
24 the effective date of this amendatory Act of the 98th General
25 Assembly may be used by the municipal authority for the

1 maintenance or improvement of nondedicated subdivision roads
2 established prior to July 23, 1959. Any such improved road
3 becomes, by operation of law, a part of the municipal street
4 system of such municipality. The municipal authority shall
5 condition its approval, as required by this Section, upon
6 proportional matching contributions, whether in cash, kind,
7 services or otherwise, by property owners in the subdivision
8 where such a road is situated. No more than the amount of the
9 increase in allocation of such funds allocated under the
10 formula as provided in Section 8 in the "Motor Fuel Tax Law" as
11 it existed prior to the effective date of this amendatory Act
12 of the 98th General Assembly which is attributable to this
13 amendatory Act and any subsequent amendatory Act and
14 subsequently approved as provided in this Section may be
15 expended on eligible nondedicated subdivision roads.

16 (Source: P.A. 86-447.)

17 (605 ILCS 5/7-202.22) (from Ch. 121, par. 7-202.22)

18 Sec. 7-202.22. If the formula for the distribution of motor
19 fuel tax funds, provided for in Section 8 of the "Motor Fuel
20 Tax Law", approved March 25, 1929, as it existed prior to the
21 effective date of this amendatory Act of the 98th General
22 Assembly ~~as amended~~, is changed from that in effect on January
23 1, 1974, so that the percentage allocated for use in
24 municipalities is increased, the amount of any such increase
25 received by a municipality having 500,000 or more inhabitants

1 shall be expended only for the construction, reconstruction, or
2 improvement of unimproved or partially improved nonarterial
3 residential streets.

4 (Source: P.A. 78-1252)

5 (605 ILCS 5/5-701.17 rep.)

6 (605 ILCS 5/7-202.1c rep.)

7 Section 95. The Illinois Highway Code is amended by
8 repealing Sections 5-701.17 and 7-202.1c.

9 Section 100. The Illinois Vehicle Code is amended by
10 changing Sections 3-402 and 3-704 as follows:

11 (625 ILCS 5/3-402) (from Ch. 95 1/2, par. 3-402)

12 Sec. 3-402. Vehicles subject to registration; exceptions.

13 A. Exemptions and Policy. Every motor vehicle, trailer,
14 semitrailer and pole trailer when driven or moved upon a
15 highway shall be subject to the registration and certificate of
16 title provisions of this Chapter except:

17 (1) Any such vehicle driven or moved upon a highway in
18 conformance with the provisions of this Chapter relating to
19 manufacturers, transporters, dealers, lienholders or
20 nonresidents or under a temporary registration permit
21 issued by the Secretary of State;

22 (2) Any implement of husbandry whether of a type
23 otherwise subject to registration hereunder or not which is

1 only incidentally operated or moved upon a highway, which
2 shall include a not-for-hire movement for the purpose of
3 delivering farm commodities to a place of first processing
4 or sale, or to a place of storage;

5 (3) Any special mobile equipment as herein defined;

6 (4) Any vehicle which is propelled exclusively by
7 electric power obtained from overhead trolley wires though
8 not operated upon rails;

9 (5) Any vehicle which is equipped and used exclusively
10 as a pumper, ladder truck, rescue vehicle, searchlight
11 truck, or other fire apparatus, but not a vehicle of a type
12 which would otherwise be subject to registration as a
13 vehicle of the first division;

14 (6) Any vehicle which is owned and operated by the
15 federal government and externally displays evidence of
16 federal ownership. It is the policy of the State of
17 Illinois to promote and encourage the fullest use of its
18 highways and to enhance the flow of commerce thus
19 contributing to the economic, agricultural, industrial and
20 social growth and development of this State, by authorizing
21 the Secretary of State to negotiate and enter into
22 reciprocal or proportional agreements or arrangements with
23 other States, or to issue declarations setting forth
24 reciprocal exemptions, benefits and privileges with
25 respect to vehicles operated interstate which are properly
26 registered in this and other States, assuring nevertheless

1 proper registration of vehicles in Illinois as may be
2 required by this Code;

3 (7) Any converter dolly or tow dolly which merely
4 serves as substitute wheels for another legally licensed
5 vehicle. A title may be issued on a voluntary basis to a
6 tow dolly upon receipt of the manufacturer's certificate of
7 origin or the bill of sale;

8 (8) Any house trailer found to be an abandoned mobile
9 home under the Abandoned Mobile Home Act;

10 (9) Any vehicle that is not properly registered or does
11 not have registration plates issued to the owner or
12 operator affixed thereto, or that does have registration
13 plates issued to the owner or operator affixed thereto but
14 the plates are not appropriate for the weight of the
15 vehicle, provided that this exemption shall apply only
16 while the vehicle is being transported or operated by a
17 towing service and has a third tow plate affixed to it.

18 B. Reciprocity. Any motor vehicle, trailer, semitrailer or
19 pole trailer need not be registered under this Code provided
20 the same is operated interstate and in accordance with the
21 following provisions and any rules and regulations promulgated
22 pursuant thereto:

23 (1) A nonresident owner, except as otherwise provided
24 in this Section, owning any foreign registered vehicle of a
25 type otherwise subject to registration hereunder, may
26 operate or permit the operation of such vehicle within this

1 State in interstate commerce without registering such
2 vehicle in, or paying any fees to, this State subject to
3 the condition that such vehicle at all times when operated
4 in this State is operated pursuant to a reciprocity
5 agreement, arrangement or declaration by this State, and
6 further subject to the condition that such vehicle at all
7 times when operated in this State is duly registered in,
8 and displays upon it, a valid registration card and
9 registration plate or plates issued for such vehicle in the
10 place of residence of such owner and is issued and
11 maintains in such vehicle a valid Illinois reciprocity
12 permit as required by the Secretary of State, and provided
13 like privileges are afforded to residents of this State by
14 the State of residence of such owner.

15 Every nonresident including any foreign corporation
16 carrying on business within this State and owning and
17 regularly operating in such business any motor vehicle,
18 trailer or semitrailer within this State in intrastate
19 commerce, shall be required to register each such vehicle
20 and pay the same fees therefor as is required with
21 reference to like vehicles owned by residents of this
22 State.

23 (2) Any motor vehicle, trailer, semitrailer and pole
24 trailer operated interstate need not be registered in this
25 State, provided:

26 (a) that the vehicle is properly registered in

1 another State pursuant to law or to a reciprocity
2 agreement, arrangement or declaration; or

3 (b) that such vehicle is part of a fleet of
4 vehicles owned or operated by the same person who
5 registers such fleet of vehicles pro rata among the
6 various States in which such fleet operates; or

7 (c) that such vehicle is part of a fleet of
8 vehicles, a portion of which are registered with the
9 Secretary of State of Illinois in accordance with an
10 agreement or arrangement concurred in by the Secretary
11 of State of Illinois based on one or more of the
12 following factors: ratio of miles in Illinois as
13 against total miles in all jurisdictions; situs or base
14 of a vehicle, or where it is principally garaged, or
15 from whence it is principally dispatched or where the
16 movements of such vehicle usually originate; situs of
17 the residence of the owner or operator thereof, or of
18 his principal office or offices, or of his places of
19 business; the routes traversed and whether regular or
20 irregular routes are traversed, and the jurisdictions
21 traversed and served; and such other factors as may be
22 deemed material by the Secretary and the motor vehicle
23 administrators of the other jurisdictions involved in
24 such apportionment. Such vehicles shall maintain
25 therein any reciprocity permit which may be required by
26 the Secretary of State pursuant to rules and

1 regulations which the Secretary of State may
2 promulgate in the administration of this Code, in the
3 public interest.

4 (3) (a) In order to effectuate the purposes of this
5 Code, the Secretary of State of Illinois is empowered
6 to negotiate and execute written reciprocal agreements
7 or arrangements with the duly authorized
8 representatives of other jurisdictions, including
9 States, districts, territories and possessions of the
10 United States, and foreign states, provinces, or
11 countries, granting to owners or operators of vehicles
12 duly registered or licensed in such other
13 jurisdictions and for which evidence of compliance is
14 supplied, benefits, privileges and exemption from the
15 payment, wholly or partially, of any taxes, fees or
16 other charges imposed with respect to the ownership or
17 operation of such vehicles by the laws of this State
18 except the tax imposed by the Motor Fuel Tax Law,
19 approved March 25, 1929, as it existed prior to the
20 effective date of this amendatory Act of the 98th
21 General Assembly as amended, and the tax imposed by the
22 Use Tax Act, approved July 14, 1955, as amended.

23 The Secretary of State may negotiate agreements or
24 arrangements as are in the best interests of this State
25 and the residents of this State pursuant to the
26 policies expressed in this Section taking into

1 consideration the reciprocal exemptions, benefits and
2 privileges available and accruing to residents of this
3 State and vehicles registered in this State.

4 (b) Such reciprocal agreements or arrangements
5 shall provide that vehicles duly registered or
6 licensed in this State when operated upon the highways
7 of such other jurisdictions, shall receive exemptions,
8 benefits and privileges of a similar kind or to a
9 similar degree as extended to vehicles from such
10 jurisdictions in this State.

11 (c) Such agreements or arrangements may also
12 authorize the apportionment of registration or
13 licensing of fleets of vehicles operated interstate,
14 based on any or all of the following factors: ratio of
15 miles in Illinois as against total miles in all
16 jurisdictions; situs or base of a vehicle, or where it
17 is principally garaged or from whence it is principally
18 dispatched or where the movements of such vehicle
19 usually originate; situs of the residence of the owner
20 or operator thereof, or of his principal office or
21 offices, or of his places of business; the routes
22 traversed and whether regular or irregular routes are
23 traversed, and the jurisdictions traversed and served;
24 and such other factors as may be deemed material by the
25 Secretary and the motor vehicle administrators of the
26 other jurisdictions involved in such apportionment,

1 and such vehicles shall likewise be entitled to
2 reciprocal exemptions, benefits and privileges.

3 (d) Such agreements or arrangements shall also
4 provide that vehicles being operated in intrastate
5 commerce in Illinois shall comply with the
6 registration and licensing laws of this State, except
7 that vehicles which are part of an apportioned fleet
8 may conduct an intrastate operation incidental to
9 their interstate operations. Any motor vehicle
10 properly registered and qualified under any reciprocal
11 agreement or arrangement under this Code and not having
12 a situs or base within Illinois may complete the
13 inbound movement of a trailer or semitrailer to an
14 Illinois destination that was brought into Illinois by
15 a motor vehicle also properly registered and qualified
16 under this Code and not having a situs or base within
17 Illinois, or may complete an outbound movement of a
18 trailer or semitrailer to an out-of-state destination
19 that was originated in Illinois by a motor vehicle also
20 properly registered and qualified under this Code and
21 not having a situs or base in Illinois, only if the
22 operator thereof did not break bulk of the cargo laden
23 in such inbound or outbound trailer or semitrailer.
24 Adding or unloading intrastate cargo on such inbound or
25 outbound trailer or semitrailer shall be deemed as
26 breaking bulk.

1 (e) Such agreements or arrangements may also
2 provide for the determination of the proper State in
3 which leased vehicles shall be registered based on the
4 factors set out in subsection (c) above and for
5 apportionment of registration of fleets of leased
6 vehicles by the lessee or by the lessor who leases such
7 vehicles to persons who are not fleet operators.

8 (f) Such agreements or arrangements may also
9 include reciprocal exemptions, benefits or privileges
10 accruing under The Illinois Driver Licensing Law or The
11 Driver License Compact.

12 (4) The Secretary of State is further authorized to
13 examine the laws and requirements of other jurisdictions,
14 and, in the absence of a written agreement or arrangement,
15 to issue a written declaration of the extent and nature of
16 the exemptions, benefits and privileges accorded to
17 vehicles of this State by such other jurisdictions, and the
18 extent and nature of reciprocal exemptions, benefits and
19 privileges thereby accorded by this State to the vehicles
20 of such other jurisdictions. A declaration by the Secretary
21 of State may include any, part or all reciprocal
22 exemptions, benefits and privileges or provisions as may be
23 included within an agreement or arrangement.

24 (5) All agreements, arrangements, declarations and
25 amendments thereto, shall be in writing and become
26 effective when signed by the Secretary of State, and copies

1 of all such documents shall be available to the public upon
2 request.

3 (6) The Secretary of State is further authorized to
4 require the display by foreign registered trucks,
5 truck-tractors and buses, entitled to reciprocal benefits,
6 exemptions or privileges hereunder, a reciprocity permit
7 for external display before any such reciprocal benefits,
8 exemptions or privileges are granted. The Secretary of
9 State shall provide suitable application forms for such
10 permit and shall promulgate and publish reasonable rules
11 and regulations for the administration and enforcement of
12 the provisions of this Code including a provision for
13 revocation of such permit as to any vehicle operated
14 wilfully in violation of the terms of any reciprocal
15 agreement, arrangement or declaration or in violation of
16 the Illinois Motor Carrier of Property Law, as amended.

17 (7) (a) Upon the suspension, revocation or denial of
18 one or more of all reciprocal benefits, privileges and
19 exemptions existing pursuant to the terms and
20 provisions of this Code or by virtue of a reciprocal
21 agreement or arrangement or declaration thereunder;
22 or, upon the suspension, revocation or denial of a
23 reciprocity permit; or, upon any action or inaction of
24 the Secretary in the administration and enforcement of
25 the provisions of this Code, any person, resident or
26 nonresident, so aggrieved, may serve upon the

1 Secretary, a petition in writing and under oath,
2 setting forth the grievance of the petitioner, the
3 grounds and basis for the relief sought, and all
4 necessary facts and particulars, and request an
5 administrative hearing thereon. Within 20 days, the
6 Secretary shall set a hearing date as early as
7 practical. The Secretary may, in his discretion,
8 supply forms for such a petition. The Secretary may
9 require the payment of a fee of not more than \$50 for
10 the filing of any petition, motion, or request for
11 hearing conducted pursuant to this Section. These fees
12 must be deposited into the Secretary of State DUI
13 Administration Fund, a special fund that is hereby
14 created in the State treasury, and, subject to
15 appropriation and as directed by the Secretary of
16 State, shall be used to fund the operation of the
17 hearings department of the Office of the Secretary of
18 State and for no other purpose. The Secretary shall
19 establish by rule the amount and the procedures, terms,
20 and conditions relating to these fees.

21 (b) The Secretary may likewise, in his discretion
22 and upon his own petition, order a hearing, when in his
23 best judgment, any person is not entitled to the
24 reciprocal benefits, privileges and exemptions
25 existing pursuant to the terms and provisions of this
26 Code or under a reciprocal agreement or arrangement or

1 declaration thereunder or that a vehicle owned or
2 operated by such person is improperly registered or
3 licensed, or that an Illinois resident has improperly
4 registered or licensed a vehicle in another
5 jurisdiction for the purposes of violating or avoiding
6 the registration laws of this State.

7 (c) The Secretary shall notify a petitioner or any
8 other person involved of such a hearing, by giving at
9 least 10 days notice, in writing, by U.S. Mail,
10 Registered or Certified, or by personal service, at the
11 last known address of such petitioner or person,
12 specifying the time and place of such hearing. Such
13 hearing shall be held before the Secretary, or any
14 person as he may designate, and unless the parties
15 mutually agree to some other county in Illinois, the
16 hearing shall be held in the County of Sangamon or the
17 County of Cook. Appropriate records of the hearing
18 shall be kept, and the Secretary shall issue or cause
19 to be issued, his decision on the case, within 30 days
20 after the close of such hearing or within 30 days after
21 receipt of the transcript thereof, and a copy shall
22 likewise be served or mailed to the petitioner or
23 person involved.

24 (d) The actions or inactions or determinations, or
25 findings and decisions upon an administrative hearing,
26 of the Secretary, shall be subject to judicial review

1 in the Circuit Court of the County of Sangamon or the
2 County of Cook, and the provisions of the
3 Administrative Review Law, and all amendments and
4 modifications thereof and rules adopted pursuant
5 thereto, apply to and govern all such reviewable
6 matters.

7 Any reciprocal agreements or arrangements entered
8 into by the Secretary of State or any declarations
9 issued by the Secretary of State pursuant to any law in
10 effect prior to the effective date of this Code are not
11 hereby abrogated, and such shall continue in force and
12 effect until amended pursuant to the provisions of this
13 Code or expire pursuant to the terms or provisions
14 thereof.

15 (Source: P.A. 92-418, eff. 8-17-01; 92-651, eff. 7-11-02.)

16 (625 ILCS 5/3-704) (from Ch. 95 1/2, par. 3-704)

17 Sec. 3-704. Authority of Secretary of State to suspend or
18 revoke a registration or certificate of title; authority to
19 suspend or revoke the registration of a vehicle.

20 (a) The Secretary of State may suspend or revoke the
21 registration of a vehicle or a certificate of title,
22 registration card, registration sticker, registration plate,
23 disability parking decal or device, or any nonresident or other
24 permit in any of the following events:

25 1. When the Secretary of State is satisfied that such

1 registration or that such certificate, card, plate,
2 registration sticker or permit was fraudulently or
3 erroneously issued;

4 2. When a registered vehicle has been dismantled or
5 wrecked or is not properly equipped;

6 3. When the Secretary of State determines that any
7 required fees have not been paid to the Secretary of State,
8 to the Illinois Commerce Commission, ~~or to the Illinois~~
9 ~~Department of Revenue under the Motor Fuel Tax Law,~~ and the
10 same are not paid upon reasonable notice and demand;

11 4. When a registration card, registration plate,
12 registration sticker or permit is knowingly displayed upon
13 a vehicle other than the one for which issued;

14 5. When the Secretary of State determines that the
15 owner has committed any offense under this Chapter
16 involving the registration or the certificate, card,
17 plate, registration sticker or permit to be suspended or
18 revoked;

19 6. When the Secretary of State determines that a
20 vehicle registered not-for-hire is used or operated
21 for-hire unlawfully, or used or operated for purposes other
22 than those authorized;

23 7. When the Secretary of State determines that an owner
24 of a for-hire motor vehicle has failed to give proof of
25 financial responsibility as required by this Act;

26 8. When the Secretary determines that the vehicle is

1 not subject to or eligible for a registration;

2 9. When the Secretary determines that the owner of a
3 vehicle registered under the mileage weight tax option
4 fails to maintain the records specified by law, or fails to
5 file the reports required by law, or that such vehicle is
6 not equipped with an operable and operating speedometer or
7 odometer;

8 10. When the Secretary of State is so authorized under
9 any other provision of law;

10 11. When the Secretary of State determines that the
11 holder of a disability parking decal or device has
12 committed any offense under Chapter 11 of this Code
13 involving the use of a disability parking decal or device.

14 (a-5) The Secretary of State may revoke a certificate of
15 title and registration card and issue a corrected certificate
16 of title and registration card, at no fee to the vehicle owner
17 or lienholder, if there is proof that the vehicle
18 identification number is erroneously shown on the original
19 certificate of title.

20 (b) The Secretary of State may suspend or revoke the
21 registration of a vehicle as follows:

22 1. When the Secretary of State determines that the
23 owner of a vehicle has not paid a civil penalty or a
24 settlement agreement arising from the violation of rules
25 adopted under the Illinois Motor Carrier Safety Law or the
26 Illinois Hazardous Materials Transportation Act or that a

1 vehicle, regardless of ownership, was the subject of
2 violations of these rules that resulted in a civil penalty
3 or settlement agreement which remains unpaid.

4 2. When the Secretary of State determines that a
5 vehicle registered for a gross weight of more than 16,000
6 pounds within an affected area is not in compliance with
7 the provisions of Section 13-109.1 of the Illinois Vehicle
8 Code.

9 3. When the Secretary of State is notified by the
10 United States Department of Transportation that a vehicle
11 is in violation of the Federal Motor Carrier Safety
12 Regulations, as they are now or hereafter amended, and is
13 prohibited from operating.

14 (c) The Secretary of State may suspend the registration of
15 a vehicle when a court finds that the vehicle was used in a
16 violation of Section 24-3A of the Criminal Code of 1961 or the
17 Criminal Code of 2012 relating to gunrunning. A suspension of
18 registration under this subsection (c) may be for a period of
19 up to 90 days.

20 (Source: P.A. 97-540, eff. 1-1-12; 97-1150, eff. 1-25-13.)

21 (625 ILCS 5/11-1419.01 rep.)

22 (625 ILCS 5/11-1419.02 rep.)

23 (625 ILCS 5/11-1419.03 rep.)

24 Section 105. The Illinois Vehicle Code is amended by
25 repealing Sections 11-1419.01, 11-1419.02, and 11-1419.03.

1 Section 110. The Illinois Vehicle Code is amended by
2 changing Section 11-1419.04 as follows:

3 (625 ILCS 5/11-1419.04)

4 Sec. 11-1419.04. Failure to carry a manifest. Any person
5 who acts as a motor carrier and who fails to carry a manifest
6 as provided in Section 5.5 of the Motor Fuel Tax Law as it
7 existed prior to the effective date of this amendatory Act of
8 the 98th General Assembly is guilty of a Class A misdemeanor.
9 For each subsequent offense, the person is guilty of a Class 4
10 felony.

11 (Source: P.A. 89-399, eff. 8-20-95.)

12 (625 ILCS 5/11-1419.05 rep.)

13 Section 115. The Illinois Vehicle Code is amended by
14 repealing Section 11-1419.05.

15 Section 120. The Motor Fuel and Petroleum Standards Act is
16 amended by changing Section 3 as follows:

17 (815 ILCS 370/3) (from Ch. 5, par. 1703)

18 Sec. 3. As used in this Act, unless the context otherwise
19 requires:

20 (1) "ASTM" means ASTM International, an international,
21 nonprofit, technical, scientific and educational society

1 devoted to the promotion of knowledge of the materials of
2 engineering, and the standardization of specifications and
3 methods of testing.

4 (2) "Motor Fuel" shall have the meaning ascribed to that
5 term in Section 1.1 of the "Motor Fuel Tax Law", as it existed
6 prior to the effective date of this amendatory Act of the 98th
7 General Assembly ~~as now or hereafter amended~~.

8 (3) "Petroleum" means all illuminating oils, heating oils,
9 LP gas, kerosene, gasoline, diesel and all volatile and
10 inflammable liquids produced, blended or compounded for the
11 purpose of, or which are suitable or practicable for, operating
12 motor vehicles.

13 (4) "Department" means the Illinois Department of
14 Agriculture.

15 (5) "Person" means an individual, a corporation, company,
16 society, association, partnership or governmental entity.

17 (6) "Distributor" shall have the meaning ascribed to that
18 term in Section 1.2 of the "Motor Fuel Tax Law", as now or
19 hereafter amended, and any person who either produces, refines,
20 blends, transports, compounds or manufactures petroleum in
21 this State for the purposes of resale.

22 (7) "Director" means the Director of the Illinois
23 Department of Agriculture or authorized designee.

24 (8) "Retailer" shall have the meaning ascribed to that term
25 in Section 2 of the "Use Tax Act", as now or hereafter amended
26 and any person engaged in the business of selling petroleum

1 directly to the ultimate consumer.

2 (9) "Co-solvent" means an alcohol that is miscible with
3 methanol and has a molecular weight equal to or greater than
4 that of butanol.

5 (Source: P.A. 96-1333, eff. 7-27-10.)

1	INDEX	
2	Statutes amended in order of appearance	
3	20 ILCS 689/10	
4	20 ILCS 2505/2505-20	was 20 ILCS 2505/39b2
5	20 ILCS 2505/2505-210	was 20 ILCS 2505/39c-1
6	20 ILCS 3501/820-50	
7	20 ILCS 3501/825-35	
8	30 ILCS 105/5d	from Ch. 127, par. 141d
9	35 ILCS 105/3-10	
10	35 ILCS 110/3-10	from Ch. 120, par. 439.33-10
11	35 ILCS 115/3-10	from Ch. 120, par. 439.103-10
12	35 ILCS 120/2-10	
13	35 ILCS 120/2d	from Ch. 120, par. 441d
14	35 ILCS 505/Act rep.	
15	35 ILCS 1010/1-45	
16	50 ILCS 340/1	from Ch. 146 1/2, par. 3.1
17	65 ILCS 5/8-3-4	from Ch. 24, par. 8-3-4
18	65 ILCS 5/8-11-15	from Ch. 24, par. 8-11-15
19	70 ILCS 520/7.2	from Ch. 85, par. 6157.2
20	70 ILCS 3615/4.03	from Ch. 111 2/3, par. 704.03
21	415 ILCS 5/57.9	
22	415 ILCS 5/57.11	
23	415 ILCS 125/305	
24	415 ILCS 125/315	
25	415 ILCS 125/325	

1	430 ILCS 15/2	from Ch. 127 1/2, par. 154
2	605 ILCS 5/2-101	from Ch. 121, par. 2-101
3	605 ILCS 5/2-102	from Ch. 121, par. 2-102
4	605 ILCS 5/5-701	from Ch. 121, par. 5-701
5	605 ILCS 5/5-701.15	from Ch. 121, par. 5-701.15
6	605 ILCS 5/6-701.8	from Ch. 121, par. 6-701.8
7	605 ILCS 5/6-901	from Ch. 121, par. 6-901
8	605 ILCS 5/7-202.21a	from Ch. 121, par. 7-202.21a
9	605 ILCS 5/7-202.22	from Ch. 121, par. 7-202.22
10	605 ILCS 5/5-701.17 rep.	
11	605 ILCS 5/7-202.1c rep.	
12	625 ILCS 5/3-402	from Ch. 95 1/2, par. 3-402
13	625 ILCS 5/3-704	from Ch. 95 1/2, par. 3-704
14	625 ILCS 5/11-1419.01 rep.	
15	625 ILCS 5/11-1419.02 rep.	
16	625 ILCS 5/11-1419.03 rep.	
17	625 ILCS 5/11-1419.04	
18	625 ILCS 5/11-1419.05 rep.	
19	815 ILCS 370/3	from Ch. 5, par. 1703