



Sen. Thomas Cullerton

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09800SB0508sam001

LRB098 04701 JLK 58743 a

1 AMENDMENT TO SENATE BILL 508

2 AMENDMENT NO. _____. Amend Senate Bill 508 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Municipal Code is amended by
5 changing Section 8-3-14 and Section 8-3-14a as follows:

6 (65 ILCS 5/8-3-14) (from Ch. 24, par. 8-3-14)

7 Sec. 8-3-14. Municipal hotel operators' occupation tax.
8 The corporate authorities of any municipality may impose a tax
9 upon all persons engaged in such municipality in the business
10 of renting, leasing or letting rooms in a hotel, as defined in
11 "The Hotel Operators' Occupation Tax Act," at a rate not to
12 exceed 6% in the City of East Peoria and in the Village of
13 Morton and 5% in all other municipalities of the gross rental
14 receipts from such renting, leasing or letting, excluding,
15 however, from gross rental receipts, the proceeds of such
16 renting, leasing or letting to permanent residents of that

1 hotel and proceeds from the tax imposed under subsection (c) of
2 Section 13 of the Metropolitan Pier and Exposition Authority
3 Act, and may provide for the administration and enforcement of
4 the tax, and for the collection thereof from the persons
5 subject to the tax, as the corporate authorities determine to
6 be necessary or practicable for the effective administration of
7 the tax. The municipality may not impose a tax under this
8 Section if it imposes a tax under Section 8-3-14a.

9 Persons subject to any tax imposed pursuant to authority
10 granted by this Section may reimburse themselves for their tax
11 liability for such tax by separately stating such tax as an
12 additional charge, which charge may be stated in combination,
13 in a single amount, with State tax imposed under "The Hotel
14 Operators' Occupation Tax Act".

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

19 Except as otherwise provided in this paragraph, the ~~The~~
20 amounts collected by any municipality pursuant to this Section
21 shall be expended by the municipality solely to promote tourism
22 and conventions within that municipality or otherwise to
23 attract nonresident overnight visitors to the municipality.
24 For any municipality located within DuPage County, not less
25 than 50% of the amounts collected pursuant to this Section
26 shall be expended by the municipality to promote tourism and

1 conventions within that municipality or otherwise to attract
2 nonresident overnight visitors to the municipality, and the
3 remainder of the amounts collected by a municipality within
4 DuPage County pursuant to this Section may be expended by the
5 municipality for economic development or capital
6 infrastructure.

7 No funds received pursuant to this Section shall be used to
8 advertise for or otherwise promote new competition in the hotel
9 business.

10 (Source: P.A. 95-967, eff. 9-23-08; 96-238, eff. 8-11-09.)

11 (65 ILCS 5/8-3-14a)

12 Sec. 8-3-14a. Municipal hotel use tax.

13 (a) The corporate authorities of any municipality may
14 impose a tax upon the privilege of renting or leasing rooms in
15 a hotel within the municipality at a rate not to exceed 5% of
16 the rental or lease payment. The corporate authorities may
17 provide for the administration and enforcement of the tax and
18 for the collection thereof from the persons subject to the tax,
19 as the corporate authorities determine to be necessary or
20 practical for the effective administration of the tax.

21 (b) Each hotel in the municipality shall collect the tax
22 from the person making the rental or lease payment at the time
23 that the payment is tendered to the hotel. The hotel shall, as
24 trustee, remit the tax to the municipality.

25 (c) The tax authorized under this Section does not apply to

1 any rental or lease payment by a permanent resident of that
2 hotel or to any payment made to any hotel that is subject to
3 the tax imposed under subsection (c) of Section 13 of the
4 Metropolitan Pier and Exposition Authority Act. A municipality
5 may not impose a tax under this Section if it imposes a tax
6 under Section 8-3-14. Nothing in this Section may be construed
7 to authorize a municipality to impose a tax upon the privilege
8 of engaging in any business that under the Constitution of the
9 United States may not be made the subject of taxation by this
10 State.

11 (d) Except as otherwise provided in this subsection, the
12 ~~The~~ moneys collected by a municipality under this Section may
13 be expended solely to promote tourism and conventions within
14 that municipality or otherwise to attract nonresident
15 overnight visitors to the municipality. For any municipality
16 located within DuPage County, not less than 50% of the amounts
17 collected pursuant to this Section shall be expended by the
18 municipality to promote tourism and conventions within that
19 municipality or otherwise to attract nonresident overnight
20 visitors to the municipality, and the remainder of the amounts
21 collected by a municipality within DuPage County pursuant to
22 this Section may be expended by the municipality for economic
23 development or capital infrastructure. No moneys received
24 under this Section may be used to advertise for or otherwise
25 promote new competition in the hotel business.

26 (e) As used in this Section, "hotel" has the meaning set

1 forth in Section 2 of the Hotel Operators' Occupation Tax Act.
2 (Source: P.A. 96-238, eff. 8-11-09.)".