



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

SB1682

Introduced 2/20/2015, by Sen. Thomas Cullerton

#### SYNOPSIS AS INTRODUCED:

65 ILCS 5/8-3-14 from Ch. 24, par. 8-3-14  
65 ILCS 5/8-3-14a  
65 ILCS 5/8-3-14b new  
65 ILCS 5/8-3-14c new

Amends the Illinois Municipal Code. Provides that not less than 75% of the amounts collected by a municipality within DuPage County pursuant to the municipal hotel operators' occupation tax and municipal hotel use tax shall be used to promote tourism within that municipality. Provides that the remainder of the amounts collected may be used by the municipality for economic development or capital infrastructure. Provides for a repeal date of December 31, 2016.

LRB099 08600 AWJ 28763 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 Municipal Code is amended by  
5 changing Sections 8-3-14 and 8-3-14a and by adding Sections  
6 8-3-14b and 8-3-14c as follows:

7 (65 ILCS 5/8-3-14) (from Ch. 24, par. 8-3-14)

8 Sec. 8-3-14. Municipal hotel operators' occupation tax.  
9 The corporate authorities of any municipality may impose a tax  
10 upon all persons engaged in such municipality in the business  
11 of renting, leasing or letting rooms in a hotel, as defined in  
12 "The Hotel Operators' Occupation Tax Act," at a rate not to  
13 exceed 6% in the City of East Peoria and in the Village of  
14 Morton and 5% in all other municipalities of the gross rental  
15 receipts from such renting, leasing or letting, excluding,  
16 however, from gross rental receipts, the proceeds of such  
17 renting, leasing or letting to permanent residents of that  
18 hotel and proceeds from the tax imposed under subsection (c) of  
19 Section 13 of the Metropolitan Pier and Exposition Authority  
20 Act, and may provide for the administration and enforcement of  
21 the tax, and for the collection thereof from the persons  
22 subject to the tax, as the corporate authorities determine to  
23 be necessary or practicable for the effective administration of

1 the tax. The municipality may not impose a tax under this  
2 Section if it imposes a tax under Section 8-3-14a.

3 Persons subject to any tax imposed pursuant to authority  
4 granted by this Section may reimburse themselves for their tax  
5 liability for such tax by separately stating such tax as an  
6 additional charge, which charge may be stated in combination,  
7 in a single amount, with State tax imposed under "The Hotel  
8 Operators' Occupation Tax Act".

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

13 Except as otherwise provided in this Division, the ~~The~~  
14 amounts collected by any municipality pursuant to this Section  
15 shall be expended by the municipality solely to promote tourism  
16 and conventions within that municipality or otherwise to  
17 attract nonresident overnight visitors to the municipality.

18 No funds received pursuant to this Section shall be used to  
19 advertise for or otherwise promote new competition in the hotel  
20 business.

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

22 (65 ILCS 5/8-3-14a)

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

24 (a) The corporate authorities of any municipality may  
25 impose a tax upon the privilege of renting or leasing rooms in

1 a hotel within the municipality at a rate not to exceed 5% of  
2 the rental or lease payment. The corporate authorities may  
3 provide for the administration and enforcement of the tax and  
4 for the collection thereof from the persons subject to the tax,  
5 as the corporate authorities determine to be necessary or  
6 practical for the effective administration of the tax.

7 (b) Each hotel in the municipality shall collect the tax  
8 from the person making the rental or lease payment at the time  
9 that the payment is tendered to the hotel. The hotel shall, as  
10 trustee, remit the tax to the municipality.

11 (c) The tax authorized under this Section does not apply to  
12 any rental or lease payment by a permanent resident of that  
13 hotel or to any payment made to any hotel that is subject to  
14 the tax imposed under subsection (c) of Section 13 of the  
15 Metropolitan Pier and Exposition Authority Act. A municipality  
16 may not impose a tax under this Section if it imposes a tax  
17 under Section 8-3-14. Nothing in this Section may be construed  
18 to authorize a municipality to impose a tax upon the privilege  
19 of engaging in any business that under the Constitution of the  
20 United States may not be made the subject of taxation by this  
21 State.

22 (d) Except as otherwise provided in this Division, the ~~The~~  
23 moneys collected by a municipality under this Section may be  
24 expended solely to promote tourism and conventions within that  
25 municipality or otherwise to attract nonresident overnight  
26 visitors to the municipality. No moneys received under this

1 Section may be used to advertise for or otherwise promote new  
2 competition in the hotel business.

3 (e) As used in this Section, "hotel" has the meaning set  
4 forth in Section 2 of the Hotel Operators' Occupation Tax Act.  
5 (Source: P.A. 96-238, eff. 8-11-09.)

6 (65 ILCS 5/8-3-14b new)

7 Sec. 8-3-14b. Municipal hotel operators' tax in DuPage  
8 County. For any municipality located within DuPage County, not  
9 less than 75% of the amounts collected pursuant to Section  
10 8-3-14 shall be expended by the municipality to promote tourism  
11 and conventions within that municipality or otherwise to  
12 attract nonresident overnight visitors to the municipality,  
13 and the remainder of the amounts collected by a municipality  
14 within DuPage County pursuant to Section 8-3-14 may be expended  
15 by the municipality for economic development or capital  
16 infrastructure.

17 This Section is repealed on December 31, 2016.

18 (65 ILCS 5/8-3-14c new)

19 Sec. 8-3-14c. Municipal hotel use tax in DuPage County. For  
20 any municipality located within DuPage County, not less than  
21 75% of the amounts collected pursuant to Section 8-3-14a shall  
22 be expended by the municipality to promote tourism and  
23 conventions within that municipality or otherwise to attract  
24 nonresident overnight visitors to the municipality, and the

1 remainder of the amounts collected by a municipality within  
2 DuPage County pursuant to Section 8-3-14a may be expended by  
3 the municipality for economic development or capital  
4 infrastructure.

5 This Section is repealed on December 31, 2016.