



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB3279

Introduced 2/19/2016, by Sen. Heather A. Steans

SYNOPSIS AS INTRODUCED:

See Index

Creates the Illinois Road Improvement and Driver Enhancement Act. Provides that, beginning on July 1, 2025, each owner or lessee of a motor vehicle (other than a commercial motor vehicle) that is required to be registered in this State shall pay a distance-based road user fee for metered use of the public roads in Illinois by the motor vehicle. Provides that the fee shall be based on a payment plan selected by the owner or lessee. Provides that the owner or lessee shall receive a credit for estimated motor fuel taxes paid by the owner or lessee. Creates the Illinois Road Improvement Driver Enhancement Commission for the purpose of administering the Act. Sets forth the membership, powers and duties, and terms of the Commission. Amends the Motor Fuel Tax Law. Makes changes concerning the rate of tax. Amends the Illinois Income Tax Act. Provides that the earned income tax credit shall be 20% of the federal tax credit for taxable years beginning on or after January 1, 2017 (currently, 10%). Amends the Illinois Vehicle Code. Increases certain vehicle registration fees. Effective immediately.

LRB099 18584 HLH 45453 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning revenue.

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

4 ARTICLE 1. ILLINOIS ROAD IMPROVEMENT AND DRIVER ENHANCEMENT ACT

5 Section 1-1. Short title. This Act may be cited as the
6 Illinois Road Improvement and Driver Enhancement Act.

7 Section 1-5. Findings. The General Assembly finds and
8 declares that, in order to promote the public welfare and to
9 facilitate vehicular traffic by providing convenient, safe,
10 modern, and limited access highways designed to accommodate the
11 needs of the traveling public through and within the State of
12 Illinois, it is necessary and in the public interest to expand
13 the resources to pay for operating, maintaining, and improving
14 the State's transportation network by incorporating therein
15 the benefits of advanced engineering skill, design,
16 experience, and safety factors, to eliminate existing traffic
17 hazards, and to prevent automotive injuries and fatalities, and
18 to create the Illinois Road Improvement and Driver Enhancement
19 Commission as an instrumentality and administrative agency of
20 the State of Illinois, and to confer upon and vest in the
21 Commission all powers necessary or appropriate to enable the
22 Commission to carry out the foregoing stated legislative

1 purpose and determination. Public-private agreements between
2 the State of Illinois and one or more private entities to
3 develop, finance, create, manage, or operate the Illinois Road
4 Improvement and Driver Enhancement Program have the potential
5 of maximizing value and benefit to the People of the State of
6 Illinois and the public at large.

7 Section 1-10. Definitions. As used in this Act:

8 "Commercial motor vehicle" means any motor vehicle that (i)
9 is used on public highways in interstate and intrastate
10 commerce to transport passengers or property and (ii) has a
11 gross vehicle weight, a gross vehicle weight rating, a gross
12 combination weight, or a gross combination weight rating of
13 10,001 or more pounds, or (iii) is used in the transportation
14 of hazardous materials in a quantity requiring placarding under
15 the Illinois Hazardous Materials Transportation Act.
16 "Commercial motor vehicle" does not include recreational
17 vehicles or vehicles designed to transport 16 or more persons.

18 "Commission" means the Illinois Road Improvement Driver
19 Enhancement Commission created under Section 1-30 of this Act.

20 "Lessee" means a person that leases a motor vehicle that is
21 required to be registered in Illinois.

22 "Motor vehicle" has the meaning given that term in the
23 Illinois Vehicle Code. For the purposes of this Act, the term
24 "motor vehicle" does not include (i) motor vehicles designed to
25 travel with fewer than 4 wheels in contact with the ground or

1 (ii) commercial motor vehicles.

2 "Open system" means an integrated system based on common
3 standards and an operating system that has been made public so
4 that components performing the same function can be readily
5 substituted or provided by multiple providers.

6 "Person" means any natural individual, firm, partnership,
7 association, joint stock company, joint adventure, public or
8 private corporation, limited liability company, or a receiver,
9 executor, trustee, guardian or other representative appointed
10 by order of any court.

11 "Personally identifiable information" means any
12 information that identifies or describes a person, including,
13 but not limited to, the person's travel pattern data, distance
14 based road user fee account number, address, telephone number,
15 electronic mail address, driver's license or identification
16 card number, registration plate number, photograph, recorded
17 images, bank account information, and credit card number.

18 "Registered owner" means owner as defined in Section 1-155
19 of the Illinois Vehicle Code.

20 "Vendor" means a person that has been selected to enter or
21 has entered into a public-private agreement with the Commission
22 on behalf of the State for the management and collection of
23 I-RIDE distance-based road user fees, including storing
24 mileage data, maintaining user accounts, sending invoices to
25 participants, and transferring revenues to the State.

26 "Vehicle metering system" means a system used to record the

1 metered use by a motor vehicle for the purpose of complying
2 with the reporting requirements under Section 1-15 of this Act.

3 "VIN summary report" means a monthly report by the
4 Commission or a certified service provider that includes a
5 summary of all vehicle identification numbers of subject
6 vehicles and associated total metered use during the month. The
7 report may not include location information.

8 Section 1-15. Distance-based road user fee plans.

9 (a) No later than May 1, 2025, the Secretary of State shall
10 mail to each owner of a motor vehicle that is required to be
11 registered in this State a form allowing that owner to choose
12 one of the following distance-based road user fee plans
13 developed by the Commission in consultation and cooperation
14 with its vendors:

15 (1) The I-RIDE Smart Plan, reporting miles traveled on
16 public, non-tolled Illinois roads using personally
17 identifiable information using location data to calculate
18 how many miles were driven in Illinois monthly;

19 (2) The I-RIDE Convenient Plan, reporting all miles
20 traveled without the use of personally identifiable
21 information through the use of a vehicle odometer reading;
22 or

23 (3) The I-RIDE Flat Rate Plan, reporting a flat monthly
24 rate based on 30,000 miles of driving per year for
25 passenger vehicles and single unit trucks, as defined by

1 the Illinois Vehicle Code, and 50,000 miles of driving per
2 year for buses, as defined by the Illinois Vehicle Code.

3 If the motor vehicle is subject to a lease agreement, then
4 the form shall be mailed to the lessee, and the lessee shall
5 make the selection.

6 (b) Any owner or lessee who does not select a plan by July
7 1, 2025 shall automatically be enrolled in the I-Ride Flat Rate
8 Plan designated under paragraph (3) of subsection (a). An owner
9 or lessee may change his or her plan at any time by notifying
10 the Secretary of State of the change. Each owner or lessee that
11 initially registers a motor vehicle with the Secretary of State
12 on or after May 1, 2025 may select a plan at the time of
13 registration.

14 (c) Registered vehicle owners using a distance-based road
15 user fee system plan pursuant to paragraphs (1) or (2) of
16 subsection (a) of this Section shall receive a monthly invoice
17 containing the following information:

18 (1) dates of usage;

19 (2) the vehicle make, model, year, fuel economy, and
20 class as defined in the Illinois Vehicle Code in the
21 household;

22 (3) miles driven as recorded by subsection (a) of this
23 Section;

24 (4) distance-based road user fees;

25 (5) estimated motor fuel taxes paid;

26 (6) estimated motor fuel tax credits received pursuant

1 subsection (e) of Section 1-20; and

2 (7) All other fees the Commission provides including,
3 but not limited to, convenience fees and late fees.

4 Section 1-20. Distance-based road user fees.

5 (a) Except as provided in paragraph (b) of this Section,
6 beginning on July 1, 2025, the owner of each motor vehicle that
7 is required to be registered in this State shall pay a
8 distance-based road user fee for metered use of the public
9 roads in Illinois by the motor vehicle. Commercial motor
10 vehicles are excluded from the provisions of this Act.

11 (b) In the case of a motor vehicle that is subject to a
12 lease agreement, during the term of the lease agreement, the
13 fee shall be paid by the lessee.

14 (c) The initial rates for distance-based road user fees
15 shall be as follows:

16 (1) for motor vehicles for which the registered vehicle
17 owner or lessee has selected a distance-based road user fee
18 as described in paragraph (1) or (2) of subsection (a) of
19 Section 1-15 of this Act, the fee shall be calculated at
20 the rate of \$0.015 per vehicle mile travelled; and

21 (2) for motor vehicles for which the registered vehicle
22 owner or lessee has selected a distance-based road user fee
23 as described in paragraph (3) of subsection (a) of Section
24 1-15 of this Act, the fee shall be \$450 per year for
25 passenger vehicles and \$750 per year for buses, each as

1 defined in the Illinois Vehicle Code.

2 Beginning July 1, 2025, the Commission may, by rule, charge
3 a convenience fee. That fee shall be deposited into the Road
4 Improvement Commission Administration Fund, a special fund
5 created in the State treasury. Moneys in the Fund shall be used
6 by the Commission to cover its operational expenses.

7 (d) The Commission shall adjust the distance-based road
8 user fees on the 1st of June every fifth year beginning in 2030
9 using the Construction Cost Index. The Commission, in fixing
10 the rate for distance-based road user fees, is authorized and
11 directed to base those fees upon annual estimates to be made,
12 recorded, and filed with the Commission. Those estimates shall
13 include the following:

14 (1) the estimated total amount of the use of the public
15 roads;

16 (2) the estimated amount of the revenue to be derived
17 from the use of the public roads, which will, when added to
18 all other receipts and income, be sufficient to pay the
19 expense of maintaining and operating those public roads;
20 and

21 (3) the estimated administrative expenses of the
22 Commission.

23 (e) Any registered vehicle owner or lessee who selects a
24 distance-based road user fee plan pursuant to paragraph (1) or
25 (2) of subsection (a) of Section 1-15 of this Act shall be
26 credited monthly for estimated payments made under Section 8 of

1 the Motor Fuel Tax Law for miles driven on public roads. Those
2 estimates shall be based on the make, model, and year of the
3 vehicle and its average fuel economy, as determined by the
4 Commission by rule.

5 Section 1-25. Distribution of proceeds. An amount equal to
6 18% of net revenues received under this Act shall be deposited
7 into the Public Transportation Fund. An amount equal to 2% of
8 total net revenues received this Act shall be deposited into
9 the Downstate Public Transportation Fund. An amount equal to 1%
10 of net revenues received under this Act shall be deposited into
11 the Alternate Fuels Fund. All other moneys received under this
12 Act shall be deposited into the Motor Fuel Tax Fund. All
13 credits issued pursuant to subsection (e) of Section 1-20 of
14 this Act shall be issued from the Motor Fuel Tax Fund.

15 Section 1-30. Commission.

16 (a) There is hereby created the Illinois Road Improvement
17 Driver Enhancement Commission. The Commission is hereby
18 constituted as an instrumentality and an administrative agency
19 of the State of Illinois.

20 (b) The Commission shall consist of the Governor and the
21 Secretary of Transportation as ex-officio members and 20
22 directors appointed 4 each by the Governor, the Senate
23 President, the Senate Minority Leader, the Speaker of the House
24 of Representatives, and the Minority Leader of the House of

1 Representatives. Initial appointments under this subsection
2 (b) shall be made within 60 days after the effective date of
3 this Act. Executive appointments to the Commission shall be
4 subject to the advice and consent of the Senate. All
5 appointments shall be in writing and shall be filed with the
6 Secretary of State as a public record. All appointments shall
7 be made with the goal that each of the 9 Department of
8 Transportation regions approved by the General Assembly are
9 fairly represented.

10 (c) With respect to the members initially appointed under
11 this Act, each appointing authority shall select one member to
12 be appointed for a one-year term; one member to be appointed
13 for a 2-year term; one member to be appointed for a 3-year
14 term; and one member to be appointed for a 4-year term. Their
15 successors shall serve for 4-year terms. Members shall serve
16 until their successors are appointed and qualified. Each
17 appointed member may be removed by his or her appointing
18 authority for incompetency, neglect of duty, or malfeasance.
19 Members may be reappointed. Vacancies shall be filled for the
20 unexpired term in the same manner as the original appointments.

21 (d) The Commission shall have the power to contract and be
22 contracted with; to acquire, hold, and convey personal
23 property; to have and use a common seal, and to alter the same
24 at will; to make and establish resolutions, by-laws, rules,
25 rates and regulations, and to alter or repeal the same as the
26 Commission shall deem necessary and expedient for the funding

1 of a system of public roads subject to this Act within and
2 through the State of Illinois.

3 (e) One of the members shall be appointed by the Commission
4 as Chairman and shall hold office as Chairman for 2 years from
5 the date of his appointment as Chairman, and until his
6 successor shall be duly appointed and qualified. The Chairman
7 shall be eligible for reappointment as Chairman.

8 The Chairman shall preside at all meetings of the
9 Commission; shall exercise general supervision over all
10 powers, duties, obligations and functions of the Commission;
11 and shall approve or disapprove all resolutions and by-laws
12 made and established by the Commission, and if he shall approve
13 thereof, he shall sign the same, and such as he shall not
14 approve he shall return to the Commission with his objections
15 thereto in writing at the next regular meeting of the
16 Commission occurring after the passage thereof. Such veto may
17 extend to any one or more items contained in such resolution or
18 by-law, or to its entirety; and in case the veto extends to a
19 part of such resolution or by-law, the residue thereof shall
20 take effect and be in force, but in case the Chairman shall
21 fail to return any resolution or by-law with his objections
22 thereto by the time aforesaid, he shall be deemed to have
23 approved the same, and the same shall take effect accordingly.
24 Upon the return of any resolution or by-law by the Chairman,
25 the vote by which the same was passed shall be reconsidered by
26 the Commission, and if, upon such reconsideration, two-thirds

1 of all the members agree by yeas and nays to pass the same, it
2 shall go into effect notwithstanding the Chairman's refusal to
3 approve thereof. All members of the Commission shall vote
4 autonomously, however, shall take into consideration
5 Department of Transportation recommendations for any
6 resolution or by-law considered by the Commission. The
7 Commission may, in consultation with the Department of
8 Transportation, adopt rules in accordance with the Illinois
9 Administrative Procedure Act, including rules fixing rates and
10 fees as provided in this Act.

11 (f) The Chairman of the Commission shall receive a salary
12 of \$18,000 per year, payable in monthly installments. Each
13 other member, other than ex-officio members, shall receive an
14 annual salary of \$15,000, payable in monthly installments. In
15 addition, each member shall be reimbursed for necessary
16 expenses incurred in the performance of his or her duties.

17 (g) Immediately after appointment and qualification,
18 members shall enter upon their duties. The members shall
19 biennially select a Secretary, who may or may not be a member
20 of the Commission. If the Secretary is not a member, the
21 Commission shall fix his or her compensation. Eleven members
22 shall constitute a quorum. No vacancy in the membership of the
23 Commission shall impair the right of a quorum of the members to
24 exercise all the rights and perform all the duties of the
25 Commission.

26 (h) The Chairman shall execute and file a bond in the penal

1 sum of \$100,000. Each other member, other than the ex-officio
2 members, shall qualify by executing and filing, as hereinafter
3 provided, a bond in the penal sum of \$25,000, and the
4 Secretary, if not a member of the Commission, shall execute and
5 file, as hereinafter provided, a bond in the penal sum of
6 \$15,000. All such bonds shall be payable to the People of the
7 State of Illinois, and be conditioned upon the faithful
8 performance of the duties imposed upon Chairman, member or
9 Secretary under this Act. The bonds shall be subject to the
10 approval of the Governor and of the Attorney General of the
11 State of Illinois, and shall, when executed and so approved, be
12 filed in the office of the Secretary of State. The bonds herein
13 required to be furnished shall be with a surety company, or
14 companies, authorized to do business in this State under the
15 laws of this State, and the cost of any official bonds required
16 to be furnished hereunder shall be paid out of any fund subject
17 to expenditure by the Commission.

18 (i) The Commission shall set aside a portion of each
19 meeting of the Commission that is open to the public pursuant
20 to the provisions of the Open Meetings Act during which members
21 of the public who are present at the meeting may comment on any
22 subject.

23 Section 1-35. Powers and duties of the Commission.

24 (a) By July 1, 2025, the Commission shall, by rule,
25 establish the methods for recording and reporting the number of

1 miles that motor vehicles travel on highways. In doing so, the
2 Commission shall consider:

3 (1) the accuracy of the data collected;

4 (2) privacy options for persons liable for the
5 distance-based road user fee;

6 (3) the security of the technology;

7 (4) the resistance of the technology to tampering;

8 (5) the ability to audit compliance; and

9 (6) other relevant factors that the Commission deems
10 important.

11 (b) The Commission shall establish, by rule, at least one
12 method of collecting and reporting the number of miles traveled
13 by a subject vehicle that does not use vehicle location
14 technology.

15 (c) The Commission shall, by rule, adopt standards for open
16 system technology used in methods established under this
17 Section. In adopting open system technology standards, the
18 Commission shall form an agreement or contract between a vendor
19 and the Commission, known as a public-private agreement, on
20 behalf of the State, and all schedules, exhibits, and
21 attachments thereto, shall be entered into pursuant to a
22 competitive request for proposals process governed by the
23 Illinois Procurement Code and rules adopted under that Code and
24 this Act. The Commission shall provide the registered vehicle
25 owners and lessees liable for the distance-based road user fee
26 the opportunity to select a method from among multiple options

1 for collecting and reporting the number of miles travelled on
2 the public roads.

3 Section 1-40. Reporting periods.

4 (a) The Commission shall establish, by rule, reporting
5 periods for the distance-based road user fees imposed under
6 Section 1-20 of this Act.

7 (b) Reporting periods established under this Section may
8 vary according to the facts and circumstances applicable to
9 classes of registered owners, lessees, and subject vehicles. In
10 establishing reporting periods, the Commission shall consider:

11 (1) the effort required by registered owners or lessees
12 to report metered use and to pay the distance-based road
13 user fee;

14 (2) the amount of the distance-based road user fee
15 owed;

16 (3) the cost to the registered owner or lessee of
17 reporting metered use and of paying the distance-based road
18 user fee;

19 (4) the administrative cost to the Commission; and

20 (5) any other relevant factor that the Commission deems
21 important.

22 Section 1-45. Administrative review.

23 (a) The Commission shall have the power to fix, assess, and
24 collect civil fines, by rule, for a vehicle's operation on a

1 public highway without the required road user fee having been
2 paid. The Commission may establish by rule a system of civil
3 administrative adjudication to adjudicate only alleged
4 instances of a vehicle's operation on a public highway without
5 the required user fee having been paid. In cases in which the
6 operator of the vehicle is not the registered vehicle owner,
7 the establishment of ownership of the vehicle creates a
8 rebuttable presumption that the vehicle was being operated by
9 an agent of the registered vehicle owner. If the registered
10 vehicle owner liable for a violation under this Section was not
11 the operator of the vehicle at the time of the violation, the
12 owner may maintain an action for indemnification against the
13 operator in the circuit court. Rules establishing a system of
14 civil administrative adjudication must provide for written
15 notice, by first class mail or other means provided by law, to
16 the address of the registered owner of the cited vehicle as
17 recorded with the Secretary of State or to the lessee of the
18 cited vehicle at the last address known to the lessor of the
19 cited vehicle at the time of the lease, of the alleged
20 violation and an opportunity to be heard on the question of the
21 violation and must provide for the establishment of a toll-free
22 telephone number to receive inquiries concerning alleged
23 violations. The notice shall also inform the registered vehicle
24 owner that failure to contest in the manner and time provided
25 shall be deemed an admission of liability and that a final
26 order of liability may be entered on that admission. A duly

1 authorized agent of the Commission may perform or execute the
2 preparation, certification, affirmation, or mailing of the
3 notice. A notice of violation, sworn or affirmed to or
4 certified by a duly authorized agent of the Commission, or a
5 facsimile of the notice, based upon an inspection of
6 photographs, microphotographs, videotape, or other recorded
7 images produced by a video or photo surveillance system, shall
8 be admitted as prima facie evidence of the correctness of the
9 facts contained in the notice or facsimile. Only civil fines,
10 along with the corresponding outstanding toll, and costs may be
11 imposed by administrative adjudication. A fine may be imposed
12 under this paragraph only if a violation is established by a
13 preponderance of the evidence. A decision of the Commission
14 under this subsection shall be considered a final
15 administrative decision for purposes of administrative review
16 under the Administrative Review Law. Judicial review of all
17 final orders of the Commission under this paragraph shall be
18 conducted in the circuit court of the county in which the
19 administrative decision was rendered in accordance with the
20 Administrative Review Law.

21 (b) Any outstanding fee, fine, additional late payment
22 fine, other sanction, or costs imposed, or part of any fine,
23 other sanction, or costs imposed, remaining unpaid after the
24 exhaustion of, or the failure to exhaust, judicial review
25 procedures under the Administrative Review Law are a debt due
26 and owing the Commission and may be collected in accordance

1 with applicable law. After expiration of the period in which
2 judicial review under the Administrative Review Law may be
3 sought, unless stayed by a court of competent jurisdiction, a
4 final order of the Commission under this subsection (a) may be
5 enforced in the same manner as a judgment entered by a court of
6 competent jurisdiction.

7 (c) A system of civil administrative adjudication may also
8 provide for a program of vehicle immobilization, tow, or
9 impoundment for the purpose of facilitating enforcement of any
10 final order or orders of the Authority under this subsection
11 (a-5) that result in a finding or liability for 5 or more
12 violations after expiration of the period in which judicial
13 review under the Administrative Review Law may be sought. The
14 registered vehicle owner of a vehicle immobilized, towed, or
15 impounded for nonpayment of a final order of the Commission
16 under this subsection (a-5) shall have the right to request a
17 hearing before the Commission's civil administrative
18 adjudicatory system to challenge the validity of the
19 immobilization, tow, or impoundment. This hearing, however,
20 shall not constitute a readjudication of the merits of
21 previously adjudicated notices. Judicial review of all final
22 orders of the Commission under this subsection (a) shall be
23 conducted in the circuit court of the county in which the
24 administrative decision was rendered in accordance with the
25 Administrative Review Law.

26 (d) No commercial entity that is the lessor of a vehicle

1 under a written lease agreement shall be liable for an
2 administrative notice of violation for fee evasion issued under
3 this subsection (a) involving that vehicle during the period of
4 the lease if the lessor provides a copy of the leasing
5 agreement to the Commission within 21 days of the issue date on
6 the notice of violation. The leasing agreement also must
7 contain a provision or addendum informing the lessee that the
8 lessee is liable for payment of all tolls and any fines for
9 toll evasion. Each entity must also post a sign at the leasing
10 counter notifying the lessee of that liability. The copy of the
11 leasing agreement provided to the Commission must contain the
12 name, address, and driver's license number of the lessee, as
13 well as the check-out and return dates and times of the vehicle
14 and the vehicle license plate number and vehicle make and
15 model.

16 (e) As used in this Section, "lessor" includes commercial
17 leasing and rental entities but does not include public
18 passenger vehicle entities.

19 Section 1-50. Privacy.

20 (a) Except as provided in subsection (b) or (e) of this
21 Section, personally identifiable information used for
22 reporting metered use or for administrative services related to
23 the collection of the distance-based road user fee imposed
24 under this Act is confidential within the meaning of the
25 Illinois Freedom of Information Act and is a public record

1 exempt from disclosure under Illinois Freedom of Information
2 Act.

3 (b) The Commission, a vendor, or a contractor for a vendor
4 may not disclose personally identifiable information used or
5 developed for reporting metered use by a subject vehicle or for
6 administrative services related to the collection of
7 distance-based road user fees to any person except:

8 (1) the registered owner or lessee;

9 (2) a financial institution, for the purpose of
10 collecting distance-based road user fees owed;

11 (3) employees of the Commission;

12 (4) a vendor;

13 (5) a contractor for a vendor, but only to the extent
14 the contractor provides services directly related to the
15 vendor's agreement with the Commission;

16 (6) an entity expressly approved to receive the
17 information by the registered owner or lessee of the
18 subject vehicle; or

19 (7) a law enforcement officer pursuant to a valid court
20 order based on probable cause and issued at the request of
21 a federal, State or local law enforcement agency in an
22 authorized criminal investigation involving a person to
23 whom the requested information pertains.

24 (c) Disclosure under items (2) through (5) of subsection
25 (b) is limited to personally identifiable information
26 necessary to the respective recipient's function under this

1 Act.

2 (d) Not later than 30 days after completion of payment
3 processing, dispute resolution for a single reporting period or
4 a noncompliance investigation, whichever is latest, the
5 Commission and vendors shall destroy records of the location
6 and daily metered use of subject vehicles.

7 (e) Notwithstanding paragraph (a) of this Section:

8 (1) For purposes of traffic management and research,
9 the Commission and vendors may retain, aggregate, and use
10 information in the records after removing personally
11 identifiable information.

12 (2) A vendor may retain the records if the registered
13 owner or lessee consents to the retention. Consent under
14 this subparagraph does not entitle the Commission to obtain
15 or use the records or the information contained in the
16 records.

17 (3) Monthly summaries of metered use by subject
18 vehicles may be retained in VIN summary reports by the
19 Commission and vendors.

20 (4) The Commission, in any agreement with a vendor,
21 shall provide for penalties if the vendor violates this
22 Section.

23 Section 1-55. Refunds.

24 (a) The Commission shall provide a refund to a registered
25 owner or lessee that has overpaid the distance-based road user

1 fee imposed under this Act.

2 (b) Claims for refund must be made to the Commission, duly
3 verified by the claimant (or by the claimant's legal
4 representative if the claimant has died or become a person
5 under legal disability), upon forms prescribed by the
6 Commission. The claim must state such relevant facts as the
7 Commission may reasonably require. Claims for reimbursement of
8 overpayment must be filed not later than 2 years after the date
9 on which the fees were paid by the claimant. If it is
10 determined that the Commission should reimburse a claimant for
11 overpayment of decal fees, the Commission shall first apply the
12 amount of such refund against any tax or penalty or interest
13 due by the claimant under Section 1-20 of this Act.

14 (c) The Commission may make such investigation of the
15 correctness of the facts stated in the claims as it deems
16 necessary. When the Commission has approved any such claim, it
17 shall pay the refund to the claimant (or to the claimant's
18 legal representative, as such if the claimant has died or
19 become a person under legal disability) out of any moneys
20 appropriated to it for that purpose.

21 (d) Any credit or refund that is allowed under this Section
22 shall bear interest at the rate and in the manner specified in
23 the Uniform Penalty and Interest Act.

24 (e) In any case in which there has been an erroneous refund
25 of tax or fees payable under this Section, a notice of tax
26 liability may be issued at any time within 3 years from the

1 making of that refund, or within 5 years from the making of
2 that refund if it appears that any part of the refund was
3 induced by fraud or the misrepresentation of material fact. The
4 amount of any proposed assessment set forth by the Commission
5 shall be limited to the amount of the erroneous refund.

6 (f) Any person aggrieved by any action of the Commission
7 under this Section may protest the action by making a written
8 request for a hearing within 60 days of the original action. If
9 the hearing is not requested in writing within 60 days, the
10 original action is final.

11 Section 1-60. Tampering.

12 (a) A person commits the offense of tampering with a
13 vehicle metering system if the person:

14 (1) With the intent to defraud, operates a motor
15 vehicle that is subject to the per-mile road user fee
16 knowing that the vehicle metering system is disconnected or
17 nonfunctional.

18 (2) Replaces, disconnects or resets the vehicle
19 metering system of a motor vehicle that is subject to the
20 per-mile road user fee with the intent of reducing the
21 metered use recorded by the vehicle metering system.

22 This Section does not apply to a person who is servicing,
23 repairing or replacing a vehicle metering system.

24 (b) Tampering with a vehicle metering system is a Class A
25 misdemeanor offense.

1 Section 1-65. Attorney General as legal advisor. The
2 Attorney General of the State of Illinois shall be ex-officio
3 attorney for the Commission and he or she shall be its legal
4 adviser and legal representative. In addition to the specific
5 duties imposed upon the Attorney General, under the provisions
6 of this Act, it shall be his or her further duty to act as
7 attorney for the Commission in all of its transactions, to
8 represent the Commission in all of its litigation, and to
9 examine and approve all contracts and leases entered into by
10 the Commission, as to their form and constitutionality prior to
11 their execution and delivery.

12 Section 1-70. Financial benefit prohibited.

13 (a) A commissioner, employee, or agent of the Commission
14 may not receive a financial benefit from a contract let by the
15 Commission during his or her term of service with the
16 Commission and for a period of one year following the
17 termination of his or her term of service as a member of the
18 Commission or as an employee or agent of the Commission.

19 (b) A member of the immediate family or household of a
20 commissioner, employee, or agent of the Commission may not
21 receive a financial benefit from a contract let by the
22 Commission during the immediate family or household member's
23 term of service with the Commission and for a period of one
24 year following the termination of the immediate family or

1 household member's term of service as a member of the
2 Commission or as an employee or agent of the Commission.

3 (c) A member, employee, or agent of the Commission may not
4 use material non-public information for personal financial
5 gain nor may he or she disclose that information to any other
6 person for that person's personal financial gain when that
7 information was obtained as a result of his or her
8 directorship, employment, or agency with the Commission.

9 (d) A member of the immediate family or household of a
10 commissioner, employee, or agent of the Commission may not use
11 material non-public information for personal financial gain
12 nor may he or she disclose that information to any other person
13 for that person's personal financial gain when that information
14 was obtained as a result of his or her immediate family or
15 household member's directorship, employment, or agency with
16 the Commission.

17 (e) For purposes of this Section, "immediate family or
18 household member" means the spouse, child, parent, brother,
19 sister, grandparent, or grandchild, whether of the whole blood
20 or half blood or by adoption, or a person who shares a common
21 dwelling with a member of the Commission or with an employee or
22 agent of the Commission.

23 Section 1-75. Conflict of interest. No member or officer of
24 the Commission shall be interested, directly or indirectly, in
25 any contract, agreement, lease, work or business of the

1 Commission, or in the sale of any article whenever the expense,
2 price or consideration of the contract, agreement, lease, work,
3 business or sale is paid by the Commission. No commissioner or
4 officer of the Commission shall be interested, directly or
5 indirectly, in the purchase, sale or lease of any property
6 which (1) belongs to the Commission, (2) is sold, leased or any
7 interest therein is acquired by the Commission, or (3) is sold
8 by virtue of legal process at the suit of the Commission.

9 Section 1-80. Commission misfeasance. Every commissioner,
10 chairman, or officer of the Commission who is guilty of a
11 palpable omission of duty, or who is guilty of willful and
12 corrupt oppression, malfeasance, or misfeasance in office in
13 discharge of the duties of his office shall be liable to
14 indictment in any court of competent jurisdiction and shall be
15 guilty of a Class A misdemeanor. Any conviction hereunder shall
16 constitute grounds for removal as provided in this Act.

17 Section 1-85. Powers liberally construed. The powers
18 conferred by this Act shall be liberally construed in order to
19 accomplish their purposes and shall be in addition and
20 supplemental to the powers conferred by any other law. If any
21 other law or rule is inconsistent with this Act, this Act is
22 controlling as to any public private agreement entered into
23 under this Act.

1 Section 1-90. Full and complete authority. This Act
2 contains full and complete authority for agreements and leases
3 with private entities to carry out the activities described in
4 this Act. Except as otherwise required by law, no procedure,
5 proceedings, publications, notices, consents, approvals,
6 orders, or acts by the Commission or any other State or local
7 agency or official are required to enter into an agreement or
8 lease.

9 Section 1-97. Severability. The provisions of this Act are
10 severable under Section 1.31 of the Statute on Statutes.

11 ARTICLE 5. AMENDATORY PROVISIONS

12 Section 5-5. The State Finance Act is amended by adding
13 Section 5.875 as follows:

14 (30 ILCS 105/5.875 new)

15 Sec. 5.875. The Road Improvement Commission Administration
16 Fund.

17 Section 5-10. The Illinois Income Tax Act is amended by
18 changing Section 212 as follows:

19 (35 ILCS 5/212)

20 Sec. 212. Earned income tax credit.

1 (a) With respect to the federal earned income tax credit
2 allowed for the taxable year under Section 32 of the federal
3 Internal Revenue Code, 26 U.S.C. 32, each individual taxpayer
4 is entitled to a credit against the tax imposed by subsections
5 (a) and (b) of Section 201 in an amount equal to (i) 5% of the
6 federal tax credit for each taxable year beginning on or after
7 January 1, 2000 and ending prior to December 31, 2012, (ii)
8 7.5% of the federal tax credit for each taxable year beginning
9 on or after January 1, 2012 and ending prior to December 31,
10 2013, ~~and~~ (iii) 10% of the federal tax credit for each taxable
11 year beginning on or after January 1, 2013 and beginning prior
12 to January 1, 2017, and (iv) 20% of the federal tax credit for
13 each taxable year beginning on or after January 1, 2017.

14 For a non-resident or part-year resident, the amount of the
15 credit under this Section shall be in proportion to the amount
16 of income attributable to this State.

17 (b) For taxable years beginning before January 1, 2003, in
18 no event shall a credit under this Section reduce the
19 taxpayer's liability to less than zero. For each taxable year
20 beginning on or after January 1, 2003, if the amount of the
21 credit exceeds the income tax liability for the applicable tax
22 year, then the excess credit shall be refunded to the taxpayer.
23 The amount of a refund shall not be included in the taxpayer's
24 income or resources for the purposes of determining eligibility
25 or benefit level in any means-tested benefit program
26 administered by a governmental entity unless required by

1 federal law.

2 (c) This Section is exempt from the provisions of Section
3 250.

4 (Source: P.A. 97-652, eff. 6-1-12.)

5 Section 5-15. The Motor Fuel Tax Law is amended by changing
6 Sections 2 and 8 as follows:

7 (35 ILCS 505/2) (from Ch. 120, par. 418)

8 Sec. 2. A tax is imposed on the privilege of operating
9 motor vehicles upon the public highways and recreational-type
10 watercraft upon the waters of this State.

11 (a) Prior to August 1, 1989, the tax is imposed at the rate
12 of 13 cents per gallon on all motor fuel used in motor vehicles
13 operating on the public highways and recreational type
14 watercraft operating upon the waters of this State. Beginning
15 on August 1, 1989 and until January 1, 1990, the rate of the
16 tax imposed in this paragraph shall be 16 cents per gallon.
17 Beginning January 1, 1990 and until January 1, 2017, the rate
18 of tax imposed in this paragraph shall be 19 cents per gallon.
19 Beginning January 1, 2017, the rate of tax imposed in this
20 paragraph shall be 49 cents per gallon and shall be adjusted
21 annually each January 1 by a rate equal to the percentage
22 change in the Consumer Price Index for All Urban Consumers, as
23 issued by the United States Department of Labor, during the
24 previous calendar year.

1 (b) The tax on the privilege of operating motor vehicles
2 which use diesel fuel shall be the rate according to paragraph
3 (a) plus an additional 2 1/2 cents per gallon. "Diesel fuel" is
4 defined as any product intended for use or offered for sale as
5 a fuel for engines in which the fuel is injected into the
6 combustion chamber and ignited by pressure without electric
7 spark.

8 (c) A tax is imposed upon the privilege of engaging in the
9 business of selling motor fuel as a retailer or reseller on all
10 motor fuel used in motor vehicles operating on the public
11 highways and recreational type watercraft operating upon the
12 waters of this State: (1) at the rate of 3 cents per gallon on
13 motor fuel owned or possessed by such retailer or reseller at
14 12:01 a.m. on August 1, 1989; and (2) at the rate of 3 cents per
15 gallon on motor fuel owned or possessed by such retailer or
16 reseller at 12:01 A.M. on January 1, 1990.

17 Retailers and resellers who are subject to this additional
18 tax shall be required to inventory such motor fuel and pay this
19 additional tax in a manner prescribed by the Department of
20 Revenue.

21 The tax imposed in this paragraph (c) shall be in addition
22 to all other taxes imposed by the State of Illinois or any unit
23 of local government in this State.

24 (d) Except as provided in Section 2a, the collection of a
25 tax based on gallonage of gasoline used for the propulsion of
26 any aircraft is prohibited on and after October 1, 1979.

1 (e) The collection of a tax, based on gallonage of all
2 products commonly or commercially known or sold as 1-K
3 kerosene, regardless of its classification or uses, is
4 prohibited (i) on and after July 1, 1992 until December 31,
5 1999, except when the 1-K kerosene is either: (1) delivered
6 into bulk storage facilities of a bulk user, or (2) delivered
7 directly into the fuel supply tanks of motor vehicles and (ii)
8 on and after January 1, 2000. Beginning on January 1, 2000, the
9 collection of a tax, based on gallonage of all products
10 commonly or commercially known or sold as 1-K kerosene,
11 regardless of its classification or uses, is prohibited except
12 when the 1-K kerosene is delivered directly into a storage tank
13 that is located at a facility that has withdrawal facilities
14 that are readily accessible to and are capable of dispensing
15 1-K kerosene into the fuel supply tanks of motor vehicles. For
16 purposes of this subsection (e), a facility is considered to
17 have withdrawal facilities that are not "readily accessible to
18 and capable of dispensing 1-K kerosene into the fuel supply
19 tanks of motor vehicles" only if the 1-K kerosene is delivered
20 from: (i) a dispenser hose that is short enough so that it will
21 not reach the fuel supply tank of a motor vehicle or (ii) a
22 dispenser that is enclosed by a fence or other physical barrier
23 so that a vehicle cannot pull alongside the dispenser to permit
24 fueling.

25 Any person who sells or uses 1-K kerosene for use in motor
26 vehicles upon which the tax imposed by this Law has not been

1 paid shall be liable for any tax due on the sales or use of 1-K
2 kerosene.

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

4 (35 ILCS 505/8) (from Ch. 120, par. 424)

5 Sec. 8. Except as provided in Section 8a, subdivision
6 (h) (1) of Section 12a, Section 13a.6, and items 13, 14, 15, and
7 16 of Section 15, all money received by the Department under
8 this Act, including payments made to the Department by member
9 jurisdictions participating in the International Fuel Tax
10 Agreement, and moneys required to be deposited into the Motor
11 Fuel Tax Fund under the Illinois Road Improvement and Driver
12 Enhancement Act, shall be deposited in a special fund in the
13 State treasury, to be known as the "Motor Fuel Tax Fund", and
14 shall be used as follows:

15 (a) 2 1/2 cents per gallon of the tax collected on special
16 fuel under paragraph (b) of Section 2 and Section 13a of this
17 Act shall be transferred to the State Construction Account Fund
18 in the State Treasury;

19 (b) \$420,000 shall be transferred each month to the State
20 Boating Act Fund to be used by the Department of Natural
21 Resources for the purposes specified in Article X of the Boat
22 Registration and Safety Act;

23 (c) \$3,500,000 shall be transferred each month to the Grade
24 Crossing Protection Fund to be used as follows: not less than
25 \$12,000,000 each fiscal year shall be used for the construction

1 or reconstruction of rail highway grade separation structures;
2 \$2,250,000 in fiscal years 2004 through 2009 and \$3,000,000 in
3 fiscal year 2010 and each fiscal year thereafter shall be
4 transferred to the Transportation Regulatory Fund and shall be
5 accounted for as part of the rail carrier portion of such funds
6 and shall be used to pay the cost of administration of the
7 Illinois Commerce Commission's railroad safety program in
8 connection with its duties under subsection (3) of Section
9 18c-7401 of the Illinois Vehicle Code, with the remainder to be
10 used by the Department of Transportation upon order of the
11 Illinois Commerce Commission, to pay that part of the cost
12 apportioned by such Commission to the State to cover the
13 interest of the public in the use of highways, roads, streets,
14 or pedestrian walkways in the county highway system, township
15 and district road system, or municipal street system as defined
16 in the Illinois Highway Code, as the same may from time to time
17 be amended, for separation of grades, for installation,
18 construction or reconstruction of crossing protection or
19 reconstruction, alteration, relocation including construction
20 or improvement of any existing highway necessary for access to
21 property or improvement of any grade crossing and grade
22 crossing surface including the necessary highway approaches
23 thereto of any railroad across the highway or public road, or
24 for the installation, construction, reconstruction, or
25 maintenance of a pedestrian walkway over or under a railroad
26 right-of-way, as provided for in and in accordance with Section

1 18c-7401 of the Illinois Vehicle Code. The Commission may order
2 up to \$2,000,000 per year in Grade Crossing Protection Fund
3 moneys for the improvement of grade crossing surfaces and up to
4 \$300,000 per year for the maintenance and renewal of 4-quadrant
5 gate vehicle detection systems located at non-high speed rail
6 grade crossings. The Commission shall not order more than
7 \$2,000,000 per year in Grade Crossing Protection Fund moneys
8 for pedestrian walkways. In entering orders for projects for
9 which payments from the Grade Crossing Protection Fund will be
10 made, the Commission shall account for expenditures authorized
11 by the orders on a cash rather than an accrual basis. For
12 purposes of this requirement an "accrual basis" assumes that
13 the total cost of the project is expended in the fiscal year in
14 which the order is entered, while a "cash basis" allocates the
15 cost of the project among fiscal years as expenditures are
16 actually made. To meet the requirements of this subsection, the
17 Illinois Commerce Commission shall develop annual and 5-year
18 project plans of rail crossing capital improvements that will
19 be paid for with moneys from the Grade Crossing Protection
20 Fund. The annual project plan shall identify projects for the
21 succeeding fiscal year and the 5-year project plan shall
22 identify projects for the 5 directly succeeding fiscal years.
23 The Commission shall submit the annual and 5-year project plans
24 for this Fund to the Governor, the President of the Senate, the
25 Senate Minority Leader, the Speaker of the House of
26 Representatives, and the Minority Leader of the House of

1 Representatives on the first Wednesday in April of each year;

2 (d) of the amount remaining after allocations provided for
3 in subsections (a), (b) and (c), a sufficient amount shall be
4 reserved to pay all of the following:

5 (1) the costs of the Department of Revenue in
6 administering this Act;

7 (2) the costs of the Department of Transportation in
8 performing its duties imposed by the Illinois Highway Code
9 for supervising the use of motor fuel tax funds apportioned
10 to municipalities, counties and road districts;

11 (3) refunds provided for in Section 13, refunds for
12 overpayment of decal fees paid under Section 13a.4 of this
13 Act, and refunds provided for under the terms of the
14 International Fuel Tax Agreement referenced in Section
15 14a;

16 (4) from October 1, 1985 until June 30, 1994, the
17 administration of the Vehicle Emissions Inspection Law,
18 which amount shall be certified monthly by the
19 Environmental Protection Agency to the State Comptroller
20 and shall promptly be transferred by the State Comptroller
21 and Treasurer from the Motor Fuel Tax Fund to the Vehicle
22 Inspection Fund, and for the period July 1, 1994 through
23 June 30, 2000, one-twelfth of \$25,000,000 each month, for
24 the period July 1, 2000 through June 30, 2003, one-twelfth
25 of \$30,000,000 each month, and \$15,000,000 on July 1, 2003,
26 and \$15,000,000 on January 1, 2004, and \$15,000,000 on each

1 July 1 and October 1, or as soon thereafter as may be
2 practical, during the period July 1, 2004 through June 30,
3 2012, and \$30,000,000 on June 1, 2013, or as soon
4 thereafter as may be practical, and \$15,000,000 on July 1
5 and October 1, or as soon thereafter as may be practical,
6 during the period of July 1, 2013 through June 30, 2015,
7 for the administration of the Vehicle Emissions Inspection
8 Law of 2005, to be transferred by the State Comptroller and
9 Treasurer from the Motor Fuel Tax Fund into the Vehicle
10 Inspection Fund;

11 (5) amounts ordered paid by the Court of Claims; and

12 (6) payment of motor fuel use taxes due to member
13 jurisdictions under the terms of the International Fuel Tax
14 Agreement. The Department shall certify these amounts to
15 the Comptroller by the 15th day of each month; the
16 Comptroller shall cause orders to be drawn for such
17 amounts, and the Treasurer shall administer those amounts
18 on or before the last day of each month;

19 (e) after allocations for the purposes set forth in
20 subsections (a), (b), (c) and (d), the remaining amount shall
21 be apportioned as follows:

22 (1) Until January 1, 2000, 58.4%, and beginning January
23 1, 2000, 45.6% shall be deposited as follows:

24 (A) 37% into the State Construction Account Fund,

25 and

26 (B) 63% into the Road Fund, \$1,250,000 of which

1 shall be reserved each month for the Department of
2 Transportation to be used in accordance with the
3 provisions of Sections 6-901 through 6-906 of the
4 Illinois Highway Code;

5 (2) Until January 1, 2000, 41.6%, and beginning January
6 1, 2000, 54.4% shall be transferred to the Department of
7 Transportation to be distributed as follows:

8 (A) 49.10% to the municipalities of the State,

9 (B) 16.74% to the counties of the State having
10 1,000,000 or more inhabitants,

11 (C) 18.27% to the counties of the State having less
12 than 1,000,000 inhabitants,

13 (D) 15.89% to the road districts of the State.

14 As soon as may be after the first day of each month the
15 Department of Transportation shall allot to each municipality
16 its share of the amount apportioned to the several
17 municipalities which shall be in proportion to the population
18 of such municipalities as determined by the last preceding
19 municipal census if conducted by the Federal Government or
20 Federal census. If territory is annexed to any municipality
21 subsequent to the time of the last preceding census the
22 corporate authorities of such municipality may cause a census
23 to be taken of such annexed territory and the population so
24 ascertained for such territory shall be added to the population
25 of the municipality as determined by the last preceding census
26 for the purpose of determining the allotment for that

1 municipality. If the population of any municipality was not
2 determined by the last Federal census preceding any
3 apportionment, the apportionment to such municipality shall be
4 in accordance with any census taken by such municipality. Any
5 municipal census used in accordance with this Section shall be
6 certified to the Department of Transportation by the clerk of
7 such municipality, and the accuracy thereof shall be subject to
8 approval of the Department which may make such corrections as
9 it ascertains to be necessary.

10 As soon as may be after the first day of each month the
11 Department of Transportation shall allot to each county its
12 share of the amount apportioned to the several counties of the
13 State as herein provided. Each allotment to the several
14 counties having less than 1,000,000 inhabitants shall be in
15 proportion to the amount of motor vehicle license fees received
16 from the residents of such counties, respectively, during the
17 preceding calendar year. The Secretary of State shall, on or
18 before April 15 of each year, transmit to the Department of
19 Transportation a full and complete report showing the amount of
20 motor vehicle license fees received from the residents of each
21 county, respectively, during the preceding calendar year. The
22 Department of Transportation shall, each month, use for
23 allotment purposes the last such report received from the
24 Secretary of State.

25 As soon as may be after the first day of each month, the
26 Department of Transportation shall allot to the several

1 counties their share of the amount apportioned for the use of
2 road districts. The allotment shall be apportioned among the
3 several counties in the State in the proportion which the total
4 mileage of township or district roads in the respective
5 counties bears to the total mileage of all township and
6 district roads in the State. Funds allotted to the respective
7 counties for the use of road districts therein shall be
8 allocated to the several road districts in the county in the
9 proportion which the total mileage of such township or district
10 roads in the respective road districts bears to the total
11 mileage of all such township or district roads in the county.
12 After July 1 of any year prior to 2011, no allocation shall be
13 made for any road district unless it levied a tax for road and
14 bridge purposes in an amount which will require the extension
15 of such tax against the taxable property in any such road
16 district at a rate of not less than either .08% of the value
17 thereof, based upon the assessment for the year immediately
18 prior to the year in which such tax was levied and as equalized
19 by the Department of Revenue or, in DuPage County, an amount
20 equal to or greater than \$12,000 per mile of road under the
21 jurisdiction of the road district, whichever is less. Beginning
22 July 1, 2011 and each July 1 thereafter, an allocation shall be
23 made for any road district if it levied a tax for road and
24 bridge purposes. In counties other than DuPage County, if the
25 amount of the tax levy requires the extension of the tax
26 against the taxable property in the road district at a rate

1 that is less than 0.08% of the value thereof, based upon the
2 assessment for the year immediately prior to the year in which
3 the tax was levied and as equalized by the Department of
4 Revenue, then the amount of the allocation for that road
5 district shall be a percentage of the maximum allocation equal
6 to the percentage obtained by dividing the rate extended by the
7 district by 0.08%. In DuPage County, if the amount of the tax
8 levy requires the extension of the tax against the taxable
9 property in the road district at a rate that is less than the
10 lesser of (i) 0.08% of the value of the taxable property in the
11 road district, based upon the assessment for the year
12 immediately prior to the year in which such tax was levied and
13 as equalized by the Department of Revenue, or (ii) a rate that
14 will yield an amount equal to \$12,000 per mile of road under
15 the jurisdiction of the road district, then the amount of the
16 allocation for the road district shall be a percentage of the
17 maximum allocation equal to the percentage obtained by dividing
18 the rate extended by the district by the lesser of (i) 0.08% or
19 (ii) the rate that will yield an amount equal to \$12,000 per
20 mile of road under the jurisdiction of the road district.

21 Prior to 2011, if any road district has levied a special
22 tax for road purposes pursuant to Sections 6-601, 6-602 and
23 6-603 of the Illinois Highway Code, and such tax was levied in
24 an amount which would require extension at a rate of not less
25 than .08% of the value of the taxable property thereof, as
26 equalized or assessed by the Department of Revenue, or, in

1 DuPage County, an amount equal to or greater than \$12,000 per
2 mile of road under the jurisdiction of the road district,
3 whichever is less, such levy shall, however, be deemed a proper
4 compliance with this Section and shall qualify such road
5 district for an allotment under this Section. Beginning in 2011
6 and thereafter, if any road district has levied a special tax
7 for road purposes under Sections 6-601, 6-602, and 6-603 of the
8 Illinois Highway Code, and the tax was levied in an amount that
9 would require extension at a rate of not less than 0.08% of the
10 value of the taxable property of that road district, as
11 equalized or assessed by the Department of Revenue or, in
12 DuPage County, an amount equal to or greater than \$12,000 per
13 mile of road under the jurisdiction of the road district,
14 whichever is less, that levy shall be deemed a proper
15 compliance with this Section and shall qualify such road
16 district for a full, rather than proportionate, allotment under
17 this Section. If the levy for the special tax is less than
18 0.08% of the value of the taxable property, or, in DuPage
19 County if the levy for the special tax is less than the lesser
20 of (i) 0.08% or (ii) \$12,000 per mile of road under the
21 jurisdiction of the road district, and if the levy for the
22 special tax is more than any other levy for road and bridge
23 purposes, then the levy for the special tax qualifies the road
24 district for a proportionate, rather than full, allotment under
25 this Section. If the levy for the special tax is equal to or
26 less than any other levy for road and bridge purposes, then any

1 allotment under this Section shall be determined by the other
2 levy for road and bridge purposes.

3 Prior to 2011, if a township has transferred to the road
4 and bridge fund money which, when added to the amount of any
5 tax levy of the road district would be the equivalent of a tax
6 levy requiring extension at a rate of at least .08%, or, in
7 DuPage County, an amount equal to or greater than \$12,000 per
8 mile of road under the jurisdiction of the road district,
9 whichever is less, such transfer, together with any such tax
10 levy, shall be deemed a proper compliance with this Section and
11 shall qualify the road district for an allotment under this
12 Section.

13 In counties in which a property tax extension limitation is
14 imposed under the Property Tax Extension Limitation Law, road
15 districts may retain their entitlement to a motor fuel tax
16 allotment or, beginning in 2011, their entitlement to a full
17 allotment if, at the time the property tax extension limitation
18 was imposed, the road district was levying a road and bridge
19 tax at a rate sufficient to entitle it to a motor fuel tax
20 allotment and continues to levy the maximum allowable amount
21 after the imposition of the property tax extension limitation.
22 Any road district may in all circumstances retain its
23 entitlement to a motor fuel tax allotment or, beginning in
24 2011, its entitlement to a full allotment if it levied a road
25 and bridge tax in an amount that will require the extension of
26 the tax against the taxable property in the road district at a

1 rate of not less than 0.08% of the assessed value of the
2 property, based upon the assessment for the year immediately
3 preceding the year in which the tax was levied and as equalized
4 by the Department of Revenue or, in DuPage County, an amount
5 equal to or greater than \$12,000 per mile of road under the
6 jurisdiction of the road district, whichever is less.

7 As used in this Section the term "road district" means any
8 road district, including a county unit road district, provided
9 for by the Illinois Highway Code; and the term "township or
10 district road" means any road in the township and district road
11 system as defined in the Illinois Highway Code. For the
12 purposes of this Section, "township or district road" also
13 includes such roads as are maintained by park districts, forest
14 preserve districts and conservation districts. The Department
15 of Transportation shall determine the mileage of all township
16 and district roads for the purposes of making allotments and
17 allocations of motor fuel tax funds for use in road districts.

18 Payment of motor fuel tax moneys to municipalities and
19 counties shall be made as soon as possible after the allotment
20 is made. The treasurer of the municipality or county may invest
21 these funds until their use is required and the interest earned
22 by these investments shall be limited to the same uses as the
23 principal funds.

24 (Source: P.A. 97-72, eff. 7-1-11; 97-333, eff. 8-12-11; 98-24,
25 eff. 6-19-13; 98-674, eff. 6-30-14.)

1 Section 5-20. The Illinois Vehicle Code is amended by
2 changing Sections 3-804, 3-804.01, 3-804.02, 3-804.3, 3-805,
3 3-806, and 3-813 as follows:

4 (625 ILCS 5/3-804) (from Ch. 95 1/2, par. 3-804)

5 Sec. 3-804. Antique vehicles.

6 (a) The owner of an antique vehicle may register such
7 vehicle for a fee not to exceed (i) \$13 for a 2-year antique
8 plate if the first registration year of the 2-year period
9 begins prior to January 1, 2017 and (ii) \$19 for a 2-year
10 antique plate if the first registration year of the 2-year
11 period begins on or after January 1, 2017 and prior to January
12 1, 2018. The application for registration must be accompanied
13 by an affirmation of the owner that such vehicle will be driven
14 on the highway only for the purpose of going to and returning
15 from an antique auto show or an exhibition, or for servicing or
16 demonstration and also affirming that the mechanical
17 condition, physical condition, brakes, lights, glass and
18 appearance of such vehicle is the same or as safe as originally
19 equipped. The Secretary may, in his discretion prescribe that
20 antique vehicle plates be issued for a definite or an
21 indefinite term, such term to correspond to the term of
22 registration plates issued generally, as provided in Section
23 3-414.1. In no event may the registration fee for antique
24 vehicles exceed (i) \$6 per registration year for registration
25 years beginning prior to January 1, 2017 and (ii) \$9 for

1 registration years beginning on or after January 1, 2017 and
2 prior to January 1, 2018. For registration years beginning on
3 or after January 1, 2018, each of the maximum vehicle fees
4 under this subsection (a) shall be increased annually by the
5 percentage increase, if any, in the Consumer Price Index for
6 All Urban Consumers, as issued by the United States Department
7 of Labor, during the previous 12-month period. Any person
8 requesting antique plates under this Section may also apply to
9 have vanity or personalized plates as provided under Section
10 3-405.1.

11 (b) Any person who is the registered owner of an antique
12 vehicle may display a historical license plate from or
13 representing the model year of the vehicle, furnished by such
14 person, in lieu of the current and valid Illinois antique
15 vehicle plates issued thereto, provided that valid and current
16 Illinois antique vehicle plates and registration card issued to
17 such antique vehicle are simultaneously carried within such
18 vehicle and are available for inspection.

19 (Source: P.A. 91-37, eff. 7-1-99.)

20 (625 ILCS 5/3-804.01)

21 Sec. 3-804.01. Expanded-use antique vehicles.

22 (a) The owner of a motor vehicle that is more than 25 years
23 of age or a bona fide replica thereof may register the vehicle
24 as an expanded-use antique vehicle. In addition to the
25 appropriate registration and renewal fees, the fee for

1 expanded-use antique vehicle registration and renewal shall be
2 (i) \$45 per year for registration years beginning prior to
3 January 1, 2017 and (ii) \$67 per year for registration years
4 beginning on or after January 1, 2017 and prior to January 1,
5 2018. For registration years beginning on or after January 1,
6 2018, the vehicle fee under this subsection (a) shall be
7 increased annually by the percentage increase, if any, in the
8 Consumer Price Index for All Urban Consumers, as issued by the
9 United States Department of Labor, during the previous 12-month
10 period. The application for registration must be accompanied by
11 an affirmation of the owner that:

12 (1) from January 1 through March 31 and from November 1
13 through December 31, the vehicle will be driven on the
14 highways only for the purpose of going to and returning
15 from an antique auto show or an exhibition, or for
16 servicing or demonstration; and

17 (2) the mechanical condition, physical condition,
18 brakes, lights, glass, and appearance of such vehicle is
19 the same or as safe as originally equipped.

20 From April 1 through October 31, a vehicle registered as an
21 expanded-use antique vehicle may be driven on the highways
22 without being subject to the restrictions set forth in
23 subdivision (1). The Secretary may prescribe, in the
24 Secretary's discretion, that expanded-use antique vehicle
25 plates be issued for a definite or an indefinite term, such
26 term to correspond to the term of registration plates issued

1 generally, as provided in Section 3-414.1. Any person
2 requesting expanded-use antique vehicle plates under this
3 Section may also apply to have vanity or personalized plates as
4 provided under Section 3-405.1.

5 (b) Any person who is the registered owner of an
6 expanded-use antique vehicle may display a historical license
7 plate from or representing the model year of the vehicle,
8 furnished by such person, in lieu of the current and valid
9 Illinois expanded-use antique vehicle plates issued thereto,
10 provided that the valid and current Illinois expanded-use
11 antique vehicle plates and registration card issued to the
12 expanded-use antique vehicle are simultaneously carried within
13 the vehicle and are available for inspection.

14 (c) The Secretary may credit a pro-rated portion of a fee
15 previously paid for an antique vehicle registration under
16 Section 3-804 to an owner who applies to have that vehicle
17 registered as an expanded-use antique vehicle instead of an
18 antique vehicle.

19 (Source: P.A. 97-412, eff. 1-1-12.)

20 (625 ILCS 5/3-804.02) (from Ch. 95 1/2, par. 3-804.02)

21 Sec. 3-804.02. Commuter Vans. The owner of a commuter van
22 may register such van for an annual fee not to exceed (i) \$63
23 for registration years beginning prior to January 1, 2017 and
24 (ii) \$94 for registration years beginning on or after January
25 1, 2017 and prior to January 1, 2018. For registration years

1 beginning on or after January 1, 2018, the vehicle fee under
2 this Section shall be increased annually by the percentage
3 increase, if any, in the Consumer Price Index for All Urban
4 Consumers, as issued by the United States Department of Labor,
5 during the previous 12-month period. The Secretary may
6 prescribe that commuter van plates be issued for an indefinite
7 term, such term to correspond to the term of registration
8 plates issued generally. In no event may the registration fee
9 for commuter vans exceed the maximum registration fee set forth
10 in this Section for any ~~\$63 per~~ registration year.

11 (Source: P.A. 90-89, eff. 1-1-98; 91-37, eff. 7-1-99.)

12 (625 ILCS 5/3-804.3)

13 Sec. 3-804.3. Former military vehicles.

14 (a) The owner of a former military vehicle may register the
15 vehicle for a fee not to exceed:

16 (1) ~~\$100~~ for a vehicle with a gross vehicle weight
17 rating of 26,000 pounds or less (i) \$100 for registration
18 years beginning prior to January 1, 2017 and (ii) \$150 for
19 registration years beginning on or after January 1, 2017
20 and prior to January 1, 2018;

21 (2) ~~\$150~~ for a vehicle with a gross vehicle weight
22 rating of 26,001 to 45,000 pounds (i) \$150 for registration
23 years beginning prior to January 1, 2017 and (ii) \$225 for
24 registration years beginning on or after January 1, 2017
25 and prior to January 1, 2018;

1 (3) ~~\$500~~ for a vehicle with a gross vehicle weight
2 rating of 45,001 to 65,000 pounds (i) \$500 for registration
3 years beginning prior to January 1, 2017 and (ii) \$750 for
4 registration years beginning on or after January 1, 2017
5 and prior to January 1, 2018;

6 (4) ~~\$1,000~~ for a vehicle with a gross vehicle weight
7 rating of over 65,000 pounds (i) \$1,000 for registration
8 years beginning prior to January 1, 2017 and (ii) \$1,500
9 for registration years beginning on or after January 1,
10 2017 and prior to January 1, 2018; or

11 (5) ~~\$25~~ for a trailer with a weight of 3,000 pounds or
12 less (i) \$25 for registration years beginning prior to
13 January 1, 2017 and (ii) \$37 for registration years
14 beginning on or after January 1, 2017 and prior to January
15 1, 2018; or

16 (6) ~~\$75~~ for a trailer with a weight of over 3,000
17 pounds (i) \$75 for registration years beginning prior to
18 January 1, 2017 and (ii) \$112 for registration years
19 beginning on or after January 1, 2017 and prior to January
20 1, 2018.

21 For registration years beginning on or after January 1,
22 2018, the vehicle fees under this subsection (a) shall be
23 increased annually by the percentage increase, if any, in the
24 Consumer Price Index for All Urban Consumers, as issued by the
25 United States Department of Labor, during the previous 12-month
26 period.

1 (b) The Secretary may prescribe, in the Secretary's
2 discretion, that former military vehicle plates be issued for a
3 definite or an indefinite term, such term to correspond to the
4 term of registration plates issued generally, as provided in
5 Section 3-414.1. Any person requesting former military vehicle
6 plates under this Section may also apply to have vanity or
7 personalized plates as provided under Section 3-405.1.

8 (c) A vehicle registered as a former military vehicle is
9 not subject to Section 3-815 and 3-818 of this Code.

10 (d) A vehicle may not be registered under this Section
11 unless a title for the vehicle has been issued by the Secretary
12 and the vehicle is eligible for registration without regard to
13 its status as a military vehicle.

14 (Source: P.A. 97-811, eff. 7-13-12.)

15 (625 ILCS 5/3-805) (from Ch. 95 1/2, par. 3-805)

16 Sec. 3-805. Electric vehicles. The owner of a motor
17 vehicle of the first division or a motor vehicle of the second
18 division weighing 8,000 pounds or less propelled by an electric
19 engine and not utilizing motor fuel, may register such vehicle
20 for a 2-year registration period for a fee not to exceed (i)
21 \$35 if the first registration year of the 2-year period begins
22 prior to January 1, 2017 and (ii) \$52 if the first registration
23 year of the 2-year period begins on or after January 1, 2017
24 and prior to January 1, 2018 ~~for a 2-year registration period.~~

25 The Secretary may, in his discretion, prescribe that electric

1 vehicle registration plates be issued for an indefinite term,
2 such term to correspond to the term of registration plates
3 issued generally, as provided in Section 3-414.1. In no event
4 may the registration fee for electric vehicles exceed (i) \$18
5 per registration year for registration years beginning prior to
6 January 1, 2017 and (ii) \$27 per registration year registration
7 years beginning on or after January 1, 2017 and prior to
8 January 1, 2018. For registration years beginning on or after
9 January 1, 2018, each of the maximum vehicle fees under this
10 Section shall be increased annually by the percentage increase,
11 if any, in the Consumer Price Index for All Urban Consumers, as
12 issued by the United States Department of Labor, during the
13 previous 12-month period.

14 (Source: P.A. 96-1135, eff. 7-21-10.)

15 (625 ILCS 5/3-806) (from Ch. 95 1/2, par. 3-806)

16 Sec. 3-806. Registration Fees; Motor Vehicles of the First
17 Division.

18 (a) Every owner of any other motor vehicle of the first
19 division, except as provided in Sections 3-804, 3-804.01,
20 3-804.3, 3-805, 3-806.3, 3-806.7, and 3-808, and every second
21 division vehicle weighing 8,000 pounds or less, shall pay the
22 Secretary of State an annual registration fee at the rates set
23 forth in subsection (b). ~~following rates:~~

24 (b) For the 2010 registration year through the 2016
25 registration year, the registration fees shall be the fees set

1 forth in the following table.

2 SCHEDULE OF REGISTRATION FEES
3 REQUIRED BY LAW

4 ~~Beginning with the 2010 registration year~~

5 Annual Fee

6 Motor vehicles of the first division other	
7 than Autocycles, Motorcycles, Motor	
8 Driven Cycles and Pedalcycles	\$98
9	
10 Autocycles	68
11	
12 Motorcycles, Motor Driven	
13 Cycles and Pedalcycles	38

14 For the 2017 registration year, the registration fees shall
15 be as follows:

- 16 (1) For motor vehicles of the first division other than
- 17 Autocycles, Motorcycles, Motor Driven Cycles and
- 18 Pedalcycles..... \$147
- 19 (2) For autocycles \$102
- 20 (3) For Motorcycles, Motor Driven Cycles, and
- 21 Pedalcycles..... \$67.

22 For the 2018 registration year and each registration year
23 thereafter, the registration fees set forth in paragraphs (1),
24 (2), and (3) shall be increased by the percentage increase, if
25 any, in the Consumer Price Index for All Urban Consumers, as

1 issued by the United States Department of Labor, during the
2 previous 12-month period.

3 (c) A \$1 surcharge shall be collected in addition to the
4 above fees for motor vehicles of the first division,
5 autocycles, motorcycles, motor driven cycles, and pedalcycles
6 to be deposited into the State Police Vehicle Fund.

7 (d) All of the proceeds of the additional fees imposed by
8 Public Act 96-34 shall be deposited into the Capital Projects
9 Fund.

10 (e) A \$2 surcharge shall be collected in addition to the
11 above fees for motor vehicles of the first division,
12 autocycles, motorcycles, motor driven cycles, and pedalcycles
13 to be deposited into the Park and Conservation Fund for the
14 Department of Natural Resources to use for conservation
15 efforts. The monies deposited into the Park and Conservation
16 Fund under this Section shall not be subject to administrative
17 charges or chargebacks unless otherwise authorized by this Act.

18 (Source: P.A. 97-412, eff. 1-1-12; 97-811, eff. 7-13-12;
19 97-1136, eff. 1-1-13; 98-463, eff. 8-16-13; 98-777, eff.
20 1-1-15.)

21 (625 ILCS 5/3-813) (from Ch. 95 1/2, par. 3-813)

22 Sec. 3-813. Vehicles of second division - Registration fee.
23 Except as otherwise provided in this Code, all owners of
24 vehicles of the second division which are designed, equipped or
25 used for carrying freight, goods, wares, merchandise, or for

1 use as living quarters; and all owners of vehicles of the first
2 division which have been remodelled and are being used for such
3 purposes; and all owners of motor vehicles operated as truck
4 tractors to the weights of which are added to the gross weights
5 of semitrailers with their maximum loads when drawn by such
6 truck tractors; and all owners of vehicles of the second
7 division which are used for carrying more than 10 persons,
8 shall pay to the Secretary of State for each registration year,
9 for the use of the public highways of this State, a
10 registration fee ~~of \$10~~ for each such vehicle, which shall be
11 collected as part of the flat weight tax assessed under Section
12 3-815 of this Code. For registration years beginning prior to
13 January 1, 2017, the registration fee shall be \$10 for each
14 such vehicle. For registration years beginning on and after
15 January 1, 2017 and prior to January 1, 2018, the registration
16 fee shall be \$15 for each such vehicle. For registration years
17 beginning on or after January 1, 2018, the fee under this
18 Section shall be increased annually by the percentage increase,
19 if any, in the Consumer Price Index for All Urban Consumers, as
20 issued by the United States Department of Labor, during the
21 previous 12-month period A self-propelled vehicle operated as a
22 truck tractor and one semitrailer or a combination of a truck
23 tractor and semitrailer drawing a trailer or a semitrailer
24 converted to a trailer through use of an auxiliary axle or any
25 combination of apportioned vehicles shall be considered as one
26 vehicle in computing the flat weight taxes under Section 3-815.

1 (Source: P.A. 99-127, eff. 1-1-16.)

2 Section 999. Effective date. This Act takes effect upon
3 becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 New Act

4 30 ILCS 105/5.875 new

5 35 ILCS 5/212

6 35 ILCS 505/2 from Ch. 120, par. 418

7 35 ILCS 505/8 from Ch. 120, par. 424

8 625 ILCS 5/3-804 from Ch. 95 1/2, par. 3-804

9 625 ILCS 5/3-804.01

10 625 ILCS 5/3-804.02 from Ch. 95 1/2, par. 3-804.02

11 625 ILCS 5/3-804.3

12 625 ILCS 5/3-805 from Ch. 95 1/2, par. 3-805

13 625 ILCS 5/3-806 from Ch. 95 1/2, par. 3-806

14 625 ILCS 5/3-813 from Ch. 95 1/2, par. 3-813