



1 State Boating Act Fund to be used by the Department of  
2 Natural Resources for the purposes specified in Article X of  
3 the Boat Registration and Safety Act;

4 (c) \$2,250,000 shall be transferred each month to the  
5 Grade Crossing Protection Fund to be used as follows: not  
6 less than \$6,000,000 each fiscal year shall be used for the  
7 construction or reconstruction of rail highway grade  
8 separation structures; beginning with fiscal year 1997 and  
9 ending in fiscal year 2000, \$1,500,000, and beginning with  
10 fiscal year 2001 and ~~ending in fiscal year 2003, \$2,250,000,~~  
11 ~~and \$750,000 in fiscal year 2004 and~~ each fiscal year  
12 thereafter, \$2,250,000, shall be transferred to the  
13 Transportation Regulatory Fund and shall be accounted for as  
14 part of the rail carrier portion of such funds and shall be  
15 used to pay the cost of administration of the Illinois  
16 Commerce Commission's railroad safety program in connection  
17 with its duties under subsection (3) of Section 18c-7401 of  
18 the Illinois Vehicle Code, with the remainder to be used by  
19 the Department of Transportation upon order of the Illinois  
20 Commerce Commission, to pay that part of the cost apportioned  
21 by such Commission to the State to cover the interest of the  
22 public in the use of highways, roads, streets, or pedestrian  
23 walkways in the county highway system, township and district  
24 road system, or municipal street system as defined in the  
25 Illinois Highway Code, as the same may from time to time be  
26 amended, for separation of grades, for installation,  
27 construction or reconstruction of crossing protection or  
28 reconstruction, alteration, relocation including construction  
29 or improvement of any existing highway necessary for access  
30 to property or improvement of any grade crossing including  
31 the necessary highway approaches thereto of any railroad  
32 across the highway or public road, or for the installation,  
33 construction, reconstruction, or maintenance of a pedestrian  
34 walkway over or under a railroad right-of-way, as provided

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

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

28 (1) the costs of the Department of Revenue in  
29 administering this Act;

30 (2) the costs of the Department of Transportation  
31 in performing its duties imposed by the Illinois Highway  
32 Code for supervising the use of motor fuel tax funds  
33 apportioned to municipalities, counties and road  
34 districts;

1           (3) refunds provided for in Section 13 of this Act  
2 and under the terms of the International Fuel Tax  
3 Agreement referenced in Section 14a;

4           (4) from October 1, 1985 until June 30, 1994, the  
5 administration of the Vehicle Emissions Inspection Law,  
6 which amount shall be certified monthly by the  
7 Environmental Protection Agency to the State Comptroller  
8 and shall promptly be transferred by the State  
9 Comptroller and Treasurer from the Motor Fuel Tax Fund to  
10 the Vehicle Inspection Fund, and for the period July 1,  
11 1994 through June 30, 2000, one-twelfth of \$25,000,000  
12 each month, and for the period July 1, 2000 through June  
13 30, 2006, one-twelfth of \$30,000,000 each month, for the  
14 administration of the Vehicle Emissions Inspection Law of  
15 1995, to be transferred by the State Comptroller and  
16 Treasurer from the Motor Fuel Tax Fund into the Vehicle  
17 Inspection Fund;

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

20           (6) payment of motor fuel use taxes due to member  
21 jurisdictions under the terms of the International Fuel  
22 Tax Agreement. The Department shall certify these  
23 amounts to the Comptroller by the 15th day of each month;  
24 the Comptroller shall cause orders to be drawn for such  
25 amounts, and the Treasurer shall administer those amounts  
26 on or before the last day of each month;

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

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

32                   (A) 37% into the State Construction Account  
33 Fund, and

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

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

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

- 9                   (A) 49.10% to the municipalities of the State,
- 10                   (B) 16.74% to the counties of the State having  
11                   1,000,000 or more inhabitants,
- 12                   (C) 18.27% to the counties of the State having  
13                   less than 1,000,000 inhabitants,
- 14                   (D) 15.89% to the road districts of the State.

15           As soon as may be after the first day of each month the  
16           Department of Transportation shall allot to each municipality  
17           its share of the amount apportioned to the several  
18           municipalities which shall be in proportion to the population  
19           of such municipalities as determined by the last preceding  
20           municipal census if conducted by the Federal Government or  
21           Federal census. If territory is annexed to any municipality  
22           subsequent to the time of the last preceding census the  
23           corporate authorities of such municipality may cause a census  
24           to be taken of such annexed territory and the population so  
25           ascertained for such territory shall be added to the  
26           population of the municipality as determined by the last  
27           preceding census for the purpose of determining the allotment  
28           for that municipality. If the population of any municipality  
29           was not determined by the last Federal census preceding any  
30           apportionment, the apportionment to such municipality shall  
31           be in accordance with any census taken by such municipality.  
32           Any municipal census used in accordance with this Section  
33           shall be certified to the Department of Transportation by the  
34           clerk of such municipality, and the accuracy thereof shall be

1 subject to approval of the Department which may make such  
2 corrections as it ascertains to be necessary.

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

18 As soon as may be after the first day of each month, the  
19 Department of Transportation shall allot to the several  
20 counties their share of the amount apportioned for the use of  
21 road districts. The allotment shall be apportioned among the  
22 several counties in the State in the proportion which the  
23 total mileage of township or district roads in the respective  
24 counties bears to the total mileage of all township and  
25 district roads in the State. Funds allotted to the respective  
26 counties for the use of road districts therein shall be  
27 allocated to the several road districts in the county in the  
28 proportion which the total mileage of such township or  
29 district roads in the respective road districts bears to the  
30 total mileage of all such township or district roads in the  
31 county. After July 1 of any year, no allocation shall be  
32 made for any road district unless it levied a tax for road  
33 and bridge purposes in an amount which will require the  
34 extension of such tax against the taxable property in any

1 such road district at a rate of not less than either .08% of  
2 the value thereof, based upon the assessment for the year  
3 immediately prior to the year in which such tax was levied  
4 and as equalized by the Department of Revenue or, in DuPage  
5 County, an amount equal to or greater than \$12,000 per mile  
6 of road under the jurisdiction of the road district,  
7 whichever is less. If any road district has levied a special  
8 tax for road purposes pursuant to Sections 6-601, 6-602 and  
9 6-603 of the Illinois Highway Code, and such tax was levied  
10 in an amount which would require extension at a rate of not  
11 less than .08% of the value of the taxable property thereof,  
12 as equalized or assessed by the Department of Revenue, or, in  
13 DuPage County, an amount equal to or greater than \$12,000 per  
14 mile of road under the jurisdiction of the road district,  
15 whichever is less, such levy shall, however, be deemed a  
16 proper compliance with this Section and shall qualify such  
17 road district for an allotment under this Section. If a  
18 township has transferred to the road and bridge fund money  
19 which, when added to the amount of any tax levy of the road  
20 district would be the equivalent of a tax levy requiring  
21 extension at a rate of at least .08%, or, in DuPage County,  
22 an amount equal to or greater than \$12,000 per mile of road  
23 under the jurisdiction of the road district, whichever is  
24 less, such transfer, together with any such tax levy, shall  
25 be deemed a proper compliance with this Section and shall  
26 qualify the road district for an allotment under this  
27 Section.

28 In counties in which a property tax extension limitation  
29 is imposed under the Property Tax Extension Limitation Law,  
30 road districts may retain their entitlement to a motor fuel  
31 tax allotment if, at the time the property tax extension  
32 limitation was imposed, the road district was levying a road  
33 and bridge tax at a rate sufficient to entitle it to a motor  
34 fuel tax allotment and continues to levy the maximum

1 allowable amount after the imposition of the property tax  
2 extension limitation. Any road district may in all  
3 circumstances retain its entitlement to a motor fuel tax  
4 allotment if it levied a road and bridge tax in an amount  
5 that will require the extension of the tax against the  
6 taxable property in the road district at a rate of not less  
7 than 0.08% of the assessed value of the property, based upon  
8 the assessment for the year immediately preceding the year in  
9 which the tax was levied and as equalized by the Department  
10 of Revenue or, in DuPage County, an amount equal to or  
11 greater than \$12,000 per mile of road under the jurisdiction  
12 of the road district, whichever is less.

13 As used in this Section the term "road district" means  
14 any road district, including a county unit road district,  
15 provided for by the Illinois Highway Code; and the term  
16 "township or district road" means any road in the township  
17 and district road system as defined in the Illinois Highway  
18 Code. For the purposes of this Section, "road district" also  
19 includes park districts, forest preserve districts and  
20 conservation districts organized under Illinois law and  
21 "township or district road" also includes such roads as are  
22 maintained by park districts, forest preserve districts and  
23 conservation districts. The Department of Transportation  
24 shall determine the mileage of all township and district  
25 roads for the purposes of making allotments and allocations  
26 of motor fuel tax funds for use in road districts.

27 Payment of motor fuel tax moneys to municipalities and  
28 counties shall be made as soon as possible after the  
29 allotment is made. The treasurer of the municipality or  
30 county may invest these funds until their use is required and  
31 the interest earned by these investments shall be limited to  
32 the same uses as the principal funds.

33 (Source: P.A. 91-37, eff. 7-1-99; 91-59, eff. 6-30-99;  
34 91-173, eff. 1-1-00; 91-357, eff. 7-29-99; 91-704, eff.



1 7-1-00; 91-725, eff. 6-2-00; 91-794, eff. 6-9-00; 92-16, eff.  
2 6-28-01; 92-30, eff. 7-1-01.)

3 Section 15. The Illinois Vehicle Code is amended by  
4 adding Section 3-653 and changing Section 18c-1503 as  
5 follows:"; and

6 on page 2, below line 14, by inserting the following:

7 "(625 ILCS 5/18c-1503) (from Ch. 95 1/2, par. 18c-1503)  
8 Sec. 18c-1503. Legislative Intent. It is the intent of  
9 the Legislature that the exercise of powers under Sections  
10 18c-1501 and 18c-1502 of this Chapter shall not diminish  
11 revenues to the Commission, and that any surplus or deficit  
12 of revenues in the Transportation Regulatory Fund, together  
13 with any projected changes in the cost of administering and  
14 enforcing this Chapter, should be considered in establishing  
15 or adjusting fees and taxes in succeeding years. The  
16 ~~Commission shall administer fees and taxes under this Chapter~~  
17 ~~in such a manner as to insure that any surplus generated or~~  
18 ~~accumulated in the Transportation Regulatory Fund does not~~  
19 ~~exceed the surplus accumulated in the Motor Vehicle Fund~~  
20 ~~during fiscal year 1984, and shall adjust the level of such~~  
21 ~~fees and taxes to insure compliance with this provision.~~  
22 (Source: P.A. 84-796.)".