

1 AN ACT to amend the Motor Fuel Tax Law by changing
2 Section 8.

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

5 Section 5. The Motor Fuel Tax Law is amended by
6 changing Section 8 as follows:

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

8 Sec. 8. Except as provided in Sections 8a and 13a.6 and
9 items 13, 14, 15, and 16 of Section 15, all money received by
10 the Department under this Act, including payments made to the
11 Department by member jurisdictions participating in the
12 International Fuel Tax Agreement, shall be deposited in a
13 special fund in the State treasury, to be known as the "Motor
14 Fuel Tax Fund", and shall be used as follows:

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

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

23 (c) \$2,250,000 shall be transferred each month to the
24 Grade Crossing Protection Fund to be used as follows: not
25 less than \$6,000,000 each fiscal year shall be used for the
26 construction or reconstruction of rail highway grade
27 separation structures; beginning with fiscal year 1997 and
28 ending in fiscal year 2000, \$1,500,000, beginning with fiscal
29 year 2001 and ending in fiscal year 2003, \$2,250,000, and
30 \$750,000 in fiscal year 2004 and each fiscal year thereafter
31 shall be transferred to the Transportation Regulatory Fund

1 and shall be accounted for as part of the rail carrier
2 portion of such funds and shall be used to pay the cost of
3 administration of the Illinois Commerce Commission's railroad
4 safety program in connection with its duties under subsection
5 (3) of Section 18c-7401 of the Illinois Vehicle Code, with
6 the remainder to be used by the Department of Transportation
7 upon order of the Illinois Commerce Commission, to pay that
8 part of the cost apportioned by such Commission to the State
9 to cover the interest of the public in the use of highways,
10 roads, streets, or pedestrian walkways in the county highway
11 system, township and district road system, or municipal
12 street system as defined in the Illinois Highway Code, as the
13 same may from time to time be amended, for separation of
14 grades, for installation, construction or reconstruction of
15 crossing protection or reconstruction, alteration, relocation
16 including construction or improvement of any existing highway
17 necessary for access to property or improvement of any grade
18 crossing including the necessary highway approaches thereto
19 of any railroad across the highway or public road, or for the
20 installation, construction, reconstruction, or maintenance of
21 a pedestrian walkway over or under a railroad right-of-way,
22 as provided for in and in accordance with Section 18c-7401 of
23 the Illinois Vehicle Code. The Commission shall not order
24 more than \$2,000,000 per year in Grade Crossing Protection
25 Fund moneys for pedestrian walkways. In entering orders for
26 projects for which payments from the Grade Crossing
27 Protection Fund will be made, the Commission shall account
28 for expenditures authorized by the orders on a cash rather
29 than an accrual basis. For purposes of this requirement an
30 "accrual basis" assumes that the total cost of the project is
31 expended in the fiscal year in which the order is entered,
32 while a "cash basis" allocates the cost of the project among
33 fiscal years as expenditures are actually made. To meet the
34 requirements of this subsection, the Illinois Commerce

1 Commission shall develop annual and 5-year project plans of
2 rail crossing capital improvements that will be paid for with
3 moneys from the Grade Crossing Protection Fund. The annual
4 project plan shall identify projects for the succeeding
5 fiscal year and the 5-year project plan shall identify
6 projects for the 5 directly succeeding fiscal years. The
7 Commission shall submit the annual and 5-year project plans
8 for this Fund to the Governor, the President of the Senate,
9 the Senate Minority Leader, the Speaker of the House of
10 Representatives, and the Minority Leader of the House of
11 Representatives on the first Wednesday in April of each year;

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

15 (1) the costs of the Department of Revenue in
16 administering this Act;

17 (2) the costs of the Department of Transportation
18 in performing its duties imposed by the Illinois Highway
19 Code for supervising the use of motor fuel tax funds
20 apportioned to municipalities, counties and road
21 districts;

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

25 (4) from October 1, 1985 until June 30, 1994, the
26 administration of the Vehicle Emissions Inspection Law,
27 which amount shall be certified monthly by the
28 Environmental Protection Agency to the State Comptroller
29 and shall promptly be transferred by the State
30 Comptroller and Treasurer from the Motor Fuel Tax Fund to
31 the Vehicle Inspection Fund, and for the period July 1,
32 1994 through June 30, 2000, ~~June-30-2006~~, one-twelfth of
33 \$25,000,000 each month, and for the period July 1, 2000
34 through June 30, 2006, one-twelfth of \$30,000,000 each

1 month, for the administration of the Vehicle Emissions
2 Inspection Law of 1995, to be transferred by the State
3 Comptroller and Treasurer from the Motor Fuel Tax Fund
4 into the Vehicle Inspection Fund;

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

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

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

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

19 (A) 37% into the State Construction Account
20 Fund, and

21 (B) 63% into the Road Fund, \$1,250,000 of
22 which shall be reserved each month for the
23 Department of Transportation to be used in
24 accordance with the provisions of Sections 6-901
25 through 6-906 of the Illinois Highway Code;

26 (2) Until January 1, 2000, 41.6%, and beginning
27 January 1, 2000, 54.4% shall be transferred to the
28 Department of Transportation to be distributed as
29 follows:

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

31 (B) 16.74% to the counties of the State having
32 1,000,000 or more inhabitants,

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

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

2 As soon as may be after the first day of each month the
3 Department of Transportation shall allot to each municipality
4 its share of the amount apportioned to the several
5 municipalities which shall be in proportion to the population
6 of such municipalities as determined by the last preceding
7 municipal census if conducted by the Federal Government or
8 Federal census. If territory is annexed to any municipality
9 subsequent to the time of the last preceding census the
10 corporate authorities of such municipality may cause a census
11 to be taken of such annexed territory and the population so
12 ascertained for such territory shall be added to the
13 population of the municipality as determined by the last
14 preceding census for the purpose of determining the allotment
15 for that municipality. If the population of any municipality
16 was not determined by the last Federal census preceding any
17 apportionment, the apportionment to such municipality shall
18 be in accordance with any census taken by such municipality.
19 Any municipal census used in accordance with this Section
20 shall be certified to the Department of Transportation by the
21 clerk of such municipality, and the accuracy thereof shall be
22 subject to approval of the Department which may make such
23 corrections as it ascertains to be necessary.

24 As soon as may be after the first day of each month the
25 Department of Transportation shall allot to each county its
26 share of the amount apportioned to the several counties of
27 the State as herein provided. Each allotment to the several
28 counties having less than 1,000,000 inhabitants shall be in
29 proportion to the population of those counties as determined
30 by the last federal census. If territory is annexed to any
31 county subsequent to the time of the last preceding census,
32 the corporate authorities of the county may cause a census to
33 be taken of the annexed territory and the population so
34 ascertained for that territory shall be added to the

1 population of the county as determined by the last preceding
2 census for the purpose of determining the allotment for that
3 county. If the population of any county was not determined
4 by the last federal census preceding any apportionment, the
5 apportionment to that county shall be in accordance with any
6 census taken by that county. Any county census used in
7 accordance with this Section shall be certified to the
8 Department of Transportation by the clerk of the county, and
9 the accuracy of the census shall be subject to approval of
10 the Department, which may make such corrections as it
11 ascertains to be necessary. amount-of-motor-vehicle-license
12 fees--received--from--the---residents---of---such---counties,
13 respectively,---during---the--preceding--calendar--year.--The
14 Secretary-of-State-shall,--on-or-before-April-15-of-each-year,
15 transmit-to-the--Department--of--Transportation--a--full--and
16 complete--report--showing-the-amount-of-motor-vehicle-license
17 fees--received---from---the---residents---of---each---county,
18 respectively,---during---the--preceding--calendar--year.--The
19 Department-of-Transportation--shall,--each--month,--use--for
20 allotment--purposes--the--last--such-report-received-from-the
21 Secretary-of-State.

22 As soon as may be after the first day of each month, the
23 Department of Transportation shall allot to the several
24 counties their share of the amount apportioned for the use of
25 road districts. In counties with 1,000,000 or more
26 inhabitants, the allotment shall be apportioned-among-the
27 several-counties-in-the-State in the proportion which the
28 total mileage of township or district roads in the respective
29 counties bears to the total mileage of all township and
30 district roads in the State. After apportionment in counties
31 with 1,000,000 or more inhabitants, the balance shall be
32 apportioned among the counties with fewer than 1,000,000
33 inhabitants in proportion to the population of those counties
34 as determined by the last preceding federal census. If

1 territory is annexed to any county subsequent to the time of
2 the last preceding census, the corporate authorities of the
3 county may cause a census to be taken of the annexed
4 territory and the population so ascertained for that
5 territory shall be added to the population of the county as
6 determined by the last preceding census for the purpose of
7 determining the allotment for that county. If the population
8 of any county was not determined by the last federal census
9 preceding any apportionment, the apportionment to that county
10 shall be in accordance with any census taken by that county.
11 Any county census used in accordance with this Section shall
12 be certified to the Department of Transportation by the clerk
13 of the county, and the accuracy of the census shall be
14 subject to approval of the Department, which may make such
15 corrections as it ascertains to be necessary. Funds allotted
16 to the-respective counties with 1,000,000 or more inhabitants
17 for the use of road districts therein shall be allocated to
18 the several road districts in the county in the proportion
19 which the total mileage of such township or district roads in
20 the respective road districts bears to the total mileage of
21 all such township or district roads in the county. Funds
22 allocated to counties with fewer than 1,000,000 inhabitants
23 shall be allocated to the several road districts in the
24 county in proportion to the population of the road district
25 as determined by the last federal census. After July 1 of any
26 year, no allocation shall be made for any road district
27 unless it levied a tax for road and bridge purposes in an
28 amount which will require the extension of such tax against
29 the taxable property in any such road district at a rate of
30 not less than either .08% of the value thereof, based upon
31 the assessment for the year immediately prior to the year in
32 which such tax was levied and as equalized by the Department
33 of Revenue or, in DuPage County, an amount equal to or
34 greater than \$12,000 per mile of road under the jurisdiction

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

22 In counties in which a property tax extension limitation
23 is imposed under the Property Tax Extension Limitation Law,
24 road districts may retain their entitlement to a motor fuel
25 tax allotment if, at the time the property tax extension
26 limitation was imposed, the road district was levying a road
27 and bridge tax at a rate sufficient to entitle it to a motor
28 fuel tax allotment and continues to levy the maximum
29 allowable amount after the imposition of the property tax
30 extension limitation. Any road district may in all
31 circumstances retain its entitlement to a motor fuel tax
32 allotment if it levied a road and bridge tax in an amount
33 that will require the extension of the tax against the
34 taxable property in the road district at a rate of not less

1 than 0.08% of the assessed value of the property, based upon
2 the assessment for the year immediately preceding the year in
3 which the tax was levied and as equalized by the Department
4 of Revenue or, in DuPage County, an amount equal to or
5 greater than \$12,000 per mile of road under the jurisdiction
6 of the road district, whichever is less.

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

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

27 (Source: P.A. 90-110, eff. 7-14-97; 90-655, eff. 7-30-98;
28 90-659, eff. 1-1-99; 90-691, eff. 1-1-99; 91-37, eff. 7-1-99;
29 91-59, eff. 6-30-99; 91-173, eff. 1-1-00; 91-357, eff.
30 7-29-99; 91-704, eff. 7-1-00; 91-725, eff. 6-2-00; 91-794,
31 eff. 6-9-00; revised 6-28-00.)

32 Section 99. Effective date. This Act takes effect
33 January 1, 2002.