



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4076

by Rep. Luis Arroyo

SYNOPSIS AS INTRODUCED:

See Index

Amends the State Finance Act. Creates the State Aviation Program Fund, the Local Government Aviation Trust Fund, and the Aviation Fuel Sales Tax Refund Fund. Provides that moneys in the State Aviation Program Fund shall be used by the Department of Transportation for the purposes of administering a State Aviation Program. Provides that moneys in the Local Government Aviation Trust Fund shall be used by units of local government for airport-related purposes. Provides that moneys in the Aviation Fuel Sales Tax Refund Fund shall be used by the Department of Revenue to pay refunds. Amends the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act to provide that moneys received from the tax paid on aviation fuel shall be deposited into those Funds. Amends the Motor Fuel Tax Law. Provides that aviation fuel sold or used on or after December 1, 2017 shall be deposited into the State Aviation Program Fund. Amends the Innovation Development and Economy Act, the Counties Code, the Illinois Municipal Code, the Civic Center Code, the Flood Prevention District Act, the Metro-East Park and Recreation District Act, the Local Mass Transit District Act, the Regional Transportation Authority Act, and the Water Commission Act of 1985. Prohibits certain local retailers' occupation taxes on aviation fuel unless the unit of local government has an airport-related purpose. Provides that the proceeds from those taxes on aviation fuel shall be deposited into the Local Government Aviation Trust Fund. Amends the Business Enterprise for Minorities, Females, and Persons with Disabilities Act to provide that the term "State contract" specifically includes contracts paid from moneys available in the State Aviation Program Fund.

LRB100 13312 HLH 27839 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 Section 5. The State Finance Act is amended by adding
5 Sections 5.878, 5.879, 5.880, 6z-20.1, 6z-20.2, 6z-101, and
6 6z-102 as follows:

7 (30 ILCS 105/5.878 new)

8 Sec. 5.878. The State Aviation Program Fund.

9 (30 ILCS 105/5.879 new)

10 Sec. 5.879. The Local Government Aviation Trust Fund.

11 (30 ILCS 105/5.880 new)

12 Sec. 5.880. The Aviation Fuel Sales Tax Refund Fund.

13 (30 ILCS 105/6z-20.1 new)

14 Sec. 6z-20.1. The State Aviation Program Fund.

15 (a) The State Aviation Program Fund is created in the State
16 Treasury. Moneys in the Fund shall be used by the Department of
17 Transportation for the purposes of administering a State
18 Aviation Program. The moneys shall be used for the purpose of
19 (i) distributing grants to units of local government to be used
20 for airport-related purposes and (ii) by the State for

1 airport-related purposes.

2 (b) The provisions directing the distributions from the
3 State Aviation Program provided for in this Section shall
4 constitute an irrevocable and continuing appropriation of all
5 amounts as provided herein.

6 (c) For the purposes of this Section, "airport-related
7 purposes" means:

8 (1) the capital or operating costs of (i) an airport,
9 (ii) a local airport system, or (iii) any other local
10 facility that is owned or operated by the person or entity
11 that owns or operates the airport and is directly and
12 substantially related to the air transportation of
13 passengers or property as provided in 49 U.S.C. §47133;

14 (2) noise mitigation or abatement on or off of airport
15 property; and

16 (3) programs aimed at increasing diversity and
17 enhancing participation in all aspects of airport
18 operations and airport-related projects and contracting by
19 any company that has secured certification as (i) a
20 minority-owned business, female-owned business, or
21 business owned by a person with a disability under the
22 Business Enterprise for Minorities, Females, and Persons
23 with Disabilities Act or (ii) an airport concession
24 disadvantaged business entity under 49 C.F.R. Part 23 or
25 26, including programs for education, mentoring,
26 apprenticeships, job fairs, and community outreach.

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2 (30 ILCS 105/6z-20.2 new)

3 Sec. 6z-20.2. The Local Government Aviation Trust Fund.4 (a) The Local Government Aviation Trust Fund is created as
5 a trust fund in the State Treasury. Moneys in the Trust Fund
6 shall be used by units of local government for airport-related
7 purposes.8 (b) Moneys in the Trust Fund are not subject to
9 appropriation and shall be used solely as provided in this
10 Section. All deposits into the Trust Fund shall be held in the
11 Trust Fund by the State Treasurer, ex officio, as trustee
12 separate and apart from all public moneys or funds of this
13 State.14 (c) On or before the 25th day of each calendar month, the
15 Department shall prepare and certify to the Comptroller the
16 disbursement of stated sums of money to named units of local
17 government, the units of local government to be those from
18 which retailers or servicemen have paid tax or penalties to the
19 Department during the second preceding calendar month on sales
20 of aviation fuel. The amount to be paid to each unit of local
21 government shall be the amount (not including credit memoranda)
22 collected during the second preceding calendar month by the
23 Department and paid into the Local Government Aviation Trust
24 Fund, plus an amount the Department determines is necessary to
25 offset any amounts which were erroneously paid to a different

1 taxing body, and not including an amount equal to the amount of
2 refunds made during the second preceding calendar month by the
3 Department, and not including any amount which the Department
4 determines is necessary to offset any amounts which are payable
5 to a different taxing body but were erroneously paid to the
6 unit of local government. Within 10 days after receipt by the
7 Comptroller of the certification for disbursement to the units
8 of local government, provided for in this Section to be given
9 to the Comptroller by the Department, the Comptroller shall
10 cause the orders to be drawn for the respective amounts in
11 accordance with the directions contained in the certification.

12 When certifying the amount of the monthly disbursement to a
13 unit of local government under this Section, the Department
14 shall increase or decrease that amount by an amount necessary
15 to offset any misallocation of previous disbursements. The
16 offset amount shall be the amount erroneously disbursed within
17 the 6 months preceding the time a misallocation is discovered.

18 (d) For the purposes of this Section, "airport-related
19 purposes" means:

20 (1) the capital or operating costs of (i) an airport,
21 (ii) a local airport system, or (iii) any other local
22 facility that is owned or operated by the person or entity
23 that owns or operates the airport and is directly and
24 substantially related to the air transportation of
25 passengers or property as provided in 49 U.S.C. §47133;

26 (2) noise mitigation or abatement on or off of airport

1 property; and

2 (3) programs aimed at increasing diversity and
3 enhancing participation in all aspects of airport
4 operations and airport-related projects and contracting by
5 any company that has secured certification as (i) a
6 minority-owned business, female-owned business, or
7 business owned by a person with a disability under the
8 Business Enterprise for Minorities, Females, and Persons
9 with Disabilities Act or (ii) an airport concession
10 disadvantaged business entity under 49 C.F.R. Part 23 or
11 26, including programs for education, mentoring,
12 apprenticeships, job fairs, and community outreach.

13 (30 ILCS 105/6z-102 new)

14 Sec. 6z-102. The Aviation Fuel Sales Tax Refund Fund.

15 (a) The Aviation Fuel Sales Tax Refund Fund is hereby
16 created as a special fund in the State Treasury. Moneys in the
17 Aviation Fuel Sales Tax Refund Fund shall be used by the
18 Department of Revenue to pay refunds of Use Tax, Service Use
19 Tax, Service Occupation Tax, and Retailers' Occupation Tax paid
20 on aviation fuel in the manner provided in Section 19 of the
21 Use Tax Act, Section 17 of the Service Use Tax Act, Section 17
22 of the Service Occupation Tax Act, and Section 6 of the
23 Retailers' Occupation Tax Act.

24 (b) Moneys in the Aviation Fuel Sales Tax Refund Fund shall
25 be expended exclusively for the purpose of paying refunds

1 pursuant to this Section.

2 (c) The Director of Revenue shall order payment of refunds
3 under this Section from the Aviation Fuel Sales Tax Refund Fund
4 only to the extent that amounts collected pursuant to Section 3
5 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax
6 Act, Section 9 of the Service Occupation Tax Act, and Section 9
7 of the Service Use Tax Act on aviation fuel have been deposited
8 and retained in the Fund.

9 As soon as possible after the end of each fiscal year, the
10 Director of Revenue shall order transferred and the State
11 Treasurer and State Comptroller shall transfer from the
12 Aviation Fuel Sales Tax Refund Fund to the State Aviation
13 Program Fund 20% of any surplus remaining as of the end of such
14 fiscal year and shall transfer from the Aviation Fuel Sales Tax
15 Refund Fund to the General Revenue Fund 80% of any surplus
16 remaining as of the end of such fiscal year.

17 (d) This Section shall constitute an irrevocable and
18 continuing appropriation from the Aviation Fuel Sales Tax
19 Refund Fund for the purpose of paying refunds in accordance
20 with the provisions of this Section.

21 Section 7. The Business Enterprise for Minorities,
22 Females, and Persons with Disabilities Act is amended by
23 changing Section 2 as follows:

24 (30 ILCS 575/2)

1 (Section scheduled to be repealed on June 30, 2020)

2 Sec. 2. Definitions.

3 (A) For the purpose of this Act, the following terms shall
4 have the following definitions:

5 (1) "Minority person" shall mean a person who is a
6 citizen or lawful permanent resident of the United States
7 and who is any of the following:

8 (a) American Indian or Alaska Native (a person
9 having origins in any of the original peoples of North
10 and South America, including Central America, and who
11 maintains tribal affiliation or community attachment).

12 (b) Asian (a person having origins in any of the
13 original peoples of the Far East, Southeast Asia, or
14 the Indian subcontinent, including, but not limited
15 to, Cambodia, China, India, Japan, Korea, Malaysia,
16 Pakistan, the Philippine Islands, Thailand, and
17 Vietnam).

18 (c) Black or African American (a person having
19 origins in any of the black racial groups of Africa).
20 Terms such as "Haitian" or "Negro" can be used in
21 addition to "Black or African American".

22 (d) Hispanic or Latino (a person of Cuban, Mexican,
23 Puerto Rican, South or Central American, or other
24 Spanish culture or origin, regardless of race).

25 (e) Native Hawaiian or Other Pacific Islander (a
26 person having origins in any of the original peoples of

1 Hawaii, Guam, Samoa, or other Pacific Islands).

2 (2) "Female" shall mean a person who is a citizen or
3 lawful permanent resident of the United States and who is
4 of the female gender.

5 (2.05) "Person with a disability" means a person who is
6 a citizen or lawful resident of the United States and is a
7 person qualifying as a person with a disability under
8 subdivision (2.1) of this subsection (A).

9 (2.1) "Person with a disability" means a person with a
10 severe physical or mental disability that:

11 (a) results from:

12 amputation,

13 arthritis,

14 autism,

15 blindness,

16 burn injury,

17 cancer,

18 cerebral palsy,

19 Crohn's disease,

20 cystic fibrosis,

21 deafness,

22 head injury,

23 heart disease,

24 hemiplegia,

25 hemophilia,

26 respiratory or pulmonary dysfunction,

1 an intellectual disability,
2 mental illness,
3 multiple sclerosis,
4 muscular dystrophy,
5 musculoskeletal disorders,
6 neurological disorders, including stroke and
7 epilepsy,
8 paraplegia,
9 quadriplegia and other spinal cord conditions,
10 sickle cell anemia,
11 ulcerative colitis,
12 specific learning disabilities, or
13 end stage renal failure disease; and

14 (b) substantially limits one or more of the
15 person's major life activities.

16 Another disability or combination of disabilities may
17 also be considered as a severe disability for the purposes
18 of item (a) of this subdivision (2.1) if it is determined
19 by an evaluation of rehabilitation potential to cause a
20 comparable degree of substantial functional limitation
21 similar to the specific list of disabilities listed in item
22 (a) of this subdivision (2.1).

23 (3) "Minority owned business" means a business which is
24 at least 51% owned by one or more minority persons, or in
25 the case of a corporation, at least 51% of the stock in
26 which is owned by one or more minority persons; and the

1 management and daily business operations of which are
2 controlled by one or more of the minority individuals who
3 own it.

4 (4) "Female owned business" means a business which is
5 at least 51% owned by one or more females, or, in the case
6 of a corporation, at least 51% of the stock in which is
7 owned by one or more females; and the management and daily
8 business operations of which are controlled by one or more
9 of the females who own it.

10 (4.1) "Business owned by a person with a disability"
11 means a business that is at least 51% owned by one or more
12 persons with a disability and the management and daily
13 business operations of which are controlled by one or more
14 of the persons with disabilities who own it. A
15 not-for-profit agency for persons with disabilities that
16 is exempt from taxation under Section 501 of the Internal
17 Revenue Code of 1986 is also considered a "business owned
18 by a person with a disability".

19 (4.2) "Council" means the Business Enterprise Council
20 for Minorities, Females, and Persons with Disabilities
21 created under Section 5 of this Act.

22 (5) "State contracts" means all contracts entered into
23 by the State, any agency or department thereof, or any
24 public institution of higher education, including
25 community college districts, regardless of the source of
26 the funds with which the contracts are paid, including, but

1 not limited to, contracts paid from moneys available in the
2 State Aviation Program Fund, which are not subject to
3 federal reimbursement. "State contracts" does not include
4 contracts awarded by a retirement system, pension fund, or
5 investment board subject to Section 1-109.1 of the Illinois
6 Pension Code. This definition shall control over any
7 existing definition under this Act or applicable
8 administrative rule.

9 "State construction contracts" means all State
10 contracts entered into by a State agency or public
11 institution of higher education for the repair,
12 remodeling, renovation or construction of a building or
13 structure, or for the construction or maintenance of a
14 highway defined in Article 2 of the Illinois Highway Code.

15 (6) "State agencies" shall mean all departments,
16 officers, boards, commissions, institutions and bodies
17 politic and corporate of the State, but does not include
18 the Board of Trustees of the University of Illinois, the
19 Board of Trustees of Southern Illinois University, the
20 Board of Trustees of Chicago State University, the Board of
21 Trustees of Eastern Illinois University, the Board of
22 Trustees of Governors State University, the Board of
23 Trustees of Illinois State University, the Board of
24 Trustees of Northeastern Illinois University, the Board of
25 Trustees of Northern Illinois University, the Board of
26 Trustees of Western Illinois University, municipalities or

1 other local governmental units, or other State
2 constitutional officers.

3 (7) "Public institutions of higher education" means
4 the University of Illinois, Southern Illinois University,
5 Chicago State University, Eastern Illinois University,
6 Governors State University, Illinois State University,
7 Northeastern Illinois University, Northern Illinois
8 University, Western Illinois University, the public
9 community colleges of the State, and any other public
10 universities, colleges, and community colleges now or
11 hereafter established or authorized by the General
12 Assembly.

13 (8) "Certification" means a determination made by the
14 Council or by one delegated authority from the Council to
15 make certifications, or by a State agency with statutory
16 authority to make such a certification, that a business
17 entity is a business owned by a minority, female, or person
18 with a disability for whatever purpose. A business owned
19 and controlled by females shall be certified as a "female
20 owned business". A business owned and controlled by females
21 who are also minorities shall be certified as both a
22 "female owned business" and a "minority owned business".

23 (9) "Control" means the exclusive or ultimate and sole
24 control of the business including, but not limited to,
25 capital investment and all other financial matters,
26 property, acquisitions, contract negotiations, legal

1 matters, officer-director-employee selection and
2 comprehensive hiring, operating responsibilities,
3 cost-control matters, income and dividend matters,
4 financial transactions and rights of other shareholders or
5 joint partners. Control shall be real, substantial and
6 continuing, not pro forma. Control shall include the power
7 to direct or cause the direction of the management and
8 policies of the business and to make the day-to-day as well
9 as major decisions in matters of policy, management and
10 operations. Control shall be exemplified by possessing the
11 requisite knowledge and expertise to run the particular
12 business and control shall not include simple majority or
13 absentee ownership.

14 (10) "Business" means a business that has annual gross
15 sales of less than \$75,000,000 as evidenced by the federal
16 income tax return of the business. A firm with gross sales
17 in excess of this cap may apply to the Council for
18 certification for a particular contract if the firm can
19 demonstrate that the contract would have significant
20 impact on businesses owned by minorities, females, or
21 persons with disabilities as suppliers or subcontractors
22 or in employment of minorities, females, or persons with
23 disabilities.

24 (B) When a business is owned at least 51% by any
25 combination of minority persons, females, or persons with
26 disabilities, even though none of the 3 classes alone holds at

1 least a 51% interest, the ownership requirement for purposes of
2 this Act is considered to be met. The certification category
3 for the business is that of the class holding the largest
4 ownership interest in the business. If 2 or more classes have
5 equal ownership interests, the certification category shall be
6 determined by the business.

7 (Source: P.A. 98-95, eff. 7-17-13; 99-143, eff. 7-27-15;
8 99-462, eff. 8-25-15; 99-642, eff. 7-28-16.)

9 Section 10. The Use Tax Act is amended by changing Sections
10 9 and 19 as follows:

11 (35 ILCS 105/9) (from Ch. 120, par. 439.9)

12 Sec. 9. Except as to motor vehicles, watercraft, aircraft,
13 and trailers that are required to be registered with an agency
14 of this State, each retailer required or authorized to collect
15 the tax imposed by this Act shall pay to the Department the
16 amount of such tax (except as otherwise provided) at the time
17 when he is required to file his return for the period during
18 which such tax was collected, less a discount of 2.1% prior to
19 January 1, 1990, and 1.75% on and after January 1, 1990, or \$5
20 per calendar year, whichever is greater, which is allowed to
21 reimburse the retailer for expenses incurred in collecting the
22 tax, keeping records, preparing and filing returns, remitting
23 the tax and supplying data to the Department on request. The
24 discount under this Section is not allowed for taxes paid on

1 aviation fuel that are deposited into the State Aviation
2 Program Fund under this Act. In the case of retailers who
3 report and pay the tax on a transaction by transaction basis,
4 as provided in this Section, such discount shall be taken with
5 each such tax remittance instead of when such retailer files
6 his periodic return. The Department may disallow the discount
7 for retailers whose certificate of registration is revoked at
8 the time the return is filed, but only if the Department's
9 decision to revoke the certificate of registration has become
10 final. A retailer need not remit that part of any tax collected
11 by him to the extent that he is required to remit and does
12 remit the tax imposed by the Retailers' Occupation Tax Act,
13 with respect to the sale of the same property.

14 Where such tangible personal property is sold under a
15 conditional sales contract, or under any other form of sale
16 wherein the payment of the principal sum, or a part thereof, is
17 extended beyond the close of the period for which the return is
18 filed, the retailer, in collecting the tax (except as to motor
19 vehicles, watercraft, aircraft, and trailers that are required
20 to be registered with an agency of this State), may collect for
21 each tax return period, only the tax applicable to that part of
22 the selling price actually received during such tax return
23 period.

24 Except as provided in this Section, on or before the
25 twentieth day of each calendar month, such retailer shall file
26 a return for the preceding calendar month. Such return shall be

1 filed on forms prescribed by the Department and shall furnish
2 such information as the Department may reasonably require.

3 The Department may require returns to be filed on a
4 quarterly basis. If so required, a return for each calendar
5 quarter shall be filed on or before the twentieth day of the
6 calendar month following the end of such calendar quarter. The
7 taxpayer shall also file a return with the Department for each
8 of the first two months of each calendar quarter, on or before
9 the twentieth day of the following calendar month, stating:

- 10 1. The name of the seller;
- 11 2. The address of the principal place of business from
12 which he engages in the business of selling tangible
13 personal property at retail in this State;
- 14 3. The total amount of taxable receipts received by him
15 during the preceding calendar month from sales of tangible
16 personal property by him during such preceding calendar
17 month, including receipts from charge and time sales, but
18 less all deductions allowed by law;
- 19 4. The amount of credit provided in Section 2d of this
20 Act;
- 21 5. The amount of tax due;
- 22 5-5. The signature of the taxpayer; and
- 23 6. Such other reasonable information as the Department
24 may require.

25 Beginning on January 1, 2018, each retailer required or
26 authorized to collect the tax imposed by this Act on aviation

1 fuel sold at retail in this State during the preceding calendar
2 month shall, instead of reporting and paying tax on aviation
3 fuel as otherwise required by this Section, file and pay tax to
4 the Department on an aviation fuel tax return, on or before the
5 twentieth day of each calendar month. The requirements related
6 to the return shall be as otherwise provided in this Section.
7 Notwithstanding any other provisions of this Act to the
8 contrary, retailers collecting tax on aviation fuel shall file
9 all aviation fuel tax returns and shall make all aviation fuel
10 fee payments by electronic means in the manner and form
11 required by the Department. For purposes of this paragraph,
12 "aviation fuel" means a product that is intended for use or
13 offered for sale as fuel for an aircraft.

14 If a taxpayer fails to sign a return within 30 days after
15 the proper notice and demand for signature by the Department,
16 the return shall be considered valid and any amount shown to be
17 due on the return shall be deemed assessed.

18 Beginning October 1, 1993, a taxpayer who has an average
19 monthly tax liability of \$150,000 or more shall make all
20 payments required by rules of the Department by electronic
21 funds transfer. Beginning October 1, 1994, a taxpayer who has
22 an average monthly tax liability of \$100,000 or more shall make
23 all payments required by rules of the Department by electronic
24 funds transfer. Beginning October 1, 1995, a taxpayer who has
25 an average monthly tax liability of \$50,000 or more shall make
26 all payments required by rules of the Department by electronic

1 funds transfer. Beginning October 1, 2000, a taxpayer who has
2 an annual tax liability of \$200,000 or more shall make all
3 payments required by rules of the Department by electronic
4 funds transfer. The term "annual tax liability" shall be the
5 sum of the taxpayer's liabilities under this Act, and under all
6 other State and local occupation and use tax laws administered
7 by the Department, for the immediately preceding calendar year.
8 The term "average monthly tax liability" means the sum of the
9 taxpayer's liabilities under this Act, and under all other
10 State and local occupation and use tax laws administered by the
11 Department, for the immediately preceding calendar year
12 divided by 12. Beginning on October 1, 2002, a taxpayer who has
13 a tax liability in the amount set forth in subsection (b) of
14 Section 2505-210 of the Department of Revenue Law shall make
15 all payments required by rules of the Department by electronic
16 funds transfer.

17 Before August 1 of each year beginning in 1993, the
18 Department shall notify all taxpayers required to make payments
19 by electronic funds transfer. All taxpayers required to make
20 payments by electronic funds transfer shall make those payments
21 for a minimum of one year beginning on October 1.

22 Any taxpayer not required to make payments by electronic
23 funds transfer may make payments by electronic funds transfer
24 with the permission of the Department.

25 All taxpayers required to make payment by electronic funds
26 transfer and any taxpayers authorized to voluntarily make

1 payments by electronic funds transfer shall make those payments
2 in the manner authorized by the Department.

3 The Department shall adopt such rules as are necessary to
4 effectuate a program of electronic funds transfer and the
5 requirements of this Section.

6 Before October 1, 2000, if the taxpayer's average monthly
7 tax liability to the Department under this Act, the Retailers'
8 Occupation Tax Act, the Service Occupation Tax Act, the Service
9 Use Tax Act was \$10,000 or more during the preceding 4 complete
10 calendar quarters, he shall file a return with the Department
11 each month by the 20th day of the month next following the
12 month during which such tax liability is incurred and shall
13 make payments to the Department on or before the 7th, 15th,
14 22nd and last day of the month during which such liability is
15 incurred. On and after October 1, 2000, if the taxpayer's
16 average monthly tax liability to the Department under this Act,
17 the Retailers' Occupation Tax Act, the Service Occupation Tax
18 Act, and the Service Use Tax Act was \$20,000 or more during the
19 preceding 4 complete calendar quarters, he shall file a return
20 with the Department each month by the 20th day of the month
21 next following the month during which such tax liability is
22 incurred and shall make payment to the Department on or before
23 the 7th, 15th, 22nd and last day of the month during which such
24 liability is incurred. If the month during which such tax
25 liability is incurred began prior to January 1, 1985, each
26 payment shall be in an amount equal to 1/4 of the taxpayer's

1 actual liability for the month or an amount set by the
2 Department not to exceed 1/4 of the average monthly liability
3 of the taxpayer to the Department for the preceding 4 complete
4 calendar quarters (excluding the month of highest liability and
5 the month of lowest liability in such 4 quarter period). If the
6 month during which such tax liability is incurred begins on or
7 after January 1, 1985, and prior to January 1, 1987, each
8 payment shall be in an amount equal to 22.5% of the taxpayer's
9 actual liability for the month or 27.5% of the taxpayer's
10 liability for the same calendar month of the preceding year. If
11 the month during which such tax liability is incurred begins on
12 or after January 1, 1987, and prior to January 1, 1988, each
13 payment shall be in an amount equal to 22.5% of the taxpayer's
14 actual liability for the month or 26.25% of the taxpayer's
15 liability for the same calendar month of the preceding year. If
16 the month during which such tax liability is incurred begins on
17 or after January 1, 1988, and prior to January 1, 1989, or
18 begins on or after January 1, 1996, each payment shall be in an
19 amount equal to 22.5% of the taxpayer's actual liability for
20 the month or 25% of the taxpayer's liability for the same
21 calendar month of the preceding year. If the month during which
22 such tax liability is incurred begins on or after January 1,
23 1989, and prior to January 1, 1996, each payment shall be in an
24 amount equal to 22.5% of the taxpayer's actual liability for
25 the month or 25% of the taxpayer's liability for the same
26 calendar month of the preceding year or 100% of the taxpayer's

1 actual liability for the quarter monthly reporting period. The
2 amount of such quarter monthly payments shall be credited
3 against the final tax liability of the taxpayer's return for
4 that month. Before October 1, 2000, once applicable, the
5 requirement of the making of quarter monthly payments to the
6 Department shall continue until such taxpayer's average
7 monthly liability to the Department during the preceding 4
8 complete calendar quarters (excluding the month of highest
9 liability and the month of lowest liability) is less than
10 \$9,000, or until such taxpayer's average monthly liability to
11 the Department as computed for each calendar quarter of the 4
12 preceding complete calendar quarter period is less than
13 \$10,000. However, if a taxpayer can show the Department that a
14 substantial change in the taxpayer's business has occurred
15 which causes the taxpayer to anticipate that his average
16 monthly tax liability for the reasonably foreseeable future
17 will fall below the \$10,000 threshold stated above, then such
18 taxpayer may petition the Department for change in such
19 taxpayer's reporting status. On and after October 1, 2000, once
20 applicable, the requirement of the making of quarter monthly
21 payments to the Department shall continue until such taxpayer's
22 average monthly liability to the Department during the
23 preceding 4 complete calendar quarters (excluding the month of
24 highest liability and the month of lowest liability) is less
25 than \$19,000 or until such taxpayer's average monthly liability
26 to the Department as computed for each calendar quarter of the

1 4 preceding complete calendar quarter period is less than
2 \$20,000. However, if a taxpayer can show the Department that a
3 substantial change in the taxpayer's business has occurred
4 which causes the taxpayer to anticipate that his average
5 monthly tax liability for the reasonably foreseeable future
6 will fall below the \$20,000 threshold stated above, then such
7 taxpayer may petition the Department for a change in such
8 taxpayer's reporting status. The Department shall change such
9 taxpayer's reporting status unless it finds that such change is
10 seasonal in nature and not likely to be long term. If any such
11 quarter monthly payment is not paid at the time or in the
12 amount required by this Section, then the taxpayer shall be
13 liable for penalties and interest on the difference between the
14 minimum amount due and the amount of such quarter monthly
15 payment actually and timely paid, except insofar as the
16 taxpayer has previously made payments for that month to the
17 Department in excess of the minimum payments previously due as
18 provided in this Section. The Department shall make reasonable
19 rules and regulations to govern the quarter monthly payment
20 amount and quarter monthly payment dates for taxpayers who file
21 on other than a calendar monthly basis.

22 If any such payment provided for in this Section exceeds
23 the taxpayer's liabilities under this Act, the Retailers'
24 Occupation Tax Act, the Service Occupation Tax Act and the
25 Service Use Tax Act, as shown by an original monthly return,
26 the Department shall issue to the taxpayer a credit memorandum

1 no later than 30 days after the date of payment, which
2 memorandum may be submitted by the taxpayer to the Department
3 in payment of tax liability subsequently to be remitted by the
4 taxpayer to the Department or be assigned by the taxpayer to a
5 similar taxpayer under this Act, the Retailers' Occupation Tax
6 Act, the Service Occupation Tax Act or the Service Use Tax Act,
7 in accordance with reasonable rules and regulations to be
8 prescribed by the Department, except that if such excess
9 payment is shown on an original monthly return and is made
10 after December 31, 1986, no credit memorandum shall be issued,
11 unless requested by the taxpayer. If no such request is made,
12 the taxpayer may credit such excess payment against tax
13 liability subsequently to be remitted by the taxpayer to the
14 Department under this Act, the Retailers' Occupation Tax Act,
15 the Service Occupation Tax Act or the Service Use Tax Act, in
16 accordance with reasonable rules and regulations prescribed by
17 the Department. If the Department subsequently determines that
18 all or any part of the credit taken was not actually due to the
19 taxpayer, the taxpayer's 2.1% or 1.75% vendor's discount shall
20 be reduced by 2.1% or 1.75% of the difference between the
21 credit taken and that actually due, and the taxpayer shall be
22 liable for penalties and interest on such difference.

23 If the retailer is otherwise required to file a monthly
24 return and if the retailer's average monthly tax liability to
25 the Department does not exceed \$200, the Department may
26 authorize his returns to be filed on a quarter annual basis,

1 with the return for January, February, and March of a given
2 year being due by April 20 of such year; with the return for
3 April, May and June of a given year being due by July 20 of such
4 year; with the return for July, August and September of a given
5 year being due by October 20 of such year, and with the return
6 for October, November and December of a given year being due by
7 January 20 of the following year.

8 If the retailer is otherwise required to file a monthly or
9 quarterly return and if the retailer's average monthly tax
10 liability to the Department does not exceed \$50, the Department
11 may authorize his returns to be filed on an annual basis, with
12 the return for a given year being due by January 20 of the
13 following year.

14 Such quarter annual and annual returns, as to form and
15 substance, shall be subject to the same requirements as monthly
16 returns.

17 Notwithstanding any other provision in this Act concerning
18 the time within which a retailer may file his return, in the
19 case of any retailer who ceases to engage in a kind of business
20 which makes him responsible for filing returns under this Act,
21 such retailer shall file a final return under this Act with the
22 Department not more than one month after discontinuing such
23 business.

24 In addition, with respect to motor vehicles, watercraft,
25 aircraft, and trailers that are required to be registered with
26 an agency of this State, every retailer selling this kind of

1 tangible personal property shall file, with the Department,
2 upon a form to be prescribed and supplied by the Department, a
3 separate return for each such item of tangible personal
4 property which the retailer sells, except that if, in the same
5 transaction, (i) a retailer of aircraft, watercraft, motor
6 vehicles or trailers transfers more than one aircraft,
7 watercraft, motor vehicle or trailer to another aircraft,
8 watercraft, motor vehicle or trailer retailer for the purpose
9 of resale or (ii) a retailer of aircraft, watercraft, motor
10 vehicles, or trailers transfers more than one aircraft,
11 watercraft, motor vehicle, or trailer to a purchaser for use as
12 a qualifying rolling stock as provided in Section 3-55 of this
13 Act, then that seller may report the transfer of all the
14 aircraft, watercraft, motor vehicles or trailers involved in
15 that transaction to the Department on the same uniform
16 invoice-transaction reporting return form. For purposes of
17 this Section, "watercraft" means a Class 2, Class 3, or Class 4
18 watercraft as defined in Section 3-2 of the Boat Registration
19 and Safety Act, a personal watercraft, or any boat equipped
20 with an inboard motor.

21 The transaction reporting return in the case of motor
22 vehicles or trailers that are required to be registered with an
23 agency of this State, shall be the same document as the Uniform
24 Invoice referred to in Section 5-402 of the Illinois Vehicle
25 Code and must show the name and address of the seller; the name
26 and address of the purchaser; the amount of the selling price

1 including the amount allowed by the retailer for traded-in
2 property, if any; the amount allowed by the retailer for the
3 traded-in tangible personal property, if any, to the extent to
4 which Section 2 of this Act allows an exemption for the value
5 of traded-in property; the balance payable after deducting such
6 trade-in allowance from the total selling price; the amount of
7 tax due from the retailer with respect to such transaction; the
8 amount of tax collected from the purchaser by the retailer on
9 such transaction (or satisfactory evidence that such tax is not
10 due in that particular instance, if that is claimed to be the
11 fact); the place and date of the sale; a sufficient
12 identification of the property sold; such other information as
13 is required in Section 5-402 of the Illinois Vehicle Code, and
14 such other information as the Department may reasonably
15 require.

16 The transaction reporting return in the case of watercraft
17 and aircraft must show the name and address of the seller; the
18 name and address of the purchaser; the amount of the selling
19 price including the amount allowed by the retailer for
20 traded-in property, if any; the amount allowed by the retailer
21 for the traded-in tangible personal property, if any, to the
22 extent to which Section 2 of this Act allows an exemption for
23 the value of traded-in property; the balance payable after
24 deducting such trade-in allowance from the total selling price;
25 the amount of tax due from the retailer with respect to such
26 transaction; the amount of tax collected from the purchaser by

1 the retailer on such transaction (or satisfactory evidence that
2 such tax is not due in that particular instance, if that is
3 claimed to be the fact); the place and date of the sale, a
4 sufficient identification of the property sold, and such other
5 information as the Department may reasonably require.

6 Such transaction reporting return shall be filed not later
7 than 20 days after the date of delivery of the item that is
8 being sold, but may be filed by the retailer at any time sooner
9 than that if he chooses to do so. The transaction reporting
10 return and tax remittance or proof of exemption from the tax
11 that is imposed by this Act may be transmitted to the
12 Department by way of the State agency with which, or State
13 officer with whom, the tangible personal property must be
14 titled or registered (if titling or registration is required)
15 if the Department and such agency or State officer determine
16 that this procedure will expedite the processing of
17 applications for title or registration.

18 With each such transaction reporting return, the retailer
19 shall remit the proper amount of tax due (or shall submit
20 satisfactory evidence that the sale is not taxable if that is
21 the case), to the Department or its agents, whereupon the
22 Department shall issue, in the purchaser's name, a tax receipt
23 (or a certificate of exemption if the Department is satisfied
24 that the particular sale is tax exempt) which such purchaser
25 may submit to the agency with which, or State officer with
26 whom, he must title or register the tangible personal property

1 that is involved (if titling or registration is required) in
2 support of such purchaser's application for an Illinois
3 certificate or other evidence of title or registration to such
4 tangible personal property.

5 No retailer's failure or refusal to remit tax under this
6 Act precludes a user, who has paid the proper tax to the
7 retailer, from obtaining his certificate of title or other
8 evidence of title or registration (if titling or registration
9 is required) upon satisfying the Department that such user has
10 paid the proper tax (if tax is due) to the retailer. The
11 Department shall adopt appropriate rules to carry out the
12 mandate of this paragraph.

13 If the user who would otherwise pay tax to the retailer
14 wants the transaction reporting return filed and the payment of
15 tax or proof of exemption made to the Department before the
16 retailer is willing to take these actions and such user has not
17 paid the tax to the retailer, such user may certify to the fact
18 of such delay by the retailer, and may (upon the Department
19 being satisfied of the truth of such certification) transmit
20 the information required by the transaction reporting return
21 and the remittance for tax or proof of exemption directly to
22 the Department and obtain his tax receipt or exemption
23 determination, in which event the transaction reporting return
24 and tax remittance (if a tax payment was required) shall be
25 credited by the Department to the proper retailer's account
26 with the Department, but without the 2.1% or 1.75% discount

1 provided for in this Section being allowed. When the user pays
2 the tax directly to the Department, he shall pay the tax in the
3 same amount and in the same form in which it would be remitted
4 if the tax had been remitted to the Department by the retailer.

5 Where a retailer collects the tax with respect to the
6 selling price of tangible personal property which he sells and
7 the purchaser thereafter returns such tangible personal
8 property and the retailer refunds the selling price thereof to
9 the purchaser, such retailer shall also refund, to the
10 purchaser, the tax so collected from the purchaser. When filing
11 his return for the period in which he refunds such tax to the
12 purchaser, the retailer may deduct the amount of the tax so
13 refunded by him to the purchaser from any other use tax which
14 such retailer may be required to pay or remit to the
15 Department, as shown by such return, if the amount of the tax
16 to be deducted was previously remitted to the Department by
17 such retailer. If the retailer has not previously remitted the
18 amount of such tax to the Department, he is entitled to no
19 deduction under this Act upon refunding such tax to the
20 purchaser.

21 Any retailer filing a return under this Section shall also
22 include (for the purpose of paying tax thereon) the total tax
23 covered by such return upon the selling price of tangible
24 personal property purchased by him at retail from a retailer,
25 but as to which the tax imposed by this Act was not collected
26 from the retailer filing such return, and such retailer shall

1 remit the amount of such tax to the Department when filing such
2 return.

3 If experience indicates such action to be practicable, the
4 Department may prescribe and furnish a combination or joint
5 return which will enable retailers, who are required to file
6 returns hereunder and also under the Retailers' Occupation Tax
7 Act, to furnish all the return information required by both
8 Acts on the one form.

9 Where the retailer has more than one business registered
10 with the Department under separate registration under this Act,
11 such retailer may not file each return that is due as a single
12 return covering all such registered businesses, but shall file
13 separate returns for each such registered business.

14 Beginning January 1, 1990, each month the Department shall
15 pay into the State and Local Sales Tax Reform Fund, a special
16 fund in the State Treasury which is hereby created, the net
17 revenue realized for the preceding month from the 1% tax on
18 sales of food for human consumption which is to be consumed off
19 the premises where it is sold (other than alcoholic beverages,
20 soft drinks and food which has been prepared for immediate
21 consumption) and prescription and nonprescription medicines,
22 drugs, medical appliances, products classified as Class III
23 medical devices by the United States Food and Drug
24 Administration that are used for cancer treatment pursuant to a
25 prescription, as well as any accessories and components related
26 to those devices, and insulin, urine testing materials,

1 syringes and needles used by diabetics.

2 Beginning January 1, 1990, each month the Department shall
3 pay into the County and Mass Transit District Fund 4% of the
4 net revenue realized for the preceding month from the 6.25%
5 general rate on the selling price of tangible personal property
6 which is purchased outside Illinois at retail from a retailer
7 and which is titled or registered by an agency of this State's
8 government.

9 Beginning January 1, 1990, each month the Department shall
10 pay into the State and Local Sales Tax Reform Fund, a special
11 fund in the State Treasury, 20% of the net revenue realized for
12 the preceding month from the 6.25% general rate on the selling
13 price of tangible personal property, other than (i) tangible
14 personal property which is purchased outside Illinois at retail
15 from a retailer and which is titled or registered by an agency
16 of this State's government and (ii) aviation fuel sold on or
17 after December 1, 2017. This exception for aviation fuel only
18 applies for so long as the revenue use requirements of 49
19 U.S.C. §47107(b) and 49 U.S.C. §47133 are binding on the
20 State..

21 For aviation fuel sold on or after December 1, 2017, each
22 month the Department shall pay into the State Aviation Program
23 Fund 20% of the net revenue realized for the preceding month
24 from the 6.25% general rate on the selling price of aviation
25 fuel, less an amount estimated by the Department to be required
26 for refunds of the 20% portion of the tax on aviation fuel

1 under this Act, which amount shall be deposited into the
2 Aviation Fuel Sales Tax Refund Fund. The Department shall only
3 pay moneys into the State Aviation Program Fund and the
4 Aviation Fuels Sales Tax Refund Fund under this Act for so long
5 as the revenue use requirements of 49 U.S.C. §47107(b) and 49
6 U.S.C. §47133 are binding on the State.

7 Beginning August 1, 2000, each month the Department shall
8 pay into the State and Local Sales Tax Reform Fund 100% of the
9 net revenue realized for the preceding month from the 1.25%
10 rate on the selling price of motor fuel and gasohol. Beginning
11 September 1, 2010, each month the Department shall pay into the
12 State and Local Sales Tax Reform Fund 100% of the net revenue
13 realized for the preceding month from the 1.25% rate on the
14 selling price of sales tax holiday items.

15 Beginning January 1, 1990, each month the Department shall
16 pay into the Local Government Tax Fund 16% of the net revenue
17 realized for the preceding month from the 6.25% general rate on
18 the selling price of tangible personal property which is
19 purchased outside Illinois at retail from a retailer and which
20 is titled or registered by an agency of this State's
21 government.

22 Beginning October 1, 2009, each month the Department shall
23 pay into the Capital Projects Fund an amount that is equal to
24 an amount estimated by the Department to represent 80% of the
25 net revenue realized for the preceding month from the sale of
26 candy, grooming and hygiene products, and soft drinks that had

1 been taxed at a rate of 1% prior to September 1, 2009 but that
2 are now taxed at 6.25%.

3 Beginning July 1, 2011, each month the Department shall pay
4 into the Clean Air Act Permit Fund 80% of the net revenue
5 realized for the preceding month from the 6.25% general rate on
6 the selling price of sorbents used in Illinois in the process
7 of sorbent injection as used to comply with the Environmental
8 Protection Act or the federal Clean Air Act, but the total
9 payment into the Clean Air Act Permit Fund under this Act and
10 the Retailers' Occupation Tax Act shall not exceed \$2,000,000
11 in any fiscal year.

12 Beginning July 1, 2013, each month the Department shall pay
13 into the Underground Storage Tank Fund from the proceeds
14 collected under this Act, the Service Use Tax Act, the Service
15 Occupation Tax Act, and the Retailers' Occupation Tax Act an
16 amount equal to the average monthly deficit in the Underground
17 Storage Tank Fund during the prior year, as certified annually
18 by the Illinois Environmental Protection Agency, but the total
19 payment into the Underground Storage Tank Fund under this Act,
20 the Service Use Tax Act, the Service Occupation Tax Act, and
21 the Retailers' Occupation Tax Act shall not exceed \$18,000,000
22 in any State fiscal year. As used in this paragraph, the
23 "average monthly deficit" shall be equal to the difference
24 between the average monthly claims for payment by the fund and
25 the average monthly revenues deposited into the fund, excluding
26 payments made pursuant to this paragraph.

1 Beginning July 1, 2015, of the remainder of the moneys
2 received by the Department under this Act, the Service Use Tax
3 Act, the Service Occupation Tax Act, and the Retailers'
4 Occupation Tax Act, each month the Department shall deposit
5 \$500,000 into the State Crime Laboratory Fund.

6 Of the remainder of the moneys received by the Department
7 pursuant to this Act, (a) 1.75% thereof shall be paid into the
8 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on
9 and after July 1, 1989, 3.8% thereof shall be paid into the
10 Build Illinois Fund; provided, however, that if in any fiscal
11 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case
12 may be, of the moneys received by the Department and required
13 to be paid into the Build Illinois Fund pursuant to Section 3
14 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax
15 Act, Section 9 of the Service Use Tax Act, and Section 9 of the
16 Service Occupation Tax Act, such Acts being hereinafter called
17 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case
18 may be, of moneys being hereinafter called the "Tax Act
19 Amount", and (2) the amount transferred to the Build Illinois
20 Fund from the State and Local Sales Tax Reform Fund shall be
21 less than the Annual Specified Amount (as defined in Section 3
22 of the Retailers' Occupation Tax Act), an amount equal to the
23 difference shall be immediately paid into the Build Illinois
24 Fund from other moneys received by the Department pursuant to
25 the Tax Acts; and further provided, that if on the last
26 business day of any month the sum of (1) the Tax Act Amount

1 required to be deposited into the Build Illinois Bond Account
2 in the Build Illinois Fund during such month and (2) the amount
3 transferred during such month to the Build Illinois Fund from
4 the State and Local Sales Tax Reform Fund shall have been less
5 than 1/12 of the Annual Specified Amount, an amount equal to
6 the difference shall be immediately paid into the Build
7 Illinois Fund from other moneys received by the Department
8 pursuant to the Tax Acts; and, further provided, that in no
9 event shall the payments required under the preceding proviso
10 result in aggregate payments into the Build Illinois Fund
11 pursuant to this clause (b) for any fiscal year in excess of
12 the greater of (i) the Tax Act Amount or (ii) the Annual
13 Specified Amount for such fiscal year; and, further provided,
14 that the amounts payable into the Build Illinois Fund under
15 this clause (b) shall be payable only until such time as the
16 aggregate amount on deposit under each trust indenture securing
17 Bonds issued and outstanding pursuant to the Build Illinois
18 Bond Act is sufficient, taking into account any future
19 investment income, to fully provide, in accordance with such
20 indenture, for the defeasance of or the payment of the
21 principal of, premium, if any, and interest on the Bonds
22 secured by such indenture and on any Bonds expected to be
23 issued thereafter and all fees and costs payable with respect
24 thereto, all as certified by the Director of the Bureau of the
25 Budget (now Governor's Office of Management and Budget). If on
26 the last business day of any month in which Bonds are

1 outstanding pursuant to the Build Illinois Bond Act, the
2 aggregate of the moneys deposited in the Build Illinois Bond
3 Account in the Build Illinois Fund in such month shall be less
4 than the amount required to be transferred in such month from
5 the Build Illinois Bond Account to the Build Illinois Bond
6 Retirement and Interest Fund pursuant to Section 13 of the
7 Build Illinois Bond Act, an amount equal to such deficiency
8 shall be immediately paid from other moneys received by the
9 Department pursuant to the Tax Acts to the Build Illinois Fund;
10 provided, however, that any amounts paid to the Build Illinois
11 Fund in any fiscal year pursuant to this sentence shall be
12 deemed to constitute payments pursuant to clause (b) of the
13 preceding sentence and shall reduce the amount otherwise
14 payable for such fiscal year pursuant to clause (b) of the
15 preceding sentence. The moneys received by the Department
16 pursuant to this Act and required to be deposited into the
17 Build Illinois Fund are subject to the pledge, claim and charge
18 set forth in Section 12 of the Build Illinois Bond Act.

19 Subject to payment of amounts into the Build Illinois Fund
20 as provided in the preceding paragraph or in any amendment
21 thereto hereafter enacted, the following specified monthly
22 installment of the amount requested in the certificate of the
23 Chairman of the Metropolitan Pier and Exposition Authority
24 provided under Section 8.25f of the State Finance Act, but not
25 in excess of the sums designated as "Total Deposit", shall be
26 deposited in the aggregate from collections under Section 9 of

1 the Use Tax Act, Section 9 of the Service Use Tax Act, Section
2 9 of the Service Occupation Tax Act, and Section 3 of the
3 Retailers' Occupation Tax Act into the McCormick Place
4 Expansion Project Fund in the specified fiscal years.

5	Fiscal Year	Total Deposit
6	1993	\$0
7	1994	53,000,000
8	1995	58,000,000
9	1996	61,000,000
10	1997	64,000,000
11	1998	68,000,000
12	1999	71,000,000
13	2000	75,000,000
14	2001	80,000,000
15	2002	93,000,000
16	2003	99,000,000
17	2004	103,000,000
18	2005	108,000,000
19	2006	113,000,000
20	2007	119,000,000
21	2008	126,000,000
22	2009	132,000,000
23	2010	139,000,000
24	2011	146,000,000
25	2012	153,000,000
26	2013	161,000,000

1	2014	170,000,000
2	2015	179,000,000
3	2016	189,000,000
4	2017	199,000,000
5	2018	210,000,000
6	2019	221,000,000
7	2020	233,000,000
8	2021	246,000,000
9	2022	260,000,000
10	2023	275,000,000
11	2024	275,000,000
12	2025	275,000,000
13	2026	279,000,000
14	2027	292,000,000
15	2028	307,000,000
16	2029	322,000,000
17	2030	338,000,000
18	2031	350,000,000
19	2032	350,000,000

20 and

21 each fiscal year
22 thereafter that bonds
23 are outstanding under
24 Section 13.2 of the
25 Metropolitan Pier and
26 Exposition Authority Act,

1 but not after fiscal year 2060.

2 Beginning July 20, 1993 and in each month of each fiscal
3 year thereafter, one-eighth of the amount requested in the
4 certificate of the Chairman of the Metropolitan Pier and
5 Exposition Authority for that fiscal year, less the amount
6 deposited into the McCormick Place Expansion Project Fund by
7 the State Treasurer in the respective month under subsection
8 (g) of Section 13 of the Metropolitan Pier and Exposition
9 Authority Act, plus cumulative deficiencies in the deposits
10 required under this Section for previous months and years,
11 shall be deposited into the McCormick Place Expansion Project
12 Fund, until the full amount requested for the fiscal year, but
13 not in excess of the amount specified above as "Total Deposit",
14 has been deposited.

15 Subject to payment of amounts into the Capital Projects
16 Fund, the Clean Air Act (CAA) Permit Fund, the Build Illinois
17 Fund, and the McCormick Place Expansion Project Fund pursuant
18 to the preceding paragraphs or in any amendments thereto
19 hereafter enacted, the Department shall each month deposit into
20 the Aviation Fuel Sales Tax Refund Fund an amount estimated by
21 the Department to be required for refunds of the 80% portion of
22 the tax on aviation fuel under this Act.

23 Subject to payment of amounts into the Build Illinois Fund
24 and the McCormick Place Expansion Project Fund pursuant to the
25 preceding paragraphs or in any amendments thereto hereafter
26 enacted, beginning July 1, 1993 and ending on September 30,

1 2013, the Department shall each month pay into the Illinois Tax
2 Increment Fund 0.27% of 80% of the net revenue realized for the
3 preceding month from the 6.25% general rate on the selling
4 price of tangible personal property.

5 Subject to payment of amounts into the Build Illinois Fund
6 and the McCormick Place Expansion Project Fund pursuant to the
7 preceding paragraphs or in any amendments thereto hereafter
8 enacted, beginning with the receipt of the first report of
9 taxes paid by an eligible business and continuing for a 25-year
10 period, the Department shall each month pay into the Energy
11 Infrastructure Fund 80% of the net revenue realized from the
12 6.25% general rate on the selling price of Illinois-mined coal
13 that was sold to an eligible business. For purposes of this
14 paragraph, the term "eligible business" means a new electric
15 generating facility certified pursuant to Section 605-332 of
16 the Department of Commerce and Economic Opportunity Law of the
17 Civil Administrative Code of Illinois.

18 Subject to payment of amounts into the Build Illinois Fund,
19 the McCormick Place Expansion Project Fund, the Illinois Tax
20 Increment Fund, and the Energy Infrastructure Fund pursuant to
21 the preceding paragraphs or in any amendments to this Section
22 hereafter enacted, beginning on the first day of the first
23 calendar month to occur on or after August 26, 2014 (the
24 effective date of Public Act 98-1098) ~~this amendatory Act of~~
25 ~~the 98th General Assembly~~, each month, from the collections
26 made under Section 9 of the Use Tax Act, Section 9 of the

1 Service Use Tax Act, Section 9 of the Service Occupation Tax
2 Act, and Section 3 of the Retailers' Occupation Tax Act, the
3 Department shall pay into the Tax Compliance and Administration
4 Fund, to be used, subject to appropriation, to fund additional
5 auditors and compliance personnel at the Department of Revenue,
6 an amount equal to 1/12 of 5% of 80% of the cash receipts
7 collected during the preceding fiscal year by the Audit Bureau
8 of the Department under the Use Tax Act, the Service Use Tax
9 Act, the Service Occupation Tax Act, the Retailers' Occupation
10 Tax Act, and associated local occupation and use taxes
11 administered by the Department (except the amount collected on
12 aviation fuel sold on or after December 1, 2017).

13 Of the remainder of the moneys received by the Department
14 pursuant to this Act, 75% thereof shall be paid into the State
15 Treasury and 25% shall be reserved in a special account and
16 used only for the transfer to the Common School Fund as part of
17 the monthly transfer from the General Revenue Fund in
18 accordance with Section 8a of the State Finance Act.

19 As soon as possible after the first day of each month, upon
20 certification of the Department of Revenue, the Comptroller
21 shall order transferred and the Treasurer shall transfer from
22 the General Revenue Fund to the Motor Fuel Tax Fund an amount
23 equal to 1.7% of 80% of the net revenue realized under this Act
24 for the second preceding month. Beginning April 1, 2000, this
25 transfer is no longer required and shall not be made.

26 Net revenue realized for a month shall be the revenue

1 collected by the State pursuant to this Act, less the amount
2 paid out during that month as refunds to taxpayers for
3 overpayment of liability.

4 For greater simplicity of administration, manufacturers,
5 importers and wholesalers whose products are sold at retail in
6 Illinois by numerous retailers, and who wish to do so, may
7 assume the responsibility for accounting and paying to the
8 Department all tax accruing under this Act with respect to such
9 sales, if the retailers who are affected do not make written
10 objection to the Department to this arrangement.

11 (Source: P.A. 98-24, eff. 6-19-13; 98-109, eff. 7-25-13;
12 98-496, eff. 1-1-14; 98-756, eff. 7-16-14; 98-1098, eff.
13 8-26-14; 99-352, eff. 8-12-15; 99-858, eff. 8-19-16; 99-933,
14 eff. 1-27-17; revised 2-3-17.)

15 (35 ILCS 105/19) (from Ch. 120, par. 439.19)

16 Sec. 19. If it shall appear that an amount of tax or
17 penalty or interest has been paid in error hereunder to the
18 Department by a purchaser, as distinguished from the retailer,
19 whether such amount be paid through a mistake of fact or an
20 error of law, such purchaser may file a claim for credit or
21 refund with the Department in accordance with Sections 6, 6a,
22 6b, 6c, and 6d of the Retailers' Occupation Tax Act. If it
23 shall appear that an amount of tax or penalty or interest has
24 been paid in error to the Department hereunder by a retailer
25 who is required or authorized to collect and remit the use tax,

1 whether such amount be paid through a mistake of fact or an
2 error of law, such retailer may file a claim for credit or
3 refund with the Department in accordance with Sections 6, 6a,
4 6b, 6c, and 6d of the Retailers' Occupation Tax Act, provided
5 that no credit or refund shall be allowed for any amount paid
6 by any such retailer unless it shall appear that he bore the
7 burden of such amount and did not shift the burden thereof to
8 anyone else (as in the case of a duplicated tax payment which
9 the retailer made to the Department and did not collect from
10 anyone else), or unless it shall appear that he or she or his
11 or her legal representative has unconditionally repaid such
12 amount to his vendee (1) who bore the burden thereof and has
13 not shifted such burden directly or indirectly in any manner
14 whatsoever; (2) who, if he has shifted such burden, has repaid
15 unconditionally such amount to his or her own vendee, and (3)
16 who is not entitled to receive any reimbursement therefor from
17 any other source than from his vendor, nor to be relieved of
18 such burden in any other manner whatsoever. If it shall appear
19 that an amount of tax has been paid in error hereunder by the
20 purchaser to a retailer, who retained such tax as reimbursement
21 for his or her tax liability on the same sale under the
22 Retailers' Occupation Tax Act, and who remitted the amount
23 involved to the Department under the Retailers' Occupation Tax
24 Act, whether such amount be paid through a mistake of fact or
25 an error of law, the procedure for recovering such tax shall be
26 that prescribed in Sections 6, 6a, 6b and 6c of the Retailers'

1 Occupation Tax Act.

2 Any credit or refund that is allowed under this Section
3 shall bear interest at the rate and in the manner specified in
4 the Uniform Penalty and Interest Act.

5 Any claim filed hereunder shall be filed upon a form
6 prescribed and furnished by the Department. The claim shall be
7 signed by the claimant (or by the claimant's legal
8 representative if the claimant shall have died or become a
9 person under legal disability), or by a duly authorized agent
10 of the claimant or his or her legal representative.

11 A claim for credit or refund shall be considered to have
12 been filed with the Department on the date upon which it is
13 received by the Department. Upon receipt of any claim for
14 credit or refund filed under this Act, any officer or employee
15 of the Department, authorized in writing by the Director of
16 Revenue to acknowledge receipt of such claims on behalf of the
17 Department, shall execute on behalf of the Department, and
18 shall deliver or mail to the claimant or his duly authorized
19 agent, a written receipt, acknowledging that the claim has been
20 filed with the Department, describing the claim in sufficient
21 detail to identify it and stating the date upon which the claim
22 was received by the Department. Such written receipt shall be
23 prima facie evidence that the Department received the claim
24 described in such receipt and shall be prima facie evidence of
25 the date when such claim was received by the Department. In the
26 absence of such a written receipt, the records of the

1 Department as to when the claim was received by the Department,
2 or as to whether or not the claim was received at all by the
3 Department, shall be deemed to be prima facie correct upon
4 these questions in the event of any dispute between the
5 claimant (or his or her legal representative) and the
6 Department concerning these questions.

7 In case the Department determines that the claimant is
8 entitled to a refund, such refund shall be made only from the
9 Aviation Fuel Sales Tax Refund Fund or from such appropriation
10 as may be available for that purpose, as appropriate. If it
11 appears unlikely that the amount available ~~appropriated~~ would
12 permit everyone having a claim allowed during the period
13 covered by such appropriation or from the Aviation Fuel Sales
14 Tax Refund Fund, as appropriate, to elect to receive a cash
15 refund, the Department, by rule or regulation, shall provide
16 for the payment of refunds in hardship cases and shall define
17 what types of cases qualify as hardship cases.

18 If a retailer who has failed to pay use tax on gross
19 receipts from retail sales is required by the Department to pay
20 such tax, such retailer, without filing any formal claim with
21 the Department, shall be allowed to take credit against such
22 use tax liability to the extent, if any, to which such retailer
23 has paid an amount equivalent to retailers' occupation tax or
24 has paid use tax in error to his or her vendor or vendors of the
25 same tangible personal property which such retailer bought for
26 resale and did not first use before selling it, and no penalty

1 or interest shall be charged to such retailer on the amount of
2 such credit. However, when such credit is allowed to the
3 retailer by the Department, the vendor is precluded from
4 refunding any of that tax to the retailer and filing a claim
5 for credit or refund with respect thereto with the Department.
6 The provisions of this amendatory Act shall be applied
7 retroactively, regardless of the date of the transaction.

8 (Source: P.A. 99-217, eff. 7-31-15.)

9 Section 15. The Service Use Tax Act is amended by changing
10 Sections 9 and 17 as follows:

11 (35 ILCS 110/9) (from Ch. 120, par. 439.39)

12 Sec. 9. Each serviceman required or authorized to collect
13 the tax herein imposed shall pay to the Department the amount
14 of such tax (except as otherwise provided) at the time when he
15 is required to file his return for the period during which such
16 tax was collected, less a discount of 2.1% prior to January 1,
17 1990 and 1.75% on and after January 1, 1990, or \$5 per calendar
18 year, whichever is greater, which is allowed to reimburse the
19 serviceman for expenses incurred in collecting the tax, keeping
20 records, preparing and filing returns, remitting the tax and
21 supplying data to the Department on request. The discount under
22 this Section is not allowed for taxes paid on aviation fuel
23 that are deposited into the State Aviation Program Fund under
24 this Act. The Department may disallow the discount for

1 servicemen whose certificate of registration is revoked at the
2 time the return is filed, but only if the Department's decision
3 to revoke the certificate of registration has become final. A
4 serviceman need not remit that part of any tax collected by him
5 to the extent that he is required to pay and does pay the tax
6 imposed by the Service Occupation Tax Act with respect to his
7 sale of service involving the incidental transfer by him of the
8 same property.

9 Except as provided hereinafter in this Section, on or
10 before the twentieth day of each calendar month, such
11 serviceman shall file a return for the preceding calendar month
12 in accordance with reasonable Rules and Regulations to be
13 promulgated by the Department. Such return shall be filed on a
14 form prescribed by the Department and shall contain such
15 information as the Department may reasonably require.

16 The Department may require returns to be filed on a
17 quarterly basis. If so required, a return for each calendar
18 quarter shall be filed on or before the twentieth day of the
19 calendar month following the end of such calendar quarter. The
20 taxpayer shall also file a return with the Department for each
21 of the first two months of each calendar quarter, on or before
22 the twentieth day of the following calendar month, stating:

- 23 1. The name of the seller;
- 24 2. The address of the principal place of business from
25 which he engages in business as a serviceman in this State;
- 26 3. The total amount of taxable receipts received by him

1 during the preceding calendar month, including receipts
2 from charge and time sales, but less all deductions allowed
3 by law;

4 4. The amount of credit provided in Section 2d of this
5 Act;

6 5. The amount of tax due;

7 5-5. The signature of the taxpayer; and

8 6. Such other reasonable information as the Department
9 may require.

10 Beginning on January 1, 2018, each serviceman required or
11 authorized to collect the tax imposed by this Act on aviation
12 fuel transferred as an incident of a sale of service in this
13 State during the preceding calendar month shall, instead of
14 reporting and paying tax on aviation fuel as otherwise required
15 by this Section, report and pay the tax by filing an aviation
16 fuel tax return with the Department on or before the twentieth
17 day of each calendar month. The requirements related to the
18 return shall be as otherwise provided in this Section.
19 Notwithstanding any other provisions of this Act to the
20 contrary, servicemen collecting tax on aviation fuel shall file
21 all aviation fuel tax returns and shall make all aviation fuel
22 tax payments by electronic means in the manner and form
23 required by the Department. For purposes of this paragraph,
24 "aviation fuel" means a product that is intended for use or
25 offered for sale as fuel for an aircraft.

26 If a taxpayer fails to sign a return within 30 days after

1 the proper notice and demand for signature by the Department,
2 the return shall be considered valid and any amount shown to be
3 due on the return shall be deemed assessed.

4 Beginning October 1, 1993, a taxpayer who has an average
5 monthly tax liability of \$150,000 or more shall make all
6 payments required by rules of the Department by electronic
7 funds transfer. Beginning October 1, 1994, a taxpayer who has
8 an average monthly tax liability of \$100,000 or more shall make
9 all payments required by rules of the Department by electronic
10 funds transfer. Beginning October 1, 1995, a taxpayer who has
11 an average monthly tax liability of \$50,000 or more shall make
12 all payments required by rules of the Department by electronic
13 funds transfer. Beginning October 1, 2000, a taxpayer who has
14 an annual tax liability of \$200,000 or more shall make all
15 payments required by rules of the Department by electronic
16 funds transfer. The term "annual tax liability" shall be the
17 sum of the taxpayer's liabilities under this Act, and under all
18 other State and local occupation and use tax laws administered
19 by the Department, for the immediately preceding calendar year.
20 The term "average monthly tax liability" means the sum of the
21 taxpayer's liabilities under this Act, and under all other
22 State and local occupation and use tax laws administered by the
23 Department, for the immediately preceding calendar year
24 divided by 12. Beginning on October 1, 2002, a taxpayer who has
25 a tax liability in the amount set forth in subsection (b) of
26 Section 2505-210 of the Department of Revenue Law shall make

1 all payments required by rules of the Department by electronic
2 funds transfer.

3 Before August 1 of each year beginning in 1993, the
4 Department shall notify all taxpayers required to make payments
5 by electronic funds transfer. All taxpayers required to make
6 payments by electronic funds transfer shall make those payments
7 for a minimum of one year beginning on October 1.

8 Any taxpayer not required to make payments by electronic
9 funds transfer may make payments by electronic funds transfer
10 with the permission of the Department.

11 All taxpayers required to make payment by electronic funds
12 transfer and any taxpayers authorized to voluntarily make
13 payments by electronic funds transfer shall make those payments
14 in the manner authorized by the Department.

15 The Department shall adopt such rules as are necessary to
16 effectuate a program of electronic funds transfer and the
17 requirements of this Section.

18 If the serviceman is otherwise required to file a monthly
19 return and if the serviceman's average monthly tax liability to
20 the Department does not exceed \$200, the Department may
21 authorize his returns to be filed on a quarter annual basis,
22 with the return for January, February and March of a given year
23 being due by April 20 of such year; with the return for April,
24 May and June of a given year being due by July 20 of such year;
25 with the return for July, August and September of a given year
26 being due by October 20 of such year, and with the return for

1 October, November and December of a given year being due by
2 January 20 of the following year.

3 If the serviceman is otherwise required to file a monthly
4 or quarterly return and if the serviceman's average monthly tax
5 liability to the Department does not exceed \$50, the Department
6 may authorize his returns to be filed on an annual basis, with
7 the return for a given year being due by January 20 of the
8 following year.

9 Such quarter annual and annual returns, as to form and
10 substance, shall be subject to the same requirements as monthly
11 returns.

12 Notwithstanding any other provision in this Act concerning
13 the time within which a serviceman may file his return, in the
14 case of any serviceman who ceases to engage in a kind of
15 business which makes him responsible for filing returns under
16 this Act, such serviceman shall file a final return under this
17 Act with the Department not more than 1 month after
18 discontinuing such business.

19 Where a serviceman collects the tax with respect to the
20 selling price of property which he sells and the purchaser
21 thereafter returns such property and the serviceman refunds the
22 selling price thereof to the purchaser, such serviceman shall
23 also refund, to the purchaser, the tax so collected from the
24 purchaser. When filing his return for the period in which he
25 refunds such tax to the purchaser, the serviceman may deduct
26 the amount of the tax so refunded by him to the purchaser from

1 any other Service Use Tax, Service Occupation Tax, retailers'
2 occupation tax or use tax which such serviceman may be required
3 to pay or remit to the Department, as shown by such return,
4 provided that the amount of the tax to be deducted shall
5 previously have been remitted to the Department by such
6 serviceman. If the serviceman shall not previously have
7 remitted the amount of such tax to the Department, he shall be
8 entitled to no deduction hereunder upon refunding such tax to
9 the purchaser.

10 Any serviceman filing a return hereunder shall also include
11 the total tax upon the selling price of tangible personal
12 property purchased for use by him as an incident to a sale of
13 service, and such serviceman shall remit the amount of such tax
14 to the Department when filing such return.

15 If experience indicates such action to be practicable, the
16 Department may prescribe and furnish a combination or joint
17 return which will enable servicemen, who are required to file
18 returns hereunder and also under the Service Occupation Tax
19 Act, to furnish all the return information required by both
20 Acts on the one form.

21 Where the serviceman has more than one business registered
22 with the Department under separate registration hereunder,
23 such serviceman shall not file each return that is due as a
24 single return covering all such registered businesses, but
25 shall file separate returns for each such registered business.

26 Beginning January 1, 1990, each month the Department shall

1 pay into the State and Local Tax Reform Fund, a special fund in
2 the State Treasury, the net revenue realized for the preceding
3 month from the 1% tax on sales of food for human consumption
4 which is to be consumed off the premises where it is sold
5 (other than alcoholic beverages, soft drinks and food which has
6 been prepared for immediate consumption) and prescription and
7 nonprescription medicines, drugs, medical appliances, products
8 classified as Class III medical devices, by the United States
9 Food and Drug Administration that are used for cancer treatment
10 pursuant to a prescription, as well as any accessories and
11 components related to those devices, and insulin, urine testing
12 materials, syringes and needles used by diabetics.

13 Beginning January 1, 1990, each month the Department shall
14 pay into the State and Local Sales Tax Reform Fund 20% of the
15 net revenue realized for the preceding month from the 6.25%
16 general rate on transfers of tangible personal property, other
17 than (i) tangible personal property which is purchased outside
18 Illinois at retail from a retailer and which is titled or
19 registered by an agency of this State's government and (ii)
20 aviation fuel sold on or after December 1, 2017. This exception
21 for aviation fuel only applies for so long as the revenue use
22 requirements of 49 U.S.C. §47107(b) and 49 U.S.C. §47133 are
23 binding on the State.

24 For aviation fuel sold on or after December 1, 2017, each
25 month the Department shall pay into the State Aviation Program
26 Fund 20% of the net revenue realized for the preceding month

1 from the 6.25% general rate on the selling price of aviation
2 fuel, less an amount estimated by the Department to be required
3 for refunds of the 20% portion of the tax on aviation fuel
4 under this Act, which amount shall be deposited into the
5 Aviation fuel Sales Tax Refund Fund. The Department shall only
6 pay moneys into the State Aviation Program Fund and the
7 Aviation Fuel Sales Tax Refund Fund under this Act for so long
8 as the revenue use requirements of 49 U.S.C. §47107(b) and 49
9 U.S.C. §47133 are binding on the State.

10 Beginning August 1, 2000, each month the Department shall
11 pay into the State and Local Sales Tax Reform Fund 100% of the
12 net revenue realized for the preceding month from the 1.25%
13 rate on the selling price of motor fuel and gasohol.

14 Beginning October 1, 2009, each month the Department shall
15 pay into the Capital Projects Fund an amount that is equal to
16 an amount estimated by the Department to represent 80% of the
17 net revenue realized for the preceding month from the sale of
18 candy, grooming and hygiene products, and soft drinks that had
19 been taxed at a rate of 1% prior to September 1, 2009 but that
20 are now taxed at 6.25%.

21 Beginning July 1, 2013, each month the Department shall pay
22 into the Underground Storage Tank Fund from the proceeds
23 collected under this Act, the Use Tax Act, the Service
24 Occupation Tax Act, and the Retailers' Occupation Tax Act an
25 amount equal to the average monthly deficit in the Underground
26 Storage Tank Fund during the prior year, as certified annually

1 by the Illinois Environmental Protection Agency, but the total
2 payment into the Underground Storage Tank Fund under this Act,
3 the Use Tax Act, the Service Occupation Tax Act, and the
4 Retailers' Occupation Tax Act shall not exceed \$18,000,000 in
5 any State fiscal year. As used in this paragraph, the "average
6 monthly deficit" shall be equal to the difference between the
7 average monthly claims for payment by the fund and the average
8 monthly revenues deposited into the fund, excluding payments
9 made pursuant to this paragraph.

10 Beginning July 1, 2015, of the remainder of the moneys
11 received by the Department under the Use Tax Act, this Act, the
12 Service Occupation Tax Act, and the Retailers' Occupation Tax
13 Act, each month the Department shall deposit \$500,000 into the
14 State Crime Laboratory Fund.

15 Of the remainder of the moneys received by the Department
16 pursuant to this Act, (a) 1.75% thereof shall be paid into the
17 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on
18 and after July 1, 1989, 3.8% thereof shall be paid into the
19 Build Illinois Fund; provided, however, that if in any fiscal
20 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case
21 may be, of the moneys received by the Department and required
22 to be paid into the Build Illinois Fund pursuant to Section 3
23 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax
24 Act, Section 9 of the Service Use Tax Act, and Section 9 of the
25 Service Occupation Tax Act, such Acts being hereinafter called
26 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case

1 may be, of moneys being hereinafter called the "Tax Act
2 Amount", and (2) the amount transferred to the Build Illinois
3 Fund from the State and Local Sales Tax Reform Fund shall be
4 less than the Annual Specified Amount (as defined in Section 3
5 of the Retailers' Occupation Tax Act), an amount equal to the
6 difference shall be immediately paid into the Build Illinois
7 Fund from other moneys received by the Department pursuant to
8 the Tax Acts; and further provided, that if on the last
9 business day of any month the sum of (1) the Tax Act Amount
10 required to be deposited into the Build Illinois Bond Account
11 in the Build Illinois Fund during such month and (2) the amount
12 transferred during such month to the Build Illinois Fund from
13 the State and Local Sales Tax Reform Fund shall have been less
14 than 1/12 of the Annual Specified Amount, an amount equal to
15 the difference shall be immediately paid into the Build
16 Illinois Fund from other moneys received by the Department
17 pursuant to the Tax Acts; and, further provided, that in no
18 event shall the payments required under the preceding proviso
19 result in aggregate payments into the Build Illinois Fund
20 pursuant to this clause (b) for any fiscal year in excess of
21 the greater of (i) the Tax Act Amount or (ii) the Annual
22 Specified Amount for such fiscal year; and, further provided,
23 that the amounts payable into the Build Illinois Fund under
24 this clause (b) shall be payable only until such time as the
25 aggregate amount on deposit under each trust indenture securing
26 Bonds issued and outstanding pursuant to the Build Illinois

1 Bond Act is sufficient, taking into account any future
2 investment income, to fully provide, in accordance with such
3 indenture, for the defeasance of or the payment of the
4 principal of, premium, if any, and interest on the Bonds
5 secured by such indenture and on any Bonds expected to be
6 issued thereafter and all fees and costs payable with respect
7 thereto, all as certified by the Director of the Bureau of the
8 Budget (now Governor's Office of Management and Budget). If on
9 the last business day of any month in which Bonds are
10 outstanding pursuant to the Build Illinois Bond Act, the
11 aggregate of the moneys deposited in the Build Illinois Bond
12 Account in the Build Illinois Fund in such month shall be less
13 than the amount required to be transferred in such month from
14 the Build Illinois Bond Account to the Build Illinois Bond
15 Retirement and Interest Fund pursuant to Section 13 of the
16 Build Illinois Bond Act, an amount equal to such deficiency
17 shall be immediately paid from other moneys received by the
18 Department pursuant to the Tax Acts to the Build Illinois Fund;
19 provided, however, that any amounts paid to the Build Illinois
20 Fund in any fiscal year pursuant to this sentence shall be
21 deemed to constitute payments pursuant to clause (b) of the
22 preceding sentence and shall reduce the amount otherwise
23 payable for such fiscal year pursuant to clause (b) of the
24 preceding sentence. The moneys received by the Department
25 pursuant to this Act and required to be deposited into the
26 Build Illinois Fund are subject to the pledge, claim and charge

1 set forth in Section 12 of the Build Illinois Bond Act.

2 Subject to payment of amounts into the Build Illinois Fund
 3 as provided in the preceding paragraph or in any amendment
 4 thereto hereafter enacted, the following specified monthly
 5 installment of the amount requested in the certificate of the
 6 Chairman of the Metropolitan Pier and Exposition Authority
 7 provided under Section 8.25f of the State Finance Act, but not
 8 in excess of the sums designated as "Total Deposit", shall be
 9 deposited in the aggregate from collections under Section 9 of
 10 the Use Tax Act, Section 9 of the Service Use Tax Act, Section
 11 9 of the Service Occupation Tax Act, and Section 3 of the
 12 Retailers' Occupation Tax Act into the McCormick Place
 13 Expansion Project Fund in the specified fiscal years.

	Fiscal Year	Total Deposit
15	1993	\$0
16	1994	53,000,000
17	1995	58,000,000
18	1996	61,000,000
19	1997	64,000,000
20	1998	68,000,000
21	1999	71,000,000
22	2000	75,000,000
23	2001	80,000,000
24	2002	93,000,000
25	2003	99,000,000

1	2004	103,000,000
2	2005	108,000,000
3	2006	113,000,000
4	2007	119,000,000
5	2008	126,000,000
6	2009	132,000,000
7	2010	139,000,000
8	2011	146,000,000
9	2012	153,000,000
10	2013	161,000,000
11	2014	170,000,000
12	2015	179,000,000
13	2016	189,000,000
14	2017	199,000,000
15	2018	210,000,000
16	2019	221,000,000
17	2020	233,000,000
18	2021	246,000,000
19	2022	260,000,000
20	2023	275,000,000
21	2024	275,000,000
22	2025	275,000,000
23	2026	279,000,000
24	2027	292,000,000
25	2028	307,000,000
26	2029	322,000,000

1	2030	338,000,000
2	2031	350,000,000
3	2032	350,000,000

4 and

5 each fiscal year

6 thereafter that bonds

7 are outstanding under

8 Section 13.2 of the

9 Metropolitan Pier and

10 Exposition Authority Act,

11 but not after fiscal year 2060.

12 Beginning July 20, 1993 and in each month of each fiscal
13 year thereafter, one-eighth of the amount requested in the
14 certificate of the Chairman of the Metropolitan Pier and
15 Exposition Authority for that fiscal year, less the amount
16 deposited into the McCormick Place Expansion Project Fund by
17 the State Treasurer in the respective month under subsection
18 (g) of Section 13 of the Metropolitan Pier and Exposition
19 Authority Act, plus cumulative deficiencies in the deposits
20 required under this Section for previous months and years,
21 shall be deposited into the McCormick Place Expansion Project
22 Fund, until the full amount requested for the fiscal year, but
23 not in excess of the amount specified above as "Total Deposit",
24 has been deposited.

25 Subject to payment of amounts into the Capital Projects
26 Fund, the Clean Air Act (CAA) Permit Fund, the Build Illinois

1 Fund, and the McCormick Place Expansion Project Fund pursuant
2 to the preceding paragraphs or in any amendments thereto
3 hereafter enacted, the Department shall each month deposit into
4 the Aviation Fuel Sales Tax Refund Fund an amount estimated by
5 the Department to be required for refunds of the 80% portion of
6 the tax on aviation fuel under this Act.

7 Subject to payment of amounts into the Build Illinois Fund
8 and the McCormick Place Expansion Project Fund pursuant to the
9 preceding paragraphs or in any amendments thereto hereafter
10 enacted, beginning July 1, 1993 and ending on September 30,
11 2013, the Department shall each month pay into the Illinois Tax
12 Increment Fund 0.27% of 80% of the net revenue realized for the
13 preceding month from the 6.25% general rate on the selling
14 price of tangible personal property.

15 Subject to payment of amounts into the Build Illinois Fund
16 and the McCormick Place Expansion Project Fund pursuant to the
17 preceding paragraphs or in any amendments thereto hereafter
18 enacted, beginning with the receipt of the first report of
19 taxes paid by an eligible business and continuing for a 25-year
20 period, the Department shall each month pay into the Energy
21 Infrastructure Fund 80% of the net revenue realized from the
22 6.25% general rate on the selling price of Illinois-mined coal
23 that was sold to an eligible business. For purposes of this
24 paragraph, the term "eligible business" means a new electric
25 generating facility certified pursuant to Section 605-332 of
26 the Department of Commerce and Economic Opportunity Law of the

1 Civil Administrative Code of Illinois.

2 Subject to payment of amounts into the Build Illinois Fund,
3 the McCormick Place Expansion Project Fund, the Illinois Tax
4 Increment Fund, and the Energy Infrastructure Fund pursuant to
5 the preceding paragraphs or in any amendments to this Section
6 hereafter enacted, beginning on the first day of the first
7 calendar month to occur on or after the effective date of this
8 amendatory Act of the 98th General Assembly, each month, from
9 the collections made under Section 9 of the Use Tax Act,
10 Section 9 of the Service Use Tax Act, Section 9 of the Service
11 Occupation Tax Act, and Section 3 of the Retailers' Occupation
12 Tax Act, the Department shall pay into the Tax Compliance and
13 Administration Fund, to be used, subject to appropriation, to
14 fund additional auditors and compliance personnel at the
15 Department of Revenue, an amount equal to 1/12 of 5% of 80% of
16 the cash receipts collected during the preceding fiscal year by
17 the Audit Bureau of the Department under the Use Tax Act, the
18 Service Use Tax Act, the Service Occupation Tax Act, the
19 Retailers' Occupation Tax Act, and associated local occupation
20 and use taxes administered by the Department (except the amount
21 collected on aviation fuel sold on or after December 1, 2017).

22 Of the remainder of the moneys received by the Department
23 pursuant to this Act, 75% thereof shall be paid into the
24 General Revenue Fund of the State Treasury and 25% shall be
25 reserved in a special account and used only for the transfer to
26 the Common School Fund as part of the monthly transfer from the

1 General Revenue Fund in accordance with Section 8a of the State
2 Finance Act.

3 As soon as possible after the first day of each month, upon
4 certification of the Department of Revenue, the Comptroller
5 shall order transferred and the Treasurer shall transfer from
6 the General Revenue Fund to the Motor Fuel Tax Fund an amount
7 equal to 1.7% of 80% of the net revenue realized under this Act
8 for the second preceding month. Beginning April 1, 2000, this
9 transfer is no longer required and shall not be made.

10 Net revenue realized for a month shall be the revenue
11 collected by the State pursuant to this Act, less the amount
12 paid out during that month as refunds to taxpayers for
13 overpayment of liability.

14 (Source: P.A. 98-24, eff. 6-19-13; 98-109, eff. 7-25-13;
15 98-298, eff. 8-9-13; 98-496, eff. 1-1-14; 98-756, eff. 7-16-14;
16 98-1098, eff. 8-26-14; 99-352, eff. 8-12-15; 99-858, eff.
17 8-19-16.)

18 (35 ILCS 110/17) (from Ch. 120, par. 439.47)

19 Sec. 17. If it shall appear that an amount of tax or
20 penalty or interest has been paid in error hereunder to the
21 Department by a purchaser, as distinguished from the
22 serviceman, whether such amount be paid through a mistake of
23 fact or an error of law, such purchaser may file a claim for
24 credit or refund with the Department. If it shall appear that
25 an amount of tax or penalty or interest has been paid in error

1 to the Department hereunder by a serviceman who is required or
2 authorized to collect and remit the Service Use Tax, whether
3 such amount be paid through a mistake of fact or an error of
4 law, such serviceman may file a claim for credit or refund with
5 the Department, provided that no credit shall be allowed or
6 refund made for any amount paid by any such serviceman unless
7 it shall appear that he bore the burden of such amount and did
8 not shift the burden thereof to anyone else (as in the case of
9 a duplicated tax payment which the serviceman made to the
10 Department and did not collect from anyone else), or unless it
11 shall appear that he or his legal representative has
12 unconditionally repaid such amount to his vendee (1) who bore
13 the burden thereof and has not shifted such burden directly or
14 indirectly in any manner whatsoever; (2) who, if he has shifted
15 such burden, has repaid unconditionally such amount to his own
16 vendee, and (3) who is not entitled to receive any
17 reimbursement therefor from any other source than from his
18 vendor, nor to be relieved of such burden in any other manner
19 whatsoever. If it shall appear that an amount of tax has been
20 paid in error hereunder by the purchaser to a serviceman, who
21 retained such tax as reimbursement for his tax liability on the
22 same sale of service under the Service Occupation Tax Act, and
23 who paid such tax as required by the Service Occupation Tax
24 Act, whether such amount be paid through a mistake of fact or
25 an error of law, the procedure for recovering such tax shall be
26 that prescribed in Sections 17, 18, 19 and 20 of the Service

1 Occupation Tax Act.

2 Any credit or refund that is allowed under this Section
3 shall bear interest at the rate and in the manner specified in
4 the Uniform Penalty and Interest Act.

5 Any claim filed hereunder shall be filed upon a form
6 prescribed and furnished by the Department. The claim shall be
7 signed by the claimant (or by the claimant's legal
8 representative if the claimant shall have died or become a
9 person under legal disability), or by a duly authorized agent
10 of the claimant or his or her legal representative.

11 A claim for credit or refund shall be considered to have
12 been filed with the Department on the date upon which it is
13 received by the Department. Upon receipt of any claim for
14 credit or refund filed under this Act, any officer or employee
15 of the Department, authorized in writing by the Director of
16 Revenue to acknowledge receipt of such claims on behalf of the
17 Department, shall execute on behalf of the Department, and
18 shall deliver or mail to the claimant or his duly authorized
19 agent, a written receipt, acknowledging that the claim has been
20 filed with the Department, describing the claim in sufficient
21 detail to identify it and stating the date upon which the claim
22 was received by the Department. Such written receipt shall be
23 prima facie evidence that the Department received the claim
24 described in such receipt and shall be prima facie evidence of
25 the date when such claim was received by the Department. In the
26 absence of such a written receipt, the records of the

1 Department as to when the claim was received by the Department,
2 or as to whether or not the claim was received at all by the
3 Department, shall be deemed to be prima facie correct upon
4 these questions in the event of any dispute between the
5 claimant (or his or her legal representative) and the
6 Department concerning these questions.

7 In case the Department determines that the claimant is
8 entitled to a refund, such refund shall be made only from the
9 Aviation Fuel Sales Tax Refund Fund or from such appropriation
10 as may be available for that purpose, as appropriate. If it
11 appears unlikely that the amount available ~~appropriated~~ would
12 permit everyone having a claim allowed during the period
13 covered by such appropriation or from the Aviation Fuel Sales
14 Tax Refund Fund, as appropriate, to elect to receive a cash
15 refund, the Department, by rule or regulation, shall provide
16 for the payment of refunds in hardship cases and shall define
17 what types of cases qualify as hardship cases.

18 (Source: P.A. 87-205.)

19 Section 20. The Service Occupation Tax Act is amended by
20 changing Sections 9 and 17 as follows:

21 (35 ILCS 115/9) (from Ch. 120, par. 439.109)

22 Sec. 9. Each serviceman required or authorized to collect
23 the tax herein imposed shall pay to the Department the amount
24 of such tax at the time when he is required to file his return

1 for the period during which such tax was collectible, less a
2 discount of 2.1% prior to January 1, 1990, and 1.75% on and
3 after January 1, 1990, or \$5 per calendar year, whichever is
4 greater, which is allowed to reimburse the serviceman for
5 expenses incurred in collecting the tax, keeping records,
6 preparing and filing returns, remitting the tax and supplying
7 data to the Department on request. The discount under this
8 Section is not allowed for taxes paid on aviation fuel that are
9 deposited into the State Aviation Program Fund under this Act.

10 The Department may disallow the discount for servicemen whose
11 certificate of registration is revoked at the time the return
12 is filed, but only if the Department's decision to revoke the
13 certificate of registration has become final.

14 Where such tangible personal property is sold under a
15 conditional sales contract, or under any other form of sale
16 wherein the payment of the principal sum, or a part thereof, is
17 extended beyond the close of the period for which the return is
18 filed, the serviceman, in collecting the tax may collect, for
19 each tax return period, only the tax applicable to the part of
20 the selling price actually received during such tax return
21 period.

22 Except as provided hereinafter in this Section, on or
23 before the twentieth day of each calendar month, such
24 serviceman shall file a return for the preceding calendar month
25 in accordance with reasonable rules and regulations to be
26 promulgated by the Department of Revenue. Such return shall be

1 filed on a form prescribed by the Department and shall contain
2 such information as the Department may reasonably require.

3 The Department may require returns to be filed on a
4 quarterly basis. If so required, a return for each calendar
5 quarter shall be filed on or before the twentieth day of the
6 calendar month following the end of such calendar quarter. The
7 taxpayer shall also file a return with the Department for each
8 of the first two months of each calendar quarter, on or before
9 the twentieth day of the following calendar month, stating:

- 10 1. The name of the seller;
- 11 2. The address of the principal place of business from
12 which he engages in business as a serviceman in this State;
- 13 3. The total amount of taxable receipts received by him
14 during the preceding calendar month, including receipts
15 from charge and time sales, but less all deductions allowed
16 by law;
- 17 4. The amount of credit provided in Section 2d of this
18 Act;
- 19 5. The amount of tax due;
- 20 5-5. The signature of the taxpayer; and
- 21 6. Such other reasonable information as the Department
22 may require.

23 Beginning on January 1, 2018, each serviceman required or
24 authorized to collect the tax herein imposed on aviation fuel
25 acquired as an incident to the purchase of a service in this
26 State during the preceding calendar month shall, instead of

1 reporting and paying tax as otherwise required by this Section,
2 file an aviation fuel tax return with the Department on or
3 before the twentieth day of each calendar month. The
4 requirements related to the return shall be as otherwise
5 provided in this Section. Notwithstanding any other provisions
6 of this Act to the contrary, servicemen transferring aviation
7 fuel incident to sales of service shall file all aviation fuel
8 tax returns and shall make all aviation fuel tax payments by
9 electronic means in the manner and form required by the
10 Department. For purposes of this paragraph, "aviation fuel"
11 means a product that is intended for use or offered for sale as
12 fuel for an aircraft.

13 If a taxpayer fails to sign a return within 30 days after
14 the proper notice and demand for signature by the Department,
15 the return shall be considered valid and any amount shown to be
16 due on the return shall be deemed assessed.

17 Prior to October 1, 2003, and on and after September 1,
18 2004 a serviceman may accept a Manufacturer's Purchase Credit
19 certification from a purchaser in satisfaction of Service Use
20 Tax as provided in Section 3-70 of the Service Use Tax Act if
21 the purchaser provides the appropriate documentation as
22 required by Section 3-70 of the Service Use Tax Act. A
23 Manufacturer's Purchase Credit certification, accepted prior
24 to October 1, 2003 or on or after September 1, 2004 by a
25 serviceman as provided in Section 3-70 of the Service Use Tax
26 Act, may be used by that serviceman to satisfy Service

1 Occupation Tax liability in the amount claimed in the
2 certification, not to exceed 6.25% of the receipts subject to
3 tax from a qualifying purchase. A Manufacturer's Purchase
4 Credit reported on any original or amended return filed under
5 this Act after October 20, 2003 for reporting periods prior to
6 September 1, 2004 shall be disallowed. Manufacturer's Purchase
7 Credit reported on annual returns due on or after January 1,
8 2005 will be disallowed for periods prior to September 1, 2004.
9 No Manufacturer's Purchase Credit may be used after September
10 30, 2003 through August 31, 2004 to satisfy any tax liability
11 imposed under this Act, including any audit liability.

12 If the serviceman's average monthly tax liability to the
13 Department does not exceed \$200, the Department may authorize
14 his returns to be filed on a quarter annual basis, with the
15 return for January, February and March of a given year being
16 due by April 20 of such year; with the return for April, May
17 and June of a given year being due by July 20 of such year; with
18 the return for July, August and September of a given year being
19 due by October 20 of such year, and with the return for
20 October, November and December of a given year being due by
21 January 20 of the following year.

22 If the serviceman's average monthly tax liability to the
23 Department does not exceed \$50, the Department may authorize
24 his returns to be filed on an annual basis, with the return for
25 a given year being due by January 20 of the following year.

26 Such quarter annual and annual returns, as to form and

1 substance, shall be subject to the same requirements as monthly
2 returns.

3 Notwithstanding any other provision in this Act concerning
4 the time within which a serviceman may file his return, in the
5 case of any serviceman who ceases to engage in a kind of
6 business which makes him responsible for filing returns under
7 this Act, such serviceman shall file a final return under this
8 Act with the Department not more than 1 month after
9 discontinuing such business.

10 Beginning October 1, 1993, a taxpayer who has an average
11 monthly tax liability of \$150,000 or more shall make all
12 payments required by rules of the Department by electronic
13 funds transfer. Beginning October 1, 1994, a taxpayer who has
14 an average monthly tax liability of \$100,000 or more shall make
15 all payments required by rules of the Department by electronic
16 funds transfer. Beginning October 1, 1995, a taxpayer who has
17 an average monthly tax liability of \$50,000 or more shall make
18 all payments required by rules of the Department by electronic
19 funds transfer. Beginning October 1, 2000, a taxpayer who has
20 an annual tax liability of \$200,000 or more shall make all
21 payments required by rules of the Department by electronic
22 funds transfer. The term "annual tax liability" shall be the
23 sum of the taxpayer's liabilities under this Act, and under all
24 other State and local occupation and use tax laws administered
25 by the Department, for the immediately preceding calendar year.
26 The term "average monthly tax liability" means the sum of the

1 taxpayer's liabilities under this Act, and under all other
2 State and local occupation and use tax laws administered by the
3 Department, for the immediately preceding calendar year
4 divided by 12. Beginning on October 1, 2002, a taxpayer who has
5 a tax liability in the amount set forth in subsection (b) of
6 Section 2505-210 of the Department of Revenue Law shall make
7 all payments required by rules of the Department by electronic
8 funds transfer.

9 Before August 1 of each year beginning in 1993, the
10 Department shall notify all taxpayers required to make payments
11 by electronic funds transfer. All taxpayers required to make
12 payments by electronic funds transfer shall make those payments
13 for a minimum of one year beginning on October 1.

14 Any taxpayer not required to make payments by electronic
15 funds transfer may make payments by electronic funds transfer
16 with the permission of the Department.

17 All taxpayers required to make payment by electronic funds
18 transfer and any taxpayers authorized to voluntarily make
19 payments by electronic funds transfer shall make those payments
20 in the manner authorized by the Department.

21 The Department shall adopt such rules as are necessary to
22 effectuate a program of electronic funds transfer and the
23 requirements of this Section.

24 Where a serviceman collects the tax with respect to the
25 selling price of tangible personal property which he sells and
26 the purchaser thereafter returns such tangible personal

1 property and the serviceman refunds the selling price thereof
2 to the purchaser, such serviceman shall also refund, to the
3 purchaser, the tax so collected from the purchaser. When filing
4 his return for the period in which he refunds such tax to the
5 purchaser, the serviceman may deduct the amount of the tax so
6 refunded by him to the purchaser from any other Service
7 Occupation Tax, Service Use Tax, Retailers' Occupation Tax or
8 Use Tax which such serviceman may be required to pay or remit
9 to the Department, as shown by such return, provided that the
10 amount of the tax to be deducted shall previously have been
11 remitted to the Department by such serviceman. If the
12 serviceman shall not previously have remitted the amount of
13 such tax to the Department, he shall be entitled to no
14 deduction hereunder upon refunding such tax to the purchaser.

15 If experience indicates such action to be practicable, the
16 Department may prescribe and furnish a combination or joint
17 return which will enable servicemen, who are required to file
18 returns hereunder and also under the Retailers' Occupation Tax
19 Act, the Use Tax Act or the Service Use Tax Act, to furnish all
20 the return information required by all said Acts on the one
21 form.

22 Where the serviceman has more than one business registered
23 with the Department under separate registrations hereunder,
24 such serviceman shall file separate returns for each registered
25 business.

26 Beginning January 1, 1990, each month the Department shall

1 pay into the Local Government Tax Fund the revenue realized for
2 the preceding month from the 1% tax on sales of food for human
3 consumption which is to be consumed off the premises where it
4 is sold (other than alcoholic beverages, soft drinks and food
5 which has been prepared for immediate consumption) and
6 prescription and nonprescription medicines, drugs, medical
7 appliances, products classified as Class III medical devices by
8 the United States Food and Drug Administration that are used
9 for cancer treatment pursuant to a prescription, as well as any
10 accessories and components related to those devices, and
11 insulin, urine testing materials, syringes and needles used by
12 diabetics.

13 Beginning January 1, 1990, each month the Department shall
14 pay into the County and Mass Transit District Fund 4% of the
15 revenue realized for the preceding month from the 6.25% general
16 rate on sales of tangible personal property other than aviation
17 fuel sold on or after December 1, 2017. This exception for
18 aviation fuel only applies for so long as the revenue use
19 requirements of 49 U.S.C. §47107(b) and 49 U.S.C. §47133 are
20 binding on the State.

21 For aviation fuel sold on or after December 1, 2017, each
22 month the Department shall pay into the State Aviation Program
23 Fund 4% of the net revenue realized for the preceding month
24 from the 6.25% general rate on the selling price of aviation
25 fuel, less an amount estimated by the Department to be required
26 for refunds of the 4% portion of the tax on aviation fuel under

1 this Act, which amount shall be deposited into the Aviation
2 Fuel Sales Tax Refund Fund. The Department shall only pay
3 moneys into the State Aviation Program Fund and the Aviation
4 Fuel Sales Tax Refund Fund under this Act for so long as the
5 revenue use requirements of 49 U.S.C. §47107(b) and 49 U.S.C.
6 §47133 are binding on the State.

7 Beginning August 1, 2000, each month the Department shall
8 pay into the County and Mass Transit District Fund 20% of the
9 net revenue realized for the preceding month from the 1.25%
10 rate on the selling price of motor fuel and gasohol.

11 Beginning January 1, 1990, each month the Department shall
12 pay into the Local Government Tax Fund 16% of the revenue
13 realized for the preceding month from the 6.25% general rate on
14 transfers of tangible personal property other than aviation
15 fuel sold on or after December 1, 2017. This exception for
16 aviation fuel only applies for so long as the revenue use
17 requirements of 49 U.S.C. §47107(b) and 49 U.S.C. §47133 are
18 binding on the State.

19 For aviation fuel sold on or after December 1, 2017, each
20 month the Department shall pay into the State Aviation Program
21 Fund 16% of the net revenue realized for the preceding month
22 from the 6.25% general rate on the selling price of aviation
23 fuel, less an amount estimated by the Department to be required
24 for refunds of the 16% portion of the tax on aviation fuel
25 under this Act, which amount shall be deposited into the
26 Aviation Fuel Sales Tax Refund Fund. The Department shall only

1 pay moneys into the State Aviation Program Fund and the
2 Aviation Fuel Sales Tax Refund Fund under this Act for so long
3 as the revenue use requirements of 49 U.S.C. §47107(b) and 49
4 U.S.C. §47133 are binding on the State.

5 Beginning August 1, 2000, each month the Department shall
6 pay into the Local Government Tax Fund 80% of the net revenue
7 realized for the preceding month from the 1.25% rate on the
8 selling price of motor fuel and gasohol.

9 Beginning October 1, 2009, each month the Department shall
10 pay into the Capital Projects Fund an amount that is equal to
11 an amount estimated by the Department to represent 80% of the
12 net revenue realized for the preceding month from the sale of
13 candy, grooming and hygiene products, and soft drinks that had
14 been taxed at a rate of 1% prior to September 1, 2009 but that
15 are now taxed at 6.25%.

16 Beginning July 1, 2013, each month the Department shall pay
17 into the Underground Storage Tank Fund from the proceeds
18 collected under this Act, the Use Tax Act, the Service Use Tax
19 Act, and the Retailers' Occupation Tax Act an amount equal to
20 the average monthly deficit in the Underground Storage Tank
21 Fund during the prior year, as certified annually by the
22 Illinois Environmental Protection Agency, but the total
23 payment into the Underground Storage Tank Fund under this Act,
24 the Use Tax Act, the Service Use Tax Act, and the Retailers'
25 Occupation Tax Act shall not exceed \$18,000,000 in any State
26 fiscal year. As used in this paragraph, the "average monthly

1 deficit" shall be equal to the difference between the average
2 monthly claims for payment by the fund and the average monthly
3 revenues deposited into the fund, excluding payments made
4 pursuant to this paragraph.

5 Beginning July 1, 2015, of the remainder of the moneys
6 received by the Department under the Use Tax Act, the Service
7 Use Tax Act, this Act, and the Retailers' Occupation Tax Act,
8 each month the Department shall deposit \$500,000 into the State
9 Crime Laboratory Fund.

10 Of the remainder of the moneys received by the Department
11 pursuant to this Act, (a) 1.75% thereof shall be paid into the
12 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on
13 and after July 1, 1989, 3.8% thereof shall be paid into the
14 Build Illinois Fund; provided, however, that if in any fiscal
15 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case
16 may be, of the moneys received by the Department and required
17 to be paid into the Build Illinois Fund pursuant to Section 3
18 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax
19 Act, Section 9 of the Service Use Tax Act, and Section 9 of the
20 Service Occupation Tax Act, such Acts being hereinafter called
21 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case
22 may be, of moneys being hereinafter called the "Tax Act
23 Amount", and (2) the amount transferred to the Build Illinois
24 Fund from the State and Local Sales Tax Reform Fund shall be
25 less than the Annual Specified Amount (as defined in Section 3
26 of the Retailers' Occupation Tax Act), an amount equal to the

1 difference shall be immediately paid into the Build Illinois
2 Fund from other moneys received by the Department pursuant to
3 the Tax Acts; and further provided, that if on the last
4 business day of any month the sum of (1) the Tax Act Amount
5 required to be deposited into the Build Illinois Account in the
6 Build Illinois Fund during such month and (2) the amount
7 transferred during such month to the Build Illinois Fund from
8 the State and Local Sales Tax Reform Fund shall have been less
9 than 1/12 of the Annual Specified Amount, an amount equal to
10 the difference shall be immediately paid into the Build
11 Illinois Fund from other moneys received by the Department
12 pursuant to the Tax Acts; and, further provided, that in no
13 event shall the payments required under the preceding proviso
14 result in aggregate payments into the Build Illinois Fund
15 pursuant to this clause (b) for any fiscal year in excess of
16 the greater of (i) the Tax Act Amount or (ii) the Annual
17 Specified Amount for such fiscal year; and, further provided,
18 that the amounts payable into the Build Illinois Fund under
19 this clause (b) shall be payable only until such time as the
20 aggregate amount on deposit under each trust indenture securing
21 Bonds issued and outstanding pursuant to the Build Illinois
22 Bond Act is sufficient, taking into account any future
23 investment income, to fully provide, in accordance with such
24 indenture, for the defeasance of or the payment of the
25 principal of, premium, if any, and interest on the Bonds
26 secured by such indenture and on any Bonds expected to be

1 issued thereafter and all fees and costs payable with respect
2 thereto, all as certified by the Director of the Bureau of the
3 Budget (now Governor's Office of Management and Budget). If on
4 the last business day of any month in which Bonds are
5 outstanding pursuant to the Build Illinois Bond Act, the
6 aggregate of the moneys deposited in the Build Illinois Bond
7 Account in the Build Illinois Fund in such month shall be less
8 than the amount required to be transferred in such month from
9 the Build Illinois Bond Account to the Build Illinois Bond
10 Retirement and Interest Fund pursuant to Section 13 of the
11 Build Illinois Bond Act, an amount equal to such deficiency
12 shall be immediately paid from other moneys received by the
13 Department pursuant to the Tax Acts to the Build Illinois Fund;
14 provided, however, that any amounts paid to the Build Illinois
15 Fund in any fiscal year pursuant to this sentence shall be
16 deemed to constitute payments pursuant to clause (b) of the
17 preceding sentence and shall reduce the amount otherwise
18 payable for such fiscal year pursuant to clause (b) of the
19 preceding sentence. The moneys received by the Department
20 pursuant to this Act and required to be deposited into the
21 Build Illinois Fund are subject to the pledge, claim and charge
22 set forth in Section 12 of the Build Illinois Bond Act.

23 Subject to payment of amounts into the Build Illinois Fund
24 as provided in the preceding paragraph or in any amendment
25 thereto hereafter enacted, the following specified monthly
26 installment of the amount requested in the certificate of the

1 Chairman of the Metropolitan Pier and Exposition Authority
 2 provided under Section 8.25f of the State Finance Act, but not
 3 in excess of the sums designated as "Total Deposit", shall be
 4 deposited in the aggregate from collections under Section 9 of
 5 the Use Tax Act, Section 9 of the Service Use Tax Act, Section
 6 9 of the Service Occupation Tax Act, and Section 3 of the
 7 Retailers' Occupation Tax Act into the McCormick Place
 8 Expansion Project Fund in the specified fiscal years.

9	Fiscal Year	Total
		Deposit
10	1993	\$0
11	1994	53,000,000
12	1995	58,000,000
13	1996	61,000,000
14	1997	64,000,000
15	1998	68,000,000
16	1999	71,000,000
17	2000	75,000,000
18	2001	80,000,000
19	2002	93,000,000
20	2003	99,000,000
21	2004	103,000,000
22	2005	108,000,000
23	2006	113,000,000
24	2007	119,000,000
25	2008	126,000,000

1	2009	132,000,000
2	2010	139,000,000
3	2011	146,000,000
4	2012	153,000,000
5	2013	161,000,000
6	2014	170,000,000
7	2015	179,000,000
8	2016	189,000,000
9	2017	199,000,000
10	2018	210,000,000
11	2019	221,000,000
12	2020	233,000,000
13	2021	246,000,000
14	2022	260,000,000
15	2023	275,000,000
16	2024	275,000,000
17	2025	275,000,000
18	2026	279,000,000
19	2027	292,000,000
20	2028	307,000,000
21	2029	322,000,000
22	2030	338,000,000
23	2031	350,000,000
24	2032	350,000,000
25	and	
26	each fiscal year	

1 thereafter that bonds
2 are outstanding under
3 Section 13.2 of the
4 Metropolitan Pier and
5 Exposition Authority Act,
6 but not after fiscal year 2060.

7 Beginning July 20, 1993 and in each month of each fiscal
8 year thereafter, one-eighth of the amount requested in the
9 certificate of the Chairman of the Metropolitan Pier and
10 Exposition Authority for that fiscal year, less the amount
11 deposited into the McCormick Place Expansion Project Fund by
12 the State Treasurer in the respective month under subsection
13 (g) of Section 13 of the Metropolitan Pier and Exposition
14 Authority Act, plus cumulative deficiencies in the deposits
15 required under this Section for previous months and years,
16 shall be deposited into the McCormick Place Expansion Project
17 Fund, until the full amount requested for the fiscal year, but
18 not in excess of the amount specified above as "Total Deposit",
19 has been deposited.

20 Subject to payment of amounts into the Capital Projects
21 Fund, the Build Illinois Fund, and the McCormick Place
22 Expansion Project Fund pursuant to the preceding paragraphs or
23 in any amendments thereto hereafter enacted, the Department
24 shall each month deposit into the Aviation Fuel Sales Tax
25 Refund Fund an amount estimated by the Department to be
26 required for refunds of the 80% portion of the tax on aviation

1 fuel under this Act.

2 Subject to payment of amounts into the Build Illinois Fund
3 and the McCormick Place Expansion Project Fund pursuant to the
4 preceding paragraphs or in any amendments thereto hereafter
5 enacted, beginning July 1, 1993 and ending on September 30,
6 2013, the Department shall each month pay into the Illinois Tax
7 Increment Fund 0.27% of 80% of the net revenue realized for the
8 preceding month from the 6.25% general rate on the selling
9 price of tangible personal property.

10 Subject to payment of amounts into the Build Illinois Fund
11 and the McCormick Place Expansion Project Fund pursuant to the
12 preceding paragraphs or in any amendments thereto hereafter
13 enacted, beginning with the receipt of the first report of
14 taxes paid by an eligible business and continuing for a 25-year
15 period, the Department shall each month pay into the Energy
16 Infrastructure Fund 80% of the net revenue realized from the
17 6.25% general rate on the selling price of Illinois-mined coal
18 that was sold to an eligible business. For purposes of this
19 paragraph, the term "eligible business" means a new electric
20 generating facility certified pursuant to Section 605-332 of
21 the Department of Commerce and Economic Opportunity Law of the
22 Civil Administrative Code of Illinois.

23 Subject to payment of amounts into the Build Illinois Fund,
24 the McCormick Place Expansion Project Fund, the Illinois Tax
25 Increment Fund, and the Energy Infrastructure Fund pursuant to
26 the preceding paragraphs or in any amendments to this Section

1 hereafter enacted, beginning on the first day of the first
2 calendar month to occur on or after the effective date of this
3 amendatory Act of the 98th General Assembly, each month, from
4 the collections made under Section 9 of the Use Tax Act,
5 Section 9 of the Service Use Tax Act, Section 9 of the Service
6 Occupation Tax Act, and Section 3 of the Retailers' Occupation
7 Tax Act, the Department shall pay into the Tax Compliance and
8 Administration Fund, to be used, subject to appropriation, to
9 fund additional auditors and compliance personnel at the
10 Department of Revenue, an amount equal to 1/12 of 5% of 80% of
11 the cash receipts collected during the preceding fiscal year by
12 the Audit Bureau of the Department under the Use Tax Act, the
13 Service Use Tax Act, the Service Occupation Tax Act, the
14 Retailers' Occupation Tax Act, and associated local occupation
15 and use taxes administered by the Department (except the amount
16 collected on aviation fuel sold on or after December 1, 2017).

17 Of the remainder of the moneys received by the Department
18 pursuant to this Act, 75% shall be paid into the General
19 Revenue Fund of the State Treasury and 25% shall be reserved in
20 a special account and used only for the transfer to the Common
21 School Fund as part of the monthly transfer from the General
22 Revenue Fund in accordance with Section 8a of the State Finance
23 Act.

24 The Department may, upon separate written notice to a
25 taxpayer, require the taxpayer to prepare and file with the
26 Department on a form prescribed by the Department within not

1 less than 60 days after receipt of the notice an annual
2 information return for the tax year specified in the notice.
3 Such annual return to the Department shall include a statement
4 of gross receipts as shown by the taxpayer's last Federal
5 income tax return. If the total receipts of the business as
6 reported in the Federal income tax return do not agree with the
7 gross receipts reported to the Department of Revenue for the
8 same period, the taxpayer shall attach to his annual return a
9 schedule showing a reconciliation of the 2 amounts and the
10 reasons for the difference. The taxpayer's annual return to the
11 Department shall also disclose the cost of goods sold by the
12 taxpayer during the year covered by such return, opening and
13 closing inventories of such goods for such year, cost of goods
14 used from stock or taken from stock and given away by the
15 taxpayer during such year, pay roll information of the
16 taxpayer's business during such year and any additional
17 reasonable information which the Department deems would be
18 helpful in determining the accuracy of the monthly, quarterly
19 or annual returns filed by such taxpayer as hereinbefore
20 provided for in this Section.

21 If the annual information return required by this Section
22 is not filed when and as required, the taxpayer shall be liable
23 as follows:

24 (i) Until January 1, 1994, the taxpayer shall be liable
25 for a penalty equal to 1/6 of 1% of the tax due from such
26 taxpayer under this Act during the period to be covered by

1 the annual return for each month or fraction of a month
2 until such return is filed as required, the penalty to be
3 assessed and collected in the same manner as any other
4 penalty provided for in this Act.

5 (ii) On and after January 1, 1994, the taxpayer shall
6 be liable for a penalty as described in Section 3-4 of the
7 Uniform Penalty and Interest Act.

8 The chief executive officer, proprietor, owner or highest
9 ranking manager shall sign the annual return to certify the
10 accuracy of the information contained therein. Any person who
11 willfully signs the annual return containing false or
12 inaccurate information shall be guilty of perjury and punished
13 accordingly. The annual return form prescribed by the
14 Department shall include a warning that the person signing the
15 return may be liable for perjury.

16 The foregoing portion of this Section concerning the filing
17 of an annual information return shall not apply to a serviceman
18 who is not required to file an income tax return with the
19 United States Government.

20 As soon as possible after the first day of each month, upon
21 certification of the Department of Revenue, the Comptroller
22 shall order transferred and the Treasurer shall transfer from
23 the General Revenue Fund to the Motor Fuel Tax Fund an amount
24 equal to 1.7% of 80% of the net revenue realized under this Act
25 for the second preceding month. Beginning April 1, 2000, this
26 transfer is no longer required and shall not be made.

1 Net revenue realized for a month shall be the revenue
2 collected by the State pursuant to this Act, less the amount
3 paid out during that month as refunds to taxpayers for
4 overpayment of liability.

5 For greater simplicity of administration, it shall be
6 permissible for manufacturers, importers and wholesalers whose
7 products are sold by numerous servicemen in Illinois, and who
8 wish to do so, to assume the responsibility for accounting and
9 paying to the Department all tax accruing under this Act with
10 respect to such sales, if the servicemen who are affected do
11 not make written objection to the Department to this
12 arrangement.

13 (Source: P.A. 98-24, eff. 6-19-13; 98-109, eff. 7-25-13;
14 98-298, eff. 8-9-13; 98-496, eff. 1-1-14; 98-756, eff. 7-16-14;
15 98-1098, eff. 8-26-14; 99-352, eff. 8-12-15; 99-858, eff.
16 8-19-16.)

17 (35 ILCS 115/17) (from Ch. 120, par. 439.117)

18 Sec. 17. If it shall appear that an amount of tax or
19 penalty or interest has been paid in error hereunder directly
20 to the Department by a serviceman, whether such amount be paid
21 through a mistake of fact or an error of law, such serviceman
22 may file a claim for credit or refund with the Department. If
23 it shall appear that an amount of tax or penalty or interest
24 has been paid in error to the Department hereunder by a
25 supplier who is required or authorized to collect and remit the

1 Service Occupation Tax, whether such amount be paid through a
2 mistake of fact or an error of law, such supplier may file a
3 claim for credit or refund with the Department, provided that
4 no credit shall be allowed nor any refund made for any amount
5 paid by any such supplier unless it shall appear that he bore
6 the burden of such amount and did not shift the burden thereof
7 to anyone else (as in the case of a duplicated tax payment
8 which the supplier made to the Department and did not collect
9 from anyone else), or unless it shall appear that he or his
10 legal representative has unconditionally repaid such amount to
11 his vendee (1) who bore the burden thereof and has not shifted
12 such burden directly or indirectly in any manner whatsoever;
13 (2) who, if he has shifted such burden, has repaid
14 unconditionally such amount to his own vendee, and (3) who is
15 not entitled to receive any reimbursement therefor from any
16 other source than from his supplier, nor to be relieved of such
17 burden in any other manner whatsoever.

18 Any credit or refund that is allowed under this Section
19 shall bear interest at the rate and in the manner specified in
20 the Uniform Penalty and Interest Act.

21 Any claim filed hereunder shall be filed upon a form
22 prescribed and furnished by the Department. The claim shall be
23 signed by the claimant (or by the claimant's legal
24 representative if the claimant shall have died or become a
25 person under legal disability), or by a duly authorized agent
26 of the claimant or his or her legal representative.

1 A claim for credit or refund shall be considered to have
2 been filed with the Department on the date upon which it is
3 received by the Department. Upon receipt of any claim for
4 credit or refund filed under this Act, any officer or employee
5 of the Department, authorized in writing by the Director of
6 Revenue to acknowledge receipt of such claims on behalf of the
7 Department, shall execute on behalf of the Department, and
8 shall deliver or mail to the claimant or his or her duly
9 authorized agent, a written receipt, acknowledging that the
10 claim has been filed with the Department, describing the claim
11 in sufficient detail to identify it and stating the date upon
12 which the claim was received by the Department. Such written
13 receipt shall be prima facie evidence that the Department
14 received the claim described in such receipt and shall be prima
15 facie evidence of the date when such claim was received by the
16 Department. In the absence of such a written receipt, the
17 records of the Department as to when the claim was received by
18 the Department, or as to whether or not the claim was received
19 at all by the Department, shall be deemed to be prima facie
20 correct upon these questions in the event of any dispute
21 between the claimant (or his legal representative) and the
22 Department concerning these questions.

23 In case the Department determines that the claimant is
24 entitled to a refund, such refund shall be made only from the
25 Aviation Fuel Sales Tax Refund Fund or from such appropriation
26 as may be available for that purpose, as appropriate. If it

1 appears unlikely that the amount available ~~appropriated~~ would
2 permit everyone having a claim allowed during the period
3 covered by such appropriation or from the Aviation Fuel Sales
4 Tax Refund Fund, as appropriate, to elect to receive a cash
5 refund, the Department, by rule or regulation, shall provide
6 for the payment of refunds in hardship cases and shall define
7 what types of cases qualify as hardship cases.

8 (Source: P.A. 87-205.)

9 Section 25. The Retailers' Occupation Tax Act is amended by
10 changing Sections 3, 6, and 11 as follows:

11 (35 ILCS 120/3) (from Ch. 120, par. 442)

12 Sec. 3. Except as provided in this Section, on or before
13 the twentieth day of each calendar month, every person engaged
14 in the business of selling tangible personal property at retail
15 in this State during the preceding calendar month shall file a
16 return with the Department, stating:

17 1. The name of the seller;

18 2. His residence address and the address of his
19 principal place of business and the address of the
20 principal place of business (if that is a different
21 address) from which he engages in the business of selling
22 tangible personal property at retail in this State;

23 3. Total amount of receipts received by him during the
24 preceding calendar month or quarter, as the case may be,

1 from sales of tangible personal property, and from services
2 furnished, by him during such preceding calendar month or
3 quarter;

4 4. Total amount received by him during the preceding
5 calendar month or quarter on charge and time sales of
6 tangible personal property, and from services furnished,
7 by him prior to the month or quarter for which the return
8 is filed;

9 5. Deductions allowed by law;

10 6. Gross receipts which were received by him during the
11 preceding calendar month or quarter and upon the basis of
12 which the tax is imposed;

13 7. The amount of credit provided in Section 2d of this
14 Act;

15 8. The amount of tax due;

16 9. The signature of the taxpayer; and

17 10. Such other reasonable information as the
18 Department may require.

19 If a taxpayer fails to sign a return within 30 days after
20 the proper notice and demand for signature by the Department,
21 the return shall be considered valid and any amount shown to be
22 due on the return shall be deemed assessed.

23 Each return shall be accompanied by the statement of
24 prepaid tax issued pursuant to Section 2e for which credit is
25 claimed.

26 Prior to October 1, 2003, and on and after September 1,

1 2004 a retailer may accept a Manufacturer's Purchase Credit
2 certification from a purchaser in satisfaction of Use Tax as
3 provided in Section 3-85 of the Use Tax Act if the purchaser
4 provides the appropriate documentation as required by Section
5 3-85 of the Use Tax Act. A Manufacturer's Purchase Credit
6 certification, accepted by a retailer prior to October 1, 2003
7 and on and after September 1, 2004 as provided in Section 3-85
8 of the Use Tax Act, may be used by that retailer to satisfy
9 Retailers' Occupation Tax liability in the amount claimed in
10 the certification, not to exceed 6.25% of the receipts subject
11 to tax from a qualifying purchase. A Manufacturer's Purchase
12 Credit reported on any original or amended return filed under
13 this Act after October 20, 2003 for reporting periods prior to
14 September 1, 2004 shall be disallowed. Manufacturer's
15 Purchaser Credit reported on annual returns due on or after
16 January 1, 2005 will be disallowed for periods prior to
17 September 1, 2004. No Manufacturer's Purchase Credit may be
18 used after September 30, 2003 through August 31, 2004 to
19 satisfy any tax liability imposed under this Act, including any
20 audit liability.

21 The Department may require returns to be filed on a
22 quarterly basis. If so required, a return for each calendar
23 quarter shall be filed on or before the twentieth day of the
24 calendar month following the end of such calendar quarter. The
25 taxpayer shall also file a return with the Department for each
26 of the first two months of each calendar quarter, on or before

1 the twentieth day of the following calendar month, stating:

2 1. The name of the seller;

3 2. The address of the principal place of business from
4 which he engages in the business of selling tangible
5 personal property at retail in this State;

6 3. The total amount of taxable receipts received by him
7 during the preceding calendar month from sales of tangible
8 personal property by him during such preceding calendar
9 month, including receipts from charge and time sales, but
10 less all deductions allowed by law;

11 4. The amount of credit provided in Section 2d of this
12 Act;

13 5. The amount of tax due; and

14 6. Such other reasonable information as the Department
15 may require.

16 Beginning on January 1, 2018, every person engaged in the
17 business of selling aviation fuel at retail in this State
18 during the preceding calendar month shall, instead of reporting
19 and paying tax as otherwise required by this Section, file an
20 aviation fuel tax return with the Department on or before the
21 twentieth day of each calendar month. The requirements related
22 to the return shall be as otherwise provided in this Section.
23 Notwithstanding any other provisions of this Act to the
24 contrary, retailers selling aviation fuel shall file all
25 aviation fuel tax returns and shall make all aviation fuel tax
26 payments by electronic means in the manner and form required by

1 the Department. For purposes of this paragraph, "aviation fuel"
2 means a product that is intended for use or offered for sale as
3 fuel for an aircraft.

4 Beginning on October 1, 2003, any person who is not a
5 licensed distributor, importing distributor, or manufacturer,
6 as defined in the Liquor Control Act of 1934, but is engaged in
7 the business of selling, at retail, alcoholic liquor shall file
8 a statement with the Department of Revenue, in a format and at
9 a time prescribed by the Department, showing the total amount
10 paid for alcoholic liquor purchased during the preceding month
11 and such other information as is reasonably required by the
12 Department. The Department may adopt rules to require that this
13 statement be filed in an electronic or telephonic format. Such
14 rules may provide for exceptions from the filing requirements
15 of this paragraph. For the purposes of this paragraph, the term
16 "alcoholic liquor" shall have the meaning prescribed in the
17 Liquor Control Act of 1934.

18 Beginning on October 1, 2003, every distributor, importing
19 distributor, and manufacturer of alcoholic liquor as defined in
20 the Liquor Control Act of 1934, shall file a statement with the
21 Department of Revenue, no later than the 10th day of the month
22 for the preceding month during which transactions occurred, by
23 electronic means, showing the total amount of gross receipts
24 from the sale of alcoholic liquor sold or distributed during
25 the preceding month to purchasers; identifying the purchaser to
26 whom it was sold or distributed; the purchaser's tax

1 registration number; and such other information reasonably
2 required by the Department. A distributor, importing
3 distributor, or manufacturer of alcoholic liquor must
4 personally deliver, mail, or provide by electronic means to
5 each retailer listed on the monthly statement a report
6 containing a cumulative total of that distributor's, importing
7 distributor's, or manufacturer's total sales of alcoholic
8 liquor to that retailer no later than the 10th day of the month
9 for the preceding month during which the transaction occurred.
10 The distributor, importing distributor, or manufacturer shall
11 notify the retailer as to the method by which the distributor,
12 importing distributor, or manufacturer will provide the sales
13 information. If the retailer is unable to receive the sales
14 information by electronic means, the distributor, importing
15 distributor, or manufacturer shall furnish the sales
16 information by personal delivery or by mail. For purposes of
17 this paragraph, the term "electronic means" includes, but is
18 not limited to, the use of a secure Internet website, e-mail,
19 or facsimile.

20 If a total amount of less than \$1 is payable, refundable or
21 creditable, such amount shall be disregarded if it is less than
22 50 cents and shall be increased to \$1 if it is 50 cents or more.

23 Beginning October 1, 1993, a taxpayer who has an average
24 monthly tax liability of \$150,000 or more shall make all
25 payments required by rules of the Department by electronic
26 funds transfer. Beginning October 1, 1994, a taxpayer who has

1 an average monthly tax liability of \$100,000 or more shall make
2 all payments required by rules of the Department by electronic
3 funds transfer. Beginning October 1, 1995, a taxpayer who has
4 an average monthly tax liability of \$50,000 or more shall make
5 all payments required by rules of the Department by electronic
6 funds transfer. Beginning October 1, 2000, a taxpayer who has
7 an annual tax liability of \$200,000 or more shall make all
8 payments required by rules of the Department by electronic
9 funds transfer. The term "annual tax liability" shall be the
10 sum of the taxpayer's liabilities under this Act, and under all
11 other State and local occupation and use tax laws administered
12 by the Department, for the immediately preceding calendar year.
13 The term "average monthly tax liability" shall be the sum of
14 the taxpayer's liabilities under this Act, and under all other
15 State and local occupation and use tax laws administered by the
16 Department, for the immediately preceding calendar year
17 divided by 12. Beginning on October 1, 2002, a taxpayer who has
18 a tax liability in the amount set forth in subsection (b) of
19 Section 2505-210 of the Department of Revenue Law shall make
20 all payments required by rules of the Department by electronic
21 funds transfer.

22 Before August 1 of each year beginning in 1993, the
23 Department shall notify all taxpayers required to make payments
24 by electronic funds transfer. All taxpayers required to make
25 payments by electronic funds transfer shall make those payments
26 for a minimum of one year beginning on October 1.

1 Any taxpayer not required to make payments by electronic
2 funds transfer may make payments by electronic funds transfer
3 with the permission of the Department.

4 All taxpayers required to make payment by electronic funds
5 transfer and any taxpayers authorized to voluntarily make
6 payments by electronic funds transfer shall make those payments
7 in the manner authorized by the Department.

8 The Department shall adopt such rules as are necessary to
9 effectuate a program of electronic funds transfer and the
10 requirements of this Section.

11 Any amount which is required to be shown or reported on any
12 return or other document under this Act shall, if such amount
13 is not a whole-dollar amount, be increased to the nearest
14 whole-dollar amount in any case where the fractional part of a
15 dollar is 50 cents or more, and decreased to the nearest
16 whole-dollar amount where the fractional part of a dollar is
17 less than 50 cents.

18 If the retailer is otherwise required to file a monthly
19 return and if the retailer's average monthly tax liability to
20 the Department does not exceed \$200, the Department may
21 authorize his returns to be filed on a quarter annual basis,
22 with the return for January, February and March of a given year
23 being due by April 20 of such year; with the return for April,
24 May and June of a given year being due by July 20 of such year;
25 with the return for July, August and September of a given year
26 being due by October 20 of such year, and with the return for

1 October, November and December of a given year being due by
2 January 20 of the following year.

3 If the retailer is otherwise required to file a monthly or
4 quarterly return and if the retailer's average monthly tax
5 liability with the Department does not exceed \$50, the
6 Department may authorize his returns to be filed on an annual
7 basis, with the return for a given year being due by January 20
8 of the following year.

9 Such quarter annual and annual returns, as to form and
10 substance, shall be subject to the same requirements as monthly
11 returns.

12 Notwithstanding any other provision in this Act concerning
13 the time within which a retailer may file his return, in the
14 case of any retailer who ceases to engage in a kind of business
15 which makes him responsible for filing returns under this Act,
16 such retailer shall file a final return under this Act with the
17 Department not more than one month after discontinuing such
18 business.

19 Where the same person has more than one business registered
20 with the Department under separate registrations under this
21 Act, such person may not file each return that is due as a
22 single return covering all such registered businesses, but
23 shall file separate returns for each such registered business.

24 In addition, with respect to motor vehicles, watercraft,
25 aircraft, and trailers that are required to be registered with
26 an agency of this State, every retailer selling this kind of

1 tangible personal property shall file, with the Department,
2 upon a form to be prescribed and supplied by the Department, a
3 separate return for each such item of tangible personal
4 property which the retailer sells, except that if, in the same
5 transaction, (i) a retailer of aircraft, watercraft, motor
6 vehicles or trailers transfers more than one aircraft,
7 watercraft, motor vehicle or trailer to another aircraft,
8 watercraft, motor vehicle retailer or trailer retailer for the
9 purpose of resale or (ii) a retailer of aircraft, watercraft,
10 motor vehicles, or trailers transfers more than one aircraft,
11 watercraft, motor vehicle, or trailer to a purchaser for use as
12 a qualifying rolling stock as provided in Section 2-5 of this
13 Act, then that seller may report the transfer of all aircraft,
14 watercraft, motor vehicles or trailers involved in that
15 transaction to the Department on the same uniform
16 invoice-transaction reporting return form. For purposes of
17 this Section, "watercraft" means a Class 2, Class 3, or Class 4
18 watercraft as defined in Section 3-2 of the Boat Registration
19 and Safety Act, a personal watercraft, or any boat equipped
20 with an inboard motor.

21 Any retailer who sells only motor vehicles, watercraft,
22 aircraft, or trailers that are required to be registered with
23 an agency of this State, so that all retailers' occupation tax
24 liability is required to be reported, and is reported, on such
25 transaction reporting returns and who is not otherwise required
26 to file monthly or quarterly returns, need not file monthly or

1 quarterly returns. However, those retailers shall be required
2 to file returns on an annual basis.

3 The transaction reporting return, in the case of motor
4 vehicles or trailers that are required to be registered with an
5 agency of this State, shall be the same document as the Uniform
6 Invoice referred to in Section 5-402 of The Illinois Vehicle
7 Code and must show the name and address of the seller; the name
8 and address of the purchaser; the amount of the selling price
9 including the amount allowed by the retailer for traded-in
10 property, if any; the amount allowed by the retailer for the
11 traded-in tangible personal property, if any, to the extent to
12 which Section 1 of this Act allows an exemption for the value
13 of traded-in property; the balance payable after deducting such
14 trade-in allowance from the total selling price; the amount of
15 tax due from the retailer with respect to such transaction; the
16 amount of tax collected from the purchaser by the retailer on
17 such transaction (or satisfactory evidence that such tax is not
18 due in that particular instance, if that is claimed to be the
19 fact); the place and date of the sale; a sufficient
20 identification of the property sold; such other information as
21 is required in Section 5-402 of The Illinois Vehicle Code, and
22 such other information as the Department may reasonably
23 require.

24 The transaction reporting return in the case of watercraft
25 or aircraft must show the name and address of the seller; the
26 name and address of the purchaser; the amount of the selling

1 price including the amount allowed by the retailer for
2 traded-in property, if any; the amount allowed by the retailer
3 for the traded-in tangible personal property, if any, to the
4 extent to which Section 1 of this Act allows an exemption for
5 the value of traded-in property; the balance payable after
6 deducting such trade-in allowance from the total selling price;
7 the amount of tax due from the retailer with respect to such
8 transaction; the amount of tax collected from the purchaser by
9 the retailer on such transaction (or satisfactory evidence that
10 such tax is not due in that particular instance, if that is
11 claimed to be the fact); the place and date of the sale, a
12 sufficient identification of the property sold, and such other
13 information as the Department may reasonably require.

14 Such transaction reporting return shall be filed not later
15 than 20 days after the day of delivery of the item that is
16 being sold, but may be filed by the retailer at any time sooner
17 than that if he chooses to do so. The transaction reporting
18 return and tax remittance or proof of exemption from the
19 Illinois use tax may be transmitted to the Department by way of
20 the State agency with which, or State officer with whom the
21 tangible personal property must be titled or registered (if
22 titling or registration is required) if the Department and such
23 agency or State officer determine that this procedure will
24 expedite the processing of applications for title or
25 registration.

26 With each such transaction reporting return, the retailer

1 shall remit the proper amount of tax due (or shall submit
2 satisfactory evidence that the sale is not taxable if that is
3 the case), to the Department or its agents, whereupon the
4 Department shall issue, in the purchaser's name, a use tax
5 receipt (or a certificate of exemption if the Department is
6 satisfied that the particular sale is tax exempt) which such
7 purchaser may submit to the agency with which, or State officer
8 with whom, he must title or register the tangible personal
9 property that is involved (if titling or registration is
10 required) in support of such purchaser's application for an
11 Illinois certificate or other evidence of title or registration
12 to such tangible personal property.

13 No retailer's failure or refusal to remit tax under this
14 Act precludes a user, who has paid the proper tax to the
15 retailer, from obtaining his certificate of title or other
16 evidence of title or registration (if titling or registration
17 is required) upon satisfying the Department that such user has
18 paid the proper tax (if tax is due) to the retailer. The
19 Department shall adopt appropriate rules to carry out the
20 mandate of this paragraph.

21 If the user who would otherwise pay tax to the retailer
22 wants the transaction reporting return filed and the payment of
23 the tax or proof of exemption made to the Department before the
24 retailer is willing to take these actions and such user has not
25 paid the tax to the retailer, such user may certify to the fact
26 of such delay by the retailer and may (upon the Department

1 being satisfied of the truth of such certification) transmit
2 the information required by the transaction reporting return
3 and the remittance for tax or proof of exemption directly to
4 the Department and obtain his tax receipt or exemption
5 determination, in which event the transaction reporting return
6 and tax remittance (if a tax payment was required) shall be
7 credited by the Department to the proper retailer's account
8 with the Department, but without the 2.1% or 1.75% discount
9 provided for in this Section being allowed. When the user pays
10 the tax directly to the Department, he shall pay the tax in the
11 same amount and in the same form in which it would be remitted
12 if the tax had been remitted to the Department by the retailer.

13 Refunds made by the seller during the preceding return
14 period to purchasers, on account of tangible personal property
15 returned to the seller, shall be allowed as a deduction under
16 subdivision 5 of his monthly or quarterly return, as the case
17 may be, in case the seller had theretofore included the
18 receipts from the sale of such tangible personal property in a
19 return filed by him and had paid the tax imposed by this Act
20 with respect to such receipts.

21 Where the seller is a corporation, the return filed on
22 behalf of such corporation shall be signed by the president,
23 vice-president, secretary or treasurer or by the properly
24 accredited agent of such corporation.

25 Where the seller is a limited liability company, the return
26 filed on behalf of the limited liability company shall be

1 signed by a manager, member, or properly accredited agent of
2 the limited liability company.

3 Except as provided in this Section, the retailer filing the
4 return under this Section shall, at the time of filing such
5 return, pay to the Department the amount of tax imposed by this
6 Act less a discount of 2.1% prior to January 1, 1990 and 1.75%
7 on and after January 1, 1990, or \$5 per calendar year,
8 whichever is greater, which is allowed to reimburse the
9 retailer for the expenses incurred in keeping records,
10 preparing and filing returns, remitting the tax and supplying
11 data to the Department on request. The discount under this
12 Section is not allowed for taxes paid on aviation fuel that are
13 deposited into the State Aviation Program Fund under this Act.
14 Any prepayment made pursuant to Section 2d of this Act shall be
15 included in the amount on which such 2.1% or 1.75% discount is
16 computed. In the case of retailers who report and pay the tax
17 on a transaction by transaction basis, as provided in this
18 Section, such discount shall be taken with each such tax
19 remittance instead of when such retailer files his periodic
20 return. The Department may disallow the discount for retailers
21 whose certificate of registration is revoked at the time the
22 return is filed, but only if the Department's decision to
23 revoke the certificate of registration has become final.

24 Before October 1, 2000, if the taxpayer's average monthly
25 tax liability to the Department under this Act, the Use Tax
26 Act, the Service Occupation Tax Act, and the Service Use Tax

1 Act, excluding any liability for prepaid sales tax to be
2 remitted in accordance with Section 2d of this Act, was \$10,000
3 or more during the preceding 4 complete calendar quarters, he
4 shall file a return with the Department each month by the 20th
5 day of the month next following the month during which such tax
6 liability is incurred and shall make payments to the Department
7 on or before the 7th, 15th, 22nd and last day of the month
8 during which such liability is incurred. On and after October
9 1, 2000, if the taxpayer's average monthly tax liability to the
10 Department under this Act, the Use Tax Act, the Service
11 Occupation Tax Act, and the Service Use Tax Act, excluding any
12 liability for prepaid sales tax to be remitted in accordance
13 with Section 2d of this Act, was \$20,000 or more during the
14 preceding 4 complete calendar quarters, he shall file a return
15 with the Department each month by the 20th day of the month
16 next following the month during which such tax liability is
17 incurred and shall make payment to the Department on or before
18 the 7th, 15th, 22nd and last day of the month during which such
19 liability is incurred. If the month during which such tax
20 liability is incurred began prior to January 1, 1985, each
21 payment shall be in an amount equal to 1/4 of the taxpayer's
22 actual liability for the month or an amount set by the
23 Department not to exceed 1/4 of the average monthly liability
24 of the taxpayer to the Department for the preceding 4 complete
25 calendar quarters (excluding the month of highest liability and
26 the month of lowest liability in such 4 quarter period). If the

1 month during which such tax liability is incurred begins on or
2 after January 1, 1985 and prior to January 1, 1987, each
3 payment shall be in an amount equal to 22.5% of the taxpayer's
4 actual liability for the month or 27.5% of the taxpayer's
5 liability for the same calendar month of the preceding year. If
6 the month during which such tax liability is incurred begins on
7 or after January 1, 1987 and prior to January 1, 1988, each
8 payment shall be in an amount equal to 22.5% of the taxpayer's
9 actual liability for the month or 26.25% of the taxpayer's
10 liability for the same calendar month of the preceding year. If
11 the month during which such tax liability is incurred begins on
12 or after January 1, 1988, and prior to January 1, 1989, or
13 begins on or after January 1, 1996, each payment shall be in an
14 amount equal to 22.5% of the taxpayer's actual liability for
15 the month or 25% of the taxpayer's liability for the same
16 calendar month of the preceding year. If the month during which
17 such tax liability is incurred begins on or after January 1,
18 1989, and prior to January 1, 1996, each payment shall be in an
19 amount equal to 22.5% of the taxpayer's actual liability for
20 the month or 25% of the taxpayer's liability for the same
21 calendar month of the preceding year or 100% of the taxpayer's
22 actual liability for the quarter monthly reporting period. The
23 amount of such quarter monthly payments shall be credited
24 against the final tax liability of the taxpayer's return for
25 that month. Before October 1, 2000, once applicable, the
26 requirement of the making of quarter monthly payments to the

1 Department by taxpayers having an average monthly tax liability
2 of \$10,000 or more as determined in the manner provided above
3 shall continue until such taxpayer's average monthly liability
4 to the Department during the preceding 4 complete calendar
5 quarters (excluding the month of highest liability and the
6 month of lowest liability) is less than \$9,000, or until such
7 taxpayer's average monthly liability to the Department as
8 computed for each calendar quarter of the 4 preceding complete
9 calendar quarter period is less than \$10,000. However, if a
10 taxpayer can show the Department that a substantial change in
11 the taxpayer's business has occurred which causes the taxpayer
12 to anticipate that his average monthly tax liability for the
13 reasonably foreseeable future will fall below the \$10,000
14 threshold stated above, then such taxpayer may petition the
15 Department for a change in such taxpayer's reporting status. On
16 and after October 1, 2000, once applicable, the requirement of
17 the making of quarter monthly payments to the Department by
18 taxpayers having an average monthly tax liability of \$20,000 or
19 more as determined in the manner provided above shall continue
20 until such taxpayer's average monthly liability to the
21 Department during the preceding 4 complete calendar quarters
22 (excluding the month of highest liability and the month of
23 lowest liability) is less than \$19,000 or until such taxpayer's
24 average monthly liability to the Department as computed for
25 each calendar quarter of the 4 preceding complete calendar
26 quarter period is less than \$20,000. However, if a taxpayer can

1 show the Department that a substantial change in the taxpayer's
2 business has occurred which causes the taxpayer to anticipate
3 that his average monthly tax liability for the reasonably
4 foreseeable future will fall below the \$20,000 threshold stated
5 above, then such taxpayer may petition the Department for a
6 change in such taxpayer's reporting status. The Department
7 shall change such taxpayer's reporting status unless it finds
8 that such change is seasonal in nature and not likely to be
9 long term. If any such quarter monthly payment is not paid at
10 the time or in the amount required by this Section, then the
11 taxpayer shall be liable for penalties and interest on the
12 difference between the minimum amount due as a payment and the
13 amount of such quarter monthly payment actually and timely
14 paid, except insofar as the taxpayer has previously made
15 payments for that month to the Department in excess of the
16 minimum payments previously due as provided in this Section.
17 The Department shall make reasonable rules and regulations to
18 govern the quarter monthly payment amount and quarter monthly
19 payment dates for taxpayers who file on other than a calendar
20 monthly basis.

21 The provisions of this paragraph apply before October 1,
22 2001. Without regard to whether a taxpayer is required to make
23 quarter monthly payments as specified above, any taxpayer who
24 is required by Section 2d of this Act to collect and remit
25 prepaid taxes and has collected prepaid taxes which average in
26 excess of \$25,000 per month during the preceding 2 complete

1 calendar quarters, shall file a return with the Department as
2 required by Section 2f and shall make payments to the
3 Department on or before the 7th, 15th, 22nd and last day of the
4 month during which such liability is incurred. If the month
5 during which such tax liability is incurred began prior to
6 September 1, 1985 (the effective date of Public Act 84-221)
7 ~~this amendatory Act of 1985~~, each payment shall be in an amount
8 not less than 22.5% of the taxpayer's actual liability under
9 Section 2d. If the month during which such tax liability is
10 incurred begins on or after January 1, 1986, each payment shall
11 be in an amount equal to 22.5% of the taxpayer's actual
12 liability for the month or 27.5% of the taxpayer's liability
13 for the same calendar month of the preceding calendar year. If
14 the month during which such tax liability is incurred begins on
15 or after January 1, 1987, each payment shall be in an amount
16 equal to 22.5% of the taxpayer's actual liability for the month
17 or 26.25% of the taxpayer's liability for the same calendar
18 month of the preceding year. The amount of such quarter monthly
19 payments shall be credited against the final tax liability of
20 the taxpayer's return for that month filed under this Section
21 or Section 2f, as the case may be. Once applicable, the
22 requirement of the making of quarter monthly payments to the
23 Department pursuant to this paragraph shall continue until such
24 taxpayer's average monthly prepaid tax collections during the
25 preceding 2 complete calendar quarters is \$25,000 or less. If
26 any such quarter monthly payment is not paid at the time or in

1 the amount required, the taxpayer shall be liable for penalties
2 and interest on such difference, except insofar as the taxpayer
3 has previously made payments for that month in excess of the
4 minimum payments previously due.

5 The provisions of this paragraph apply on and after October
6 1, 2001. Without regard to whether a taxpayer is required to
7 make quarter monthly payments as specified above, any taxpayer
8 who is required by Section 2d of this Act to collect and remit
9 prepaid taxes and has collected prepaid taxes that average in
10 excess of \$20,000 per month during the preceding 4 complete
11 calendar quarters shall file a return with the Department as
12 required by Section 2f and shall make payments to the
13 Department on or before the 7th, 15th, 22nd and last day of the
14 month during which the liability is incurred. Each payment
15 shall be in an amount equal to 22.5% of the taxpayer's actual
16 liability for the month or 25% of the taxpayer's liability for
17 the same calendar month of the preceding year. The amount of
18 the quarter monthly payments shall be credited against the
19 final tax liability of the taxpayer's return for that month
20 filed under this Section or Section 2f, as the case may be.
21 Once applicable, the requirement of the making of quarter
22 monthly payments to the Department pursuant to this paragraph
23 shall continue until the taxpayer's average monthly prepaid tax
24 collections during the preceding 4 complete calendar quarters
25 (excluding the month of highest liability and the month of
26 lowest liability) is less than \$19,000 or until such taxpayer's

1 average monthly liability to the Department as computed for
2 each calendar quarter of the 4 preceding complete calendar
3 quarters is less than \$20,000. If any such quarter monthly
4 payment is not paid at the time or in the amount required, the
5 taxpayer shall be liable for penalties and interest on such
6 difference, except insofar as the taxpayer has previously made
7 payments for that month in excess of the minimum payments
8 previously due.

9 If any payment provided for in this Section exceeds the
10 taxpayer's liabilities under this Act, the Use Tax Act, the
11 Service Occupation Tax Act and the Service Use Tax Act, as
12 shown on an original monthly return, the Department shall, if
13 requested by the taxpayer, issue to the taxpayer a credit
14 memorandum no later than 30 days after the date of payment. The
15 credit evidenced by such credit memorandum may be assigned by
16 the taxpayer to a similar taxpayer under this Act, the Use Tax
17 Act, the Service Occupation Tax Act or the Service Use Tax Act,
18 in accordance with reasonable rules and regulations to be
19 prescribed by the Department. If no such request is made, the
20 taxpayer may credit such excess payment against tax liability
21 subsequently to be remitted to the Department under this Act,
22 the Use Tax Act, the Service Occupation Tax Act or the Service
23 Use Tax Act, in accordance with reasonable rules and
24 regulations prescribed by the Department. If the Department
25 subsequently determined that all or any part of the credit
26 taken was not actually due to the taxpayer, the taxpayer's 2.1%

1 and 1.75% vendor's discount shall be reduced by 2.1% or 1.75%
2 of the difference between the credit taken and that actually
3 due, and that taxpayer shall be liable for penalties and
4 interest on such difference.

5 If a retailer of motor fuel is entitled to a credit under
6 Section 2d of this Act which exceeds the taxpayer's liability
7 to the Department under this Act for the month which the
8 taxpayer is filing a return, the Department shall issue the
9 taxpayer a credit memorandum for the excess.

10 Beginning January 1, 1990, each month the Department shall
11 pay into the Local Government Tax Fund, a special fund in the
12 State treasury which is hereby created, the net revenue
13 realized for the preceding month from the 1% tax on sales of
14 food for human consumption which is to be consumed off the
15 premises where it is sold (other than alcoholic beverages, soft
16 drinks and food which has been prepared for immediate
17 consumption) and prescription and nonprescription medicines,
18 drugs, medical appliances, products classified as Class III
19 medical devices by the United States Food and Drug
20 Administration that are used for cancer treatment pursuant to a
21 prescription, as well as any accessories and components related
22 to those devices, and insulin, urine testing materials,
23 syringes and needles used by diabetics.

24 Beginning January 1, 1990, each month the Department shall
25 pay into the County and Mass Transit District Fund, a special
26 fund in the State treasury which is hereby created, 4% of the

1 net revenue realized for the preceding month from the 6.25%
2 general rate other than aviation fuel sold on or after December
3 1, 2017. This exception for aviation fuel only applies for so
4 long as the revenue use requirements of 49 U.S.C. §47107(b) and
5 49 U.S.C. §47133 are binding on the State.

6 For aviation fuel sold on or after December 1, 2017, each
7 month the Department shall pay into the State Aviation Program
8 Fund 4% of the net revenue realized for the preceding month
9 from the 6.25% general rate on the selling price of aviation
10 fuel, less an amount estimated by the Department to be required
11 for refunds of the 4% portion of the tax on aviation fuel under
12 this Act, which amount shall be deposited into the Aviation
13 fuel Sales Tax Refund Fund. The Department shall only pay
14 moneys into the State Aviation Program Fund and the Aviation
15 Fuel Sales Tax Refund Fund under this Act for so long as the
16 revenue use requirements of 49 U.S.C. §47107(b) and 49 U.S.C.
17 §47133 are binding on the State.

18 Beginning August 1, 2000, each month the Department shall
19 pay into the County and Mass Transit District Fund 20% of the
20 net revenue realized for the preceding month from the 1.25%
21 rate on the selling price of motor fuel and gasohol. Beginning
22 September 1, 2010, each month the Department shall pay into the
23 County and Mass Transit District Fund 20% of the net revenue
24 realized for the preceding month from the 1.25% rate on the
25 selling price of sales tax holiday items.

26 Beginning January 1, 1990, each month the Department shall

1 pay into the Local Government Tax Fund 16% of the net revenue
2 realized for the preceding month from the 6.25% general rate on
3 the selling price of tangible personal property other than
4 aviation fuel sold on or after December 1, 2017. This exception
5 for aviation fuel only applies for so long as the revenue use
6 requirements of 49 U.S.C. §47107(b) and 49 U.S.C. §47133 are
7 binding on the State.

8 For aviation fuel sold on or after December 1, 2017, each
9 month the Department shall pay into the State Aviation Program
10 Fund 16% of the net revenue realized for the preceding month
11 from the 6.25% general rate on the selling price of aviation
12 fuel, less an amount estimated by the Department to be required
13 for refunds of the 16% portion of the tax on aviation fuel
14 under this Act, which amount shall be deposited into the
15 Aviation fuel Sales Tax Refund Fund. The Department shall only
16 pay moneys into the State Aviation Program Fund and the
17 Aviation Fuel Sales Tax Refund Fund under this Act for so long
18 as the revenue use requirements of 49 U.S.C. §47107(b) and 49
19 U.S.C. §47133 are binding on the State.

20 Beginning August 1, 2000, each month the Department shall
21 pay into the Local Government Tax Fund 80% of the net revenue
22 realized for the preceding month from the 1.25% rate on the
23 selling price of motor fuel and gasohol. Beginning September 1,
24 2010, each month the Department shall pay into the Local
25 Government Tax Fund 80% of the net revenue realized for the
26 preceding month from the 1.25% rate on the selling price of

1 sales tax holiday items.

2 Beginning October 1, 2009, each month the Department shall
3 pay into the Capital Projects Fund an amount that is equal to
4 an amount estimated by the Department to represent 80% of the
5 net revenue realized for the preceding month from the sale of
6 candy, grooming and hygiene products, and soft drinks that had
7 been taxed at a rate of 1% prior to September 1, 2009 but that
8 are now taxed at 6.25%.

9 Beginning July 1, 2011, each month the Department shall pay
10 into the Clean Air Act Permit Fund 80% of the net revenue
11 realized for the preceding month from the 6.25% general rate on
12 the selling price of sorbents used in Illinois in the process
13 of sorbent injection as used to comply with the Environmental
14 Protection Act or the federal Clean Air Act, but the total
15 payment into the Clean Air Act Permit Fund under this Act and
16 the Use Tax Act shall not exceed \$2,000,000 in any fiscal year.

17 Beginning July 1, 2013, each month the Department shall pay
18 into the Underground Storage Tank Fund from the proceeds
19 collected under this Act, the Use Tax Act, the Service Use Tax
20 Act, and the Service Occupation Tax Act an amount equal to the
21 average monthly deficit in the Underground Storage Tank Fund
22 during the prior year, as certified annually by the Illinois
23 Environmental Protection Agency, but the total payment into the
24 Underground Storage Tank Fund under this Act, the Use Tax Act,
25 the Service Use Tax Act, and the Service Occupation Tax Act
26 shall not exceed \$18,000,000 in any State fiscal year. As used

1 in this paragraph, the "average monthly deficit" shall be equal
2 to the difference between the average monthly claims for
3 payment by the fund and the average monthly revenues deposited
4 into the fund, excluding payments made pursuant to this
5 paragraph.

6 Beginning July 1, 2015, of the remainder of the moneys
7 received by the Department under the Use Tax Act, the Service
8 Use Tax Act, the Service Occupation Tax Act, and this Act, each
9 month the Department shall deposit \$500,000 into the State
10 Crime Laboratory Fund.

11 Of the remainder of the moneys received by the Department
12 pursuant to this Act, (a) 1.75% thereof shall be paid into the
13 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on
14 and after July 1, 1989, 3.8% thereof shall be paid into the
15 Build Illinois Fund; provided, however, that if in any fiscal
16 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case
17 may be, of the moneys received by the Department and required
18 to be paid into the Build Illinois Fund pursuant to this Act,
19 Section 9 of the Use Tax Act, Section 9 of the Service Use Tax
20 Act, and Section 9 of the Service Occupation Tax Act, such Acts
21 being hereinafter called the "Tax Acts" and such aggregate of
22 2.2% or 3.8%, as the case may be, of moneys being hereinafter
23 called the "Tax Act Amount", and (2) the amount transferred to
24 the Build Illinois Fund from the State and Local Sales Tax
25 Reform Fund shall be less than the Annual Specified Amount (as
26 hereinafter defined), an amount equal to the difference shall

1 be immediately paid into the Build Illinois Fund from other
2 moneys received by the Department pursuant to the Tax Acts; the
3 "Annual Specified Amount" means the amounts specified below for
4 fiscal years 1986 through 1993:

5	Fiscal Year	Annual Specified Amount
6	1986	\$54,800,000
7	1987	\$76,650,000
8	1988	\$80,480,000
9	1989	\$88,510,000
10	1990	\$115,330,000
11	1991	\$145,470,000
12	1992	\$182,730,000
13	1993	\$206,520,000;

14 and means the Certified Annual Debt Service Requirement (as
15 defined in Section 13 of the Build Illinois Bond Act) or the
16 Tax Act Amount, whichever is greater, for fiscal year 1994 and
17 each fiscal year thereafter; and further provided, that if on
18 the last business day of any month the sum of (1) the Tax Act
19 Amount required to be deposited into the Build Illinois Bond
20 Account in the Build Illinois Fund during such month and (2)
21 the amount transferred to the Build Illinois Fund from the
22 State and Local Sales Tax Reform Fund shall have been less than
23 1/12 of the Annual Specified Amount, an amount equal to the
24 difference shall be immediately paid into the Build Illinois
25 Fund from other moneys received by the Department pursuant to
26 the Tax Acts; and, further provided, that in no event shall the

1 payments required under the preceding proviso result in
2 aggregate payments into the Build Illinois Fund pursuant to
3 this clause (b) for any fiscal year in excess of the greater of
4 (i) the Tax Act Amount or (ii) the Annual Specified Amount for
5 such fiscal year. The amounts payable into the Build Illinois
6 Fund under clause (b) of the first sentence in this paragraph
7 shall be payable only until such time as the aggregate amount
8 on deposit under each trust indenture securing Bonds issued and
9 outstanding pursuant to the Build Illinois Bond Act is
10 sufficient, taking into account any future investment income,
11 to fully provide, in accordance with such indenture, for the
12 defeasance of or the payment of the principal of, premium, if
13 any, and interest on the Bonds secured by such indenture and on
14 any Bonds expected to be issued thereafter and all fees and
15 costs payable with respect thereto, all as certified by the
16 Director of the Bureau of the Budget (now Governor's Office of
17 Management and Budget). If on the last business day of any
18 month in which Bonds are outstanding pursuant to the Build
19 Illinois Bond Act, the aggregate of moneys deposited in the
20 Build Illinois Bond Account in the Build Illinois Fund in such
21 month shall be less than the amount required to be transferred
22 in such month from the Build Illinois Bond Account to the Build
23 Illinois Bond Retirement and Interest Fund pursuant to Section
24 13 of the Build Illinois Bond Act, an amount equal to such
25 deficiency shall be immediately paid from other moneys received
26 by the Department pursuant to the Tax Acts to the Build

1 Illinois Fund; provided, however, that any amounts paid to the
 2 Build Illinois Fund in any fiscal year pursuant to this
 3 sentence shall be deemed to constitute payments pursuant to
 4 clause (b) of the first sentence of this paragraph and shall
 5 reduce the amount otherwise payable for such fiscal year
 6 pursuant to that clause (b). The moneys received by the
 7 Department pursuant to this Act and required to be deposited
 8 into the Build Illinois Fund are subject to the pledge, claim
 9 and charge set forth in Section 12 of the Build Illinois Bond
 10 Act.

11 Subject to payment of amounts into the Build Illinois Fund
 12 as provided in the preceding paragraph or in any amendment
 13 thereto hereafter enacted, the following specified monthly
 14 installment of the amount requested in the certificate of the
 15 Chairman of the Metropolitan Pier and Exposition Authority
 16 provided under Section 8.25f of the State Finance Act, but not
 17 in excess of sums designated as "Total Deposit", shall be
 18 deposited in the aggregate from collections under Section 9 of
 19 the Use Tax Act, Section 9 of the Service Use Tax Act, Section
 20 9 of the Service Occupation Tax Act, and Section 3 of the
 21 Retailers' Occupation Tax Act into the McCormick Place
 22 Expansion Project Fund in the specified fiscal years.

23	Fiscal Year	Total
		Deposit
24	1993	\$0
25	1994	53,000,000

1	1995	58,000,000
2	1996	61,000,000
3	1997	64,000,000
4	1998	68,000,000
5	1999	71,000,000
6	2000	75,000,000
7	2001	80,000,000
8	2002	93,000,000
9	2003	99,000,000
10	2004	103,000,000
11	2005	108,000,000
12	2006	113,000,000
13	2007	119,000,000
14	2008	126,000,000
15	2009	132,000,000
16	2010	139,000,000
17	2011	146,000,000
18	2012	153,000,000
19	2013	161,000,000
20	2014	170,000,000
21	2015	179,000,000
22	2016	189,000,000
23	2017	199,000,000
24	2018	210,000,000
25	2019	221,000,000
26	2020	233,000,000

1	2021	246,000,000
2	2022	260,000,000
3	2023	275,000,000
4	2024	275,000,000
5	2025	275,000,000
6	2026	279,000,000
7	2027	292,000,000
8	2028	307,000,000
9	2029	322,000,000
10	2030	338,000,000
11	2031	350,000,000
12	2032	350,000,000

13 and
14 each fiscal year
15 thereafter that bonds
16 are outstanding under
17 Section 13.2 of the
18 Metropolitan Pier and
19 Exposition Authority Act,
20 but not after fiscal year 2060.

21 Beginning July 20, 1993 and in each month of each fiscal
22 year thereafter, one-eighth of the amount requested in the
23 certificate of the Chairman of the Metropolitan Pier and
24 Exposition Authority for that fiscal year, less the amount
25 deposited into the McCormick Place Expansion Project Fund by
26 the State Treasurer in the respective month under subsection

1 (g) of Section 13 of the Metropolitan Pier and Exposition
2 Authority Act, plus cumulative deficiencies in the deposits
3 required under this Section for previous months and years,
4 shall be deposited into the McCormick Place Expansion Project
5 Fund, until the full amount requested for the fiscal year, but
6 not in excess of the amount specified above as "Total Deposit",
7 has been deposited.

8 Subject to payment of amounts into the Capital Projects
9 Fund, the Clean Air Act (CAA) Permit Fund, the Build Illinois
10 Fund, and the McCormick Place Expansion Project Fund pursuant
11 to the preceding paragraphs or in any amendments thereto
12 hereafter enacted, the Department shall each month deposit into
13 the Aviation Fuel Sales Tax Refund Fund an amount estimated by
14 the Department to be required for refunds of the 80% portion of
15 the tax on aviation fuel under this Act.

16 Subject to payment of amounts into the Build Illinois Fund
17 and the McCormick Place Expansion Project Fund pursuant to the
18 preceding paragraphs or in any amendments thereto hereafter
19 enacted, beginning July 1, 1993 and ending on September 30,
20 2013, the Department shall each month pay into the Illinois Tax
21 Increment Fund 0.27% of 80% of the net revenue realized for the
22 preceding month from the 6.25% general rate on the selling
23 price of tangible personal property.

24 Subject to payment of amounts into the Build Illinois Fund
25 and the McCormick Place Expansion Project Fund pursuant to the
26 preceding paragraphs or in any amendments thereto hereafter

1 enacted, beginning with the receipt of the first report of
2 taxes paid by an eligible business and continuing for a 25-year
3 period, the Department shall each month pay into the Energy
4 Infrastructure Fund 80% of the net revenue realized from the
5 6.25% general rate on the selling price of Illinois-mined coal
6 that was sold to an eligible business. For purposes of this
7 paragraph, the term "eligible business" means a new electric
8 generating facility certified pursuant to Section 605-332 of
9 the Department of Commerce and Economic Opportunity Law of the
10 Civil Administrative Code of Illinois.

11 Subject to payment of amounts into the Build Illinois Fund,
12 the McCormick Place Expansion Project Fund, the Illinois Tax
13 Increment Fund, and the Energy Infrastructure Fund pursuant to
14 the preceding paragraphs or in any amendments to this Section
15 hereafter enacted, beginning on the first day of the first
16 calendar month to occur on or after August 26, 2014 (the
17 effective date of Public Act 98-1098) ~~this amendatory Act of~~
18 ~~the 98th General Assembly~~, each month, from the collections
19 made under Section 9 of the Use Tax Act, Section 9 of the
20 Service Use Tax Act, Section 9 of the Service Occupation Tax
21 Act, and Section 3 of the Retailers' Occupation Tax Act, the
22 Department shall pay into the Tax Compliance and Administration
23 Fund, to be used, subject to appropriation, to fund additional
24 auditors and compliance personnel at the Department of Revenue,
25 an amount equal to 1/12 of 5% of 80% of the cash receipts
26 collected during the preceding fiscal year by the Audit Bureau

1 of the Department under the Use Tax Act, the Service Use Tax
2 Act, the Service Occupation Tax Act, the Retailers' Occupation
3 Tax Act, and associated local occupation and use taxes
4 administered by the Department (except the amount collected on
5 aviation fuel sold on or after December 1, 2017).

6 Of the remainder of the moneys received by the Department
7 pursuant to this Act, 75% thereof shall be paid into the State
8 Treasury and 25% shall be reserved in a special account and
9 used only for the transfer to the Common School Fund as part of
10 the monthly transfer from the General Revenue Fund in
11 accordance with Section 8a of the State Finance Act.

12 The Department may, upon separate written notice to a
13 taxpayer, require the taxpayer to prepare and file with the
14 Department on a form prescribed by the Department within not
15 less than 60 days after receipt of the notice an annual
16 information return for the tax year specified in the notice.
17 Such annual return to the Department shall include a statement
18 of gross receipts as shown by the retailer's last Federal
19 income tax return. If the total receipts of the business as
20 reported in the Federal income tax return do not agree with the
21 gross receipts reported to the Department of Revenue for the
22 same period, the retailer shall attach to his annual return a
23 schedule showing a reconciliation of the 2 amounts and the
24 reasons for the difference. The retailer's annual return to the
25 Department shall also disclose the cost of goods sold by the
26 retailer during the year covered by such return, opening and

1 closing inventories of such goods for such year, costs of goods
2 used from stock or taken from stock and given away by the
3 retailer during such year, payroll information of the
4 retailer's business during such year and any additional
5 reasonable information which the Department deems would be
6 helpful in determining the accuracy of the monthly, quarterly
7 or annual returns filed by such retailer as provided for in
8 this Section.

9 If the annual information return required by this Section
10 is not filed when and as required, the taxpayer shall be liable
11 as follows:

12 (i) Until January 1, 1994, the taxpayer shall be liable
13 for a penalty equal to 1/6 of 1% of the tax due from such
14 taxpayer under this Act during the period to be covered by
15 the annual return for each month or fraction of a month
16 until such return is filed as required, the penalty to be
17 assessed and collected in the same manner as any other
18 penalty provided for in this Act.

19 (ii) On and after January 1, 1994, the taxpayer shall
20 be liable for a penalty as described in Section 3-4 of the
21 Uniform Penalty and Interest Act.

22 The chief executive officer, proprietor, owner or highest
23 ranking manager shall sign the annual return to certify the
24 accuracy of the information contained therein. Any person who
25 willfully signs the annual return containing false or
26 inaccurate information shall be guilty of perjury and punished

1 accordingly. The annual return form prescribed by the
2 Department shall include a warning that the person signing the
3 return may be liable for perjury.

4 The provisions of this Section concerning the filing of an
5 annual information return do not apply to a retailer who is not
6 required to file an income tax return with the United States
7 Government.

8 As soon as possible after the first day of each month, upon
9 certification of the Department of Revenue, the Comptroller
10 shall order transferred and the Treasurer shall transfer from
11 the General Revenue Fund to the Motor Fuel Tax Fund an amount
12 equal to 1.7% of 80% of the net revenue realized under this Act
13 for the second preceding month. Beginning April 1, 2000, this
14 transfer is no longer required and shall not be made.

15 Net revenue realized for a month shall be the revenue
16 collected by the State pursuant to this Act, less the amount
17 paid out during that month as refunds to taxpayers for
18 overpayment of liability.

19 For greater simplicity of administration, manufacturers,
20 importers and wholesalers whose products are sold at retail in
21 Illinois by numerous retailers, and who wish to do so, may
22 assume the responsibility for accounting and paying to the
23 Department all tax accruing under this Act with respect to such
24 sales, if the retailers who are affected do not make written
25 objection to the Department to this arrangement.

26 Any person who promotes, organizes, provides retail

1 selling space for concessionaires or other types of sellers at
2 the Illinois State Fair, DuQuoin State Fair, county fairs,
3 local fairs, art shows, flea markets and similar exhibitions or
4 events, including any transient merchant as defined by Section
5 2 of the Transient Merchant Act of 1987, is required to file a
6 report with the Department providing the name of the merchant's
7 business, the name of the person or persons engaged in
8 merchant's business, the permanent address and Illinois
9 Retailers Occupation Tax Registration Number of the merchant,
10 the dates and location of the event and other reasonable
11 information that the Department may require. The report must be
12 filed not later than the 20th day of the month next following
13 the month during which the event with retail sales was held.
14 Any person who fails to file a report required by this Section
15 commits a business offense and is subject to a fine not to
16 exceed \$250.

17 Any person engaged in the business of selling tangible
18 personal property at retail as a concessionaire or other type
19 of seller at the Illinois State Fair, county fairs, art shows,
20 flea markets and similar exhibitions or events, or any
21 transient merchants, as defined by Section 2 of the Transient
22 Merchant Act of 1987, may be required to make a daily report of
23 the amount of such sales to the Department and to make a daily
24 payment of the full amount of tax due. The Department shall
25 impose this requirement when it finds that there is a
26 significant risk of loss of revenue to the State at such an

1 exhibition or event. Such a finding shall be based on evidence
2 that a substantial number of concessionaires or other sellers
3 who are not residents of Illinois will be engaging in the
4 business of selling tangible personal property at retail at the
5 exhibition or event, or other evidence of a significant risk of
6 loss of revenue to the State. The Department shall notify
7 concessionaires and other sellers affected by the imposition of
8 this requirement. In the absence of notification by the
9 Department, the concessionaires and other sellers shall file
10 their returns as otherwise required in this Section.

11 (Source: P.A. 98-24, eff. 6-19-13; 98-109, eff. 7-25-13;
12 98-496, eff. 1-1-14; 98-756, eff. 7-16-14; 98-1098, eff.
13 8-26-14; 99-352, eff. 8-12-15; 99-858, eff. 8-19-16; 99-933,
14 eff. 1-27-17; revised 2-3-17.)

15 (35 ILCS 120/6) (from Ch. 120, par. 445)

16 Sec. 6. Credit memorandum or refund. If it appears, after
17 claim therefor filed with the Department, that an amount of tax
18 or penalty or interest has been paid which was not due under
19 this Act, whether as the result of a mistake of fact or an
20 error of law, except as hereinafter provided, then the
21 Department shall issue a credit memorandum or refund to the
22 person who made the erroneous payment or, if that person died
23 or became a person under legal disability, to his or her legal
24 representative, as such. For purposes of this Section, the tax
25 is deemed to be erroneously paid by a retailer when the

1 manufacturer of a motor vehicle sold by the retailer accepts
2 the return of that automobile and refunds to the purchaser the
3 selling price of that vehicle as provided in the New Vehicle
4 Buyer Protection Act. When a motor vehicle is returned for a
5 refund of the purchase price under the New Vehicle Buyer
6 Protection Act, the Department shall issue a credit memorandum
7 or a refund for the amount of tax paid by the retailer under
8 this Act attributable to the initial sale of that vehicle.
9 Claims submitted by the retailer are subject to the same
10 restrictions and procedures provided for in this Act. If it is
11 determined that the Department should issue a credit memorandum
12 or refund, the Department may first apply the amount thereof
13 against any tax or penalty or interest due or to become due
14 under this Act or under the Use Tax Act, the Service Occupation
15 Tax Act, the Service Use Tax Act, any local occupation or use
16 tax administered by the Department, Section 4 of the Water
17 Commission Act of 1985, subsections (b), (c) and (d) of Section
18 5.01 of the Local Mass Transit District Act, or subsections
19 (e), (f) and (g) of Section 4.03 of the Regional Transportation
20 Authority Act, from the person who made the erroneous payment.
21 If no tax or penalty or interest is due and no proceeding is
22 pending to determine whether such person is indebted to the
23 Department for tax or penalty or interest, the credit
24 memorandum or refund shall be issued to the claimant; or (in
25 the case of a credit memorandum) the credit memorandum may be
26 assigned and set over by the lawful holder thereof, subject to

1 reasonable rules of the Department, to any other person who is
2 subject to this Act, the Use Tax Act, the Service Occupation
3 Tax Act, the Service Use Tax Act, any local occupation or use
4 tax administered by the Department, Section 4 of the Water
5 Commission Act of 1985, subsections (b), (c) and (d) of Section
6 5.01 of the Local Mass Transit District Act, or subsections
7 (e), (f) and (g) of Section 4.03 of the Regional Transportation
8 Authority Act, and the amount thereof applied by the Department
9 against any tax or penalty or interest due or to become due
10 under this Act or under the Use Tax Act, the Service Occupation
11 Tax Act, the Service Use Tax Act, any local occupation or use
12 tax administered by the Department, Section 4 of the Water
13 Commission Act of 1985, subsections (b), (c) and (d) of Section
14 5.01 of the Local Mass Transit District Act, or subsections
15 (e), (f) and (g) of Section 4.03 of the Regional Transportation
16 Authority Act, from such assignee. However, as to any claim for
17 credit or refund filed with the Department on and after each
18 January 1 and July 1 no amount of tax or penalty or interest
19 erroneously paid (either in total or partial liquidation of a
20 tax or penalty or amount of interest under this Act) more than
21 3 years prior to such January 1 and July 1, respectively, shall
22 be credited or refunded, except that if both the Department and
23 the taxpayer have agreed to an extension of time to issue a
24 notice of tax liability as provided in Section 4 of this Act,
25 such claim may be filed at any time prior to the expiration of
26 the period agreed upon.

1 No claim may be allowed for any amount paid to the
2 Department, whether paid voluntarily or involuntarily, if paid
3 in total or partial liquidation of an assessment which had
4 become final before the claim for credit or refund to recover
5 the amount so paid is filed with the Department, or if paid in
6 total or partial liquidation of a judgment or order of court.
7 No credit may be allowed or refund made for any amount paid by
8 or collected from any claimant unless it appears (a) that the
9 claimant bore the burden of such amount and has not been
10 relieved thereof nor reimbursed therefor and has not shifted
11 such burden directly or indirectly through inclusion of such
12 amount in the price of the tangible personal property sold by
13 him or her or in any manner whatsoever; and that no
14 understanding or agreement, written or oral, exists whereby he
15 or she or his or her legal representative may be relieved of
16 the burden of such amount, be reimbursed therefor or may shift
17 the burden thereof; or (b) that he or she or his or her legal
18 representative has repaid unconditionally such amount to his or
19 her vendee (1) who bore the burden thereof and has not shifted
20 such burden directly or indirectly, in any manner whatsoever;
21 (2) who, if he or she has shifted such burden, has repaid
22 unconditionally such amount to his own vendee; and (3) who is
23 not entitled to receive any reimbursement therefor from any
24 other source than from his or her vendor, nor to be relieved of
25 such burden in any manner whatsoever. No credit may be allowed
26 or refund made for any amount paid by or collected from any

1 claimant unless it appears that the claimant has
2 unconditionally repaid, to the purchaser, any amount collected
3 from the purchaser and retained by the claimant with respect to
4 the same transaction under the Use Tax Act.

5 Any credit or refund that is allowed under this Section
6 shall bear interest at the rate and in the manner specified in
7 the Uniform Penalty and Interest Act.

8 In case the Department determines that the claimant is
9 entitled to a refund, such refund shall be made only from the
10 Aviation Fuel Sales Tax Refund Fund or from such appropriation
11 as may be available for that purpose, as appropriate. If it
12 appears unlikely that the amount available ~~appropriated~~ would
13 permit everyone having a claim allowed during the period
14 covered by such appropriation or from the Aviation Fuel Sales
15 Tax Refund Fund, as appropriate, to elect to receive a cash
16 refund, the Department, by rule or regulation, shall provide
17 for the payment of refunds in hardship cases and shall define
18 what types of cases qualify as hardship cases.

19 If a retailer who has failed to pay retailers' occupation
20 tax on gross receipts from retail sales is required by the
21 Department to pay such tax, such retailer, without filing any
22 formal claim with the Department, shall be allowed to take
23 credit against such retailers' occupation tax liability to the
24 extent, if any, to which such retailer has paid an amount
25 equivalent to retailers' occupation tax or has paid use tax in
26 error to his or her vendor or vendors of the same tangible

1 personal property which such retailer bought for resale and did
2 not first use before selling it, and no penalty or interest
3 shall be charged to such retailer on the amount of such credit.
4 However, when such credit is allowed to the retailer by the
5 Department, the vendor is precluded from refunding any of that
6 tax to the retailer and filing a claim for credit or refund
7 with respect thereto with the Department. The provisions of
8 this amendatory Act shall be applied retroactively, regardless
9 of the date of the transaction.

10 (Source: P.A. 91-901, eff. 1-1-01.)

11 (35 ILCS 120/11) (from Ch. 120, par. 450)

12 Sec. 11. All information received by the Department from
13 returns filed under this Act, or from any investigation
14 conducted under this Act, shall be confidential, except for
15 official purposes, and any person who divulges any such
16 information in any manner, except in accordance with a proper
17 judicial order or as otherwise provided by law, shall be guilty
18 of a Class B misdemeanor with a fine not to exceed \$7,500.

19 Nothing in this Act prevents the Director of Revenue from
20 publishing or making available to the public the names and
21 addresses of persons filing returns under this Act, or
22 reasonable statistics concerning the operation of the tax by
23 grouping the contents of returns so the information in any
24 individual return is not disclosed.

25 Nothing in this Act prevents the Director of Revenue from

1 divulging to the United States Government or the government of
2 any other state, or any officer or agency thereof, for
3 exclusively official purposes, information received by the
4 Department in administering this Act, provided that such other
5 governmental agency agrees to divulge requested tax
6 information to the Department.

7 The Department's furnishing of information derived from a
8 taxpayer's return or from an investigation conducted under this
9 Act to the surety on a taxpayer's bond that has been furnished
10 to the Department under this Act, either to provide notice to
11 such surety of its potential liability under the bond or, in
12 order to support the Department's demand for payment from such
13 surety under the bond, is an official purpose within the
14 meaning of this Section.

15 The furnishing upon request of information obtained by the
16 Department from returns filed under this Act or investigations
17 conducted under this Act to the Illinois Liquor Control
18 Commission for official use is deemed to be an official purpose
19 within the meaning of this Section.

20 Notice to a surety of potential liability shall not be
21 given unless the taxpayer has first been notified, not less
22 than 10 days prior thereto, of the Department's intent to so
23 notify the surety.

24 The furnishing upon request of the Auditor General, or his
25 authorized agents, for official use, of returns filed and
26 information related thereto under this Act is deemed to be an

1 official purpose within the meaning of this Section.

2 Where an appeal or a protest has been filed on behalf of a
3 taxpayer, the furnishing upon request of the attorney for the
4 taxpayer of returns filed by the taxpayer and information
5 related thereto under this Act is deemed to be an official
6 purpose within the meaning of this Section.

7 The furnishing of financial information to a municipality
8 or county, upon request of the chief executive officer thereof,
9 is an official purpose within the meaning of this Section,
10 provided the municipality or county agrees in writing to the
11 requirements of this Section. Information provided to
12 municipalities and counties under this paragraph shall be
13 limited to: (1) the business name; (2) the business address;
14 (3) the standard classification number assigned to the
15 business; (4) net revenue distributed to the requesting
16 municipality or county that is directly related to the
17 requesting municipality's or county's local share of the
18 proceeds under the Use Tax Act, the Service Use Tax Act, the
19 Service Occupation Tax Act, and the Retailers' Occupation Tax
20 Act distributed from the Local Government Tax Fund, and, if
21 applicable, any locally imposed retailers' occupation tax or
22 service occupation tax; and (5) a listing of all businesses
23 within the requesting municipality or county by account
24 identification number and address. On and after July 1, 2015,
25 the furnishing of financial information to municipalities and
26 counties under this paragraph may be by electronic means.

1 Information so provided shall be subject to all
2 confidentiality provisions of this Section. The written
3 agreement shall provide for reciprocity, limitations on
4 access, disclosure, and procedures for requesting information.

5 The Department may make available to the Board of Trustees
6 of any Metro East Mass Transit District information contained
7 on transaction reporting returns required to be filed under
8 Section 3 of this Act that report sales made within the
9 boundary of the taxing authority of that Metro East Mass
10 Transit District, as provided in Section 5.01 of the Local Mass
11 Transit District Act. The disclosure shall be made pursuant to
12 a written agreement between the Department and the Board of
13 Trustees of a Metro East Mass Transit District, which is an
14 official purpose within the meaning of this Section. The
15 written agreement between the Department and the Board of
16 Trustees of a Metro East Mass Transit District shall provide
17 for reciprocity, limitations on access, disclosure, and
18 procedures for requesting information. Information so provided
19 shall be subject to all confidentiality provisions of this
20 Section.

21 The Director may make available to any State agency,
22 including the Illinois Supreme Court, which licenses persons to
23 engage in any occupation, information that a person licensed by
24 such agency has failed to file returns under this Act or pay
25 the tax, penalty and interest shown therein, or has failed to
26 pay any final assessment of tax, penalty or interest due under

1 this Act. The Director may make available to any State agency,
2 including the Illinois Supreme Court, information regarding
3 whether a bidder, contractor, or an affiliate of a bidder or
4 contractor has failed to collect and remit Illinois Use tax on
5 sales into Illinois, or any tax under this Act or pay the tax,
6 penalty, and interest shown therein, or has failed to pay any
7 final assessment of tax, penalty, or interest due under this
8 Act, for the limited purpose of enforcing bidder and contractor
9 certifications. The Director may make available to units of
10 local government and school districts that require bidder and
11 contractor certifications, as set forth in Sections 50-11 and
12 50-12 of the Illinois Procurement Code, information regarding
13 whether a bidder, contractor, or an affiliate of a bidder or
14 contractor has failed to collect and remit Illinois Use tax on
15 sales into Illinois, file returns under this Act, or pay the
16 tax, penalty, and interest shown therein, or has failed to pay
17 any final assessment of tax, penalty, or interest due under
18 this Act, for the limited purpose of enforcing bidder and
19 contractor certifications. For purposes of this Section, the
20 term "affiliate" means any entity that (1) directly,
21 indirectly, or constructively controls another entity, (2) is
22 directly, indirectly, or constructively controlled by another
23 entity, or (3) is subject to the control of a common entity.
24 For purposes of this Section, an entity controls another entity
25 if it owns, directly or individually, more than 10% of the
26 voting securities of that entity. As used in this Section, the

1 term "voting security" means a security that (1) confers upon
2 the holder the right to vote for the election of members of the
3 board of directors or similar governing body of the business or
4 (2) is convertible into, or entitles the holder to receive upon
5 its exercise, a security that confers such a right to vote. A
6 general partnership interest is a voting security.

7 The Director may make available to any State agency,
8 including the Illinois Supreme Court, units of local
9 government, and school districts, information regarding
10 whether a bidder or contractor is an affiliate of a person who
11 is not collecting and remitting Illinois Use taxes for the
12 limited purpose of enforcing bidder and contractor
13 certifications.

14 The Director may also make available to the Secretary of
15 State information that a limited liability company, which has
16 filed articles of organization with the Secretary of State, or
17 corporation which has been issued a certificate of
18 incorporation by the Secretary of State has failed to file
19 returns under this Act or pay the tax, penalty and interest
20 shown therein, or has failed to pay any final assessment of
21 tax, penalty or interest due under this Act. An assessment is
22 final when all proceedings in court for review of such
23 assessment have terminated or the time for the taking thereof
24 has expired without such proceedings being instituted.

25 The Director shall make available for public inspection in
26 the Department's principal office and for publication, at cost,

1 administrative decisions issued on or after January 1, 1995.
2 These decisions are to be made available in a manner so that
3 the following taxpayer information is not disclosed:

4 (1) The names, addresses, and identification numbers
5 of the taxpayer, related entities, and employees.

6 (2) At the sole discretion of the Director, trade
7 secrets or other confidential information identified as
8 such by the taxpayer, no later than 30 days after receipt
9 of an administrative decision, by such means as the
10 Department shall provide by rule.

11 The Director shall determine the appropriate extent of the
12 deletions allowed in paragraph (2). In the event the taxpayer
13 does not submit deletions, the Director shall make only the
14 deletions specified in paragraph (1).

15 The Director shall make available for public inspection and
16 publication an administrative decision within 180 days after
17 the issuance of the administrative decision. The term
18 "administrative decision" has the same meaning as defined in
19 Section 3-101 of Article III of the Code of Civil Procedure.
20 Costs collected under this Section shall be paid into the Tax
21 Compliance and Administration Fund.

22 Nothing contained in this Act shall prevent the Director
23 from divulging information to any person pursuant to a request
24 or authorization made by the taxpayer or by an authorized
25 representative of the taxpayer.

26 The furnishing of information obtained by the Department

1 from returns filed under this amendatory Act of the 100th
2 General Assembly to the Department of Transportation for
3 purposes of compliance with this amendatory Act of the 100th
4 General Assembly regarding aviation fuel is deemed to be an
5 official purpose within the meaning of this Section.

6 (Source: P.A. 98-1058, eff. 1-1-15; 99-517, eff. 6-30-16.)

7 Section 30. The Motor Fuel Tax Law is amended by changing
8 Sections 2, 2b, and 8a as follows:

9 (35 ILCS 505/2) (from Ch. 120, par. 418)

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

13 (a) Prior to August 1, 1989, the tax is imposed at the rate
14 of 13 cents per gallon on all motor fuel used in motor vehicles
15 operating on the public highways and recreational type
16 watercraft operating upon the waters of this State. Beginning
17 on August 1, 1989 and until January 1, 1990, the rate of the
18 tax imposed in this paragraph shall be 16 cents per gallon.
19 Beginning January 1, 1990, the rate of tax imposed in this
20 paragraph shall be 19 cents per gallon.

21 (b) The tax on the privilege of operating motor vehicles
22 which use diesel fuel shall be the rate according to paragraph
23 (a) plus an additional 2 1/2 cents per gallon. "Diesel fuel" is
24 defined as any product intended for use or offered for sale as

1 a fuel for engines in which the fuel is injected into the
2 combustion chamber and ignited by pressure without electric
3 spark.

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

13 Retailers and resellers who are subject to this additional
14 tax shall be required to inventory such motor fuel and pay this
15 additional tax in a manner prescribed by the Department of
16 Revenue.

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

20 (d) Except as provided in Section 2a, the collection of a
21 tax based on gallonage of gasoline used for the propulsion of
22 any aircraft is prohibited on and after October 1, 1979, and
23 the collection of a tax based on gallonage of special fuel used
24 for the propulsion of any aircraft is prohibited on and after
25 December 1, 2017.

26 (e) The collection of a tax, based on gallonage of all

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

24 Any person who sells or uses 1-K kerosene for use in motor
25 vehicles upon which the tax imposed by this Law has not been
26 paid shall be liable for any tax due on the sales or use of 1-K

1 kerosene.

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

3 (35 ILCS 505/2b) (from Ch. 120, par. 418b)

4 Sec. 2b. In addition to the tax collection and reporting
5 responsibilities imposed elsewhere in this Act, a person who is
6 required to pay the tax imposed by Section 2a of this Act shall
7 pay the tax to the Department by return showing all fuel
8 purchased, acquired or received and sold, distributed or used
9 during the preceding calendar month including losses of fuel as
10 the result of evaporation or shrinkage due to temperature
11 variations, and such other reasonable information as the
12 Department may require. Losses of fuel as the result of
13 evaporation or shrinkage due to temperature variations may not
14 exceed 1% of the total gallons in storage at the beginning of
15 the month, plus the receipts of gallonage during the month,
16 minus the gallonage remaining in storage at the end of the
17 month. Any loss reported that is in excess of this amount shall
18 be subject to the tax imposed by Section 2a of this Law. On and
19 after July 1, 2001, for each 6-month period January through
20 June, net losses of fuel (for each category of fuel that is
21 required to be reported on a return) as the result of
22 evaporation or shrinkage due to temperature variations may not
23 exceed 1% of the total gallons in storage at the beginning of
24 each January, plus the receipts of gallonage each January
25 through June, minus the gallonage remaining in storage at the

1 end of each June. On and after July 1, 2001, for each 6-month
2 period July through December, net losses of fuel (for each
3 category of fuel that is required to be reported on a return)
4 as the result of evaporation or shrinkage due to temperature
5 variations may not exceed 1% of the total gallons in storage at
6 the beginning of each July, plus the receipts of gallonage each
7 July through December, minus the gallonage remaining in storage
8 at the end of each December. Any net loss reported that is in
9 excess of this amount shall be subject to the tax imposed by
10 Section 2a of this Law. For purposes of this Section, "net
11 loss" means the number of gallons gained through temperature
12 variations minus the number of gallons lost through temperature
13 variations or evaporation for each of the respective 6-month
14 periods.

15 The return shall be prescribed by the Department and shall
16 be filed between the 1st and 20th days of each calendar month.
17 The Department may, in its discretion, combine the returns
18 filed under this Section, Section 5, and Section 5a of this
19 Act. The return must be accompanied by appropriate
20 computer-generated magnetic media supporting schedule data in
21 the format required by the Department, unless, as provided by
22 rule, the Department grants an exception upon petition of a
23 taxpayer. If the return is filed timely, the seller shall take
24 a discount of 2% through June 30, 2003 and 1.75% thereafter
25 which is allowed to reimburse the seller for the expenses
26 incurred in keeping records, preparing and filing returns,

1 collecting and remitting the tax and supplying data to the
2 Department on request. The discount, however, shall be
3 applicable only to the amount of payment which accompanies a
4 return that is filed timely in accordance with this Section.
5 The discount under this Section is not allowed for taxes paid
6 on aviation fuel that are deposited into the State Aviation
7 Program Fund under this Act.

8 Beginning on January 1, 2018, each person who is required
9 to pay the tax imposed under Section 2a of this Act on aviation
10 fuel sold or used in this State during the preceding calendar
11 month shall, instead of reporting and paying tax on aviation
12 fuel as otherwise required by this Section, report and pay such
13 tax on a separate aviation fuel tax return, on or before the
14 twentieth day of each calendar month. The requirements related
15 to the return shall be as otherwise provided in this Section.
16 Notwithstanding any other provisions of this Act to the
17 contrary, a person required to pay the tax imposed by Section
18 2a of this Act on aviation fuel shall file all aviation fuel
19 tax returns and shall make all aviation fuel tax payments by
20 electronic means in the manner and form required by the
21 Department. For purposes of this paragraph, "aviation fuel"
22 means a product that is intended for use or offered for sale as
23 fuel for an aircraft.

24 (Source: P.A. 92-30, eff. 7-1-01; 93-32, eff. 6-20-03.)

25 (35 ILCS 505/8a) (from Ch. 120, par. 424a)

1 Sec. 8a. All money received by the Department under Section
2 2a of this Act, except money received from taxes on aviation
3 fuel sold or used on or after December 1, 2017, shall be
4 deposited in the Underground Storage Tank Fund created by
5 Section 57.11 of the Environmental Protection Act, as now or
6 hereafter amended. All money received by the Department under
7 Section 2a of this Act for aviation fuel sold or used on or
8 after December 1, 2017, shall be deposited into the State
9 Aviation Program Fund. This exception for aviation fuel only
10 applies for so long as the revenue use requirements of 49
11 U.S.C. §47107(b) and 49 U.S.C. §47133 are binding on the State.
12 For purposes of this section, "aviation fuel" means a product
13 that is intended for use or offered for sale as fuel for an
14 aircraft.

15 (Source: P.A. 88-496.)

16 Section 35. The Innovation Development and Economy Act is
17 amended by changing Sections 10 and 31 as follows:

18 (50 ILCS 470/10)

19 Sec. 10. Definitions. As used in this Act, the following
20 words and phrases shall have the following meanings unless a
21 different meaning clearly appears from the context:

22 "Base year" means the calendar year immediately prior to
23 the calendar year in which the STAR bond district is
24 established.

1 "Commence work" means the manifest commencement of actual
2 operations on the development site, such as, erecting a
3 building, general on-site and off-site grading and utility
4 installations, commencing design and construction
5 documentation, ordering lead-time materials, excavating the
6 ground to lay a foundation or a basement, or work of like
7 description which a reasonable person would recognize as being
8 done with the intention and purpose to continue work until the
9 project is completed.

10 "County" means the county in which a proposed STAR bond
11 district is located.

12 "De minimis" means an amount less than 15% of the land area
13 within a STAR bond district.

14 "Department of Revenue" means the Department of Revenue of
15 the State of Illinois.

16 "Destination user" means an owner, operator, licensee,
17 co-developer, subdeveloper, or tenant (i) that operates a
18 business within a STAR bond district that is a retail store
19 having at least 150,000 square feet of sales floor area; (ii)
20 that at the time of opening does not have another Illinois
21 location within a 70 mile radius; (iii) that has an annual
22 average of not less than 30% of customers who travel from at
23 least 75 miles away or from out-of-state, as demonstrated by
24 data from a comparable existing store or stores, or, if there
25 is no comparable existing store, as demonstrated by an economic
26 analysis that shows that the proposed retailer will have an

1 annual average of not less than 30% of customers who travel
2 from at least 75 miles away or from out-of-state; and (iv) that
3 makes an initial capital investment, including project costs
4 and other direct costs, of not less than \$30,000,000 for such
5 retail store.

6 "Destination hotel" means a hotel (as that term is defined
7 in Section 2 of the Hotel Operators' Occupation Tax Act)
8 complex having at least 150 guest rooms and which also includes
9 a venue for entertainment attractions, rides, or other
10 activities oriented toward the entertainment and amusement of
11 its guests and other patrons.

12 "Developer" means any individual, corporation, trust,
13 estate, partnership, limited liability partnership, limited
14 liability company, or other entity. The term does not include a
15 not-for-profit entity, political subdivision, or other agency
16 or instrumentality of the State.

17 "Director" means the Director of Revenue, who shall consult
18 with the Director of Commerce and Economic Opportunity in any
19 approvals or decisions required by the Director under this Act.

20 "Economic impact study" means a study conducted by an
21 independent economist to project the financial benefit of the
22 proposed STAR bond project to the local, regional, and State
23 economies, consider the proposed adverse impacts on similar
24 projects and businesses, as well as municipalities within the
25 projected market area, and draw conclusions about the net
26 effect of the proposed STAR bond project on the local,

1 regional, and State economies. A copy of the economic impact
2 study shall be provided to the Director for review.

3 "Eligible area" means any improved or vacant area that (i)
4 is contiguous and is not, in the aggregate, less than 250 acres
5 nor more than 500 acres which must include only parcels of real
6 property directly and substantially benefited by the proposed
7 STAR bond district plan, (ii) is adjacent to a federal
8 interstate highway, (iii) is within one mile of 2 State
9 highways, (iv) is within one mile of an entertainment user, or
10 a major or minor league sports stadium or other similar
11 entertainment venue that had an initial capital investment of
12 at least \$20,000,000, and (v) includes land that was previously
13 surface or strip mined. The area may be bisected by streets,
14 highways, roads, alleys, railways, bike paths, streams,
15 rivers, and other waterways and still be deemed contiguous. In
16 addition, in order to constitute an eligible area one of the
17 following requirements must be satisfied and all of which are
18 subject to the review and approval of the Director as provided
19 in subsection (d) of Section 15:

20 (a) the governing body of the political subdivision
21 shall have determined that the area meets the requirements
22 of a "blighted area" as defined under the Tax Increment
23 Allocation Redevelopment Act; or

24 (b) the governing body of the political subdivision
25 shall have determined that the area is a blighted area as
26 determined under the provisions of Section 11-74.3-5 of the

1 Illinois Municipal Code; or

2 (c) the governing body of the political subdivision
3 shall make the following findings:

4 (i) that the vacant portions of the area have
5 remained vacant for at least one year, or that any
6 building located on a vacant portion of the property
7 was demolished within the last year and that the
8 building would have qualified under item (ii) of this
9 subsection;

10 (ii) if portions of the area are currently
11 developed, that the use, condition, and character of
12 the buildings on the property are not consistent with
13 the purposes set forth in Section 5;

14 (iii) that the STAR bond district is expected to
15 create or retain job opportunities within the
16 political subdivision;

17 (iv) that the STAR bond district will serve to
18 further the development of adjacent areas;

19 (v) that without the availability of STAR bonds,
20 the projects described in the STAR bond district plan
21 would not be possible;

22 (vi) that the master developer meets high
23 standards of creditworthiness and financial strength
24 as demonstrated by one or more of the following: (i)
25 corporate debenture ratings of BBB or higher by
26 Standard & Poor's Corporation or Baa or higher by

1 Moody's Investors Service, Inc.; (ii) a letter from a
2 financial institution with assets of \$10,000,000 or
3 more attesting to the financial strength of the master
4 developer; or (iii) specific evidence of equity
5 financing for not less than 10% of the estimated total
6 STAR bond project costs;

7 (vii) that the STAR bond district will strengthen
8 the commercial sector of the political subdivision;

9 (viii) that the STAR bond district will enhance the
10 tax base of the political subdivision; and

11 (ix) that the formation of a STAR bond district is
12 in the best interest of the political subdivision.

13 "Entertainment user" means an owner, operator, licensee,
14 co-developer, subdeveloper, or tenant that operates a business
15 within a STAR bond district that has a primary use of providing
16 a venue for entertainment attractions, rides, or other
17 activities oriented toward the entertainment and amusement of
18 its patrons, occupies at least 20 acres of land in the STAR
19 bond district, and makes an initial capital investment,
20 including project costs and other direct and indirect costs, of
21 not less than \$25,000,000 for that venue.

22 "Feasibility study" means a feasibility study as defined in
23 subsection (b) of Section 20.

24 "Infrastructure" means the public improvements and private
25 improvements that serve the public purposes set forth in
26 Section 5 of this Act and that benefit the STAR bond district

1 or any STAR bond projects, including, but not limited to,
2 streets, drives and driveways, traffic and directional signs
3 and signals, parking lots and parking facilities,
4 interchanges, highways, sidewalks, bridges, underpasses and
5 overpasses, bike and walking trails, sanitary storm sewers and
6 lift stations, drainage conduits, channels, levees, canals,
7 storm water detention and retention facilities, utilities and
8 utility connections, water mains and extensions, and street and
9 parking lot lighting and connections.

10 "Local sales taxes" means any locally imposed taxes
11 received by a municipality, county, or other local governmental
12 entity arising from sales by retailers and servicemen within a
13 STAR bond district, including business district sales taxes and
14 STAR bond occupation taxes, and that portion of the net revenue
15 realized under the Retailers' Occupation Tax Act, the Use Tax
16 Act, the Service Use Tax Act, and the Service Occupation Tax
17 Act from transactions at places of business located within a
18 STAR bond district that is deposited into the Local Government
19 Tax Fund and the County and Mass Transit District Fund. For the
20 purpose of this Act, "local sales taxes" does not include (i)
21 any taxes authorized pursuant to the Local Mass Transit
22 District Act or the Metro-East Park and Recreation District Act
23 for so long as the applicable taxing district does not impose a
24 tax on real property, (ii) county school facility occupation
25 taxes imposed pursuant to Section 5-1006.7 of the Counties
26 Code, or (iii) any taxes authorized under the Flood Prevention

1 District Act.

2 "Local sales tax increment" means, except as otherwise
3 provided in this Section, with respect to local sales taxes
4 administered by the Illinois Department of Revenue, (i) all of
5 the local sales tax paid by destination users, destination
6 hotels, and entertainment users that is in excess of the local
7 sales tax paid by destination users, destination hotels, and
8 entertainment users for the same month in the base year, as
9 determined by the Illinois Department of Revenue, (ii) in the
10 case of a municipality forming a STAR bond district that is
11 wholly within the corporate boundaries of the municipality and
12 in the case of a municipality and county forming a STAR bond
13 district that is only partially within such municipality, that
14 portion of the local sales tax paid by taxpayers that are not
15 destination users, destination hotels, or entertainment users
16 that is in excess of the local sales tax paid by taxpayers that
17 are not destination users, destination hotels, or
18 entertainment users for the same month in the base year, as
19 determined by the Illinois Department of Revenue, and (iii) in
20 the case of a county in which a STAR bond district is formed
21 that is wholly within a municipality, that portion of the local
22 sales tax paid by taxpayers that are not destination users,
23 destination hotels, or entertainment users that is in excess of
24 the local sales tax paid by taxpayers that are not destination
25 users, destination hotels, or entertainment users for the same
26 month in the base year, as determined by the Illinois

1 Department of Revenue, but only if the corporate authorities of
2 the county adopts an ordinance, and files a copy with the
3 Department within the same time frames as required for STAR
4 bond occupation taxes under Section 31, that designates the
5 taxes referenced in this clause (iii) as part of the local
6 sales tax increment under this Act. "Local sales tax increment"
7 means, with respect to local sales taxes administered by a
8 municipality, county, or other unit of local government, that
9 portion of the local sales tax that is in excess of the local
10 sales tax for the same month in the base year, as determined by
11 the respective municipality, county, or other unit of local
12 government. If any portion of local sales taxes are, at the
13 time of formation of a STAR bond district, already subject to
14 tax increment financing under the Tax Increment Allocation
15 Redevelopment Act, then the local sales tax increment for such
16 portion shall be frozen at the base year established in
17 accordance with this Act, and all future incremental increases
18 shall be included in the "local sales tax increment" under this
19 Act. Any party otherwise entitled to receipt of incremental
20 local sales tax revenues through an existing tax increment
21 financing district shall be entitled to continue to receive
22 such revenues up to the amount frozen in the base year. Nothing
23 in this Act shall affect the prior qualification of existing
24 redevelopment project costs incurred that are eligible for
25 reimbursement under the Tax Increment Allocation Redevelopment
26 Act. In such event, prior to approving a STAR bond district,

1 the political subdivision forming the STAR bond district shall
2 take such action as is necessary, including amending the
3 existing tax increment financing district redevelopment plan,
4 to carry out the provisions of this Act. The Illinois
5 Department of Revenue shall allocate the local sales tax
6 increment only if the local sales tax is administered by the
7 Department. "Local sales tax increment" does not include taxes
8 and penalties collected on aviation fuel, as defined in Section
9 3 of the Retailers' Occupation Tax, sold on or after December
10 1, 2017.

11 "Market study" means a study to determine the ability of
12 the proposed STAR bond project to gain market share locally and
13 regionally and to remain profitable past the term of repayment
14 of STAR bonds.

15 "Master developer" means a developer cooperating with a
16 political subdivision to plan, develop, and implement a STAR
17 bond project plan for a STAR bond district. Subject to the
18 limitations of Section 25, the master developer may work with
19 and transfer certain development rights to other developers for
20 the purpose of implementing STAR bond project plans and
21 achieving the purposes of this Act. A master developer for a
22 STAR bond district shall be appointed by a political
23 subdivision in the resolution establishing the STAR bond
24 district, and the master developer must, at the time of
25 appointment, own or have control of, through purchase
26 agreements, option contracts, or other means, not less than 50%

1 of the acreage within the STAR bond district and the master
2 developer or its affiliate must have ownership or control on
3 June 1, 2010.

4 "Master development agreement" means an agreement between
5 the master developer and the political subdivision to govern a
6 STAR bond district and any STAR bond projects.

7 "Municipality" means the city, village, or incorporated
8 town in which a proposed STAR bond district is located.

9 "Pledged STAR revenues" means those sales tax and revenues
10 and other sources of funds pledged to pay debt service on STAR
11 bonds or to pay project costs pursuant to Section 30.
12 Notwithstanding any provision to the contrary, the following
13 revenues shall not constitute pledged STAR revenues or be
14 available to pay principal and interest on STAR bonds: any
15 State sales tax increment or local sales tax increment from a
16 retail entity initiating operations in a STAR bond district
17 while terminating operations at another Illinois location
18 within 25 miles of the STAR bond district. For purposes of this
19 paragraph, "terminating operations" means a closing of a retail
20 operation that is directly related to the opening of the same
21 operation or like retail entity owned or operated by more than
22 50% of the original ownership in a STAR bond district within
23 one year before or after initiating operations in the STAR bond
24 district, but it does not mean closing an operation for reasons
25 beyond the control of the retail entity, as documented by the
26 retail entity, subject to a reasonable finding by the

1 municipality (or county if such retail operation is not located
2 within a municipality) in which the terminated operations were
3 located that the closed location contained inadequate space,
4 had become economically obsolete, or was no longer a viable
5 location for the retailer or serviceman.

6 "Political subdivision" means a municipality or county
7 which undertakes to establish a STAR bond district pursuant to
8 the provisions of this Act.

9 "Project costs" means and includes the sum total of all
10 costs incurred or estimated to be incurred on or following the
11 date of establishment of a STAR bond district that are
12 reasonable or necessary to implement a STAR bond district plan
13 or any STAR bond project plans, or both, including costs
14 incurred for public improvements and private improvements that
15 serve the public purposes set forth in Section 5 of this Act.
16 Such costs include without limitation the following:

17 (a) costs of studies, surveys, development of plans and
18 specifications, formation, implementation, and
19 administration of a STAR bond district, STAR bond district
20 plan, any STAR bond projects, or any STAR bond project
21 plans, including, but not limited to, staff and
22 professional service costs for architectural, engineering,
23 legal, financial, planning, or other services, provided
24 however that no charges for professional services may be
25 based on a percentage of the tax increment collected and no
26 contracts for professional services, excluding

1 architectural and engineering services, may be entered
2 into if the terms of the contract extend beyond a period of
3 3 years;

4 (b) property assembly costs, including, but not
5 limited to, acquisition of land and other real property or
6 rights or interests therein, located within the boundaries
7 of a STAR bond district, demolition of buildings, site
8 preparation, site improvements that serve as an engineered
9 barrier addressing ground level or below ground
10 environmental contamination, including, but not limited
11 to, parking lots and other concrete or asphalt barriers,
12 the clearing and grading of land, and importing additional
13 soil and fill materials, or removal of soil and fill
14 materials from the site;

15 (c) subject to paragraph (d), costs of buildings and
16 other vertical improvements that are located within the
17 boundaries of a STAR bond district and owned by a political
18 subdivision or other public entity, including without
19 limitation police and fire stations, educational
20 facilities, and public restrooms and rest areas;

21 (c-1) costs of buildings and other vertical
22 improvements that are located within the boundaries of a
23 STAR bond district and owned by a destination user or
24 destination hotel; except that only 2 destination users in
25 a STAR bond district and one destination hotel are eligible
26 to include the cost of those vertical improvements as

1 project costs;

2 (c-5) costs of buildings; rides and attractions, which
3 include carousels, slides, roller coasters, displays,
4 models, towers, works of art, and similar theme and
5 amusement park improvements; and other vertical
6 improvements that are located within the boundaries of a
7 STAR bond district and owned by an entertainment user;
8 except that only one entertainment user in a STAR bond
9 district is eligible to include the cost of those vertical
10 improvements as project costs;

11 (d) costs of the design and construction of
12 infrastructure and public works located within the
13 boundaries of a STAR bond district that are reasonable or
14 necessary to implement a STAR bond district plan or any
15 STAR bond project plans, or both, except that project costs
16 shall not include the cost of constructing a new municipal
17 public building principally used to provide offices,
18 storage space, or conference facilities or vehicle
19 storage, maintenance, or repair for administrative, public
20 safety, or public works personnel and that is not intended
21 to replace an existing public building unless the political
22 subdivision makes a reasonable determination in a STAR bond
23 district plan or any STAR bond project plans, supported by
24 information that provides the basis for that
25 determination, that the new municipal building is required
26 to meet an increase in the need for public safety purposes

1 anticipated to result from the implementation of the STAR
2 bond district plan or any STAR bond project plans;

3 (e) costs of the design and construction of the
4 following improvements located outside the boundaries of a
5 STAR bond district, provided that the costs are essential
6 to further the purpose and development of a STAR bond
7 district plan and either (i) part of and connected to
8 sewer, water, or utility service lines that physically
9 connect to the STAR bond district or (ii) significant
10 improvements for adjacent offsite highways, streets,
11 roadways, and interchanges that are approved by the
12 Illinois Department of Transportation. No other cost of
13 infrastructure and public works improvements located
14 outside the boundaries of a STAR bond district may be
15 deemed project costs;

16 (f) costs of job training and retraining projects,
17 including the cost of "welfare to work" programs
18 implemented by businesses located within a STAR bond
19 district;

20 (g) financing costs, including, but not limited to, all
21 necessary and incidental expenses related to the issuance
22 of obligations and which may include payment of interest on
23 any obligations issued hereunder including interest
24 accruing during the estimated period of construction of any
25 improvements in a STAR bond district or any STAR bond
26 projects for which such obligations are issued and for not

1 exceeding 36 months thereafter and including reasonable
2 reserves related thereto;

3 (h) to the extent the political subdivision by written
4 agreement accepts and approves the same, all or a portion
5 of a taxing district's capital costs resulting from a STAR
6 bond district or STAR bond projects necessarily incurred or
7 to be incurred within a taxing district in furtherance of
8 the objectives of a STAR bond district plan or STAR bond
9 project plans;

10 (i) interest cost incurred by a developer for project
11 costs related to the acquisition, formation,
12 implementation, development, construction, and
13 administration of a STAR bond district, STAR bond district
14 plan, STAR bond projects, or any STAR bond project plans
15 provided that:

16 (i) payment of such costs in any one year may not
17 exceed 30% of the annual interest costs incurred by the
18 developer with regard to the STAR bond district or any
19 STAR bond projects during that year; and

20 (ii) the total of such interest payments paid
21 pursuant to this Act may not exceed 30% of the total
22 cost paid or incurred by the developer for a STAR bond
23 district or STAR bond projects, plus project costs,
24 excluding any property assembly costs incurred by a
25 political subdivision pursuant to this Act;

26 (j) costs of common areas located within the boundaries

1 of a STAR bond district;

2 (k) costs of landscaping and plantings, retaining
3 walls and fences, man-made lakes and ponds, shelters,
4 benches, lighting, and similar amenities located within
5 the boundaries of a STAR bond district;

6 (l) costs of mounted building signs, site monument, and
7 pylon signs located within the boundaries of a STAR bond
8 district; or

9 (m) if included in the STAR bond district plan and
10 approved in writing by the Director, salaries or a portion
11 of salaries for local government employees to the extent
12 the same are directly attributable to the work of such
13 employees on the establishment and management of a STAR
14 bond district or any STAR bond projects.

15 Except as specified in items (a) through (m), "project
16 costs" shall not include:

17 (i) the cost of construction of buildings that are
18 privately owned or owned by a municipality and leased to a
19 developer or retail user for non-entertainment retail
20 uses;

21 (ii) moving expenses for employees of the businesses
22 locating within the STAR bond district;

23 (iii) property taxes for property located in the STAR
24 bond district;

25 (iv) lobbying costs; and

26 (v) general overhead or administrative costs of the

1 political subdivision that would still have been incurred
2 by the political subdivision if the political subdivision
3 had not established a STAR bond district.

4 "Project development agreement" means any one or more
5 agreements, including any amendments thereto, between a master
6 developer and any co-developer or subdeveloper in connection
7 with a STAR bond project, which project development agreement
8 may include the political subdivision as a party.

9 "Projected market area" means any area within the State in
10 which a STAR bond district or STAR bond project is projected to
11 have a significant fiscal or market impact as determined by the
12 Director.

13 "Resolution" means a resolution, order, ordinance, or
14 other appropriate form of legislative action of a political
15 subdivision or other applicable public entity approved by a
16 vote of a majority of a quorum at a meeting of the governing
17 body of the political subdivision or applicable public entity.

18 "STAR bond" means a sales tax and revenue bond, note, or
19 other obligation payable from pledged STAR revenues and issued
20 by a political subdivision, the proceeds of which shall be used
21 only to pay project costs as defined in this Act.

22 "STAR bond district" means the specific area declared to be
23 an eligible area as determined by the political subdivision,
24 and approved by the Director, in which the political
25 subdivision may develop one or more STAR bond projects.

26 "STAR bond district plan" means the preliminary or

1 conceptual plan that generally identifies the proposed STAR
2 bond project areas and identifies in a general manner the
3 buildings, facilities, and improvements to be constructed or
4 improved in each STAR bond project area.

5 "STAR bond project" means a project within a STAR bond
6 district which is approved pursuant to Section 20.

7 "STAR bond project area" means the geographic area within a
8 STAR bond district in which there may be one or more STAR bond
9 projects.

10 "STAR bond project plan" means the written plan adopted by
11 a political subdivision for the development of a STAR bond
12 project in a STAR bond district; the plan may include, but is
13 not limited to, (i) project costs incurred prior to the date of
14 the STAR bond project plan and estimated future STAR bond
15 project costs, (ii) proposed sources of funds to pay those
16 costs, (iii) the nature and estimated term of any obligations
17 to be issued by the political subdivision to pay those costs,
18 (iv) the most recent equalized assessed valuation of the STAR
19 bond project area, (v) an estimate of the equalized assessed
20 valuation of the STAR bond district or applicable project area
21 after completion of a STAR bond project, (vi) a general
22 description of the types of any known or proposed developers,
23 users, or tenants of the STAR bond project or projects included
24 in the plan, (vii) a general description of the type,
25 structure, and character of the property or facilities to be
26 developed or improved, (viii) a description of the general land

1 uses to apply to the STAR bond project, and (ix) a general
2 description or an estimate of the type, class, and number of
3 employees to be employed in the operation of the STAR bond
4 project.

5 "State sales tax" means all of the net revenue realized
6 under the Retailers' Occupation Tax Act, the Use Tax Act, the
7 Service Use Tax Act, and the Service Occupation Tax Act from
8 transactions at places of business located within a STAR bond
9 district, excluding that portion of the net revenue realized
10 under the Retailers' Occupation Tax Act, the Use Tax Act, the
11 Service Use Tax Act, and the Service Occupation Tax Act from
12 transactions at places of business located within a STAR bond
13 district that is deposited into the Local Government Tax Fund
14 and the County and Mass Transit District Fund.

15 "State sales tax increment" means (i) 100% of that portion
16 of the State sales tax that is in excess of the State sales tax
17 for the same month in the base year, as determined by the
18 Department of Revenue, from transactions at up to 2 destination
19 users, one destination hotel, and one entertainment user
20 located within a STAR bond district, which destination users,
21 destination hotel, and entertainment user shall be designated
22 by the master developer and approved by the political
23 subdivision and the Director in conjunction with the applicable
24 STAR bond project approval, and (ii) 25% of that portion of the
25 State sales tax that is in excess of the State sales tax for
26 the same month in the base year, as determined by the

1 Department of Revenue, from all other transactions within a
2 STAR bond district. If any portion of State sales taxes are, at
3 the time of formation of a STAR bond district, already subject
4 to tax increment financing under the Tax Increment Allocation
5 Redevelopment Act, then the State sales tax increment for such
6 portion shall be frozen at the base year established in
7 accordance with this Act, and all future incremental increases
8 shall be included in the State sales tax increment under this
9 Act. Any party otherwise entitled to receipt of incremental
10 State sales tax revenues through an existing tax increment
11 financing district shall be entitled to continue to receive
12 such revenues up to the amount frozen in the base year. Nothing
13 in this Act shall affect the prior qualification of existing
14 redevelopment project costs incurred that are eligible for
15 reimbursement under the Tax Increment Allocation Redevelopment
16 Act. In such event, prior to approving a STAR bond district,
17 the political subdivision forming the STAR bond district shall
18 take such action as is necessary, including amending the
19 existing tax increment financing district redevelopment plan,
20 to carry out the provisions of this Act.

21 "Substantial change" means a change wherein the proposed
22 STAR bond project plan differs substantially in size, scope, or
23 use from the approved STAR bond district plan or STAR bond
24 project plan.

25 "Taxpayer" means an individual, partnership, corporation,
26 limited liability company, trust, estate, or other entity that

1 is subject to the Illinois Income Tax Act.

2 "Total development costs" means the aggregate public and
3 private investment in a STAR bond district, including project
4 costs and other direct and indirect costs related to the
5 development of the STAR bond district.

6 "Traditional retail use" means the operation of a business
7 that derives at least 90% of its annual gross revenue from
8 sales at retail, as that phrase is defined by Section 1 of the
9 Retailers' Occupation Tax Act, but does not include the
10 operations of destination users, entertainment users,
11 restaurants, hotels, retail uses within hotels, or any other
12 non-retail uses.

13 "Vacant" means that portion of the land in a proposed STAR
14 bond district that is not occupied by a building, facility, or
15 other vertical improvement.

16 (Source: P.A. 99-642, eff. 7-28-16.)

17 (50 ILCS 470/31)

18 Sec. 31. STAR bond occupation taxes.

19 (a) If the corporate authorities of a political subdivision
20 have established a STAR bond district and have elected to
21 impose a tax by ordinance pursuant to subsection (b) or (c) of
22 this Section, each year after the date of the adoption of the
23 ordinance and until all STAR bond project costs and all
24 political subdivision obligations financing the STAR bond
25 project costs, if any, have been paid in accordance with the

1 STAR bond project plans, but in no event longer than the
2 maximum maturity date of the last of the STAR bonds issued for
3 projects in the STAR bond district, all amounts generated by
4 the retailers' occupation tax and service occupation tax shall
5 be collected and the tax shall be enforced by the Department of
6 Revenue in the same manner as all retailers' occupation taxes
7 and service occupation taxes imposed in the political
8 subdivision imposing the tax. The corporate authorities of the
9 political subdivision shall deposit the proceeds of the taxes
10 imposed under subsections (b) and (c) into either (i) a special
11 fund held by the corporate authorities of the political
12 subdivision called the STAR Bonds Tax Allocation Fund for the
13 purpose of paying STAR bond project costs and obligations
14 incurred in the payment of those costs if such taxes are
15 designated as pledged STAR revenues by resolution or ordinance
16 of the political subdivision or (ii) the political
17 subdivision's general corporate fund if such taxes are not
18 designated as pledged STAR revenues by resolution or ordinance.

19 The tax imposed under this Section by a municipality may be
20 imposed only on the portion of a STAR bond district that is
21 within the boundaries of the municipality. For any part of a
22 STAR bond district that lies outside of the boundaries of that
23 municipality, the municipality in which the other part of the
24 STAR bond district lies (or the county, in cases where a
25 portion of the STAR bond district lies in the unincorporated
26 area of a county) is authorized to impose the tax under this

1 Section on that part of the STAR bond district.

2 (b) The corporate authorities of a political subdivision
3 that has established a STAR bond district under this Act may,
4 by ordinance or resolution, impose a STAR Bond Retailers'
5 Occupation Tax upon all persons engaged in the business of
6 selling tangible personal property, other than an item of
7 tangible personal property titled or registered with an agency
8 of this State's government, at retail in the STAR bond district
9 at a rate not to exceed 1% of the gross receipts from the sales
10 made in the course of that business, to be imposed only in
11 0.25% increments. The tax may not be imposed on food for human
12 consumption that is to be consumed off the premises where it is
13 sold (other than alcoholic beverages, soft drinks, and food
14 that has been prepared for immediate consumption),
15 prescription and nonprescription medicines, drugs, medical
16 appliances, modifications to a motor vehicle for the purpose of
17 rendering it usable by a person with a disability, and insulin,
18 urine testing materials, syringes, and needles used by
19 diabetics, for human use. Beginning December 1, 2017, this tax
20 is not imposed on sales of aviation fuel unless the tax revenue
21 is expended for airport-related purposes. If the District does
22 not have an airport-related purpose to which aviation fuel tax
23 revenue is dedicated, then aviation fuel is excluded from the
24 tax. The municipality must comply with the certification
25 requirements for airport-related purposes under Section
26 8-11-22 of the Illinois Municipal Code. For purposes of this

1 Act, "airport-related purposes" has the meaning ascribed in
2 Section 6z-20.2 of the State Finance Act. This exclusion for
3 aviation fuel only applies for so long as the revenue use
4 requirements of 49 U.S.C. §47107(b) and 49 U.S.C. §47133 are
5 binding on the District.

6 The tax imposed under this subsection and all civil
7 penalties that may be assessed as an incident thereof shall be
8 collected and enforced by the Department of Revenue. The
9 certificate of registration that is issued by the Department to
10 a retailer under the Retailers' Occupation Tax Act shall permit
11 the retailer to engage in a business that is taxable under any
12 ordinance or resolution enacted pursuant to this subsection
13 without registering separately with the Department under such
14 ordinance or resolution or under this subsection. The
15 Department of Revenue shall have full power to administer and
16 enforce this subsection, to collect all taxes and penalties due
17 under this subsection in the manner hereinafter provided, and
18 to determine all rights to credit memoranda arising on account
19 of the erroneous payment of tax or penalty under this
20 subsection. In the administration of, and compliance with, this
21 subsection, the Department and persons who are subject to this
22 subsection shall have the same rights, remedies, privileges,
23 immunities, powers, and duties, and be subject to the same
24 conditions, restrictions, limitations, penalties, exclusions,
25 exemptions, and definitions of terms and employ the same modes
26 of procedure, as are prescribed in Sections 1, 1a through 1o, 2

1 through 2-65 (in respect to all provisions therein other than
2 the State rate of tax), 2c through 2h, 3 (except as to the
3 disposition of taxes and penalties collected, and except that
4 the retailer's discount is not allowed for taxes paid on
5 aviation fuel that are deposited into the Local Government
6 Aviation Trust Fund), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j,
7 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 12, 13, and 14 of the
8 Retailers' Occupation Tax Act and all provisions of the Uniform
9 Penalty and Interest Act, as fully as if those provisions were
10 set forth herein.

11 If a tax is imposed under this subsection (b), a tax shall
12 also be imposed under subsection (c) of this Section.

13 (c) If a tax has been imposed under subsection (b), a STAR
14 Bond Service Occupation Tax shall also be imposed upon all
15 persons engaged, in the STAR bond district, in the business of
16 making sales of service, who, as an incident to making those
17 sales of service, transfer tangible personal property within
18 the STAR bond district, either in the form of tangible personal
19 property or in the form of real estate as an incident to a sale
20 of service. The tax shall be imposed at the same rate as the
21 tax imposed in subsection (b) and shall not exceed 1% of the
22 selling price of tangible personal property so transferred
23 within the STAR bond district, to be imposed only in 0.25%
24 increments. The tax may not be imposed on food for human
25 consumption that is to be consumed off the premises where it is
26 sold (other than alcoholic beverages, soft drinks, and food

1 that has been prepared for immediate consumption),
2 prescription and nonprescription medicines, drugs, medical
3 appliances, modifications to a motor vehicle for the purpose of
4 rendering it usable by a person with a disability, and insulin,
5 urine testing materials, syringes, and needles used by
6 diabetics, for human use. Beginning December 1, 2017, this tax
7 is not imposed on sales of aviation fuel unless the tax revenue
8 is expended for airport-related purposes. If the District does
9 not have an airport-related purpose to which aviation fuel tax
10 revenue is dedicated, then aviation fuel is excluded from the
11 tax. The municipality must comply with the certification
12 requirements for airport-related purposes under Section
13 8-11-22 of the Illinois Municipal Code. For purposes of this
14 Act, "airport-related purposes" has the meaning ascribed in
15 Section 6z-20.2 of the State Finance Act. This exclusion for
16 aviation fuel only applies for so long as the revenue use
17 requirements of 49 U.S.C. §47107(b) and 49 U.S.C. §47133 are
18 binding on the District.

19 The tax imposed under this subsection and all civil
20 penalties that may be assessed as an incident thereof shall be
21 collected and enforced by the Department of Revenue. The
22 certificate of registration that is issued by the Department to
23 a retailer under the Retailers' Occupation Tax Act or under the
24 Service Occupation Tax Act shall permit the registrant to
25 engage in a business that is taxable under any ordinance or
26 resolution enacted pursuant to this subsection without

1 registering separately with the Department under that
2 ordinance or resolution or under this subsection. The
3 Department of Revenue shall have full power to administer and
4 enforce this subsection, to collect all taxes and penalties due
5 under this subsection, to dispose of taxes and penalties so
6 collected in the manner hereinafter provided, and to determine
7 all rights to credit memoranda arising on account of the
8 erroneous payment of tax or penalty under this subsection. In
9 the administration of, and compliance with this subsection, the
10 Department and persons who are subject to this subsection shall
11 have the same rights, remedies, privileges, immunities,
12 powers, and duties, and be subject to the same conditions,
13 restrictions, limitations, penalties, exclusions, exemptions,
14 and definitions of terms and employ the same modes of procedure
15 as are prescribed in Sections 2, 2a through 2d, 3 through 3-50
16 (in respect to all provisions therein other than the State rate
17 of tax), 4 (except that the reference to the State shall be to
18 the STAR bond district), 5, 7, 8 (except that the jurisdiction
19 to which the tax shall be a debt to the extent indicated in
20 that Section 8 shall be the political subdivision), 9 (except
21 as to the disposition of taxes and penalties collected, and
22 except that the returned merchandise credit for this tax may
23 not be taken against any State tax, and except that the
24 retailer's discount is not allowed for taxes paid on aviation
25 fuel that are deposited into the Local Government Aviation
26 Trust Fund), 10, 11, 12 (except the reference therein to

1 Section 2b of the Retailers' Occupation Tax Act), 13 (except
2 that any reference to the State shall mean the political
3 subdivision), the first paragraph of Section 15, and Sections
4 16, 17, 18, 19 and 20 of the Service Occupation Tax Act and all
5 provisions of the Uniform Penalty and Interest Act, as fully as
6 if those provisions were set forth herein.

7 If a tax is imposed under this subsection (c), a tax shall
8 also be imposed under subsection (b) of this Section.

9 (d) Persons subject to any tax imposed under this Section
10 may reimburse themselves for their seller's tax liability under
11 this Section by separately stating the tax as an additional
12 charge, which charge may be stated in combination, in a single
13 amount, with State taxes that sellers are required to collect
14 under the Use Tax Act, in accordance with such bracket
15 schedules as the Department may prescribe.

16 Whenever the Department determines that a refund should be
17 made under this Section to a claimant instead of issuing a
18 credit memorandum, the Department shall notify the State
19 Comptroller, who shall cause the order to be drawn for the
20 amount specified and to the person named in the notification
21 from the Department. The refund shall be paid by the State
22 Treasurer out of the STAR Bond Retailers' Occupation Tax Fund.

23 Except as otherwise provided in this paragraph, the ~~The~~
24 Department shall immediately pay over to the State Treasurer,
25 ex officio, as trustee, all taxes, penalties, and interest
26 collected under this Section for deposit into the STAR Bond

1 Retailers' Occupation Tax Fund. Taxes and penalties collected
2 on aviation fuel sold on or after December 1, 2017, shall be
3 immediately paid over by the Department to the State Treasurer,
4 ex officio, as trustee, for deposit into the Local Government
5 Aviation Trust Fund. The Department shall only pay moneys into
6 the State Aviation Program Fund under this Act for so long as
7 the revenue use requirements of 49 U.S.C. §47107(b) and 49
8 U.S.C. §47133 are binding on the District. On or before the
9 25th day of each calendar month, the Department shall prepare
10 and certify to the Comptroller the disbursement of stated sums
11 of money to named political subdivisions from the STAR Bond
12 Retailers' Occupation Tax Fund, the political subdivisions to
13 be those from which retailers have paid taxes or penalties
14 under this Section to the Department during the second
15 preceding calendar month. The amount to be paid to each
16 political subdivision shall be the amount (not including credit
17 memoranda and not including taxes and penalties collected on
18 aviation fuel sold on or after December 1, 2017) collected
19 under this Section during the second preceding calendar month
20 by the Department plus an amount the Department determines is
21 necessary to offset any amounts that were erroneously paid to a
22 different taxing body, and not including an amount equal to the
23 amount of refunds made during the second preceding calendar
24 month by the Department, less 3% of that amount, which shall be
25 deposited into the Tax Compliance and Administration Fund and
26 shall be used by the Department, subject to appropriation, to

1 cover the costs of the Department in administering and
2 enforcing the provisions of this Section, on behalf of such
3 political subdivision, and not including any amount that the
4 Department determines is necessary to offset any amounts that
5 were payable to a different taxing body but were erroneously
6 paid to the political subdivision. Within 10 days after receipt
7 by the Comptroller of the disbursement certification to the
8 political subdivisions provided for in this Section to be given
9 to the Comptroller by the Department, the Comptroller shall
10 cause the orders to be drawn for the respective amounts in
11 accordance with the directions contained in the certification.
12 The proceeds of the tax paid to political subdivisions under
13 this Section shall be deposited into either (i) the STAR Bonds
14 Tax Allocation Fund by the political subdivision if the
15 political subdivision has designated them as pledged STAR
16 revenues by resolution or ordinance or (ii) the political
17 subdivision's general corporate fund if the political
18 subdivision has not designated them as pledged STAR revenues.

19 An ordinance or resolution imposing or discontinuing the
20 tax under this Section or effecting a change in the rate
21 thereof shall either (i) be adopted and a certified copy
22 thereof filed with the Department on or before the first day of
23 April, whereupon the Department, if all other requirements of
24 this Section are met, shall proceed to administer and enforce
25 this Section as of the first day of July next following the
26 adoption and filing; or (ii) be adopted and a certified copy

1 thereof filed with the Department on or before the first day of
2 October, whereupon, if all other requirements of this Section
3 are met, the Department shall proceed to administer and enforce
4 this Section as of the first day of January next following the
5 adoption and filing.

6 The Department of Revenue shall not administer or enforce
7 an ordinance imposing, discontinuing, or changing the rate of
8 the tax under this Section until the political subdivision also
9 provides, in the manner prescribed by the Department, the
10 boundaries of the STAR bond district and each address in the
11 STAR bond district in such a way that the Department can
12 determine by its address whether a business is located in the
13 STAR bond district. The political subdivision must provide this
14 boundary and address information to the Department on or before
15 April 1 for administration and enforcement of the tax under
16 this Section by the Department beginning on the following July
17 1 and on or before October 1 for administration and enforcement
18 of the tax under this Section by the Department beginning on
19 the following January 1. The Department of Revenue shall not
20 administer or enforce any change made to the boundaries of a
21 STAR bond district or any address change, addition, or deletion
22 until the political subdivision reports the boundary change or
23 address change, addition, or deletion to the Department in the
24 manner prescribed by the Department. The political subdivision
25 must provide this boundary change or address change, addition,
26 or deletion information to the Department on or before April 1

1 for administration and enforcement by the Department of the
2 change, addition, or deletion beginning on the following July 1
3 and on or before October 1 for administration and enforcement
4 by the Department of the change, addition, or deletion
5 beginning on the following January 1. The retailers in the STAR
6 bond district shall be responsible for charging the tax imposed
7 under this Section. If a retailer is incorrectly included or
8 excluded from the list of those required to collect the tax
9 under this Section, both the Department of Revenue and the
10 retailer shall be held harmless if they reasonably relied on
11 information provided by the political subdivision.

12 A political subdivision that imposes the tax under this
13 Section must submit to the Department of Revenue any other
14 information as the Department may require that is necessary for
15 the administration and enforcement of the tax.

16 When certifying the amount of a monthly disbursement to a
17 political subdivision under this Section, the Department shall
18 increase or decrease the amount by an amount necessary to
19 offset any misallocation of previous disbursements. The offset
20 amount shall be the amount erroneously disbursed within the
21 previous 6 months from the time a misallocation is discovered.

22 Nothing in this Section shall be construed to authorize the
23 political subdivision to impose a tax upon the privilege of
24 engaging in any business which under the Constitution of the
25 United States may not be made the subject of taxation by this
26 State.

1 (e) When STAR bond project costs, including, without
2 limitation, all political subdivision obligations financing
3 STAR bond project costs, have been paid, any surplus funds then
4 remaining in the STAR Bonds Tax Allocation Fund shall be
5 distributed to the treasurer of the political subdivision for
6 deposit into the political subdivision's general corporate
7 fund. Upon payment of all STAR bond project costs and
8 retirement of obligations, but in no event later than the
9 maximum maturity date of the last of the STAR bonds issued in
10 the STAR bond district, the political subdivision shall adopt
11 an ordinance immediately rescinding the taxes imposed pursuant
12 to this Section and file a certified copy of the ordinance with
13 the Department in the form and manner as described in this
14 Section.

15 (Source: P.A. 99-143, eff. 7-27-15.)

16 Section 40. The Counties Code is amended by changing
17 Sections 5-1006, 5-1006.5, 5-1006.7, 5-1007, 5-1008.5, 5-1009,
18 and 5-1035.1 and by adding Section 5-1184 as follows:

19 (55 ILCS 5/5-1006) (from Ch. 34, par. 5-1006)

20 Sec. 5-1006. Home Rule County Retailers' Occupation Tax
21 Law. Any county that is a home rule unit may impose a tax upon
22 all persons engaged in the business of selling tangible
23 personal property, other than an item of tangible personal
24 property titled or registered with an agency of this State's

1 government, at retail in the county on the gross receipts from
2 such sales made in the course of their business. If imposed,
3 this tax shall only be imposed in 1/4% increments. On and after
4 September 1, 1991, this additional tax may not be imposed on
5 the sales of food for human consumption which is to be consumed
6 off the premises where it is sold (other than alcoholic
7 beverages, soft drinks and food which has been prepared for
8 immediate consumption) and prescription and nonprescription
9 medicines, drugs, medical appliances and insulin, urine
10 testing materials, syringes and needles used by diabetics.
11 Beginning December 1, 2017, this tax is not imposed on sales of
12 aviation fuel unless the tax revenue is expended for
13 airport-related purposes. If the County does not have an
14 airport-related purpose to which it dedicates aviation fuel tax
15 revenue, then aviation fuel is excluded from the tax. The
16 County must comply with the certification requirements for
17 airport-related purposes under Section 5-1184. For purposes of
18 this Act, "airport-related purposes" has the meaning ascribed
19 in Section 6z-20.2 of the State Finance Act. This exclusion for
20 aviation fuel only applies for so long as the revenue use
21 requirements of 49 U.S.C. §47107(b) and 49 U.S.C. §47133 are
22 binding on the County. The changes made to this Section by this
23 amendatory Act of the 100th General Assembly are a denial and
24 limitation of home rule powers and functions under subsection
25 (g) of Section 6 of Article VII of the Illinois Constitution.
26 The tax imposed by a home rule county pursuant to this Section

1 and all civil penalties that may be assessed as an incident
2 thereof shall be collected and enforced by the State Department
3 of Revenue. The certificate of registration that is issued by
4 the Department to a retailer under the Retailers' Occupation
5 Tax Act shall permit the retailer to engage in a business that
6 is taxable under any ordinance or resolution enacted pursuant
7 to this Section without registering separately with the
8 Department under such ordinance or resolution or under this
9 Section. The Department shall have full power to administer and
10 enforce this Section; to collect all taxes and penalties due
11 hereunder; to dispose of taxes and penalties so collected in
12 the manner hereinafter provided; and to determine all rights to
13 credit memoranda arising on account of the erroneous payment of
14 tax or penalty hereunder. In the administration of, and
15 compliance with, this Section, the Department and persons who
16 are subject to this Section shall have the same rights,
17 remedies, privileges, immunities, powers and duties, and be
18 subject to the same conditions, restrictions, limitations,
19 penalties and definitions of terms, and employ the same modes
20 of procedure, as are prescribed in Sections 1, 1a, 1a-1, 1d,
21 1e, 1f, 1i, 1j, 1k, 1m, 1n, 2 through 2-65 (in respect to all
22 provisions therein other than the State rate of tax), 4, 5, 5a,
23 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d,
24 7, 8, 9, 10, 11, 12 and 13 of the Retailers' Occupation Tax Act
25 and Section 3-7 of the Uniform Penalty and Interest Act, as
26 fully as if those provisions were set forth herein.

1 No tax may be imposed by a home rule county pursuant to
2 this Section unless the county also imposes a tax at the same
3 rate pursuant to Section 5-1007.

4 Persons subject to any tax imposed pursuant to the
5 authority granted in this Section may reimburse themselves for
6 their seller's tax liability hereunder by separately stating
7 such tax as an additional charge, which charge may be stated in
8 combination, in a single amount, with State tax which sellers
9 are required to collect under the Use Tax Act, pursuant to such
10 bracket schedules as the Department may prescribe.

11 Whenever the Department determines that a refund should be
12 made under this Section to a claimant instead of issuing a
13 credit memorandum, the Department shall notify the State
14 Comptroller, who shall cause the order to be drawn for the
15 amount specified and to the person named in the notification
16 from the Department. The refund shall be paid by the State
17 Treasurer out of the home rule county retailers' occupation tax
18 fund.

19 Except as otherwise provided in this paragraph, the ~~The~~
20 Department shall forthwith pay over to the State Treasurer, ex
21 officio, as trustee, all taxes and penalties collected
22 hereunder for deposit into the Home Rule County Retailers'
23 Occupation Tax Fund. Taxes and penalties collected on aviation
24 fuel sold on or after December 1, 2017, shall be immediately
25 paid over by the Department to the State Treasurer, ex officio,
26 as trustee, for deposit into the Local Government Aviation

1 Trust Fund. The Department shall only pay moneys into the Local
2 Government Aviation Trust Fund under this Act for so long as
3 the revenue use requirements of 49 U.S.C. §47107(b) and 49
4 U.S.C. §47133 are binding on the County..

5 As soon as possible after the first day of each month,
6 beginning January 1, 2011, upon certification of the Department
7 of Revenue, the Comptroller shall order transferred, and the
8 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
9 local sales tax increment, as defined in the Innovation
10 Development and Economy Act, collected under this Section
11 during the second preceding calendar month for sales within a
12 STAR bond district.

13 After the monthly transfer to the STAR Bonds Revenue Fund,
14 on or before the 25th day of each calendar month, the
15 Department shall prepare and certify to the Comptroller the
16 disbursement of stated sums of money to named counties, the
17 counties to be those from which retailers have paid taxes or
18 penalties hereunder to the Department during the second
19 preceding calendar month. The amount to be paid to each county
20 shall be the amount (not including credit memoranda and not
21 including taxes and penalties collected on aviation fuel sold
22 on or after December 1, 2017) collected hereunder during the
23 second preceding calendar month by the Department plus an
24 amount the Department determines is necessary to offset any
25 amounts that were erroneously paid to a different taxing body,
26 and not including an amount equal to the amount of refunds made

1 during the second preceding calendar month by the Department on
2 behalf of such county, and not including any amount which the
3 Department determines is necessary to offset any amounts which
4 were payable to a different taxing body but were erroneously
5 paid to the county, and not including any amounts that are
6 transferred to the STAR Bonds Revenue Fund. Within 10 days
7 after receipt, by the Comptroller, of the disbursement
8 certification to the counties provided for in this Section to
9 be given to the Comptroller by the Department, the Comptroller
10 shall cause the orders to be drawn for the respective amounts
11 in accordance with the directions contained in the
12 certification.

13 In addition to the disbursement required by the preceding
14 paragraph, an allocation shall be made in March of each year to
15 each county that received more than \$500,000 in disbursements
16 under the preceding paragraph in the preceding calendar year.
17 The allocation shall be in an amount equal to the average
18 monthly distribution made to each such county under the
19 preceding paragraph during the preceding calendar year
20 (excluding the 2 months of highest receipts). The distribution
21 made in March of each year subsequent to the year in which an
22 allocation was made pursuant to this paragraph and the
23 preceding paragraph shall be reduced by the amount allocated
24 and disbursed under this paragraph in the preceding calendar
25 year. The Department shall prepare and certify to the
26 Comptroller for disbursement the allocations made in

1 accordance with this paragraph.

2 For the purpose of determining the local governmental unit
3 whose tax is applicable, a retail sale by a producer of coal or
4 other mineral mined in Illinois is a sale at retail at the
5 place where the coal or other mineral mined in Illinois is
6 extracted from the earth. This paragraph does not apply to coal
7 or other mineral when it is delivered or shipped by the seller
8 to the purchaser at a point outside Illinois so that the sale
9 is exempt under the United States Constitution as a sale in
10 interstate or foreign commerce.

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

15 An ordinance or resolution imposing or discontinuing a tax
16 hereunder or effecting a change in the rate thereof shall be
17 adopted and a certified copy thereof filed with the Department
18 on or before the first day of June, whereupon the Department
19 shall proceed to administer and enforce this Section as of the
20 first day of September next following such adoption and filing.
21 Beginning January 1, 1992, an ordinance or resolution imposing
22 or discontinuing the tax hereunder or effecting a change in the
23 rate thereof shall be adopted and a certified copy thereof
24 filed with the Department on or before the first day of July,
25 whereupon the Department shall proceed to administer and
26 enforce this Section as of the first day of October next

1 following such adoption and filing. Beginning January 1, 1993,
2 an ordinance or resolution imposing or discontinuing the tax
3 hereunder or effecting a change in the rate thereof shall be
4 adopted and a certified copy thereof filed with the Department
5 on or before the first day of October, whereupon the Department
6 shall proceed to administer and enforce this Section as of the
7 first day of January next following such adoption and filing.
8 Beginning April 1, 1998, an ordinance or resolution imposing or
9 discontinuing the tax hereunder or effecting a change in the
10 rate thereof shall either (i) be adopted and a certified copy
11 thereof filed with the Department on or before the first day of
12 April, whereupon the Department shall proceed to administer and
13 enforce this Section as of the first day of July next following
14 the adoption and filing; or (ii) be adopted and a certified
15 copy thereof filed with the Department on or before the first
16 day of October, whereupon the Department shall proceed to
17 administer and enforce this Section as of the first day of
18 January next following the adoption and filing.

19 When certifying the amount of a monthly disbursement to a
20 county under this Section, the Department shall increase or
21 decrease such amount by an amount necessary to offset any
22 misallocation of previous disbursements. The offset amount
23 shall be the amount erroneously disbursed within the previous 6
24 months from the time a misallocation is discovered.

25 This Section shall be known and may be cited as the Home
26 Rule County Retailers' Occupation Tax Law.

1 (Source: P.A. 99-217, eff. 7-31-15.)

2 (55 ILCS 5/5-1006.5)

3 Sec. 5-1006.5. Special County Retailers' Occupation Tax
4 For Public Safety, Public Facilities, or Transportation.

5 (a) The county board of any county may impose a tax upon
6 all persons engaged in the business of selling tangible
7 personal property, other than personal property titled or
8 registered with an agency of this State's government, at retail
9 in the county on the gross receipts from the sales made in the
10 course of business to provide revenue to be used exclusively
11 for public safety, public facility, or transportation purposes
12 in that county (except as otherwise provided in this Section),
13 if a proposition for the tax has been submitted to the electors
14 of that county and approved by a majority of those voting on
15 the question. If imposed, this tax shall be imposed only in
16 one-quarter percent increments. By resolution, the county
17 board may order the proposition to be submitted at any
18 election. If the tax is imposed for transportation purposes for
19 expenditures for public highways or as authorized under the
20 Illinois Highway Code, the county board must publish notice of
21 the existence of its long-range highway transportation plan as
22 required or described in Section 5-301 of the Illinois Highway
23 Code and must make the plan publicly available prior to
24 approval of the ordinance or resolution imposing the tax. If
25 the tax is imposed for transportation purposes for expenditures

1 for passenger rail transportation, the county board must
2 publish notice of the existence of its long-range passenger
3 rail transportation plan and must make the plan publicly
4 available prior to approval of the ordinance or resolution
5 imposing the tax.

6 If a tax is imposed for public facilities purposes, then
7 the name of the project may be included in the proposition at
8 the discretion of the county board as determined in the
9 enabling resolution. For example, the "XXX Nursing Home" or the
10 "YYY Museum".

11 The county clerk shall certify the question to the proper
12 election authority, who shall submit the proposition at an
13 election in accordance with the general election law.

14 (1) The proposition for public safety purposes shall be
15 in substantially the following form:

16 "To pay for public safety purposes, shall (name of
17 county) be authorized to impose an increase on its share of
18 local sales taxes by (insert rate)?"

19 As additional information on the ballot below the
20 question shall appear the following:

21 "This would mean that a consumer would pay an
22 additional (insert amount) in sales tax for every \$100 of
23 tangible personal property bought at retail."

24 The county board may also opt to establish a sunset
25 provision at which time the additional sales tax would
26 cease being collected, if not terminated earlier by a vote

1 of the county board. If the county board votes to include a
2 sunset provision, the proposition for public safety
3 purposes shall be in substantially the following form:

4 "To pay for public safety purposes, shall (name of
5 county) be authorized to impose an increase on its share of
6 local sales taxes by (insert rate) for a period not to
7 exceed (insert number of years)?"

8 As additional information on the ballot below the
9 question shall appear the following:

10 "This would mean that a consumer would pay an
11 additional (insert amount) in sales tax for every \$100 of
12 tangible personal property bought at retail. If imposed,
13 the additional tax would cease being collected at the end
14 of (insert number of years), if not terminated earlier by a
15 vote of the county board."

16 For the purposes of the paragraph, "public safety
17 purposes" means crime prevention, detention, fire
18 fighting, police, medical, ambulance, or other emergency
19 services.

20 Votes shall be recorded as "Yes" or "No".

21 Beginning on the January 1 or July 1, whichever is
22 first, that occurs not less than 30 days after May 31, 2015
23 (the effective date of Public Act 99-4), Adams County may
24 impose a public safety retailers' occupation tax and
25 service occupation tax at the rate of 0.25%, as provided in
26 the referendum approved by the voters on April 7, 2015,

1 notwithstanding the omission of the additional information
2 that is otherwise required to be printed on the ballot
3 below the question pursuant to this item (1).

4 (2) The proposition for transportation purposes shall
5 be in substantially the following form:

6 "To pay for improvements to roads and other
7 transportation purposes, shall (name of county) be
8 authorized to impose an increase on its share of local
9 sales taxes by (insert rate)?"

10 As additional information on the ballot below the
11 question shall appear the following:

12 "This would mean that a consumer would pay an
13 additional (insert amount) in sales tax for every \$100 of
14 tangible personal property bought at retail."

15 The county board may also opt to establish a sunset
16 provision at which time the additional sales tax would
17 cease being collected, if not terminated earlier by a vote
18 of the county board. If the county board votes to include a
19 sunset provision, the proposition for transportation
20 purposes shall be in substantially the following form:

21 "To pay for road improvements and other transportation
22 purposes, shall (name of county) be authorized to impose an
23 increase on its share of local sales taxes by (insert rate)
24 for a period not to exceed (insert number of years)?"

25 As additional information on the ballot below the
26 question shall appear the following:

1 "This would mean that a consumer would pay an
2 additional (insert amount) in sales tax for every \$100 of
3 tangible personal property bought at retail. If imposed,
4 the additional tax would cease being collected at the end
5 of (insert number of years), if not terminated earlier by a
6 vote of the county board."

7 For the purposes of this paragraph, transportation
8 purposes means construction, maintenance, operation, and
9 improvement of public highways, any other purpose for which
10 a county may expend funds under the Illinois Highway Code,
11 and passenger rail transportation.

12 The votes shall be recorded as "Yes" or "No".

13 (3) The proposition for public facilities purposes
14 shall be in substantially the following form:

15 "To pay for public facilities purposes, shall (name of
16 county) be authorized to impose an increase on its share of
17 local sales taxes by (insert rate)?"

18 As additional information on the ballot below the
19 question shall appear the following:

20 "This would mean that a consumer would pay an
21 additional (insert amount) in sales tax for every \$100 of
22 tangible personal property bought at retail."

23 The county board may also opt to establish a sunset
24 provision at which time the additional sales tax would
25 cease being collected, if not terminated earlier by a vote
26 of the county board. If the county board votes to include a

1 sunset provision, the proposition for public facilities
2 purposes shall be in substantially the following form:

3 "To pay for public facilities purposes, shall (name of
4 county) be authorized to impose an increase on its share of
5 local sales taxes by (insert rate) for a period not to
6 exceed (insert number of years)?"

7 As additional information on the ballot below the
8 question shall appear the following:

9 "This would mean that a consumer would pay an
10 additional (insert amount) in sales tax for every \$100 of
11 tangible personal property bought at retail. If imposed,
12 the additional tax would cease being collected at the end
13 of (insert number of years), if not terminated earlier by a
14 vote of the county board."

15 For purposes of this Section, "public facilities
16 purposes" means the acquisition, development,
17 construction, reconstruction, rehabilitation, improvement,
18 financing, architectural planning, and installation of
19 capital facilities consisting of buildings, structures,
20 and durable equipment and for the acquisition and
21 improvement of real property and interest in real property
22 required, or expected to be required, in connection with
23 the public facilities, for use by the county for the
24 furnishing of governmental services to its citizens,
25 including but not limited to museums and nursing homes.

26 The votes shall be recorded as "Yes" or "No".

1 If a majority of the electors voting on the proposition
2 vote in favor of it, the county may impose the tax. A county
3 may not submit more than one proposition authorized by this
4 Section to the electors at any one time.

5 This additional tax may not be imposed on the sales of food
6 for human consumption that is to be consumed off the premises
7 where it is sold (other than alcoholic beverages, soft drinks,
8 and food which has been prepared for immediate consumption) and
9 prescription and non-prescription medicines, drugs, medical
10 appliances and insulin, urine testing materials, syringes, and
11 needles used by diabetics. Beginning December 1, 2017, this tax
12 is not imposed on sales of aviation fuel unless the tax revenue
13 is expended for airport-related purposes. If the County does
14 not have an airport-related purpose to which it dedicates
15 aviation fuel tax revenue, then aviation fuel is excluded from
16 the tax. The County must comply with the certification
17 requirements for airport-related purposes under Section
18 5-1184. For purposes of this Act, "airport-related purposes"
19 has the meaning ascribed in Section 6z-20.2 of the State
20 Finance Act. This exclusion for aviation fuel only applies for
21 so long as the revenue use requirements of 49 U.S.C. §47107(b)
22 and 49 U.S.C. §47133 are binding on the County. The tax imposed
23 by a county under this Section and all civil penalties that may
24 be assessed as an incident of the tax shall be collected and
25 enforced by the Illinois Department of Revenue and deposited
26 into a special fund created for that purpose. The certificate

1 of registration that is issued by the Department to a retailer
2 under the Retailers' Occupation Tax Act shall permit the
3 retailer to engage in a business that is taxable without
4 registering separately with the Department under an ordinance
5 or resolution under this Section. The Department has full power
6 to administer and enforce this Section, to collect all taxes
7 and penalties due under this Section, to dispose of taxes and
8 penalties so collected in the manner provided in this Section,
9 and to determine all rights to credit memoranda arising on
10 account of the erroneous payment of a tax or penalty under this
11 Section. In the administration of and compliance with this
12 Section, the Department and persons who are subject to this
13 Section shall (i) have the same rights, remedies, privileges,
14 immunities, powers, and duties, (ii) be subject to the same
15 conditions, restrictions, limitations, penalties, and
16 definitions of terms, and (iii) employ the same modes of
17 procedure as are prescribed in Sections 1, 1a, 1a-1, 1d, 1e,
18 1f, 1i, 1j, 1k, 1m, 1n, 2 through 2-70 (in respect to all
19 provisions contained in those Sections other than the State
20 rate of tax), 2a, 2b, 2c, 3 (except provisions relating to
21 transaction returns and quarter monthly payments, and except
22 that the retailer's discount is not allowed for taxes paid on
23 aviation fuel that are deposited into the Local Government
24 Aviation Trust Fund), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i,
25 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 11a, 12, and 13
26 of the Retailers' Occupation Tax Act and Section 3-7 of the

1 Uniform Penalty and Interest Act as if those provisions were
2 set forth in this Section.

3 Persons subject to any tax imposed under the authority
4 granted in this Section may reimburse themselves for their
5 sellers' tax liability by separately stating the tax as an
6 additional charge, which charge may be stated in combination,
7 in a single amount, with State tax which sellers are required
8 to collect under the Use Tax Act, pursuant to such bracketed
9 schedules as the Department may prescribe.

10 Whenever the Department determines that a refund should be
11 made under this Section to a claimant instead of issuing a
12 credit memorandum, the Department shall notify the State
13 Comptroller, who shall cause the order to be drawn for the
14 amount specified and to the person named in the notification
15 from the Department. The refund shall be paid by the State
16 Treasurer out of the County Public Safety or Transportation
17 Retailers' Occupation Tax Fund.

18 (b) If a tax has been imposed under subsection (a), a
19 service occupation tax shall also be imposed at the same rate
20 upon all persons engaged, in the county, in the business of
21 making sales of service, who, as an incident to making those
22 sales of service, transfer tangible personal property within
23 the county as an incident to a sale of service. This tax may
24 not be imposed on sales of food for human consumption that is
25 to be consumed off the premises where it is sold (other than
26 alcoholic beverages, soft drinks, and food prepared for

1 immediate consumption) and prescription and non-prescription
2 medicines, drugs, medical appliances and insulin, urine
3 testing materials, syringes, and needles used by diabetics.
4 Beginning December 1, 2017, this tax is not imposed on sales of
5 aviation fuel unless the tax revenue is expended for
6 airport-related purposes. If the County does not have an
7 airport-related purpose to which it dedicates aviation fuel tax
8 revenue, then aviation fuel is excluded from the tax. The
9 County must comply with the certification requirements for
10 airport-related purposes under Section 5-1184. For purposes of
11 this Act, "airport-related purposes" has the meaning ascribed
12 in Section 6z-20.2 of the State Finance Act. This exclusion for
13 aviation fuel only applies for so long as the revenue use
14 requirements of 49 U.S.C. §47107(b) and 49 U.S.C. §47133 are
15 binding on the County. The tax imposed under this subsection
16 and all civil penalties that may be assessed as an incident
17 thereof shall be collected and enforced by the Department of
18 Revenue. The Department has full power to administer and
19 enforce this subsection; to collect all taxes and penalties due
20 hereunder; to dispose of taxes and penalties so collected in
21 the manner hereinafter provided; and to determine all rights to
22 credit memoranda arising on account of the erroneous payment of
23 tax or penalty hereunder. In the administration of, and
24 compliance with this subsection, the Department and persons who
25 are subject to this paragraph shall (i) have the same rights,
26 remedies, privileges, immunities, powers, and duties, (ii) be

1 subject to the same conditions, restrictions, limitations,
2 penalties, exclusions, exemptions, and definitions of terms,
3 and (iii) employ the same modes of procedure as are prescribed
4 in Sections 2 (except that the reference to State in the
5 definition of supplier maintaining a place of business in this
6 State shall mean the county), 2a, 2b, 2c, 3 through 3-50 (in
7 respect to all provisions therein other than the State rate of
8 tax), 4 (except that the reference to the State shall be to the
9 county), 5, 7, 8 (except that the jurisdiction to which the tax
10 shall be a debt to the extent indicated in that Section 8 shall
11 be the county), 9 (except as to the disposition of taxes and
12 penalties collected, and except that the retailer's discount is
13 not allowed for taxes paid on aviation fuel that are deposited
14 into the Local Government Aviation Trust Fund), 10, 11, 12
15 (except the reference therein to Section 2b of the Retailers'
16 Occupation Tax Act), 13 (except that any reference to the State
17 shall mean the county), Section 15, 16, 17, 18, 19 and 20 of
18 the Service Occupation Tax Act and Section 3-7 of the Uniform
19 Penalty and Interest Act, as fully as if those provisions were
20 set forth herein.

21 Persons subject to any tax imposed under the authority
22 granted in this subsection may reimburse themselves for their
23 serviceman's tax liability by separately stating the tax as an
24 additional charge, which charge may be stated in combination,
25 in a single amount, with State tax that servicemen are
26 authorized to collect under the Service Use Tax Act, in

1 accordance with such bracket schedules as the Department may
2 prescribe.

3 Whenever the Department determines that a refund should be
4 made under this subsection to a claimant instead of issuing a
5 credit memorandum, the Department shall notify the State
6 Comptroller, who shall cause the warrant to be drawn for the
7 amount specified, and to the person named, in the notification
8 from the Department. The refund shall be paid by the State
9 Treasurer out of the County Public Safety or Transportation
10 Retailers' Occupation Fund.

11 Nothing in this subsection shall be construed to authorize
12 the county to impose a tax upon the privilege of engaging in
13 any business which under the Constitution of the United States
14 may not be made the subject of taxation by the State.

15 (c) Except as otherwise provided in this paragraph, the ~~The~~
16 Department shall immediately pay over to the State Treasurer,
17 ex officio, as trustee, all taxes and penalties collected under
18 this Section to be deposited into the County Public Safety or
19 Transportation Retailers' Occupation Tax Fund, which shall be
20 an unappropriated trust fund held outside of the State
21 treasury. Taxes and penalties collected on aviation fuel sold
22 on or after December 1, 2017, shall be immediately paid over by
23 the Department to the State Treasurer, ex officio, as trustee,
24 for deposit into the Local Government Aviation Trust Fund. The
25 Department shall only pay moneys into the Local Government
26 Aviation Trust Fund under this Act for so long as the revenue

1 use requirements of 49 U.S.C. §47107(b) and 49 U.S.C. §47133
2 are binding on the County.

3 As soon as possible after the first day of each month,
4 beginning January 1, 2011, upon certification of the Department
5 of Revenue, the Comptroller shall order transferred, and the
6 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
7 local sales tax increment, as defined in the Innovation
8 Development and Economy Act, collected under this Section
9 during the second preceding calendar month for sales within a
10 STAR bond district.

11 After the monthly transfer to the STAR Bonds Revenue Fund,
12 on or before the 25th day of each calendar month, the
13 Department shall prepare and certify to the Comptroller the
14 disbursement of stated sums of money to the counties from which
15 retailers have paid taxes or penalties to the Department during
16 the second preceding calendar month. The amount to be paid to
17 each county, and deposited by the county into its special fund
18 created for the purposes of this Section, shall be the amount
19 (not including credit memoranda and not including taxes and
20 penalties collected on aviation fuel sold on or after December
21 1, 2017) collected under this Section during the second
22 preceding calendar month by the Department plus an amount the
23 Department determines is necessary to offset any amounts that
24 were erroneously paid to a different taxing body, and not
25 including (i) an amount equal to the amount of refunds made
26 during the second preceding calendar month by the Department on

1 behalf of the county, (ii) any amount that the Department
2 determines is necessary to offset any amounts that were payable
3 to a different taxing body but were erroneously paid to the
4 county, and (iii) any amounts that are transferred to the STAR
5 Bonds Revenue Fund. Within 10 days after receipt by the
6 Comptroller of the disbursement certification to the counties
7 provided for in this Section to be given to the Comptroller by
8 the Department, the Comptroller shall cause the orders to be
9 drawn for the respective amounts in accordance with directions
10 contained in the certification.

11 In addition to the disbursement required by the preceding
12 paragraph, an allocation shall be made in March of each year to
13 each county that received more than \$500,000 in disbursements
14 under the preceding paragraph in the preceding calendar year.
15 The allocation shall be in an amount equal to the average
16 monthly distribution made to each such county under the
17 preceding paragraph during the preceding calendar year
18 (excluding the 2 months of highest receipts). The distribution
19 made in March of each year subsequent to the year in which an
20 allocation was made pursuant to this paragraph and the
21 preceding paragraph shall be reduced by the amount allocated
22 and disbursed under this paragraph in the preceding calendar
23 year. The Department shall prepare and certify to the
24 Comptroller for disbursement the allocations made in
25 accordance with this paragraph.

26 A county may direct, by ordinance, that all or a portion of

1 the taxes and penalties collected under the Special County
2 Retailers' Occupation Tax For Public Safety or Transportation
3 be deposited into the Transportation Development Partnership
4 Trust Fund.

5 (d) For the purpose of determining the local governmental
6 unit whose tax is applicable, a retail sale by a producer of
7 coal or another mineral mined in Illinois is a sale at retail
8 at the place where the coal or other mineral mined in Illinois
9 is extracted from the earth. This paragraph does not apply to
10 coal or another mineral when it is delivered or shipped by the
11 seller to the purchaser at a point outside Illinois so that the
12 sale is exempt under the United States Constitution as a sale
13 in interstate or foreign commerce.

14 (e) Nothing in this Section shall be construed to authorize
15 a county to impose a tax upon the privilege of engaging in any
16 business that under the Constitution of the United States may
17 not be made the subject of taxation by this State.

18 (e-5) If a county imposes a tax under this Section, the
19 county board may, by ordinance, discontinue or lower the rate
20 of the tax. If the county board lowers the tax rate or
21 discontinues the tax, a referendum must be held in accordance
22 with subsection (a) of this Section in order to increase the
23 rate of the tax or to reimpose the discontinued tax.

24 (f) Beginning April 1, 1998 and through December 31, 2013,
25 the results of any election authorizing a proposition to impose
26 a tax under this Section or effecting a change in the rate of

1 tax, or any ordinance lowering the rate or discontinuing the
2 tax, shall be certified by the county clerk and filed with the
3 Illinois Department of Revenue either (i) on or before the
4 first day of April, whereupon the Department shall proceed to
5 administer and enforce the tax as of the first day of July next
6 following the filing; or (ii) on or before the first day of
7 October, whereupon the Department shall proceed to administer
8 and enforce the tax as of the first day of January next
9 following the filing.

10 Beginning January 1, 2014, the results of any election
11 authorizing a proposition to impose a tax under this Section or
12 effecting an increase in the rate of tax, along with the
13 ordinance adopted to impose the tax or increase the rate of the
14 tax, or any ordinance adopted to lower the rate or discontinue
15 the tax, shall be certified by the county clerk and filed with
16 the Illinois Department of Revenue either (i) on or before the
17 first day of May, whereupon the Department shall proceed to
18 administer and enforce the tax as of the first day of July next
19 following the adoption and filing; or (ii) on or before the
20 first day of October, whereupon the Department shall proceed to
21 administer and enforce the tax as of the first day of January
22 next following the adoption and filing.

23 (g) When certifying the amount of a monthly disbursement to
24 a county under this Section, the Department shall increase or
25 decrease the amounts by an amount necessary to offset any
26 miscalculation of previous disbursements. The offset amount

1 shall be the amount erroneously disbursed within the previous 6
2 months from the time a miscalculation is discovered.

3 (h) This Section may be cited as the "Special County
4 Occupation Tax For Public Safety, Public Facilities, or
5 Transportation Law".

6 (i) For purposes of this Section, "public safety" includes,
7 but is not limited to, crime prevention, detention, fire
8 fighting, police, medical, ambulance, or other emergency
9 services. The county may share tax proceeds received under this
10 Section for public safety purposes, including proceeds
11 received before August 4, 2009 (the effective date of Public
12 Act 96-124), with any fire protection district located in the
13 county. For the purposes of this Section, "transportation"
14 includes, but is not limited to, the construction, maintenance,
15 operation, and improvement of public highways, any other
16 purpose for which a county may expend funds under the Illinois
17 Highway Code, and passenger rail transportation. For the
18 purposes of this Section, "public facilities purposes"
19 includes, but is not limited to, the acquisition, development,
20 construction, reconstruction, rehabilitation, improvement,
21 financing, architectural planning, and installation of capital
22 facilities consisting of buildings, structures, and durable
23 equipment and for the acquisition and improvement of real
24 property and interest in real property required, or expected to
25 be required, in connection with the public facilities, for use
26 by the county for the furnishing of governmental services to

1 its citizens, including but not limited to museums and nursing
2 homes.

3 (j) The Department may promulgate rules to implement Public
4 Act 95-1002 only to the extent necessary to apply the existing
5 rules for the Special County Retailers' Occupation Tax for
6 Public Safety to this new purpose for public facilities.

7 (Source: P.A. 98-584, eff. 8-27-13; 99-4, eff. 5-31-15; 99-217,
8 eff. 7-31-15; 99-642, eff. 7-28-16.)

9 (55 ILCS 5/5-1006.7)

10 Sec. 5-1006.7. School facility occupation taxes.

11 (a) In any county, a tax shall be imposed upon all persons
12 engaged in the business of selling tangible personal property,
13 other than personal property titled or registered with an
14 agency of this State's government, at retail in the county on
15 the gross receipts from the sales made in the course of
16 business to provide revenue to be used exclusively for school
17 facility purposes (except as otherwise provided in this
18 Section) if a proposition for the tax has been submitted to the
19 electors of that county and approved by a majority of those
20 voting on the question as provided in subsection (c). The tax
21 under this Section shall be imposed only in one-quarter percent
22 increments and may not exceed 1%.

23 This additional tax may not be imposed on the sale of food
24 for human consumption that is to be consumed off the premises
25 where it is sold (other than alcoholic beverages, soft drinks,

1 and food that has been prepared for immediate consumption) and
2 prescription and non-prescription medicines, drugs, medical
3 appliances and insulin, urine testing materials, syringes and
4 needles used by diabetics. Beginning December 1, 2017, this tax
5 is not imposed on sales of aviation fuel unless the tax revenue
6 is expended for airport-related purposes. If the County does
7 not have an airport-related purpose to which it dedicates
8 aviation fuel tax revenue, then aviation fuel is excluded from
9 the tax. The County must comply with the certification
10 requirements for airport-related purposes under Section
11 5-1184. For purposes of this Act, "airport-related purposes"
12 has the meaning ascribed in Section 6z-20.2 of the State
13 Finance Act. This exclusion for aviation fuel only applies for
14 so long as the revenue use requirements of 49 U.S.C. §47107(b)
15 and 49 U.S.C. §47133 are binding on the County. The Department
16 of Revenue has full power to administer and enforce this
17 subsection, to collect all taxes and penalties due under this
18 subsection, to dispose of taxes and penalties so collected in
19 the manner provided in this subsection, and to determine all
20 rights to credit memoranda arising on account of the erroneous
21 payment of a tax or penalty under this subsection. The
22 Department shall deposit all taxes and penalties collected
23 under this subsection into a special fund created for that
24 purpose.

25 In the administration of and compliance with this
26 subsection, the Department and persons who are subject to this

1 subsection (i) have the same rights, remedies, privileges,
2 immunities, powers, and duties, (ii) are subject to the same
3 conditions, restrictions, limitations, penalties, and
4 definitions of terms, and (iii) shall employ the same modes of
5 procedure as are set forth in Sections 1 through 10, 2 through
6 2-70 (in respect to all provisions contained in those Sections
7 other than the State rate of tax), 2a through 2h, 3 (except as
8 to the disposition of taxes and penalties collected, and except
9 that the retailer's discount is not allowed for taxes paid on
10 aviation fuel that are deposited into the Local Government
11 Aviation Trust Fund), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i,
12 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 11a, 12, and 13
13 of the Retailers' Occupation Tax Act and all provisions of the
14 Uniform Penalty and Interest Act as if those provisions were
15 set forth in this subsection.

16 The certificate of registration that is issued by the
17 Department to a retailer under the Retailers' Occupation Tax
18 Act permits the retailer to engage in a business that is
19 taxable without registering separately with the Department
20 under an ordinance or resolution under this subsection.

21 Persons subject to any tax imposed under the authority
22 granted in this subsection may reimburse themselves for their
23 seller's tax liability by separately stating that tax as an
24 additional charge, which may be stated in combination, in a
25 single amount, with State tax that sellers are required to
26 collect under the Use Tax Act, pursuant to any bracketed

1 schedules set forth by the Department.

2 (b) If a tax has been imposed under subsection (a), then a
3 service occupation tax must also be imposed at the same rate
4 upon all persons engaged, in the county, in the business of
5 making sales of service, who, as an incident to making those
6 sales of service, transfer tangible personal property within
7 the county as an incident to a sale of service.

8 This tax may not be imposed on sales of food for human
9 consumption that is to be consumed off the premises where it is
10 sold (other than alcoholic beverages, soft drinks, and food
11 prepared for immediate consumption) and prescription and
12 non-prescription medicines, drugs, medical appliances and
13 insulin, urine testing materials, syringes, and needles used by
14 diabetics. Beginning December 1, 2017, this tax is not imposed
15 on sales of aviation fuel unless the tax revenue is expended
16 for airport-related purposes. If the County does not have an
17 airport-related purpose to which it dedicates aviation fuel tax
18 revenue, then aviation fuel is excluded from the tax. The
19 County must comply with the certification requirements for
20 airport-related purposes under Section 5-1184. For purposes of
21 this Act, "airport-related purposes" has the meaning ascribed
22 in Section 6z-20.2 of the State Finance Act. This exclusion for
23 aviation fuel only applies for so long as the revenue use
24 requirements of 49 U.S.C. §47107(b) and 49 U.S.C. §47133 are
25 binding on the County.

26 The tax imposed under this subsection and all civil

1 penalties that may be assessed as an incident thereof shall be
2 collected and enforced by the Department and deposited into a
3 special fund created for that purpose. The Department has full
4 power to administer and enforce this subsection, to collect all
5 taxes and penalties due under this subsection, to dispose of
6 taxes and penalties so collected in the manner provided in this
7 subsection, and to determine all rights to credit memoranda
8 arising on account of the erroneous payment of a tax or penalty
9 under this subsection.

10 In the administration of and compliance with this
11 subsection, the Department and persons who are subject to this
12 subsection shall (i) have the same rights, remedies,
13 privileges, immunities, powers and duties, (ii) be subject to
14 the same conditions, restrictions, limitations, penalties and
15 definition of terms, and (iii) employ the same modes of
16 procedure as are set forth in Sections 2 (except that that
17 reference to State in the definition of supplier maintaining a
18 place of business in this State means the county), 2a through
19 2d, 3 through 3-50 (in respect to all provisions contained in
20 those Sections other than the State rate of tax), 4 (except
21 that the reference to the State shall be to the county), 5, 7,
22 8 (except that the jurisdiction to which the tax is a debt to
23 the extent indicated in that Section 8 is the county), 9
24 (except as to the disposition of taxes and penalties collected,
25 and except that the retailer's discount is not allowed for
26 taxes paid on aviation fuel that are deposited into the Local

1 Government Aviation Trust Fund), 10, 11, 12 (except the
2 reference therein to Section 2b of the Retailers' Occupation
3 Tax Act), 13 (except that any reference to the State means the
4 county), Section 15, 16, 17, 18, 19, and 20 of the Service
5 Occupation Tax Act and all provisions of the Uniform Penalty
6 and Interest Act, as fully as if those provisions were set
7 forth herein.

8 Persons subject to any tax imposed under the authority
9 granted in this subsection may reimburse themselves for their
10 serviceman's tax liability by separately stating the tax as an
11 additional charge, which may be stated in combination, in a
12 single amount, with State tax that servicemen are authorized to
13 collect under the Service Use Tax Act, pursuant to any
14 bracketed schedules set forth by the Department.

15 (c) The tax under this Section may not be imposed until the
16 question of imposing the tax has been submitted to the electors
17 of the county at a regular election and approved by a majority
18 of the electors voting on the question. For all regular
19 elections held prior to August 23, 2011 (the effective date of
20 Public Act 97-542), upon a resolution by the county board or a
21 resolution by school district boards that represent at least
22 51% of the student enrollment within the county, the county
23 board must certify the question to the proper election
24 authority in accordance with the Election Code.

25 For all regular elections held prior to August 23, 2011
26 (the effective date of Public Act 97-542), the election

1 authority must submit the question in substantially the
2 following form:

3 Shall (name of county) be authorized to impose a
4 retailers' occupation tax and a service occupation tax
5 (commonly referred to as a "sales tax") at a rate of
6 (insert rate) to be used exclusively for school facility
7 purposes?

8 The election authority must record the votes as "Yes" or "No".

9 If a majority of the electors voting on the question vote
10 in the affirmative, then the county may, thereafter, impose the
11 tax.

12 For all regular elections held on or after August 23, 2011
13 (the effective date of Public Act 97-542), the regional
14 superintendent of schools for the county must, upon receipt of
15 a resolution or resolutions of school district boards that
16 represent more than 50% of the student enrollment within the
17 county, certify the question to the proper election authority
18 for submission to the electors of the county at the next
19 regular election at which the question lawfully may be
20 submitted to the electors, all in accordance with the Election
21 Code.

22 For all regular elections held on or after August 23, 2011
23 (the effective date of Public Act 97-542), the election
24 authority must submit the question in substantially the
25 following form:

26 Shall a retailers' occupation tax and a service

1 occupation tax (commonly referred to as a "sales tax") be
2 imposed in (name of county) at a rate of (insert rate) to
3 be used exclusively for school facility purposes?

4 The election authority must record the votes as "Yes" or "No".

5 If a majority of the electors voting on the question vote
6 in the affirmative, then the tax shall be imposed at the rate
7 set forth in the question.

8 For the purposes of this subsection (c), "enrollment" means
9 the head count of the students residing in the county on the
10 last school day of September of each year, which must be
11 reported on the Illinois State Board of Education Public School
12 Fall Enrollment/Housing Report.

13 (d) Except as otherwise provided, the ~~The~~ Department shall
14 immediately pay over to the State Treasurer, ex officio, as
15 trustee, all taxes and penalties collected under this Section
16 to be deposited into the School Facility Occupation Tax Fund,
17 which shall be an unappropriated trust fund held outside the
18 State treasury. Taxes and penalties collected on aviation fuel
19 sold on or after December 1, 2017, shall be immediately paid
20 over by the Department to the State Treasurer, ex officio, as
21 trustee, for deposit into the Local Government Aviation Trust
22 Fund. The Department shall only pay moneys into the Local
23 Government Aviation Trust Fund under this Act for so long as
24 the revenue use requirements of 49 U.S.C. §47107(b) and 49
25 U.S.C. §47133 are binding on the County.

26 On or before the 25th day of each calendar month, the

1 Department shall prepare and certify to the Comptroller the
2 disbursement of stated sums of money to the regional
3 superintendents of schools in counties from which retailers or
4 servicemen have paid taxes or penalties to the Department
5 during the second preceding calendar month. The amount to be
6 paid to each regional superintendent of schools and disbursed
7 to him or her in accordance with Section 3-14.31 of the School
8 Code, is equal to the amount (not including credit memoranda
9 and not including taxes and penalties collected on aviation
10 fuel sold on or after December 1, 2017) collected from the
11 county under this Section during the second preceding calendar
12 month by the Department, (i) less 2% of that amount (except the
13 amount collected on aviation fuel sold on or after December 1,
14 2017), which shall be deposited into the Tax Compliance and
15 Administration Fund and shall be used by the Department,
16 subject to appropriation, to cover the costs of the Department
17 in administering and enforcing the provisions of this Section,
18 on behalf of the county, (ii) plus an amount that the
19 Department determines is necessary to offset any amounts that
20 were erroneously paid to a different taxing body; (iii) less an
21 amount equal to the amount of refunds made during the second
22 preceding calendar month by the Department on behalf of the
23 county; and (iv) less any amount that the Department determines
24 is necessary to offset any amounts that were payable to a
25 different taxing body but were erroneously paid to the county.
26 When certifying the amount of a monthly disbursement to a

1 regional superintendent of schools under this Section, the
2 Department shall increase or decrease the amounts by an amount
3 necessary to offset any miscalculation of previous
4 disbursements within the previous 6 months from the time a
5 miscalculation is discovered.

6 Within 10 days after receipt by the Comptroller from the
7 Department of the disbursement certification to the regional
8 superintendents of the schools provided for in this Section,
9 the Comptroller shall cause the orders to be drawn for the
10 respective amounts in accordance with directions contained in
11 the certification.

12 If the Department determines that a refund should be made
13 under this Section to a claimant instead of issuing a credit
14 memorandum, then the Department shall notify the Comptroller,
15 who shall cause the order to be drawn for the amount specified
16 and to the person named in the notification from the
17 Department. The refund shall be paid by the Treasurer out of
18 the School Facility Occupation Tax Fund.

19 (e) For the purposes of determining the local governmental
20 unit whose tax is applicable, a retail sale by a producer of
21 coal or another mineral mined in Illinois is a sale at retail
22 at the place where the coal or other mineral mined in Illinois
23 is extracted from the earth. This subsection does not apply to
24 coal or another mineral when it is delivered or shipped by the
25 seller to the purchaser at a point outside Illinois so that the
26 sale is exempt under the United States Constitution as a sale

1 in interstate or foreign commerce.

2 (f) Nothing in this Section may be construed to authorize a
3 tax to be imposed upon the privilege of engaging in any
4 business that under the Constitution of the United States may
5 not be made the subject of taxation by this State.

6 (g) If a county board imposes a tax under this Section
7 pursuant to a referendum held before August 23, 2011 (the
8 effective date of Public Act 97-542) at a rate below the rate
9 set forth in the question approved by a majority of electors of
10 that county voting on the question as provided in subsection
11 (c), then the county board may, by ordinance, increase the rate
12 of the tax up to the rate set forth in the question approved by
13 a majority of electors of that county voting on the question as
14 provided in subsection (c). If a county board imposes a tax
15 under this Section pursuant to a referendum held before August
16 23, 2011 (the effective date of Public Act 97-542), then the
17 board may, by ordinance, discontinue or reduce the rate of the
18 tax. If a tax is imposed under this Section pursuant to a
19 referendum held on or after August 23, 2011 (the effective date
20 of Public Act 97-542), then the county board may reduce or
21 discontinue the tax, but only in accordance with subsection
22 (h-5) of this Section. If, however, a school board issues bonds
23 that are secured by the proceeds of the tax under this Section,
24 then the county board may not reduce the tax rate or
25 discontinue the tax if that rate reduction or discontinuance
26 would adversely affect the school board's ability to pay the

1 principal and interest on those bonds as they become due or
2 necessitate the extension of additional property taxes to pay
3 the principal and interest on those bonds. If the county board
4 reduces the tax rate or discontinues the tax, then a referendum
5 must be held in accordance with subsection (c) of this Section
6 in order to increase the rate of the tax or to reimpose the
7 discontinued tax.

8 Until January 1, 2014, the results of any election that
9 imposes, reduces, or discontinues a tax under this Section must
10 be certified by the election authority, and any ordinance that
11 increases or lowers the rate or discontinues the tax must be
12 certified by the county clerk and, in each case, filed with the
13 Illinois Department of Revenue either (i) on or before the
14 first day of April, whereupon the Department shall proceed to
15 administer and enforce the tax or change in the rate as of the
16 first day of July next following the filing; or (ii) on or
17 before the first day of October, whereupon the Department shall
18 proceed to administer and enforce the tax or change in the rate
19 as of the first day of January next following the filing.

20 Beginning January 1, 2014, the results of any election that
21 imposes, reduces, or discontinues a tax under this Section must
22 be certified by the election authority, and any ordinance that
23 increases or lowers the rate or discontinues the tax must be
24 certified by the county clerk and, in each case, filed with the
25 Illinois Department of Revenue either (i) on or before the
26 first day of May, whereupon the Department shall proceed to

1 administer and enforce the tax or change in the rate as of the
2 first day of July next following the filing; or (ii) on or
3 before the first day of October, whereupon the Department shall
4 proceed to administer and enforce the tax or change in the rate
5 as of the first day of January next following the filing.

6 (h) For purposes of this Section, "school facility
7 purposes" means (i) the acquisition, development,
8 construction, reconstruction, rehabilitation, improvement,
9 financing, architectural planning, and installation of capital
10 facilities consisting of buildings, structures, and durable
11 equipment and for the acquisition and improvement of real
12 property and interest in real property required, or expected to
13 be required, in connection with the capital facilities and (ii)
14 the payment of bonds or other obligations heretofore or
15 hereafter issued, including bonds or other obligations
16 heretofore or hereafter issued to refund or to continue to
17 refund bonds or other obligations issued, for school facility
18 purposes, provided that the taxes levied to pay those bonds are
19 abated by the amount of the taxes imposed under this Section
20 that are used to pay those bonds. "School-facility purposes"
21 also includes fire prevention, safety, energy conservation,
22 accessibility, school security, and specified repair purposes
23 set forth under Section 17-2.11 of the School Code.

24 (h-5) A county board in a county where a tax has been
25 imposed under this Section pursuant to a referendum held on or
26 after August 23, 2011 (the effective date of Public Act 97-542)

1 may, by ordinance or resolution, submit to the voters of the
2 county the question of reducing or discontinuing the tax. In
3 the ordinance or resolution, the county board shall certify the
4 question to the proper election authority in accordance with
5 the Election Code. The election authority must submit the
6 question in substantially the following form:

7 Shall the school facility retailers' occupation tax
8 and service occupation tax (commonly referred to as the
9 "school facility sales tax") currently imposed in (name of
10 county) at a rate of (insert rate) be (reduced to (insert
11 rate)) (discontinued)?

12 If a majority of the electors voting on the question vote in
13 the affirmative, then, subject to the provisions of subsection
14 (g) of this Section, the tax shall be reduced or discontinued
15 as set forth in the question.

16 (i) This Section does not apply to Cook County.

17 (j) This Section may be cited as the County School Facility
18 Occupation Tax Law.

19 (Source: P.A. 98-584, eff. 8-27-13; 99-143, eff. 7-27-15;
20 99-217, eff. 7-31-15; 99-642, eff. 7-28-16.)

21 (55 ILCS 5/5-1007) (from Ch. 34, par. 5-1007)

22 Sec. 5-1007. Home Rule County Service Occupation Tax Law.
23 The corporate authorities of a home rule county may impose a
24 tax upon all persons engaged, in such county, in the business
25 of making sales of service at the same rate of tax imposed

1 pursuant to Section 5-1006 of the selling price of all tangible
2 personal property transferred by such servicemen either in the
3 form of tangible personal property or in the form of real
4 estate as an incident to a sale of service. If imposed, such
5 tax shall only be imposed in 1/4% increments. On and after
6 September 1, 1991, this additional tax may not be imposed on
7 the sales of food for human consumption which is to be consumed
8 off the premises where it is sold (other than alcoholic
9 beverages, soft drinks and food which has been prepared for
10 immediate consumption) and prescription and nonprescription
11 medicines, drugs, medical appliances and insulin, urine
12 testing materials, syringes and needles used by diabetics.
13 Beginning December 1, 2017, this tax is not imposed on sales of
14 aviation fuel unless the tax revenue is expended for
15 airport-related purposes. If the County does not have an
16 airport-related purpose to which it dedicates aviation fuel tax
17 revenue, then aviation fuel is excluded from the tax. The
18 County must comply with the certification requirements for
19 airport-related purposes under Section 5-1184. For purposes of
20 this Act, "airport-related purposes" has the meaning ascribed
21 in Section 6z-20.2 of the State Finance Act. This exclusion for
22 aviation fuel only applies for so long as the revenue use
23 requirements of 49 U.S.C. §47107(b) and 49 U.S.C. §47133 are
24 binding on the County. The changes made to this Section by this
25 amendatory Act of the 100th General Assembly are a denial and
26 limitation of home rule powers and functions under subsection

1 (g) of Section 6 of Article VII of the Illinois Constitution.

2 The tax imposed by a home rule county pursuant to this Section
3 and all civil penalties that may be assessed as an incident
4 thereof shall be collected and enforced by the State Department
5 of Revenue. The certificate of registration which is issued by
6 the Department to a retailer under the Retailers' Occupation
7 Tax Act or under the Service Occupation Tax Act shall permit
8 such registrant to engage in a business which is taxable under
9 any ordinance or resolution enacted pursuant to this Section
10 without registering separately with the Department under such
11 ordinance or resolution or under this Section. The Department
12 shall have full power to administer and enforce this Section;
13 to collect all taxes and penalties due hereunder; to dispose of
14 taxes and penalties so collected in the manner hereinafter
15 provided; and to determine all rights to credit memoranda
16 arising on account of the erroneous payment of tax or penalty
17 hereunder. In the administration of, and compliance with, this
18 Section the Department and persons who are subject to this
19 Section shall have the same rights, remedies, privileges,
20 immunities, powers and duties, and be subject to the same
21 conditions, restrictions, limitations, penalties and
22 definitions of terms, and employ the same modes of procedure,
23 as are prescribed in Sections 1a-1, 2, 2a, 3 through 3-50 (in
24 respect to all provisions therein other than the State rate of
25 tax), 4 (except that the reference to the State shall be to the
26 taxing county), 5, 7, 8 (except that the jurisdiction to which

1 the tax shall be a debt to the extent indicated in that Section
2 8 shall be the taxing county), 9 (except as to the disposition
3 of taxes and penalties collected, and except that the returned
4 merchandise credit for this county tax may not be taken against
5 any State tax, and except that the retailer's discount is not
6 allowed for taxes paid on aviation fuel that are deposited into
7 the Local Government Aviation Trust Fund), 10, 11, 12 (except
8 the reference therein to Section 2b of the Retailers'
9 Occupation Tax Act), 13 (except that any reference to the State
10 shall mean the taxing county), the first paragraph of Section
11 15, 16, 17, 18, 19 and 20 of the Service Occupation Tax Act and
12 Section 3-7 of the Uniform Penalty and Interest Act, as fully
13 as if those provisions were set forth herein.

14 No tax may be imposed by a home rule county pursuant to
15 this Section unless such county also imposes a tax at the same
16 rate pursuant to Section 5-1006.

17 Persons subject to any tax imposed pursuant to the
18 authority granted in this Section may reimburse themselves for
19 their serviceman's tax liability hereunder by separately
20 stating such tax as an additional charge, which charge may be
21 stated in combination, in a single amount, with State tax which
22 servicemen are authorized to collect under the Service Use Tax
23 Act, pursuant to such bracket schedules as the Department may
24 prescribe.

25 Whenever the Department determines that a refund should be
26 made under this Section to a claimant instead of issuing credit

1 memorandum, the Department shall notify the State Comptroller,
2 who shall cause the order to be drawn for the amount specified,
3 and to the person named, in such notification from the
4 Department. Such refund shall be paid by the State Treasurer
5 out of the home rule county retailers' occupation tax fund.

6 Except as otherwise provided in this paragraph, the ~~The~~
7 Department shall forthwith pay over to the State Treasurer,
8 ex-officio, as trustee, all taxes and penalties collected
9 hereunder for deposit into the Home Rule County Retailers'
10 Occupation Tax Fund. Taxes and penalties collected on aviation
11 fuel sold on or after December 1, 2017, shall be immediately
12 paid over by the Department to the State Treasurer, ex officio,
13 as trustee, for deposit into the Local Government Aviation
14 Trust Fund. The Department shall only pay moneys into the Local
15 Government Aviation Trust Fund under this Act for so long as
16 the revenue use requirements of 49 U.S.C. §47107(b) and 49
17 U.S.C. §47133 are binding on the County.

18 As soon as possible after the first day of each month,
19 beginning January 1, 2011, upon certification of the Department
20 of Revenue, the Comptroller shall order transferred, and the
21 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
22 local sales tax increment, as defined in the Innovation
23 Development and Economy Act, collected under this Section
24 during the second preceding calendar month for sales within a
25 STAR bond district.

26 After the monthly transfer to the STAR Bonds Revenue Fund,

1 on or before the 25th day of each calendar month, the
2 Department shall prepare and certify to the Comptroller the
3 disbursement of stated sums of money to named counties, the
4 counties to be those from which suppliers and servicemen have
5 paid taxes or penalties hereunder to the Department during the
6 second preceding calendar month. The amount to be paid to each
7 county shall be the amount (not including credit memoranda and
8 not including taxes and penalties collected on aviation fuel
9 sold on or after December 1, 2017) collected hereunder during
10 the second preceding calendar month by the Department, and not
11 including an amount equal to the amount of refunds made during
12 the second preceding calendar month by the Department on behalf
13 of such county, and not including any amounts that are
14 transferred to the STAR Bonds Revenue Fund. Within 10 days
15 after receipt, by the Comptroller, of the disbursement
16 certification to the counties provided for in this Section to
17 be given to the Comptroller by the Department, the Comptroller
18 shall cause the orders to be drawn for the respective amounts
19 in accordance with the directions contained in such
20 certification.

21 In addition to the disbursement required by the preceding
22 paragraph, an allocation shall be made in each year to each
23 county which received more than \$500,000 in disbursements under
24 the preceding paragraph in the preceding calendar year. The
25 allocation shall be in an amount equal to the average monthly
26 distribution made to each such county under the preceding

1 paragraph during the preceding calendar year (excluding the 2
2 months of highest receipts). The distribution made in March of
3 each year subsequent to the year in which an allocation was
4 made pursuant to this paragraph and the preceding paragraph
5 shall be reduced by the amount allocated and disbursed under
6 this paragraph in the preceding calendar year. The Department
7 shall prepare and certify to the Comptroller for disbursement
8 the allocations made in accordance with this paragraph.

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

13 An ordinance or resolution imposing or discontinuing a tax
14 hereunder or effecting a change in the rate thereof shall be
15 adopted and a certified copy thereof filed with the Department
16 on or before the first day of June, whereupon the Department
17 shall proceed to administer and enforce this Section as of the
18 first day of September next following such adoption and filing.
19 Beginning January 1, 1992, an ordinance or resolution imposing
20 or discontinuing the tax hereunder or effecting a change in the
21 rate thereof shall be adopted and a certified copy thereof
22 filed with the Department on or before the first day of July,
23 whereupon the Department shall proceed to administer and
24 enforce this Section as of the first day of October next
25 following such adoption and filing. Beginning January 1, 1993,
26 an ordinance or resolution imposing or discontinuing the tax

1 hereunder or effecting a change in the rate thereof shall be
2 adopted and a certified copy thereof filed with the Department
3 on or before the first day of October, whereupon the Department
4 shall proceed to administer and enforce this Section as of the
5 first day of January next following such adoption and filing.
6 Beginning April 1, 1998, an ordinance or resolution imposing or
7 discontinuing the tax hereunder or effecting a change in the
8 rate thereof shall either (i) be adopted and a certified copy
9 thereof filed with the Department on or before the first day of
10 April, whereupon the Department shall proceed to administer and
11 enforce this Section as of the first day of July next following
12 the adoption and filing; or (ii) be adopted and a certified
13 copy thereof filed with the Department on or before the first
14 day of October, whereupon the Department shall proceed to
15 administer and enforce this Section as of the first day of
16 January next following the adoption and filing.

17 This Section shall be known and may be cited as the Home
18 Rule County Service Occupation Tax Law.

19 (Source: P.A. 96-939, eff. 6-24-10.)

20 (55 ILCS 5/5-1008.5)

21 Sec. 5-1008.5. Use and occupation taxes.

22 (a) The Rock Island County Board may adopt a resolution
23 that authorizes a referendum on the question of whether the
24 county shall be authorized to impose a retailers' occupation
25 tax, a service occupation tax, and a use tax at a rate of 1/4 of

1 1% on behalf of the economic development activities of Rock
2 Island County and communities located within the county. The
3 county board shall certify the question to the proper election
4 authorities who shall submit the question to the voters of the
5 county at the next regularly scheduled election in accordance
6 with the general election law. The question shall be in
7 substantially the following form:

8 Shall Rock Island County be authorized to impose a
9 retailers' occupation tax, a service occupation tax, and a
10 use tax at the rate of 1/4 of 1% for the sole purpose of
11 economic development activities, including creation and
12 retention of job opportunities, support of affordable
13 housing opportunities, and enhancement of quality of life
14 improvements?

15 Votes shall be recorded as "yes" or "no". If a majority of
16 all votes cast on the proposition are in favor of the
17 proposition, the county is authorized to impose the tax.

18 (b) The county shall impose the retailers' occupation tax
19 upon all persons engaged in the business of selling tangible
20 personal property at retail in the county, at the rate approved
21 by referendum, on the gross receipts from the sales made in the
22 course of those businesses within the county. This additional
23 tax may not be imposed on the sale of food for human
24 consumption that is to be consumed off the premises where it is
25 sold (other than alcoholic beverages, soft drinks, and food
26 that has been prepared for immediate consumption) and

1 prescription and non-prescription medicines, drugs, medical
2 appliances and insulin, urine testing materials, syringes, and
3 needles used by diabetics. Beginning December 1, 2017, this tax
4 is not imposed on sales of aviation fuel unless the tax revenue
5 is expended for airport-related purposes. If the County does
6 not have an airport-related purpose to which it dedicates
7 aviation fuel tax revenue, then aviation fuel is excluded from
8 the tax. The County must comply with the certification
9 requirements for airport-related purposes under Section
10 5-1184. For purposes of this Act, "airport-related purposes"
11 has the meaning ascribed in Section 6z-20.2 of the State
12 Finance Act. This exclusion for aviation fuel only applies for
13 so long as the revenue use requirements of 49 U.S.C. §47107(b)
14 and 49 U.S.C. §47133 are binding on the County. The tax imposed
15 under this Section and all civil penalties that may be assessed
16 as an incident of the tax shall be collected and enforced by
17 the Department of Revenue. The Department has full power to
18 administer and enforce this Section; to collect all taxes and
19 penalties so collected in the manner provided in this Section;
20 and to determine all rights to credit memoranda arising on
21 account of the erroneous payment of tax or penalty under this
22 Section. In the administration of, and compliance with, this
23 Section, the Department and persons who are subject to this
24 Section shall (i) have the same rights, remedies, privileges,
25 immunities, powers and duties, (ii) be subject to the same
26 conditions, restrictions, limitations, penalties, exclusions,

1 exemptions, and definitions of terms, and (iii) employ the same
2 modes of procedure as are prescribed in Sections 1, 1a, 1a-1,
3 1c, 1d, 1e, 1f, 1i, 1j, 1k, 1m, 1n, 2, 2-5, 2-5.5, 2-10 (in
4 respect to all provisions other than the State rate of tax),
5 2-15 through 2-70, 2a, 2b, 2c, 3 (except as to the disposition
6 of taxes and penalties collected and provisions related to
7 quarter monthly payments, and except that the retailer's
8 discount is not allowed for taxes paid on aviation fuel that
9 are deposited into the Local Government Aviation Trust Fund),
10 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c,
11 7, 8, 9, 10, 11, 11a, 12, and 13 of the Retailers' Occupation
12 Tax Act and Section 3-7 of the Uniform Penalty and Interest
13 Act, as fully as if those provisions were set forth in this
14 subsection.

15 Persons subject to any tax imposed under this subsection
16 may reimburse themselves for their seller's tax liability by
17 separately stating the tax as an additional charge, which
18 charge may be stated in combination, in a single amount, with
19 State taxes that sellers are required to collect, in accordance
20 with bracket schedules prescribed by the Department.

21 Whenever the Department determines that a refund should be
22 made under this subsection to a claimant instead of issuing a
23 credit memorandum, the Department shall notify the State
24 Comptroller, who shall cause the warrant to be drawn for the
25 amount specified, and to the person named, in the notification
26 from the Department. The refund shall be paid by the State

1 Treasurer out of the tax fund referenced under paragraph (g) of
2 this Section.

3 If a tax is imposed under this subsection (b), a tax shall
4 also be imposed at the same rate under subsections (c) and (d)
5 of this Section.

6 For the purpose of determining whether a tax authorized
7 under this Section is applicable, a retail sale, by a producer
8 of coal or another mineral mined in Illinois, is a sale at
9 retail at the place where the coal or other mineral mined in
10 Illinois is extracted from the earth. This paragraph does not
11 apply to coal or another mineral when it is delivered or
12 shipped by the seller to the purchaser at a point outside
13 Illinois so that the sale is exempt under the federal
14 Constitution as a sale in interstate or foreign commerce.

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

19 (c) If a tax has been imposed under subsection (b), a
20 service occupation tax shall also be imposed at the same rate
21 upon all persons engaged, in the county, in the business of
22 making sales of service, who, as an incident to making those
23 sales of service, transfer tangible personal property within
24 the county as an incident to a sale of service. This additional
25 tax may not be imposed on the sale of food for human
26 consumption that is to be consumed off the premises where it is

1 sold (other than alcoholic beverages, soft drinks, and food
2 that has been prepared for immediate consumption) and
3 prescription and non-prescription medicines, drugs, medical
4 appliances and insulin, urine testing materials, syringes, and
5 needles used by diabetics. Beginning December 1, 2017, this tax
6 is not imposed on sales of aviation fuel unless the tax revenue
7 is expended for airport-related purposes. If the County does
8 not have an airport-related purpose to which it dedicates
9 aviation fuel tax revenue, then aviation fuel is excluded from
10 the tax. The County must comply with the certification
11 requirements for airport-related purposes under Section
12 5-1184. For purposes of this Act, "airport-related purposes"
13 has the meaning ascribed in Section 6z-20.2 of the State
14 Finance Act. This exclusion for aviation fuel only applies for
15 so long as the revenue use requirements of 49 U.S.C. §47107(b)
16 and 49 U.S.C. §47133 are binding on the County. The tax imposed
17 under this subsection and all civil penalties that may be
18 assessed as an incident of the tax shall be collected and
19 enforced by the Department of Revenue. The Department has full
20 power to administer and enforce this paragraph; to collect all
21 taxes and penalties due under this Section; to dispose of taxes
22 and penalties so collected in the manner provided in this
23 Section; and to determine all rights to credit memoranda
24 arising on account of the erroneous payment of tax or penalty
25 under this Section. In the administration of, and compliance
26 with this paragraph, the Department and persons who are subject

1 to this paragraph shall (i) have the same rights, remedies,
2 privileges, immunities, powers, and duties, (ii) be subject to
3 the same conditions, restrictions, limitations, penalties,
4 exclusions, exemptions, and definitions of terms, and (iii)
5 employ the same modes of procedure as are prescribed in
6 Sections 2 (except that the reference to State in the
7 definition of supplier maintaining a place of business in this
8 State shall mean the county), 2a, 2b, 3 through 3-55 (in
9 respect to all provisions other than the State rate of tax), 4
10 (except that the reference to the State shall be to the
11 county), 5, 7, 8 (except that the jurisdiction to which the tax
12 shall be a debt to the extent indicated in that Section 8 shall
13 be the county), 9 (except as to the disposition of taxes and
14 penalties collected, and except that the returned merchandise
15 credit for this tax may not be taken against any State tax, and
16 except that the retailer's discount is not allowed for taxes
17 paid on aviation fuel that are deposited into the Local
18 Government Aviation Trust Fund), 11, 12 (except the reference
19 to Section 2b of the Retailers' Occupation Tax Act), 13 (except
20 that any reference to the State shall mean the county), 15, 16,
21 17, 18, 19 and 20 of the Service Occupation Tax Act and Section
22 3-7 of the Uniform Penalty and Interest Act, as fully as if
23 those provisions were set forth in this subsection.

24 Persons subject to any tax imposed under the authority
25 granted in this subsection may reimburse themselves for their
26 serviceman's tax liability by separately stating the tax as an

1 additional charge, which charge may be stated in combination,
2 in a single amount, with State tax that servicemen are
3 authorized to collect under the Service Use Tax Act, in
4 accordance with bracket schedules prescribed by the
5 Department.

6 Whenever the Department determines that a refund should be
7 made under this subsection to a claimant instead of issuing a
8 credit memorandum, the Department shall notify the State
9 Comptroller, who shall cause the warrant to be drawn for the
10 amount specified, and to the person named, in the notification
11 from the Department. The refund shall be paid by the State
12 Treasurer out of the tax fund referenced under paragraph (g) of
13 this Section.

14 Nothing in this paragraph shall be construed to authorize
15 the county to impose a tax upon the privilege of engaging in
16 any business that under the Constitution of the United States
17 may not be made the subject of taxation by the State.

18 (d) If a tax has been imposed under subsection (b), a use
19 tax shall also be imposed at the same rate upon the privilege
20 of using, in the county, any item of tangible personal property
21 that is purchased outside the county at retail from a retailer,
22 and that is titled or registered at a location within the
23 county with an agency of this State's government. This
24 additional tax may not be imposed on the sale of food for human
25 consumption that is to be consumed off the premises where it is
26 sold (other than alcoholic beverages, soft drinks, and food

1 that has been prepared for immediate consumption) and
2 prescription and non-prescription medicines, drugs, medical
3 appliances and insulin, urine testing materials, syringes, and
4 needles used by diabetics. "Selling price" is defined as in the
5 Use Tax Act. The tax shall be collected from persons whose
6 Illinois address for titling or registration purposes is given
7 as being in the county. The tax shall be collected by the
8 Department of Revenue for the county. The tax must be paid to
9 the State, or an exemption determination must be obtained from
10 the Department of Revenue, before the title or certificate of
11 registration for the property may be issued. The tax or proof
12 of exemption may be transmitted to the Department by way of the
13 State agency with which, or the State officer with whom, the
14 tangible personal property must be titled or registered if the
15 Department and the State agency or State officer determine that
16 this procedure will expedite the processing of applications for
17 title or registration.

18 The Department has full power to administer and enforce
19 this paragraph; to collect all taxes, penalties, and interest
20 due under this Section; to dispose of taxes, penalties, and
21 interest so collected in the manner provided in this Section;
22 and to determine all rights to credit memoranda or refunds
23 arising on account of the erroneous payment of tax, penalty, or
24 interest under this Section. In the administration of, and
25 compliance with, this subsection, the Department and persons
26 who are subject to this paragraph shall (i) have the same

1 rights, remedies, privileges, immunities, powers, and duties,
2 (ii) be subject to the same conditions, restrictions,
3 limitations, penalties, exclusions, exemptions, and
4 definitions of terms, and (iii) employ the same modes of
5 procedure as are prescribed in Sections 2 (except the
6 definition of "retailer maintaining a place of business in this
7 State"), 3, 3-5, 3-10, 3-45, 3-55, 3-65, 3-70, 3-85, 3a, 4, 6,
8 7, 8 (except that the jurisdiction to which the tax shall be a
9 debt to the extent indicated in that Section 8 shall be the
10 county), 9 (except provisions relating to quarter monthly
11 payments), 10, 11, 12, 12a, 12b, 13, 14, 15, 19, 20, 21, and 22
12 of the Use Tax Act and Section 3-7 of the Uniform Penalty and
13 Interest Act, that are not inconsistent with this paragraph, as
14 fully as if those provisions were set forth in this subsection.

15 Whenever the Department determines that a refund should be
16 made under this subsection to a claimant instead of issuing a
17 credit memorandum, the Department shall notify the State
18 Comptroller, who shall cause the order to be drawn for the
19 amount specified, and to the person named, in the notification
20 from the Department. The refund shall be paid by the State
21 Treasurer out of the tax fund referenced under paragraph (g) of
22 this Section.

23 (e) A certificate of registration issued by the State
24 Department of Revenue to a retailer under the Retailers'
25 Occupation Tax Act or under the Service Occupation Tax Act
26 shall permit the registrant to engage in a business that is

1 taxed under the tax imposed under paragraphs (b), (c), or (d)
2 of this Section and no additional registration shall be
3 required. A certificate issued under the Use Tax Act or the
4 Service Use Tax Act shall be applicable with regard to any tax
5 imposed under paragraph (c) of this Section.

6 (f) The results of any election authorizing a proposition
7 to impose a tax under this Section or effecting a change in the
8 rate of tax shall be certified by the proper election
9 authorities and filed with the Illinois Department on or before
10 the first day of October. In addition, an ordinance imposing,
11 discontinuing, or effecting a change in the rate of tax under
12 this Section shall be adopted and a certified copy of the
13 ordinance filed with the Department on or before the first day
14 of October. After proper receipt of the certifications, the
15 Department shall proceed to administer and enforce this Section
16 as of the first day of January next following the adoption and
17 filing.

18 (g) Except as otherwise provided in paragraph (g-2), the
19 ~~The~~ Department of Revenue shall, upon collecting any taxes and
20 penalties as provided in this Section, pay the taxes and
21 penalties over to the State Treasurer as trustee for the
22 county. The taxes and penalties shall be held in a trust fund
23 outside the State Treasury. On or before the 25th day of each
24 calendar month, the Department of Revenue shall prepare and
25 certify to the Comptroller of the State of Illinois the amount
26 to be paid to the county, which shall be the balance in the

1 fund, less any amount determined by the Department to be
2 necessary for the payment of refunds. Within 10 days after
3 receipt by the Comptroller of the certification of the amount
4 to be paid to the county, the Comptroller shall cause an order
5 to be drawn for payment for the amount in accordance with the
6 directions contained in the certification. Amounts received
7 from the tax imposed under this Section shall be used only for
8 the economic development activities of the county and
9 communities located within the county.

10 (g-2) Taxes and penalties collected on aviation fuel sold
11 on or after December 1, 2017, shall be immediately paid over by
12 the Department to the State Treasurer, ex officio, as trustee,
13 for deposit into the Local Government Aviation Trust Fund. The
14 Department shall only pay moneys into the Local Government
15 Aviation Trust Fund under this Act for so long as the revenue
16 use requirements of 49 U.S.C. §47107(b) and 49 U.S.C. §47133
17 are binding on the County.

18 (h) When certifying the amount of a monthly disbursement to
19 the county under this Section, the Department shall increase or
20 decrease the amounts by an amount necessary to offset any
21 miscalculation of previous disbursements. The offset amount
22 shall be the amount erroneously disbursed within the previous 6
23 months from the time a miscalculation is discovered.

24 (i) This Section may be cited as the Rock Island County Use
25 and Occupation Tax Law.

26 (Source: P.A. 90-415, eff. 8-15-97.)

1 (55 ILCS 5/5-1009) (from Ch. 34, par. 5-1009)

2 Sec. 5-1009. Limitation on home rule powers. Except as
3 provided in Sections 5-1006, 5-1006.5, 5-1007 and 5-1008, on
4 and after September 1, 1990, no home rule county has the
5 authority to impose, pursuant to its home rule authority, a
6 retailer's occupation tax, service occupation tax, use tax,
7 sales tax or other tax on the use, sale or purchase of tangible
8 personal property based on the gross receipts from such sales
9 or the selling or purchase price of said tangible personal
10 property. Notwithstanding the foregoing, this Section does not
11 preempt any home rule imposed tax such as the following: (1) a
12 tax on alcoholic beverages, whether based on gross receipts,
13 volume sold or any other measurement; (2) a tax based on the
14 number of units of cigarettes or tobacco products; (3) a tax,
15 however measured, based on the use of a hotel or motel room or
16 similar facility; (4) a tax, however measured, on the sale or
17 transfer of real property; (5) a tax, however measured, on
18 lease receipts; (6) a tax on food prepared for immediate
19 consumption and on alcoholic beverages sold by a business which
20 provides for on premise consumption of said food or alcoholic
21 beverages; or (7) other taxes not based on the selling or
22 purchase price or gross receipts from the use, sale or purchase
23 of tangible personal property. This Section does not preempt a
24 home rule county from imposing a tax, however measured, on the
25 use, for consideration, of a parking lot, garage, or other

1 parking facility.

2 On and after December 1, 2017, no home rule county has the
3 authority to impose, pursuant to its home rule authority, a
4 tax, however measured, on sales of aviation fuel, as defined in
5 Section 3 of the Retailers' Occupation Tax Act, unless the tax
6 revenue is expended for airport-related purposes. For purposes
7 of this Section, "airport-related purposes" has the meaning
8 ascribed in Section 6z-20.2 of the State Finance Act. Aviation
9 fuel shall be excluded from tax only for so long as the revenue
10 use requirements of 49 U.S.C. §47017 (b) and 49 U.S.C. §47133
11 are binding on the County.

12 This Section is a limitation, pursuant to subsection (g) of
13 Section 6 of Article VII of the Illinois Constitution, on the
14 power of home rule units to tax. The changes made to this
15 Section by this amendatory Act of the 100th General Assembly
16 are a denial and limitation of home rule powers and functions
17 under subsection (g) of Section 6 of Article VII of the
18 Illinois Constitution.

19 (Source: P.A. 97-1168, eff. 3-8-13; 97-1169, eff. 3-8-13.)

20 (55 ILCS 5/5-1035.1) (from Ch. 34, par. 5-1035.1)

21 Sec. 5-1035.1. County Motor Fuel Tax Law. The county board
22 of the counties of DuPage, Kane and McHenry may, by an
23 ordinance or resolution adopted by an affirmative vote of a
24 majority of the members elected or appointed to the county
25 board, impose a tax upon all persons engaged in the county in

1 the business of selling motor fuel, as now or hereafter defined
2 in the Motor Fuel Tax Law, at retail for the operation of motor
3 vehicles upon public highways or for the operation of
4 recreational watercraft upon waterways. The collection of a tax
5 under this Section based on gallonage of gasoline used for the
6 propulsion of any aircraft is prohibited, and the collection of
7 a tax based on gallonage of special fuel used for the
8 propulsion of any aircraft is prohibited on and after December
9 1, 2017. Kane County may exempt diesel fuel from the tax
10 imposed pursuant to this Section. The tax may be imposed, in
11 half-cent increments, at a rate not exceeding 4 cents per
12 gallon of motor fuel sold at retail within the county for the
13 purpose of use or consumption and not for the purpose of
14 resale. The proceeds from the tax shall be used by the county
15 solely for the purpose of operating, constructing and improving
16 public highways and waterways, and acquiring real property and
17 right-of-ways for public highways and waterways within the
18 county imposing the tax.

19 A tax imposed pursuant to this Section, and all civil
20 penalties that may be assessed as an incident thereof, shall be
21 administered, collected and enforced by the Illinois
22 Department of Revenue in the same manner as the tax imposed
23 under the Retailers' Occupation Tax Act, as now or hereafter
24 amended, insofar as may be practicable; except that in the
25 event of a conflict with the provisions of this Section, this
26 Section shall control. The Department of Revenue shall have

1 full power: to administer and enforce this Section; to collect
2 all taxes and penalties due hereunder; to dispose of taxes and
3 penalties so collected in the manner hereinafter provided; and
4 to determine all rights to credit memoranda arising on account
5 of the erroneous payment of tax or penalty hereunder.

6 Whenever the Department determines that a refund shall be
7 made under this Section to a claimant instead of issuing a
8 credit memorandum, the Department shall notify the State
9 Comptroller, who shall cause the order to be drawn for the
10 amount specified, and to the person named, in the notification
11 from the Department. The refund shall be paid by the State
12 Treasurer out of the County Option Motor Fuel Tax Fund.

13 The Department shall forthwith pay over to the State
14 Treasurer, ex-officio, as trustee, all taxes and penalties
15 collected hereunder, which shall be deposited into the County
16 Option Motor Fuel Tax Fund, a special fund in the State
17 Treasury which is hereby created. On or before the 25th day of
18 each calendar month, the Department shall prepare and certify
19 to the State Comptroller the disbursement of stated sums of
20 money to named counties for which taxpayers have paid taxes or
21 penalties hereunder to the Department during the second
22 preceding calendar month. The amount to be paid to each county
23 shall be the amount (not including credit memoranda) collected
24 hereunder from retailers within the county during the second
25 preceding calendar month by the Department, but not including
26 an amount equal to the amount of refunds made during the second

1 preceding calendar month by the Department on behalf of the
2 county; less 2% of the balance, which sum shall be retained by
3 the State Treasurer to cover the costs incurred by the
4 Department in administering and enforcing the provisions of
5 this Section. The Department, at the time of each monthly
6 disbursement to the counties, shall prepare and certify to the
7 Comptroller the amount so retained by the State Treasurer,
8 which shall be transferred into the Tax Compliance and
9 Administration Fund.

10 A county may direct, by ordinance, that all or a portion of
11 the taxes and penalties collected under the County Option Motor
12 Fuel Tax shall be deposited into the Transportation Development
13 Partnership Trust Fund.

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

18 An ordinance or resolution imposing a tax hereunder or
19 effecting a change in the rate thereof shall be effective on
20 the first day of the second calendar month next following the
21 month in which the ordinance or resolution is adopted and a
22 certified copy thereof is filed with the Department of Revenue,
23 whereupon the Department of Revenue shall proceed to administer
24 and enforce this Section on behalf of the county as of the
25 effective date of the ordinance or resolution. Upon a change in
26 rate of a tax levied hereunder, or upon the discontinuance of

1 the tax, the county board of the county shall, on or not later
2 than 5 days after the effective date of the ordinance or
3 resolution discontinuing the tax or effecting a change in rate,
4 transmit to the Department of Revenue a certified copy of the
5 ordinance or resolution effecting the change or
6 discontinuance.

7 This Section shall be known and may be cited as the County
8 Motor Fuel Tax Law.

9 (Source: P.A. 98-1049, eff. 8-25-14.)

10 (55 ILCS 5/5-1184 new)

11 Sec. 5-1184. Certification for airport-related purposes.
12 On or before September 1, 2017, and on or before each April 1
13 and October 1 thereafter, each county must certify to the
14 Illinois Department of Transportation, in the form and manner
15 required by the Department, whether the county has an
16 airport-related purpose, which would allow any Retailers'
17 Occupation Tax and Service Occupation Tax imposed by the county
18 to include tax on aviation fuel. On or before October 1, 2017,
19 and on or before each May 1 and November 1 thereafter, the
20 Department of Transportation shall provide to the Department of
21 Revenue, a list of units of local government which have
22 certified to the Department of Transportation that they have
23 airport-related purposes, which would allow any Retailers'
24 Occupation Tax and Service Occupation Tax imposed by the units
25 of local government to include tax on aviation fuel. All

1 disputes regarding whether or not a unit of local government
2 has an airport-related purpose shall be resolved by the
3 Illinois Department of Transportation.

4 Section 45. The Illinois Municipal Code is amended by
5 changing Sections 8-11-1, 8-11-1.3, 8-11-1.4, 8-11-1.6,
6 8-11-1.7, 8-11-5, 8-11-6a, and 11-74.3-6 and by adding Section
7 8-11-22 as follows:

8 (65 ILCS 5/8-11-1) (from Ch. 24, par. 8-11-1)

9 Sec. 8-11-1. Home Rule Municipal Retailers' Occupation Tax
10 Act. The corporate authorities of a home rule municipality may
11 impose a tax upon all persons engaged in the business of
12 selling tangible personal property, other than an item of
13 tangible personal property titled or registered with an agency
14 of this State's government, at retail in the municipality on
15 the gross receipts from these sales made in the course of such
16 business. If imposed, the tax shall only be imposed in 1/4%
17 increments. On and after September 1, 1991, this additional tax
18 may not be imposed on the sales of food for human consumption
19 that is to be consumed off the premises where it is sold (other
20 than alcoholic beverages, soft drinks and food that has been
21 prepared for immediate consumption) and prescription and
22 nonprescription medicines, drugs, medical appliances and
23 insulin, urine testing materials, syringes and needles used by
24 diabetics. Beginning December 1, 2017, this tax is not imposed

1 on sales of aviation fuel unless the tax revenue is expended
2 for airport-related purposes. If a municipality does not have
3 an airport-related purpose to which it dedicates aviation fuel
4 tax revenue, then aviation fuel is excluded from the tax. Each
5 municipality must comply with the certification requirements
6 for airport-related purposes under Section 8-11-22. For
7 purposes of this Act, "airport-related purposes" has the
8 meaning ascribed in Section 6z-20.2 of the State Finance Act.
9 This exclusion for aviation fuel only applies for so long as
10 the revenue use requirements of 49 U.S.C. §47107(b) and 49
11 U.S.C. §47133 are binding on the municipality. The changes made
12 to this Section by this amendatory Act of the 100th General
13 Assembly are a denial and limitation of home rule powers and
14 functions under subsection (g) of Section 6 of Article VII of
15 the Illinois Constitution. The tax imposed by a home rule
16 municipality under this Section and all civil penalties that
17 may be assessed as an incident of the tax shall be collected
18 and enforced by the State Department of Revenue. The
19 certificate of registration that is issued by the Department to
20 a retailer under the Retailers' Occupation Tax Act shall permit
21 the retailer to engage in a business that is taxable under any
22 ordinance or resolution enacted pursuant to this Section
23 without registering separately with the Department under such
24 ordinance or resolution or under this Section. The Department
25 shall have full power to administer and enforce this Section;
26 to collect all taxes and penalties due hereunder; to dispose of

1 taxes and penalties so collected in the manner hereinafter
2 provided; and to determine all rights to credit memoranda
3 arising on account of the erroneous payment of tax or penalty
4 hereunder. In the administration of, and compliance with, this
5 Section the Department and persons who are subject to this
6 Section shall have the same rights, remedies, privileges,
7 immunities, powers and duties, and be subject to the same
8 conditions, restrictions, limitations, penalties and
9 definitions of terms, and employ the same modes of procedure,
10 as are prescribed in Sections 1, 1a, 1d, 1e, 1f, 1i, 1j, 1k,
11 1m, 1n, 2 through 2-65 (in respect to all provisions therein
12 other than the State rate of tax), 2c, 3 (except as to the
13 disposition of taxes and penalties collected, and except that
14 the retailer's discount is not allowed for taxes paid on
15 aviation fuel that are deposited into the Local Government
16 Aviation Trust Fund), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i,
17 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 12 and 13 of the
18 Retailers' Occupation Tax Act and Section 3-7 of the Uniform
19 Penalty and Interest Act, as fully as if those provisions were
20 set forth herein.

21 No tax may be imposed by a home rule municipality under
22 this Section unless the municipality also imposes a tax at the
23 same rate under Section 8-11-5 of this Act.

24 Persons subject to any tax imposed under the authority
25 granted in this Section may reimburse themselves for their
26 seller's tax liability hereunder by separately stating that tax

1 as an additional charge, which charge may be stated in
2 combination, in a single amount, with State tax which sellers
3 are required to collect under the Use Tax Act, pursuant to such
4 bracket schedules as the Department may prescribe.

5 Whenever the Department determines that a refund should be
6 made under this Section to a claimant instead of issuing a
7 credit memorandum, the Department shall notify the State
8 Comptroller, who shall cause the order to be drawn for the
9 amount specified and to the person named in the notification
10 from the Department. The refund shall be paid by the State
11 Treasurer out of the home rule municipal retailers' occupation
12 tax fund.

13 Except as otherwise provided in this paragraph, the ~~The~~
14 Department shall immediately pay over to the State Treasurer,
15 ex officio, as trustee, all taxes and penalties collected
16 hereunder for deposit into the Home Rule Municipal Retailers'
17 Occupation Tax Fund. Taxes and penalties collected on aviation
18 fuel sold on or after December 1, 2017, shall be immediately
19 paid over by the Department to the State Treasurer, ex officio,
20 as trustee, for deposit into the Local Government Aviation
21 Trust Fund. The Department shall only pay moneys into the Local
22 Government Aviation Trust Fund under this Act for so long as
23 the revenue use requirements of 49 U.S.C. §47107(b) and 49
24 U.S.C. §47133 are binding on the State..

25 As soon as possible after the first day of each month,
26 beginning January 1, 2011, upon certification of the Department

1 of Revenue, the Comptroller shall order transferred, and the
2 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
3 local sales tax increment, as defined in the Innovation
4 Development and Economy Act, collected under this Section
5 during the second preceding calendar month for sales within a
6 STAR bond district.

7 After the monthly transfer to the STAR Bonds Revenue Fund,
8 on or before the 25th day of each calendar month, the
9 Department shall prepare and certify to the Comptroller the
10 disbursement of stated sums of money to named municipalities,
11 the municipalities to be those from which retailers have paid
12 taxes or penalties hereunder to the Department during the
13 second preceding calendar month. The amount to be paid to each
14 municipality shall be the amount (not including credit
15 memoranda and not including taxes and penalties collected on
16 aviation fuel sold on or after December 1, 2017) collected
17 hereunder during the second preceding calendar month by the
18 Department plus an amount the Department determines is
19 necessary to offset any amounts that were erroneously paid to a
20 different taxing body, and not including an amount equal to the
21 amount of refunds made during the second preceding calendar
22 month by the Department on behalf of such municipality, and not
23 including any amount that the Department determines is
24 necessary to offset any amounts that were payable to a
25 different taxing body but were erroneously paid to the
26 municipality, and not including any amounts that are

1 transferred to the STAR Bonds Revenue Fund. Within 10 days
2 after receipt by the Comptroller of the disbursement
3 certification to the municipalities provided for in this
4 Section to be given to the Comptroller by the Department, the
5 Comptroller shall cause the orders to be drawn for the
6 respective amounts in accordance with the directions contained
7 in the certification.

8 In addition to the disbursement required by the preceding
9 paragraph and in order to mitigate delays caused by
10 distribution procedures, an allocation shall, if requested, be
11 made within 10 days after January 14, 1991, and in November of
12 1991 and each year thereafter, to each municipality that
13 received more than \$500,000 during the preceding fiscal year,
14 (July 1 through June 30) whether collected by the municipality
15 or disbursed by the Department as required by this Section.
16 Within 10 days after January 14, 1991, participating
17 municipalities shall notify the Department in writing of their
18 intent to participate. In addition, for the initial
19 distribution, participating municipalities shall certify to
20 the Department the amounts collected by the municipality for
21 each month under its home rule occupation and service
22 occupation tax during the period July 1, 1989 through June 30,
23 1990. The allocation within 10 days after January 14, 1991,
24 shall be in an amount equal to the monthly average of these
25 amounts, excluding the 2 months of highest receipts. The
26 monthly average for the period of July 1, 1990 through June 30,

1 1991 will be determined as follows: the amounts collected by
2 the municipality under its home rule occupation and service
3 occupation tax during the period of July 1, 1990 through
4 September 30, 1990, plus amounts collected by the Department
5 and paid to such municipality through June 30, 1991, excluding
6 the 2 months of highest receipts. The monthly average for each
7 subsequent period of July 1 through June 30 shall be an amount
8 equal to the monthly distribution made to each such
9 municipality under the preceding paragraph during this period,
10 excluding the 2 months of highest receipts. The distribution
11 made in November 1991 and each year thereafter under this
12 paragraph and the preceding paragraph shall be reduced by the
13 amount allocated and disbursed under this paragraph in the
14 preceding period of July 1 through June 30. The Department
15 shall prepare and certify to the Comptroller for disbursement
16 the allocations made in accordance with this paragraph.

17 For the purpose of determining the local governmental unit
18 whose tax is applicable, a retail sale by a producer of coal or
19 other mineral mined in Illinois is a sale at retail at the
20 place where the coal or other mineral mined in Illinois is
21 extracted from the earth. This paragraph does not apply to coal
22 or other mineral when it is delivered or shipped by the seller
23 to the purchaser at a point outside Illinois so that the sale
24 is exempt under the United States Constitution as a sale in
25 interstate or foreign commerce.

26 Nothing in this Section shall be construed to authorize a

1 municipality to impose a tax upon the privilege of engaging in
2 any business which under the Constitution of the United States
3 may not be made the subject of taxation by this State.

4 An ordinance or resolution imposing or discontinuing a tax
5 hereunder or effecting a change in the rate thereof shall be
6 adopted and a certified copy thereof filed with the Department
7 on or before the first day of June, whereupon the Department
8 shall proceed to administer and enforce this Section as of the
9 first day of September next following the adoption and filing.

10 Beginning January 1, 1992, an ordinance or resolution imposing
11 or discontinuing the tax hereunder or effecting a change in the
12 rate thereof shall be adopted and a certified copy thereof
13 filed with the Department on or before the first day of July,
14 whereupon the Department shall proceed to administer and
15 enforce this Section as of the first day of October next
16 following such adoption and filing. Beginning January 1, 1993,
17 an ordinance or resolution imposing or discontinuing the tax
18 hereunder or effecting a change in the rate thereof shall be
19 adopted and a certified copy thereof filed with the Department
20 on or before the first day of October, whereupon the Department
21 shall proceed to administer and enforce this Section as of the
22 first day of January next following the adoption and filing.

23 However, a municipality located in a county with a population
24 in excess of 3,000,000 that elected to become a home rule unit
25 at the general primary election in 1994 may adopt an ordinance
26 or resolution imposing the tax under this Section and file a

1 certified copy of the ordinance or resolution with the
2 Department on or before July 1, 1994. The Department shall then
3 proceed to administer and enforce this Section as of October 1,
4 1994. Beginning April 1, 1998, an ordinance or resolution
5 imposing or discontinuing the tax hereunder or effecting a
6 change in the rate thereof shall either (i) be adopted and a
7 certified copy thereof filed with the Department on or before
8 the first day of April, whereupon the Department shall proceed
9 to administer and enforce this Section as of the first day of
10 July next following the adoption and filing; or (ii) be adopted
11 and a certified copy thereof filed with the Department on or
12 before the first day of October, whereupon the Department shall
13 proceed to administer and enforce this Section as of the first
14 day of January next following the adoption and filing.

15 When certifying the amount of a monthly disbursement to a
16 municipality under this Section, the Department shall increase
17 or decrease the amount by an amount necessary to offset any
18 misallocation of previous disbursements. The offset amount
19 shall be the amount erroneously disbursed within the previous 6
20 months from the time a misallocation is discovered.

21 Any unobligated balance remaining in the Municipal
22 Retailers' Occupation Tax Fund on December 31, 1989, which fund
23 was abolished by Public Act 85-1135, and all receipts of
24 municipal tax as a result of audits of liability periods prior
25 to January 1, 1990, shall be paid into the Local Government Tax
26 Fund for distribution as provided by this Section prior to the

1 enactment of Public Act 85-1135. All receipts of municipal tax
2 as a result of an assessment not arising from an audit, for
3 liability periods prior to January 1, 1990, shall be paid into
4 the Local Government Tax Fund for distribution before July 1,
5 1990, as provided by this Section prior to the enactment of
6 Public Act 85-1135; and on and after July 1, 1990, all such
7 receipts shall be distributed as provided in Section 6z-18 of
8 the State Finance Act.

9 As used in this Section, "municipal" and "municipality"
10 means a city, village or incorporated town, including an
11 incorporated town that has superseded a civil township.

12 This Section shall be known and may be cited as the Home
13 Rule Municipal Retailers' Occupation Tax Act.

14 (Source: P.A. 99-217, eff. 7-31-15.)

15 (65 ILCS 5/8-11-1.3) (from Ch. 24, par. 8-11-1.3)

16 Sec. 8-11-1.3. Non-Home Rule Municipal Retailers'
17 Occupation Tax Act. The corporate authorities of a non-home
18 rule municipality may impose a tax upon all persons engaged in
19 the business of selling tangible personal property, other than
20 on an item of tangible personal property which is titled and
21 registered by an agency of this State's Government, at retail
22 in the municipality for expenditure on public infrastructure or
23 for property tax relief or both as defined in Section 8-11-1.2
24 if approved by referendum as provided in Section 8-11-1.1, of
25 the gross receipts from such sales made in the course of such

1 business. If the tax is approved by referendum on or after July
2 14, 2010 (the effective date of Public Act 96-1057), the
3 corporate authorities of a non-home rule municipality may,
4 until December 31, 2020, use the proceeds of the tax for
5 expenditure on municipal operations, in addition to or in lieu
6 of any expenditure on public infrastructure or for property tax
7 relief. The tax imposed may not be more than 1% and may be
8 imposed only in 1/4% increments. The tax may not be imposed on
9 the sale of food for human consumption that is to be consumed
10 off the premises where it is sold (other than alcoholic
11 beverages, soft drinks, and food that has been prepared for
12 immediate consumption) and prescription and nonprescription
13 medicines, drugs, medical appliances, and insulin, urine
14 testing materials, syringes, and needles used by diabetics.
15 Beginning December 1, 2017, this tax is not imposed on sales of
16 aviation fuel unless the tax revenue is expended for
17 airport-related purposes. If a municipality does not have an
18 airport-related purpose to which it dedicates aviation fuel tax
19 revenue, then aviation fuel is excluded from the tax. Each
20 municipality must comply with the certification requirements
21 for airport-related purposes under Section 8-11-22. For
22 purposes of this Act, "airport-related purposes" has the
23 meaning ascribed in Section 6z-20.2 of the State Finance Act.
24 This exclusion for aviation fuel only applies for so long as
25 the revenue use requirements of 49 U.S.C. §47107(b) and 49
26 U.S.C. §47133 are binding on the municipality. The tax imposed

1 by a municipality pursuant to this Section and all civil
2 penalties that may be assessed as an incident thereof shall be
3 collected and enforced by the State Department of Revenue. The
4 certificate of registration which is issued by the Department
5 to a retailer under the Retailers' Occupation Tax Act shall
6 permit such retailer to engage in a business which is taxable
7 under any ordinance or resolution enacted pursuant to this
8 Section without registering separately with the Department
9 under such ordinance or resolution or under this Section. The
10 Department shall have full power to administer and enforce this
11 Section; to collect all taxes and penalties due hereunder; to
12 dispose of taxes and penalties so collected in the manner
13 hereinafter provided, and to determine all rights to credit
14 memoranda, arising on account of the erroneous payment of tax
15 or penalty hereunder. In the administration of, and compliance
16 with, this Section, the Department and persons who are subject
17 to this Section shall have the same rights, remedies,
18 privileges, immunities, powers and duties, and be subject to
19 the same conditions, restrictions, limitations, penalties and
20 definitions of terms, and employ the same modes of procedure,
21 as are prescribed in Sections 1, 1a, 1a-1, 1d, 1e, 1f, 1i, 1j,
22 2 through 2-65 (in respect to all provisions therein other than
23 the State rate of tax), 2c, 3 (except as to the disposition of
24 taxes and penalties collected, and except that the retailer's
25 discount is not allowed for taxes paid on aviation fuel that
26 are deposited into the Local Government Aviation Trust Fund),

1 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b,
2 6c, 6d, 7, 8, 9, 10, 11, 12 and 13 of the Retailers' Occupation
3 Tax Act and Section 3-7 of the Uniform Penalty and Interest Act
4 as fully as if those provisions were set forth herein.

5 No municipality may impose a tax under this Section unless
6 the municipality also imposes a tax at the same rate under
7 Section 8-11-1.4 of this Code.

8 Persons subject to any tax imposed pursuant to the
9 authority granted in this Section may reimburse themselves for
10 their seller's tax liability hereunder by separately stating
11 such tax as an additional charge, which charge may be stated in
12 combination, in a single amount, with State tax which sellers
13 are required to collect under the Use Tax Act, pursuant to such
14 bracket schedules as the Department may prescribe.

15 Whenever the Department determines that a refund should be
16 made under this Section to a claimant instead of issuing a
17 credit memorandum, the Department shall notify the State
18 Comptroller, who shall cause the order to be drawn for the
19 amount specified, and to the person named, in such notification
20 from the Department. Such refund shall be paid by the State
21 Treasurer out of the non-home rule municipal retailers'
22 occupation tax fund.

23 Except as otherwise provided, the ~~The~~ Department shall
24 forthwith pay over to the State Treasurer, ex officio, as
25 trustee, all taxes and penalties collected hereunder for
26 deposit into the Non-Home Rule Municipal Retailers' Occupation

1 Tax Fund. Taxes and penalties collected on aviation fuel sold
2 on or after December 1, 2017, shall be immediately paid over by
3 the Department to the State Treasurer, ex officio, as trustee,
4 for deposit into the Local Government Aviation Trust Fund. The
5 Department shall only pay moneys into the Local Government
6 Aviation Trust Fund under this Act for so long as the revenue
7 use requirements of 49 U.S.C. §47107(b) and 49 U.S.C. §47133
8 are binding on the municipality.

9 As soon as possible after the first day of each month,
10 beginning January 1, 2011, upon certification of the Department
11 of Revenue, the Comptroller shall order transferred, and the
12 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
13 local sales tax increment, as defined in the Innovation
14 Development and Economy Act, collected under this Section
15 during the second preceding calendar month for sales within a
16 STAR bond district.

17 After the monthly transfer to the STAR Bonds Revenue Fund,
18 on or before the 25th day of each calendar month, the
19 Department shall prepare and certify to the Comptroller the
20 disbursement of stated sums of money to named municipalities,
21 the municipalities to be those from which retailers have paid
22 taxes or penalties hereunder to the Department during the
23 second preceding calendar month. The amount to be paid to each
24 municipality shall be the amount (not including credit
25 memoranda and not including taxes and penalties collected on
26 aviation fuel sold on or after December 1, 2017) collected

1 hereunder during the second preceding calendar month by the
2 Department plus an amount the Department determines is
3 necessary to offset any amounts which were erroneously paid to
4 a different taxing body, and not including an amount equal to
5 the amount of refunds made during the second preceding calendar
6 month by the Department on behalf of such municipality, and not
7 including any amount which the Department determines is
8 necessary to offset any amounts which were payable to a
9 different taxing body but were erroneously paid to the
10 municipality, and not including any amounts that are
11 transferred to the STAR Bonds Revenue Fund. Within 10 days
12 after receipt, by the Comptroller, of the disbursement
13 certification to the municipalities, provided for in this
14 Section to be given to the Comptroller by the Department, the
15 Comptroller shall cause the orders to be drawn for the
16 respective amounts in accordance with the directions contained
17 in such certification.

18 For the purpose of determining the local governmental unit
19 whose tax is applicable, a retail sale, by a producer of coal
20 or other mineral mined in Illinois, is a sale at retail at the
21 place where the coal or other mineral mined in Illinois is
22 extracted from the earth. This paragraph does not apply to coal
23 or other mineral when it is delivered or shipped by the seller
24 to the purchaser at a point outside Illinois so that the sale
25 is exempt under the Federal Constitution as a sale in
26 interstate or foreign commerce.

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

5 When certifying the amount of a monthly disbursement to a
6 municipality under this Section, the Department shall increase
7 or decrease such amount by an amount necessary to offset any
8 misallocation of previous disbursements. The offset amount
9 shall be the amount erroneously disbursed within the previous 6
10 months from the time a misallocation is discovered.

11 The Department of Revenue shall implement this amendatory
12 Act of the 91st General Assembly so as to collect the tax on
13 and after January 1, 2002.

14 As used in this Section, "municipal" and "municipality"
15 means a city, village or incorporated town, including an
16 incorporated town which has superseded a civil township.

17 This Section shall be known and may be cited as the
18 "Non-Home Rule Municipal Retailers' Occupation Tax Act".

19 (Source: P.A. 99-217, eff. 7-31-15.)

20 (65 ILCS 5/8-11-1.4) (from Ch. 24, par. 8-11-1.4)

21 Sec. 8-11-1.4. Non-Home Rule Municipal Service Occupation
22 Tax Act. The corporate authorities of a non-home rule
23 municipality may impose a tax upon all persons engaged, in such
24 municipality, in the business of making sales of service for
25 expenditure on public infrastructure or for property tax relief

1 or both as defined in Section 8-11-1.2 if approved by
2 referendum as provided in Section 8-11-1.1, of the selling
3 price of all tangible personal property transferred by such
4 servicemen either in the form of tangible personal property or
5 in the form of real estate as an incident to a sale of service.
6 If the tax is approved by referendum on or after July 14, 2010
7 (the effective date of Public Act 96-1057), the corporate
8 authorities of a non-home rule municipality may, until December
9 31, 2020, use the proceeds of the tax for expenditure on
10 municipal operations, in addition to or in lieu of any
11 expenditure on public infrastructure or for property tax
12 relief. The tax imposed may not be more than 1% and may be
13 imposed only in 1/4% increments. The tax may not be imposed on
14 the sale of food for human consumption that is to be consumed
15 off the premises where it is sold (other than alcoholic
16 beverages, soft drinks, and food that has been prepared for
17 immediate consumption) and prescription and nonprescription
18 medicines, drugs, medical appliances, and insulin, urine
19 testing materials, syringes, and needles used by diabetics.
20 Beginning December 1, 2017, this tax is not imposed on sales of
21 aviation fuel unless the tax revenue is expended for
22 airport-related purposes. If a municipality does not have an
23 airport-related purpose to which it dedicates aviation fuel tax
24 revenue, then aviation fuel is excluded from the tax. Each
25 municipality must comply with the certification requirements
26 for airport-related purposes under Section 8-11-22. For

1 purposes of this Act, "airport-related purposes" has the
2 meaning ascribed in Section 6z-20.2 of the State Finance Act.
3 This exclusion for aviation fuel only applies for so long as
4 the revenue use requirements of 49 U.S.C. §47107(b) and 49
5 U.S.C. §47133 are binding on the municipality. The tax imposed
6 by a municipality pursuant to this Section and all civil
7 penalties that may be assessed as an incident thereof shall be
8 collected and enforced by the State Department of Revenue. The
9 certificate of registration which is issued by the Department
10 to a retailer under the Retailers' Occupation Tax Act or under
11 the Service Occupation Tax Act shall permit such registrant to
12 engage in a business which is taxable under any ordinance or
13 resolution enacted pursuant to this Section without
14 registering separately with the Department under such
15 ordinance or resolution or under this Section. The Department
16 shall have full power to administer and enforce this Section;
17 to collect all taxes and penalties due hereunder; to dispose of
18 taxes and penalties so collected in the manner hereinafter
19 provided, and to determine all rights to credit memoranda
20 arising on account of the erroneous payment of tax or penalty
21 hereunder. In the administration of, and compliance with, this
22 Section the Department and persons who are subject to this
23 Section shall have the same rights, remedies, privileges,
24 immunities, powers and duties, and be subject to the same
25 conditions, restrictions, limitations, penalties and
26 definitions of terms, and employ the same modes of procedure,

1 as are prescribed in Sections 1a-1, 2, 2a, 3 through 3-50 (in
2 respect to all provisions therein other than the State rate of
3 tax), 4 (except that the reference to the State shall be to the
4 taxing municipality), 5, 7, 8 (except that the jurisdiction to
5 which the tax shall be a debt to the extent indicated in that
6 Section 8 shall be the taxing municipality), 9 (except as to
7 the disposition of taxes and penalties collected, and except
8 that the returned merchandise credit for this municipal tax may
9 not be taken against any State tax, and except that the
10 retailer's discount is not allowed for taxes paid on aviation
11 fuel that are deposited into the Local Government Aviation
12 Trust Fund), 10, 11, 12 (except the reference therein to
13 Section 2b of the Retailers' Occupation Tax Act), 13 (except
14 that any reference to the State shall mean the taxing
15 municipality), the first paragraph of Section 15, 16, 17, 18,
16 19 and 20 of the Service Occupation Tax Act and Section 3-7 of
17 the Uniform Penalty and Interest Act, as fully as if those
18 provisions were set forth herein.

19 No municipality may impose a tax under this Section unless
20 the municipality also imposes a tax at the same rate under
21 Section 8-11-1.3 of this Code.

22 Persons subject to any tax imposed pursuant to the
23 authority granted in this Section may reimburse themselves for
24 their serviceman's tax liability hereunder by separately
25 stating such tax as an additional charge, which charge may be
26 stated in combination, in a single amount, with State tax which

1 servicemen are authorized to collect under the Service Use Tax
2 Act, pursuant to such bracket schedules as the Department may
3 prescribe.

4 Whenever the Department determines that a refund should be
5 made under this Section to a claimant instead of issuing credit
6 memorandum, the Department shall notify the State Comptroller,
7 who shall cause the order to be drawn for the amount specified,
8 and to the person named, in such notification from the
9 Department. Such refund shall be paid by the State Treasurer
10 out of the municipal retailers' occupation tax fund.

11 Except as otherwise provided in this paragraph, the ~~The~~
12 Department shall forthwith pay over to the State Treasurer, ex
13 officio, as trustee, all taxes and penalties collected
14 hereunder for deposit into the municipal retailers' occupation
15 tax fund. Taxes and penalties collected on aviation fuel sold
16 on or after December 1, 2017, shall be immediately paid over by
17 the Department to the State Treasurer, ex officio, as trustee,
18 for deposit into the Local Government Aviation Trust Fund. The
19 Department shall only pay moneys into the Local Government
20 Aviation Trust Fund under this Act for so long as the revenue
21 use requirements of 49 U.S.C. §47107(b) and 49 U.S.C. §47133
22 are binding on the municipality..

23 As soon as possible after the first day of each month,
24 beginning January 1, 2011, upon certification of the Department
25 of Revenue, the Comptroller shall order transferred, and the
26 Treasurer shall transfer, to the STAR Bonds Revenue Fund the

1 local sales tax increment, as defined in the Innovation
2 Development and Economy Act, collected under this Section
3 during the second preceding calendar month for sales within a
4 STAR bond district.

5 After the monthly transfer to the STAR Bonds Revenue Fund,
6 on or before the 25th day of each calendar month, the
7 Department shall prepare and certify to the Comptroller the
8 disbursement of stated sums of money to named municipalities,
9 the municipalities to be those from which suppliers and
10 servicemen have paid taxes or penalties hereunder to the
11 Department during the second preceding calendar month. The
12 amount to be paid to each municipality shall be the amount (not
13 including credit memoranda and not including taxes and
14 penalties collected on aviation fuel sold on or after December
15 1, 2017) collected hereunder during the second preceding
16 calendar month by the Department, and not including an amount
17 equal to the amount of refunds made during the second preceding
18 calendar month by the Department on behalf of such
19 municipality, and not including any amounts that are
20 transferred to the STAR Bonds Revenue Fund. Within 10 days
21 after receipt, by the Comptroller, of the disbursement
22 certification to the municipalities and the General Revenue
23 Fund, provided for in this Section to be given to the
24 Comptroller by the Department, the Comptroller shall cause the
25 orders to be drawn for the respective amounts in accordance
26 with the directions contained in such certification.

1 The Department of Revenue shall implement this amendatory
2 Act of the 91st General Assembly so as to collect the tax on
3 and after January 1, 2002.

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

8 As used in this Section, "municipal" or "municipality"
9 means or refers to a city, village or incorporated town,
10 including an incorporated town which has superseded a civil
11 township.

12 This Section shall be known and may be cited as the
13 "Non-Home Rule Municipal Service Occupation Tax Act".

14 (Source: P.A. 96-939, eff. 6-24-10; 96-1057, eff. 7-14-10;
15 97-333, eff. 8-12-11; 97-837, eff. 7-20-12.)

16 (65 ILCS 5/8-11-1.6)

17 Sec. 8-11-1.6. Non-home rule municipal retailers
18 occupation tax; municipalities between 20,000 and 25,000. The
19 corporate authorities of a non-home rule municipality with a
20 population of more than 20,000 but less than 25,000 that has,
21 prior to January 1, 1987, established a Redevelopment Project
22 Area that has been certified as a State Sales Tax Boundary and
23 has issued bonds or otherwise incurred indebtedness to pay for
24 costs in excess of \$5,000,000, which is secured in part by a
25 tax increment allocation fund, in accordance with the

1 provisions of Division 11-74.4 of this Code may, by passage of
2 an ordinance, impose a tax upon all persons engaged in the
3 business of selling tangible personal property, other than on
4 an item of tangible personal property that is titled and
5 registered by an agency of this State's Government, at retail
6 in the municipality. This tax may not be imposed on the sales
7 of food for human consumption that is to be consumed off the
8 premises where it is sold (other than alcoholic beverages, soft
9 drinks, and food that has been prepared for immediate
10 consumption) and prescription and nonprescription medicines,
11 drugs, medical appliances and insulin, urine testing
12 materials, syringes, and needles used by diabetics. Beginning
13 December 1, 2017, this tax is not imposed on sales of aviation
14 fuel unless the tax revenue is expended for airport-related
15 purposes. If a municipality does not have an airport-related
16 purpose to which it dedicates aviation fuel tax revenue, then
17 aviation fuel is excluded from the tax. Each municipality must
18 comply with the certification requirements for airport-related
19 purposes under Section 8-11-22. For purposes of this Act,
20 "airport-related purposes" has the meaning ascribed in Section
21 6z-20.2 of the State Finance Act. This exclusion for aviation
22 fuel only applies for so long as the revenue use requirements
23 of 49 U.S.C. §47107(b) and 49 U.S.C. §47133 are binding on the
24 municipality. If imposed, the tax shall only be imposed in .25%
25 increments of the gross receipts from such sales made in the
26 course of business. Any tax imposed by a municipality under

1 this Section and all civil penalties that may be assessed as an
2 incident thereof shall be collected and enforced by the State
3 Department of Revenue. An ordinance imposing a tax hereunder or
4 effecting a change in the rate thereof shall be adopted and a
5 certified copy thereof filed with the Department on or before
6 the first day of October, whereupon the Department shall
7 proceed to administer and enforce this Section as of the first
8 day of January next following such adoption and filing. The
9 certificate of registration that is issued by the Department to
10 a retailer under the Retailers' Occupation Tax Act shall permit
11 the retailer to engage in a business that is taxable under any
12 ordinance or resolution enacted under this Section without
13 registering separately with the Department under the ordinance
14 or resolution or under this Section. The Department shall have
15 full power to administer and enforce this Section, to collect
16 all taxes and penalties due hereunder, to dispose of taxes and
17 penalties so collected in the manner hereinafter provided, and
18 to determine all rights to credit memoranda, arising on account
19 of the erroneous payment of tax or penalty hereunder. In the
20 administration of, and compliance with this Section, the
21 Department and persons who are subject to this Section shall
22 have the same rights, remedies, privileges, immunities,
23 powers, and duties, and be subject to the same conditions,
24 restrictions, limitations, penalties, and definitions of
25 terms, and employ the same modes of procedure, as are
26 prescribed in Sections 1, 1a, 1a-1, 1d, 1e, 1f, 1i, 1j, 2

1 through 2-65 (in respect to all provisions therein other than
2 the State rate of tax), 2c, 3 (except as to the disposition of
3 taxes and penalties collected, and except that the retailer's
4 discount is not allowed for taxes paid on aviation fuel that
5 are deposited into the Local Government Aviation Trust Fund),
6 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b,
7 6c, 6d, 7, 8, 9, 10, 11, 12 and 13 of the Retailers' Occupation
8 Tax Act and Section 3-7 of the Uniform Penalty and Interest Act
9 as fully as if those provisions were set forth herein.

10 A tax may not be imposed by a municipality under this
11 Section unless the municipality also imposes a tax at the same
12 rate under Section 8-11-1.7 of this Act.

13 Persons subject to any tax imposed under the authority
14 granted in this Section, may reimburse themselves for their
15 seller's tax liability hereunder by separately stating the tax
16 as an additional charge, which charge may be stated in
17 combination, in a single amount, with State tax which sellers
18 are required to collect under the Use Tax Act, pursuant to such
19 bracket schedules as the Department may prescribe.

20 Whenever the Department determines that a refund should be
21 made under this Section to a claimant, instead of issuing a
22 credit memorandum, the Department shall notify the State
23 Comptroller, who shall cause the order to be drawn for the
24 amount specified, and to the person named in the notification
25 from the Department. The refund shall be paid by the State
26 Treasurer out of the Non-Home Rule Municipal Retailers'

1 Occupation Tax Fund, which is hereby created.

2 Except as otherwise provided in this paragraph, the ~~The~~
3 Department shall forthwith pay over to the State Treasurer, ex
4 officio, as trustee, all taxes and penalties collected
5 hereunder for deposit into the Non-Home Rule Municipal
6 Retailers' Occupation Tax Fund. Taxes and penalties collected
7 on aviation fuel sold on or after December 1, 2017, shall be
8 immediately paid over by the Department to the State Treasurer,
9 ex officio, as trustee, for deposit into the Local Government
10 Aviation Trust Fund. The Department shall only pay moneys into
11 the Local Government Aviation Trust Fund under this Act for so
12 long as the revenue use requirements of 49 U.S.C. §47107(b) and
13 49 U.S.C. §47133 are binding on the municipality.

14 As soon as possible after the first day of each month,
15 beginning January 1, 2011, upon certification of the Department
16 of Revenue, the Comptroller shall order transferred, and the
17 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
18 local sales tax increment, as defined in the Innovation
19 Development and Economy Act, collected under this Section
20 during the second preceding calendar month for sales within a
21 STAR bond district.

22 After the monthly transfer to the STAR Bonds Revenue Fund,
23 on or before the 25th day of each calendar month, the
24 Department shall prepare and certify to the Comptroller the
25 disbursement of stated sums of money to named municipalities,
26 the municipalities to be those from which retailers have paid

1 taxes or penalties hereunder to the Department during the
2 second preceding calendar month. The amount to be paid to each
3 municipality shall be the amount (not including credit
4 memoranda and not including taxes and penalties collected on
5 aviation fuel sold on or after December 1, 2017) collected
6 hereunder during the second preceding calendar month by the
7 Department plus an amount the Department determines is
8 necessary to offset any amounts that were erroneously paid to a
9 different taxing body, and not including an amount equal to the
10 amount of refunds made during the second preceding calendar
11 month by the Department on behalf of the municipality, and not
12 including any amount that the Department determines is
13 necessary to offset any amounts that were payable to a
14 different taxing body but were erroneously paid to the
15 municipality, and not including any amounts that are
16 transferred to the STAR Bonds Revenue Fund. Within 10 days
17 after receipt by the Comptroller of the disbursement
18 certification to the municipalities provided for in this
19 Section to be given to the Comptroller by the Department, the
20 Comptroller shall cause the orders to be drawn for the
21 respective amounts in accordance with the directions contained
22 in the certification.

23 For the purpose of determining the local governmental unit
24 whose tax is applicable, a retail sale by a producer of coal or
25 other mineral mined in Illinois is a sale at retail at the
26 place where the coal or other mineral mined in Illinois is

1 extracted from the earth. This paragraph does not apply to coal
2 or other mineral when it is delivered or shipped by the seller
3 to the purchaser at a point outside Illinois so that the sale
4 is exempt under the federal Constitution as a sale in
5 interstate or foreign commerce.

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

10 When certifying the amount of a monthly disbursement to a
11 municipality under this Section, the Department shall increase
12 or decrease the amount by an amount necessary to offset any
13 misallocation of previous disbursements. The offset amount
14 shall be the amount erroneously disbursed within the previous 6
15 months from the time a misallocation is discovered.

16 As used in this Section, "municipal" and "municipality"
17 means a city, village, or incorporated town, including an
18 incorporated town that has superseded a civil township.

19 (Source: P.A. 99-217, eff. 7-31-15; 99-642, eff. 7-28-16.)

20 (65 ILCS 5/8-11-1.7)

21 Sec. 8-11-1.7. Non-home rule municipal service occupation
22 tax; municipalities between 20,000 and 25,000. The corporate
23 authorities of a non-home rule municipality with a population
24 of more than 20,000 but less than 25,000 as determined by the
25 last preceding decennial census that has, prior to January 1,

1 1987, established a Redevelopment Project Area that has been
2 certified as a State Sales Tax Boundary and has issued bonds or
3 otherwise incurred indebtedness to pay for costs in excess of
4 \$5,000,000, which is secured in part by a tax increment
5 allocation fund, in accordance with the provisions of Division
6 11-74.4 of this Code may, by passage of an ordinance, impose a
7 tax upon all persons engaged in the municipality in the
8 business of making sales of service. If imposed, the tax shall
9 only be imposed in .25% increments of the selling price of all
10 tangible personal property transferred by such servicemen
11 either in the form of tangible personal property or in the form
12 of real estate as an incident to a sale of service. This tax
13 may not be imposed on the sales of food for human consumption
14 that is to be consumed off the premises where it is sold (other
15 than alcoholic beverages, soft drinks, and food that has been
16 prepared for immediate consumption) and prescription and
17 nonprescription medicines, drugs, medical appliances and
18 insulin, urine testing materials, syringes, and needles used by
19 diabetics. Beginning December 1, 2017, this tax is not imposed
20 on sales of aviation fuel unless the tax revenue is expended
21 for airport-related purposes. If a municipality does not have
22 an airport-related purpose to which it dedicates aviation fuel
23 tax revenue, then aviation fuel is excluded from the tax. Each
24 municipality must comply with the certification requirements
25 for airport-related purposes under Section 8-11-22. For
26 purposes of this Act, "airport-related purposes" has the

1 meaning ascribed in Section 6z-20.2 of the State Finance Act.
2 This exclusion for aviation fuel only applies for so long as
3 the revenue use requirements of 49 U.S.C. §47107(b) and 49
4 U.S.C. §47133 are binding on the municipality. The tax imposed
5 by a municipality under this Sec. and all civil penalties that
6 may be assessed as an incident thereof shall be collected and
7 enforced by the State Department of Revenue. An ordinance
8 imposing a tax hereunder or effecting a change in the rate
9 thereof shall be adopted and a certified copy thereof filed
10 with the Department on or before the first day of October,
11 whereupon the Department shall proceed to administer and
12 enforce this Section as of the first day of January next
13 following such adoption and filing. The certificate of
14 registration that is issued by the Department to a retailer
15 under the Retailers' Occupation Tax Act or under the Service
16 Occupation Tax Act shall permit the registrant to engage in a
17 business that is taxable under any ordinance or resolution
18 enacted under this Section without registering separately with
19 the Department under the ordinance or resolution or under this
20 Section. The Department shall have full power to administer and
21 enforce this Section, to collect all taxes and penalties due
22 hereunder, to dispose of taxes and penalties so collected in a
23 manner hereinafter provided, and to determine all rights to
24 credit memoranda arising on account of the erroneous payment of
25 tax or penalty hereunder. In the administration of and
26 compliance with this Section, the Department and persons who

1 are subject to this Section shall have the same rights,
2 remedies, privileges, immunities, powers, and duties, and be
3 subject to the same conditions, restrictions, limitations,
4 penalties and definitions of terms, and employ the same modes
5 of procedure, as are prescribed in Sections 1a-1, 2, 2a, 3
6 through 3-50 (in respect to all provisions therein other than
7 the State rate of tax), 4 (except that the reference to the
8 State shall be to the taxing municipality), 5, 7, 8 (except
9 that the jurisdiction to which the tax shall be a debt to the
10 extent indicated in that Section 8 shall be the taxing
11 municipality), 9 (except as to the disposition of taxes and
12 penalties collected, and except that the returned merchandise
13 credit for this municipal tax may not be taken against any
14 State tax, and except that the retailer's discount is not
15 allowed for taxes paid on aviation fuel that are deposited into
16 the Local Government Aviation Trust Fund), 10, 11, 12, (except
17 the reference therein to Section 2b of the Retailers'
18 Occupation Tax Act), 13 (except that any reference to the State
19 shall mean the taxing municipality), the first paragraph of
20 Sections 15, 16, 17, 18, 19, and 20 of the Service Occupation
21 Tax Act and Section 3-7 of the Uniform Penalty and Interest
22 Act, as fully as if those provisions were set forth herein.

23 A tax may not be imposed by a municipality under this
24 Section unless the municipality also imposes a tax at the same
25 rate under Section 8-11-1.6 of this Act.

26 Person subject to any tax imposed under the authority

1 granted in this Section may reimburse themselves for their
2 servicemen's tax liability hereunder by separately stating the
3 tax as an additional charge, which charge may be stated in
4 combination, in a single amount, with State tax that servicemen
5 are authorized to collect under the Service Use Tax Act, under
6 such bracket schedules as the Department may prescribe.

7 Whenever the Department determines that a refund should be
8 made under this Section to a claimant instead of issuing credit
9 memorandum, the Department shall notify the State Comptroller,
10 who shall cause the order to be drawn for the amount specified,
11 and to the person named, in such notification from the
12 Department. The refund shall be paid by the State Treasurer out
13 of the Non-Home Rule Municipal Retailers' Occupation Tax Fund.

14 Except as otherwise provided in this paragraph, the ~~The~~
15 Department shall forthwith pay over to the State Treasurer, ex
16 officio, as trustee, all taxes and penalties collected
17 hereunder for deposit into the Non-Home Rule Municipal
18 Retailers' Occupation Tax Fund. Taxes and penalties collected
19 on aviation fuel sold on or after December 1, 2017, shall be
20 immediately paid over by the Department to the State Treasurer,
21 ex officio, as trustee, for deposit into the Local Government
22 Aviation Trust Fund. The Department shall only pay moneys into
23 the Local Government Aviation Trust Fund under this Act for so
24 long as the revenue use requirements of 49 U.S.C. §47107(b) and
25 49 U.S.C. §47133 are binding on the Municipality.

26 As soon as possible after the first day of each month,

1 beginning January 1, 2011, upon certification of the Department
2 of Revenue, the Comptroller shall order transferred, and the
3 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
4 local sales tax increment, as defined in the Innovation
5 Development and Economy Act, collected under this Section
6 during the second preceding calendar month for sales within a
7 STAR bond district.

8 After the monthly transfer to the STAR Bonds Revenue Fund,
9 on or before the 25th day of each calendar month, the
10 Department shall prepare and certify to the Comptroller the
11 disbursement of stated sums of money to named municipalities,
12 the municipalities to be those from which suppliers and
13 servicemen have paid taxes or penalties hereunder to the
14 Department during the second preceding calendar month. The
15 amount to be paid to each municipality shall be the amount (not
16 including credit memoranda and not including taxes and
17 penalties collected on aviation fuel sold on or after December
18 1, 2017) collected hereunder during the second preceding
19 calendar month by the Department, and not including an amount
20 equal to the amount of refunds made during the second preceding
21 calendar month by the Department on behalf of such
22 municipality, and not including any amounts that are
23 transferred to the STAR Bonds Revenue Fund. Within 10 days
24 after receipt by the Comptroller of the disbursement
25 certification to the municipalities and the General Revenue
26 Fund, provided for in this Section to be given to the

1 Comptroller by the Department, the Comptroller shall cause the
2 orders to be drawn for the respective amounts in accordance
3 with the directions contained in the certification.

4 When certifying the amount of a monthly disbursement to a
5 municipality under this Section, the Department shall increase
6 or decrease the amount by an amount necessary to offset any
7 misallocation of previous disbursements. The offset amount
8 shall be the amount erroneously disbursed within the previous 6
9 months from the time a misallocation is discovered.

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

14 (Source: P.A. 96-939, eff. 6-24-10; 97-813, eff. 7-13-12.)

15 (65 ILCS 5/8-11-5) (from Ch. 24, par. 8-11-5)

16 Sec. 8-11-5. Home Rule Municipal Service Occupation Tax
17 Act. The corporate authorities of a home rule municipality may
18 impose a tax upon all persons engaged, in such municipality, in
19 the business of making sales of service at the same rate of tax
20 imposed pursuant to Section 8-11-1, of the selling price of all
21 tangible personal property transferred by such servicemen
22 either in the form of tangible personal property or in the form
23 of real estate as an incident to a sale of service. If imposed,
24 such tax shall only be imposed in 1/4% increments. On and after
25 September 1, 1991, this additional tax may not be imposed on

1 the sales of food for human consumption which is to be consumed
2 off the premises where it is sold (other than alcoholic
3 beverages, soft drinks and food which has been prepared for
4 immediate consumption) and prescription and nonprescription
5 medicines, drugs, medical appliances and insulin, urine
6 testing materials, syringes and needles used by diabetics.
7 Beginning December 1, 2017, this tax may not be imposed on
8 sales of aviation fuel unless the tax revenue is expended for
9 airport-related purposes. If a municipality does not have an
10 airport-related purpose to which it dedicates aviation fuel tax
11 revenue, then aviation fuel shall be excluded from tax. Each
12 municipality must comply with the certification requirements
13 for airport-related purposes under Section 8-11-22. For
14 purposes of this Act, "airport-related purposes" has the
15 meaning ascribed in Section 6z-20.2 of the State Finance Act.
16 This exception for aviation fuel only applies for so long as
17 the revenue use requirements of 49 U.S.C. §47107(b) and 49
18 U.S.C. §47133 are binding on the State. The changes made to
19 this Section by this amendatory Act of the 100th General
20 Assembly are a denial and limitation of home rule powers and
21 functions under subsection (g) of Section 6 of Article VII of
22 the Illinois Constitution. The tax imposed by a home rule
23 municipality pursuant to this Section and all civil penalties
24 that may be assessed as an incident thereof shall be collected
25 and enforced by the State Department of Revenue. The
26 certificate of registration which is issued by the Department

1 to a retailer under the Retailers' Occupation Tax Act or under
2 the Service Occupation Tax Act shall permit such registrant to
3 engage in a business which is taxable under any ordinance or
4 resolution enacted pursuant to this Section without
5 registering separately with the Department under such
6 ordinance or resolution or under this Section. The Department
7 shall have full power to administer and enforce this Section;
8 to collect all taxes and penalties due hereunder; to dispose of
9 taxes and penalties so collected in the manner hereinafter
10 provided, and to determine all rights to credit memoranda
11 arising on account of the erroneous payment of tax or penalty
12 hereunder. In the administration of, and compliance with, this
13 Section the Department and persons who are subject to this
14 Section shall have the same rights, remedies, privileges,
15 immunities, powers and duties, and be subject to the same
16 conditions, restrictions, limitations, penalties and
17 definitions of terms, and employ the same modes of procedure,
18 as are prescribed in Sections 1a-1, 2, 2a, 3 through 3-50 (in
19 respect to all provisions therein other than the State rate of
20 tax), 4 (except that the reference to the State shall be to the
21 taxing municipality), 5, 7, 8 (except that the jurisdiction to
22 which the tax shall be a debt to the extent indicated in that
23 Section 8 shall be the taxing municipality), 9 (except as to
24 the disposition of taxes and penalties collected, and except
25 that the returned merchandise credit for this municipal tax may
26 not be taken against any State tax), 10, 11, 12 (except the

1 reference therein to Section 2b of the Retailers' Occupation
2 Tax Act), 13 (except that any reference to the State shall mean
3 the taxing municipality), the first paragraph of Section 15,
4 16, 17 (except that credit memoranda issued hereunder may not
5 be used to discharge any State tax liability), 18, 19 and 20 of
6 the Service Occupation Tax Act and Section 3-7 of the Uniform
7 Penalty and Interest Act, as fully as if those provisions were
8 set forth herein.

9 No tax may be imposed by a home rule municipality pursuant
10 to this Section unless such municipality also imposes a tax at
11 the same rate pursuant to Section 8-11-1 of this Act.

12 Persons subject to any tax imposed pursuant to the
13 authority granted in this Section may reimburse themselves for
14 their serviceman's tax liability hereunder by separately
15 stating such tax as an additional charge, which charge may be
16 stated in combination, in a single amount, with State tax which
17 servicemen are authorized to collect under the Service Use Tax
18 Act, pursuant to such bracket schedules as the Department may
19 prescribe.

20 Whenever the Department determines that a refund should be
21 made under this Section to a claimant instead of issuing credit
22 memorandum, the Department shall notify the State Comptroller,
23 who shall cause the order to be drawn for the amount specified,
24 and to the person named, in such notification from the
25 Department. Such refund shall be paid by the State Treasurer
26 out of the home rule municipal retailers' occupation tax fund.

1 Except as otherwise provided in this paragraph, the ~~The~~
2 Department shall forthwith pay over to the State Treasurer,
3 ex-officio, as trustee, all taxes and penalties collected
4 hereunder for deposit into the Home Rule Municipal Retailers'
5 Occupation Tax Fund. Taxes and penalties collected on aviation
6 fuel sold on or after December 1, 2017, shall be immediately
7 paid over by the Department to the State Treasurer, ex officio,
8 as trustee, for deposit into the Local Government Aviation
9 Trust Fund. The Department shall only pay moneys into the State
10 Aviation Program Fund under this Act for so long as the revenue
11 use requirements of 49 U.S.C. §47107(b) and 49 U.S.C. §47133
12 are binding on the municipality..

13 As soon as possible after the first day of each month,
14 beginning January 1, 2011, upon certification of the Department
15 of Revenue, the Comptroller shall order transferred, and the
16 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
17 local sales tax increment, as defined in the Innovation
18 Development and Economy Act, collected under this Section
19 during the second preceding calendar month for sales within a
20 STAR bond district.

21 After the monthly transfer to the STAR Bonds Revenue Fund,
22 on or before the 25th day of each calendar month, the
23 Department shall prepare and certify to the Comptroller the
24 disbursement of stated sums of money to named municipalities,
25 the municipalities to be those from which suppliers and
26 servicemen have paid taxes or penalties hereunder to the

1 Department during the second preceding calendar month. The
2 amount to be paid to each municipality shall be the amount (not
3 including credit memoranda and not including taxes and
4 penalties collected on aviation fuel sold on or after December
5 1, 2017) collected hereunder during the second preceding
6 calendar month by the Department, and not including an amount
7 equal to the amount of refunds made during the second preceding
8 calendar month by the Department on behalf of such
9 municipality, and not including any amounts that are
10 transferred to the STAR Bonds Revenue Fund. Within 10 days
11 after receipt, by the Comptroller, of the disbursement
12 certification to the municipalities, provided for in this
13 Section to be given to the Comptroller by the Department, the
14 Comptroller shall cause the orders to be drawn for the
15 respective amounts in accordance with the directions contained
16 in such certification.

17 In addition to the disbursement required by the preceding
18 paragraph and in order to mitigate delays caused by
19 distribution procedures, an allocation shall, if requested, be
20 made within 10 days after January 14, 1991, and in November of
21 1991 and each year thereafter, to each municipality that
22 received more than \$500,000 during the preceding fiscal year,
23 (July 1 through June 30) whether collected by the municipality
24 or disbursed by the Department as required by this Section.
25 Within 10 days after January 14, 1991, participating
26 municipalities shall notify the Department in writing of their

1 intent to participate. In addition, for the initial
2 distribution, participating municipalities shall certify to
3 the Department the amounts collected by the municipality for
4 each month under its home rule occupation and service
5 occupation tax during the period July 1, 1989 through June 30,
6 1990. The allocation within 10 days after January 14, 1991,
7 shall be in an amount equal to the monthly average of these
8 amounts, excluding the 2 months of highest receipts. Monthly
9 average for the period of July 1, 1990 through June 30, 1991
10 will be determined as follows: the amounts collected by the
11 municipality under its home rule occupation and service
12 occupation tax during the period of July 1, 1990 through
13 September 30, 1990, plus amounts collected by the Department
14 and paid to such municipality through June 30, 1991, excluding
15 the 2 months of highest receipts. The monthly average for each
16 subsequent period of July 1 through June 30 shall be an amount
17 equal to the monthly distribution made to each such
18 municipality under the preceding paragraph during this period,
19 excluding the 2 months of highest receipts. The distribution
20 made in November 1991 and each year thereafter under this
21 paragraph and the preceding paragraph shall be reduced by the
22 amount allocated and disbursed under this paragraph in the
23 preceding period of July 1 through June 30. The Department
24 shall prepare and certify to the Comptroller for disbursement
25 the allocations made in accordance with this paragraph.

26 Nothing in this Section shall be construed to authorize a

1 municipality to impose a tax upon the privilege of engaging in
2 any business which under the constitution of the United States
3 may not be made the subject of taxation by this State.

4 An ordinance or resolution imposing or discontinuing a tax
5 hereunder or effecting a change in the rate thereof shall be
6 adopted and a certified copy thereof filed with the Department
7 on or before the first day of June, whereupon the Department
8 shall proceed to administer and enforce this Section as of the
9 first day of September next following such adoption and filing.

10 Beginning January 1, 1992, an ordinance or resolution imposing
11 or discontinuing the tax hereunder or effecting a change in the
12 rate thereof shall be adopted and a certified copy thereof
13 filed with the Department on or before the first day of July,
14 whereupon the Department shall proceed to administer and
15 enforce this Section as of the first day of October next
16 following such adoption and filing. Beginning January 1, 1993,

17 an ordinance or resolution imposing or discontinuing the tax
18 hereunder or effecting a change in the rate thereof shall be
19 adopted and a certified copy thereof filed with the Department
20 on or before the first day of October, whereupon the Department
21 shall proceed to administer and enforce this Section as of the
22 first day of January next following such adoption and filing.

23 However, a municipality located in a county with a population
24 in excess of 3,000,000 that elected to become a home rule unit
25 at the general primary election in 1994 may adopt an ordinance
26 or resolution imposing the tax under this Section and file a

1 certified copy of the ordinance or resolution with the
2 Department on or before July 1, 1994. The Department shall then
3 proceed to administer and enforce this Section as of October 1,
4 1994. Beginning April 1, 1998, an ordinance or resolution
5 imposing or discontinuing the tax hereunder or effecting a
6 change in the rate thereof shall either (i) be adopted and a
7 certified copy thereof filed with the Department on or before
8 the first day of April, whereupon the Department shall proceed
9 to administer and enforce this Section as of the first day of
10 July next following the adoption and filing; or (ii) be adopted
11 and a certified copy thereof filed with the Department on or
12 before the first day of October, whereupon the Department shall
13 proceed to administer and enforce this Section as of the first
14 day of January next following the adoption and filing.

15 Any unobligated balance remaining in the Municipal
16 Retailers' Occupation Tax Fund on December 31, 1989, which fund
17 was abolished by Public Act 85-1135, and all receipts of
18 municipal tax as a result of audits of liability periods prior
19 to January 1, 1990, shall be paid into the Local Government Tax
20 Fund, for distribution as provided by this Section prior to the
21 enactment of Public Act 85-1135. All receipts of municipal tax
22 as a result of an assessment not arising from an audit, for
23 liability periods prior to January 1, 1990, shall be paid into
24 the Local Government Tax Fund for distribution before July 1,
25 1990, as provided by this Section prior to the enactment of
26 Public Act 85-1135, and on and after July 1, 1990, all such

1 receipts shall be distributed as provided in Section 6z-18 of
2 the State Finance Act.

3 As used in this Section, "municipal" and "municipality"
4 means a city, village or incorporated town, including an
5 incorporated town which has superseded a civil township.

6 This Section shall be known and may be cited as the Home
7 Rule Municipal Service Occupation Tax Act.

8 (Source: P.A. 96-939, eff. 6-24-10.)

9 (65 ILCS 5/8-11-6a) (from Ch. 24, par. 8-11-6a)

10 Sec. 8-11-6a. Home rule municipalities; preemption of
11 certain taxes. Except as provided in Sections 8-11-1, 8-11-5,
12 8-11-6, 8-11-6b, 8-11-6c, and 11-74.3-6 on and after September
13 1, 1990, no home rule municipality has the authority to impose,
14 pursuant to its home rule authority, a retailer's occupation
15 tax, service occupation tax, use tax, sales tax or other tax on
16 the use, sale or purchase of tangible personal property based
17 on the gross receipts from such sales or the selling or
18 purchase price of said tangible personal property.
19 Notwithstanding the foregoing, this Section does not preempt
20 any home rule imposed tax such as the following: (1) a tax on
21 alcoholic beverages, whether based on gross receipts, volume
22 sold or any other measurement; (2) a tax based on the number of
23 units of cigarettes or tobacco products (provided, however,
24 that a home rule municipality that has not imposed a tax based
25 on the number of units of cigarettes or tobacco products before

1 July 1, 1993, shall not impose such a tax after that date); (3)
2 a tax, however measured, based on the use of a hotel or motel
3 room or similar facility; (4) a tax, however measured, on the
4 sale or transfer of real property; (5) a tax, however measured,
5 on lease receipts; (6) a tax on food prepared for immediate
6 consumption and on alcoholic beverages sold by a business which
7 provides for on premise consumption of said food or alcoholic
8 beverages; or (7) other taxes not based on the selling or
9 purchase price or gross receipts from the use, sale or purchase
10 of tangible personal property. This Section does not preempt a
11 home rule municipality with a population of more than 2,000,000
12 from imposing a tax, however measured, on the use, for
13 consideration, of a parking lot, garage, or other parking
14 facility. This Section is not intended to affect any existing
15 tax on food and beverages prepared for immediate consumption on
16 the premises where the sale occurs, or any existing tax on
17 alcoholic beverages, or any existing tax imposed on the charge
18 for renting a hotel or motel room, which was in effect January
19 15, 1988, or any extension of the effective date of such an
20 existing tax by ordinance of the municipality imposing the tax,
21 which extension is hereby authorized, in any non-home rule
22 municipality in which the imposition of such a tax has been
23 upheld by judicial determination, nor is this Section intended
24 to preempt the authority granted by Public Act 85-1006. On and
25 after December 1, 2017, no home rule municipality has the
26 authority to impose, pursuant to its home rule authority, a

1 tax, however measured, on sales of aviation fuel, as defined in
2 Section 3 of the Retailers' Occupation Tax Act, unless the tax
3 revenue is expended for airport-related purposes. For purposes
4 of this Section, "airport-related purposes" has the meaning
5 ascribed in Section 6z-20.2 of the State Finance Act. Aviation
6 fuel shall be excluded from tax only for so long as the revenue
7 use requirements of 49 U.S.C. §47017 (b) and 49 U.S.C. §47133
8 are binding on the municipality. This Section is a limitation,
9 pursuant to subsection (g) of Section 6 of Article VII of the
10 Illinois Constitution, on the power of home rule units to tax.
11 The changes made to this Section by this amendatory Act of the
12 100th General Assembly are a denial and limitation of home rule
13 powers and functions under subsection (g) of Section 6 of
14 Article VII of the Illinois Constitution.

15 (Source: P.A. 97-1168, eff. 3-8-13; 97-1169, eff. 3-8-13.)

16 (65 ILCS 5/8-11-22 new)

17 Sec. 8-11-22. Certification for airport-related purposes.
18 On or before September 1, 2017, and on or before each April 1
19 and October 1 thereafter, each municipality (and District in
20 the case of business district operating within a municipality)
21 must certify to the Department of Transportation, in the form
22 and manner required by the Department, whether the municipality
23 has an airport-related purpose, which would allow any
24 Retailers' Occupation Tax and Service Occupation Tax imposed by
25 the municipality to include tax on aviation fuel. On or before

1 October 1, 2017, and on or before each May 1 and November 1
2 thereafter, the Department of Transportation shall provide to
3 the Department of Revenue, a list of units of local government
4 which have certified to the Department of Transportation that
5 they have airport-related purposes, which would allow any
6 Retailers' Occupation Tax and Service Occupation Tax imposed by
7 the unit of local government to include tax on aviation fuel.
8 All disputes regarding whether or not a unit of local
9 government has an airport-related purpose shall be resolved by
10 the Department of Transportation.

11 (65 ILCS 5/11-74.3-6)

12 Sec. 11-74.3-6. Business district revenue and obligations;
13 business district tax allocation fund.

14 (a) If the corporate authorities of a municipality have
15 approved a business district plan, have designated a business
16 district, and have elected to impose a tax by ordinance
17 pursuant to subsection (10) or (11) of Section 11-74.3-3, then
18 each year after the date of the approval of the ordinance but
19 terminating upon the date all business district project costs
20 and all obligations paying or reimbursing business district
21 project costs, if any, have been paid, but in no event later
22 than the dissolution date, all amounts generated by the
23 retailers' occupation tax and service occupation tax shall be
24 collected and the tax shall be enforced by the Department of
25 Revenue in the same manner as all retailers' occupation taxes

1 and service occupation taxes imposed in the municipality
2 imposing the tax and all amounts generated by the hotel
3 operators' occupation tax shall be collected and the tax shall
4 be enforced by the municipality in the same manner as all hotel
5 operators' occupation taxes imposed in the municipality
6 imposing the tax. The corporate authorities of the municipality
7 shall deposit the proceeds of the taxes imposed under
8 subsections (10) and (11) of Section 11-74.3-3 into a special
9 fund of the municipality called the "[Name of] Business
10 District Tax Allocation Fund" for the purpose of paying or
11 reimbursing business district project costs and obligations
12 incurred in the payment of those costs.

13 (b) The corporate authorities of a municipality that has
14 designated a business district under this Law may, by
15 ordinance, impose a Business District Retailers' Occupation
16 Tax upon all persons engaged in the business of selling
17 tangible personal property, other than an item of tangible
18 personal property titled or registered with an agency of this
19 State's government, at retail in the business district at a
20 rate not to exceed 1% of the gross receipts from the sales made
21 in the course of such business, to be imposed only in 0.25%
22 increments. The tax may not be imposed on food for human
23 consumption that is to be consumed off the premises where it is
24 sold (other than alcoholic beverages, soft drinks, and food
25 that has been prepared for immediate consumption),
26 prescription and nonprescription medicines, drugs, medical

1 appliances, modifications to a motor vehicle for the purpose of
2 rendering it usable by a person with a disability, and insulin,
3 urine testing materials, syringes, and needles used by
4 diabetics, for human use. Beginning December 1, 2017, this tax
5 is not imposed on sales of aviation fuel unless the tax revenue
6 is expended for airport-related purposes. If the District does
7 not have an airport-related purpose to which it dedicates
8 aviation fuel tax revenue, then aviation fuel is excluded from
9 the tax. Each municipality must comply with the certification
10 requirements for airport-related purposes under Section
11 8-11-22. For purposes of this Act, "airport-related purposes"
12 has the meaning ascribed in Section 6z-20.2 of the State
13 Finance Act. This exclusion for aviation fuel only applies for
14 so long as the revenue use requirements of 49 U.S.C. §47107(b)
15 and 49 U.S.C. §47133 are binding on the District.

16 The tax imposed under this subsection and all civil
17 penalties that may be assessed as an incident thereof shall be
18 collected and enforced by the Department of Revenue. The
19 certificate of registration that is issued by the Department to
20 a retailer under the Retailers' Occupation Tax Act shall permit
21 the retailer to engage in a business that is taxable under any
22 ordinance or resolution enacted pursuant to this subsection
23 without registering separately with the Department under such
24 ordinance or resolution or under this subsection. The
25 Department of Revenue shall have full power to administer and
26 enforce this subsection; to collect all taxes and penalties due

1 under this subsection in the manner hereinafter provided; and
2 to determine all rights to credit memoranda arising on account
3 of the erroneous payment of tax or penalty under this
4 subsection. In the administration of, and compliance with, this
5 subsection, the Department and persons who are subject to this
6 subsection shall have the same rights, remedies, privileges,
7 immunities, powers and duties, and be subject to the same
8 conditions, restrictions, limitations, penalties, exclusions,
9 exemptions, and definitions of terms and employ the same modes
10 of procedure, as are prescribed in Sections 1, 1a through 1o, 2
11 through 2-65 (in respect to all provisions therein other than
12 the State rate of tax), 2c through 2h, 3 (except as to the
13 disposition of taxes and penalties collected, and except that
14 the retailer's discount is not allowed for taxes paid on
15 aviation fuel that are deposited into the Local Government
16 Aviation Trust Fund), 4, 5, 5a, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 5k,
17 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 12, 13, and 14 of the
18 Retailers' Occupation Tax Act and all provisions of the Uniform
19 Penalty and Interest Act, as fully as if those provisions were
20 set forth herein.

21 Persons subject to any tax imposed under this subsection
22 may reimburse themselves for their seller's tax liability under
23 this subsection by separately stating the tax as an additional
24 charge, which charge may be stated in combination, in a single
25 amount, with State taxes that sellers are required to collect
26 under the Use Tax Act, in accordance with such bracket

1 schedules as the Department may prescribe.

2 Whenever the Department determines that a refund should be
3 made under this subsection to a claimant instead of issuing a
4 credit memorandum, the Department shall notify the State
5 Comptroller, who shall cause the order to be drawn for the
6 amount specified and to the person named in the notification
7 from the Department. The refund shall be paid by the State
8 Treasurer out of the business district retailers' occupation
9 tax fund.

10 Except as otherwise provided in this paragraph, the ~~The~~
11 Department shall immediately pay over to the State Treasurer,
12 ex officio, as trustee, all taxes, penalties, and interest
13 collected under this subsection for deposit into the business
14 district retailers' occupation tax fund. Taxes and penalties
15 collected on aviation fuel sold on or after December 1, 2017,
16 shall be immediately paid over by the Department to the State
17 Treasurer, ex officio, as trustee, for deposit into the Local
18 Government Aviation Trust Fund. The Department shall only pay
19 moneys into the Local Government Aviation Trust Fund under this
20 Act for so long as the revenue use requirements of 49 U.S.C.
21 §47107(b) and 49 U.S.C. §47133 are binding on the District.

22 As soon as possible after the first day of each month,
23 beginning January 1, 2011, upon certification of the Department
24 of Revenue, the Comptroller shall order transferred, and the
25 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
26 local sales tax increment, as defined in the Innovation

1 Development and Economy Act, collected under this subsection
2 during the second preceding calendar month for sales within a
3 STAR bond district.

4 After the monthly transfer to the STAR Bonds Revenue Fund,
5 on or before the 25th day of each calendar month, the
6 Department shall prepare and certify to the Comptroller the
7 disbursement of stated sums of money to named municipalities
8 from the business district retailers' occupation tax fund, the
9 municipalities to be those from which retailers have paid taxes
10 or penalties under this subsection to the Department during the
11 second preceding calendar month. The amount to be paid to each
12 municipality shall be the amount (not including credit
13 memoranda and not including taxes and penalties collected on
14 aviation fuel sold on or after December 1, 2017) collected
15 under this subsection during the second preceding calendar
16 month by the Department plus an amount the Department
17 determines is necessary to offset any amounts that were
18 erroneously paid to a different taxing body, and not including
19 an amount equal to the amount of refunds made during the second
20 preceding calendar month by the Department, less 2% of that
21 amount (except the amount collected on aviation fuel sold on or
22 after December 1, 2017), which shall be deposited into the Tax
23 Compliance and Administration Fund and shall be used by the
24 Department, subject to appropriation, to cover the costs of the
25 Department in administering and enforcing the provisions of
26 this subsection, on behalf of such municipality, and not

1 including any amount that the Department determines is
2 necessary to offset any amounts that were payable to a
3 different taxing body but were erroneously paid to the
4 municipality, and not including any amounts that are
5 transferred to the STAR Bonds Revenue Fund. Within 10 days
6 after receipt by the Comptroller of the disbursement
7 certification to the municipalities provided for in this
8 subsection to be given to the Comptroller by the Department,
9 the Comptroller shall cause the orders to be drawn for the
10 respective amounts in accordance with the directions contained
11 in the certification. The proceeds of the tax paid to
12 municipalities under this subsection shall be deposited into
13 the Business District Tax Allocation Fund by the municipality.

14 An ordinance imposing or discontinuing the tax under this
15 subsection or effecting a change in the rate thereof shall
16 either (i) be adopted and a certified copy thereof filed with
17 the Department on or before the first day of April, whereupon
18 the Department, if all other requirements of this subsection
19 are met, shall proceed to administer and enforce this
20 subsection as of the first day of July next following the
21 adoption and filing; or (ii) be adopted and a certified copy
22 thereof filed with the Department on or before the first day of
23 October, whereupon, if all other requirements of this
24 subsection are met, the Department shall proceed to administer
25 and enforce this subsection as of the first day of January next
26 following the adoption and filing.

1 The Department of Revenue shall not administer or enforce
2 an ordinance imposing, discontinuing, or changing the rate of
3 the tax under this subsection, until the municipality also
4 provides, in the manner prescribed by the Department, the
5 boundaries of the business district and each address in the
6 business district in such a way that the Department can
7 determine by its address whether a business is located in the
8 business district. The municipality must provide this boundary
9 and address information to the Department on or before April 1
10 for administration and enforcement of the tax under this
11 subsection by the Department beginning on the following July 1
12 and on or before October 1 for administration and enforcement
13 of the tax under this subsection by the Department beginning on
14 the following January 1. The Department of Revenue shall not
15 administer or enforce any change made to the boundaries of a
16 business district or address change, addition, or deletion
17 until the municipality reports the boundary change or address
18 change, addition, or deletion to the Department in the manner
19 prescribed by the Department. The municipality must provide
20 this boundary change information or address change, addition,
21 or deletion to the Department on or before April 1 for
22 administration and enforcement by the Department of the change
23 beginning on the following July 1 and on or before October 1
24 for administration and enforcement by the Department of the
25 change beginning on the following January 1. The retailers in
26 the business district shall be responsible for charging the tax

1 imposed under this subsection. If a retailer is incorrectly
2 included or excluded from the list of those required to collect
3 the tax under this subsection, both the Department of Revenue
4 and the retailer shall be held harmless if they reasonably
5 relied on information provided by the municipality.

6 A municipality that imposes the tax under this subsection
7 must submit to the Department of Revenue any other information
8 as the Department may require for the administration and
9 enforcement of the tax.

10 When certifying the amount of a monthly disbursement to a
11 municipality under this subsection, the Department shall
12 increase or decrease the amount by an amount necessary to
13 offset any misallocation of previous disbursements. The offset
14 amount shall be the amount erroneously disbursed within the
15 previous 6 months from the time a misallocation is discovered.

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

20 If a tax is imposed under this subsection (b), a tax shall
21 also be imposed under subsection (c) of this Section.

22 (c) If a tax has been imposed under subsection (b), a
23 Business District Service Occupation Tax shall also be imposed
24 upon all persons engaged, in the business district, in the
25 business of making sales of service, who, as an incident to
26 making those sales of service, transfer tangible personal

1 property within the business district, either in the form of
2 tangible personal property or in the form of real estate as an
3 incident to a sale of service. The tax shall be imposed at the
4 same rate as the tax imposed in subsection (b) and shall not
5 exceed 1% of the selling price of tangible personal property so
6 transferred within the business district, to be imposed only in
7 0.25% increments. The tax may not be imposed on food for human
8 consumption that is to be consumed off the premises where it is
9 sold (other than alcoholic beverages, soft drinks, and food
10 that has been prepared for immediate consumption),
11 prescription and nonprescription medicines, drugs, medical
12 appliances, modifications to a motor vehicle for the purpose of
13 rendering it usable by a person with a disability, and insulin,
14 urine testing materials, syringes, and needles used by
15 diabetics, for human use. Beginning December 1, 2017, this tax
16 is not imposed on sales of aviation fuel unless the tax revenue
17 is expended for airport-related purposes. If the District does
18 not have an airport-related purpose to which it dedicates
19 aviation fuel tax revenue, then aviation fuel is excluded from
20 the tax. Each municipality must comply with the certification
21 requirements for airport-related purposes under Section
22 8-11-22. For purposes of this Act, "airport-related purposes"
23 has the meaning ascribed in Section 6z-20.2 of the State
24 Finance Act. This exclusion for aviation fuel only applies for
25 so long as the revenue use requirements of 49 U.S.C. §47107(b)
26 and 49 U.S.C. §47133 are binding on the District.

1 The tax imposed under this subsection and all civil
2 penalties that may be assessed as an incident thereof shall be
3 collected and enforced by the Department of Revenue. The
4 certificate of registration which is issued by the Department
5 to a retailer under the Retailers' Occupation Tax Act or under
6 the Service Occupation Tax Act shall permit such registrant to
7 engage in a business which is taxable under any ordinance or
8 resolution enacted pursuant to this subsection without
9 registering separately with the Department under such
10 ordinance or resolution or under this subsection. The
11 Department of Revenue shall have full power to administer and
12 enforce this subsection; to collect all taxes and penalties due
13 under this subsection; to dispose of taxes and penalties so
14 collected in the manner hereinafter provided; and to determine
15 all rights to credit memoranda arising on account of the
16 erroneous payment of tax or penalty under this subsection. In
17 the administration of, and compliance with this subsection, the
18 Department and persons who are subject to this subsection shall
19 have the same rights, remedies, privileges, immunities, powers
20 and duties, and be subject to the same conditions,
21 restrictions, limitations, penalties, exclusions, exemptions,
22 and definitions of terms and employ the same modes of procedure
23 as are prescribed in Sections 2, 2a through 2d, 3 through 3-50
24 (in respect to all provisions therein other than the State rate
25 of tax), 4 (except that the reference to the State shall be to
26 the business district), 5, 7, 8 (except that the jurisdiction

1 to which the tax shall be a debt to the extent indicated in
2 that Section 8 shall be the municipality), 9 (except as to the
3 disposition of taxes and penalties collected, and except that
4 the returned merchandise credit for this tax may not be taken
5 against any State tax, and except that the retailer's discount
6 is not allowed for taxes paid on aviation fuel that are
7 deposited into the Local Government Aviation Trust Fund), 10,
8 11, 12 (except the reference therein to Section 2b of the
9 Retailers' Occupation Tax Act), 13 (except that any reference
10 to the State shall mean the municipality), the first paragraph
11 of Section 15, and Sections 16, 17, 18, 19 and 20 of the
12 Service Occupation Tax Act and all provisions of the Uniform
13 Penalty and Interest Act, as fully as if those provisions were
14 set forth herein.

15 Persons subject to any tax imposed under the authority
16 granted in this subsection may reimburse themselves for their
17 serviceman's tax liability hereunder by separately stating the
18 tax as an additional charge, which charge may be stated in
19 combination, in a single amount, with State tax that servicemen
20 are authorized to collect under the Service Use Tax Act, in
21 accordance with such bracket schedules as the Department may
22 prescribe.

23 Whenever the Department determines that a refund should be
24 made under this subsection to a claimant instead of issuing
25 credit memorandum, the Department shall notify the State
26 Comptroller, who shall cause the order to be drawn for the

1 amount specified, and to the person named, in such notification
2 from the Department. Such refund shall be paid by the State
3 Treasurer out of the business district retailers' occupation
4 tax fund.

5 Except as otherwise provided in this paragraph, the ~~The~~
6 Department shall forthwith pay over to the State Treasurer,
7 ex-officio, as trustee, all taxes, penalties, and interest
8 collected under this subsection for deposit into the business
9 district retailers' occupation tax fund. Taxes and penalties
10 collected on aviation fuel sold on or after December 1, 2017,
11 shall be immediately paid over by the Department to the State
12 Treasurer, ex officio, as trustee, for deposit into the Local
13 Government Aviation Trust Fund. The Department shall only pay
14 moneys into the Local Government Aviation Trust Fund under this
15 Act for so long as the revenue use requirements of 49 U.S.C.
16 §47107(b) and 49 U.S.C. §47133 are binding on the District.

17 As soon as possible after the first day of each month,
18 beginning January 1, 2011, upon certification of the Department
19 of Revenue, the Comptroller shall order transferred, and the
20 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
21 local sales tax increment, as defined in the Innovation
22 Development and Economy Act, collected under this subsection
23 during the second preceding calendar month for sales within a
24 STAR bond district.

25 After the monthly transfer to the STAR Bonds Revenue Fund,
26 on or before the 25th day of each calendar month, the

1 Department shall prepare and certify to the Comptroller the
2 disbursement of stated sums of money to named municipalities
3 from the business district retailers' occupation tax fund, the
4 municipalities to be those from which suppliers and servicemen
5 have paid taxes or penalties under this subsection to the
6 Department during the second preceding calendar month. The
7 amount to be paid to each municipality shall be the amount (not
8 including credit memoranda and not including taxes and
9 penalties collected on aviation fuel sold on or after December
10 1, 2017) collected under this subsection during the second
11 preceding calendar month by the Department, less 2% of that
12 amount (except the amount collected on aviation fuel sold on or
13 after December 1, 2017), which shall be deposited into the Tax
14 Compliance and Administration Fund and shall be used by the
15 Department, subject to appropriation, to cover the costs of the
16 Department in administering and enforcing the provisions of
17 this subsection, and not including an amount equal to the
18 amount of refunds made during the second preceding calendar
19 month by the Department on behalf of such municipality, and not
20 including any amounts that are transferred to the STAR Bonds
21 Revenue Fund. Within 10 days after receipt, by the Comptroller,
22 of the disbursement certification to the municipalities,
23 provided for in this subsection to be given to the Comptroller
24 by the Department, the Comptroller shall cause the orders to be
25 drawn for the respective amounts in accordance with the
26 directions contained in such certification. The proceeds of the

1 tax paid to municipalities under this subsection shall be
2 deposited into the Business District Tax Allocation Fund by the
3 municipality.

4 An ordinance imposing or discontinuing the tax under this
5 subsection or effecting a change in the rate thereof shall
6 either (i) be adopted and a certified copy thereof filed with
7 the Department on or before the first day of April, whereupon
8 the Department, if all other requirements of this subsection
9 are met, shall proceed to administer and enforce this
10 subsection as of the first day of July next following the
11 adoption and filing; or (ii) be adopted and a certified copy
12 thereof filed with the Department on or before the first day of
13 October, whereupon, if all other conditions of this subsection
14 are met, the Department shall proceed to administer and enforce
15 this subsection as of the first day of January next following
16 the adoption and filing.

17 The Department of Revenue shall not administer or enforce
18 an ordinance imposing, discontinuing, or changing the rate of
19 the tax under this subsection, until the municipality also
20 provides, in the manner prescribed by the Department, the
21 boundaries of the business district in such a way that the
22 Department can determine by its address whether a business is
23 located in the business district. The municipality must provide
24 this boundary and address information to the Department on or
25 before April 1 for administration and enforcement of the tax
26 under this subsection by the Department beginning on the

1 following July 1 and on or before October 1 for administration
2 and enforcement of the tax under this subsection by the
3 Department beginning on the following January 1. The Department
4 of Revenue shall not administer or enforce any change made to
5 the boundaries of a business district or address change,
6 addition, or deletion until the municipality reports the
7 boundary change or address change, addition, or deletion to the
8 Department in the manner prescribed by the Department. The
9 municipality must provide this boundary change information or
10 address change, addition, or deletion to the Department on or
11 before April 1 for administration and enforcement by the
12 Department of the change beginning on the following July 1 and
13 on or before October 1 for administration and enforcement by
14 the Department of the change beginning on the following January
15 1. The retailers in the business district shall be responsible
16 for charging the tax imposed under this subsection. If a
17 retailer is incorrectly included or excluded from the list of
18 those required to collect the tax under this subsection, both
19 the Department of Revenue and the retailer shall be held
20 harmless if they reasonably relied on information provided by
21 the municipality.

22 A municipality that imposes the tax under this subsection
23 must submit to the Department of Revenue any other information
24 as the Department may require for the administration and
25 enforcement of the tax.

26 Nothing in this subsection shall be construed to authorize

1 the municipality to impose a tax upon the privilege of engaging
2 in any business which under the Constitution of the United
3 States may not be made the subject of taxation by the State.

4 If a tax is imposed under this subsection (c), a tax shall
5 also be imposed under subsection (b) of this Section.

6 (d) By ordinance, a municipality that has designated a
7 business district under this Law may impose an occupation tax
8 upon all persons engaged in the business district in the
9 business of renting, leasing, or letting rooms in a hotel, as
10 defined in the Hotel Operators' Occupation Tax Act, at a rate
11 not to exceed 1% of the gross rental receipts from the renting,
12 leasing, or letting of hotel rooms within the business
13 district, to be imposed only in 0.25% increments, excluding,
14 however, from gross rental receipts the proceeds of renting,
15 leasing, or letting to permanent residents of a hotel, as
16 defined in the Hotel Operators' Occupation Tax Act, and
17 proceeds from the tax imposed under subsection (c) of Section
18 13 of the Metropolitan Pier and Exposition Authority Act.

19 The tax imposed by the municipality under this subsection
20 and all civil penalties that may be assessed as an incident to
21 that tax shall be collected and enforced by the municipality
22 imposing the tax. The municipality shall have full power to
23 administer and enforce this subsection, to collect all taxes
24 and penalties due under this subsection, to dispose of taxes
25 and penalties so collected in the manner provided in this
26 subsection, and to determine all rights to credit memoranda

1 arising on account of the erroneous payment of tax or penalty
2 under this subsection. In the administration of and compliance
3 with this subsection, the municipality and persons who are
4 subject to this subsection shall have the same rights,
5 remedies, privileges, immunities, powers, and duties, shall be
6 subject to the same conditions, restrictions, limitations,
7 penalties, and definitions of terms, and shall employ the same
8 modes of procedure as are employed with respect to a tax
9 adopted by the municipality under Section 8-3-14 of this Code.

10 Persons subject to any tax imposed under the authority
11 granted in this subsection may reimburse themselves for their
12 tax liability for that tax by separately stating that tax as an
13 additional charge, which charge may be stated in combination,
14 in a single amount, with State taxes imposed under the Hotel
15 Operators' Occupation Tax Act, and with any other tax.

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

20 The proceeds of the tax imposed under this subsection shall
21 be deposited into the Business District Tax Allocation Fund.

22 (e) Obligations secured by the Business District Tax
23 Allocation Fund may be issued to provide for the payment or
24 reimbursement of business district project costs. Those
25 obligations, when so issued, shall be retired in the manner
26 provided in the ordinance authorizing the issuance of those

1 obligations by the receipts of taxes imposed pursuant to
2 subsections (10) and (11) of Section 11-74.3-3 and by other
3 revenue designated or pledged by the municipality. A
4 municipality may in the ordinance pledge, for any period of
5 time up to and including the dissolution date, all or any part
6 of the funds in and to be deposited in the Business District
7 Tax Allocation Fund to the payment of business district project
8 costs and obligations. Whenever a municipality pledges all of
9 the funds to the credit of a business district tax allocation
10 fund to secure obligations issued or to be issued to pay or
11 reimburse business district project costs, the municipality
12 may specifically provide that funds remaining to the credit of
13 such business district tax allocation fund after the payment of
14 such obligations shall be accounted for annually and shall be
15 deemed to be "surplus" funds, and such "surplus" funds shall be
16 expended by the municipality for any business district project
17 cost as approved in the business district plan. Whenever a
18 municipality pledges less than all of the monies to the credit
19 of a business district tax allocation fund to secure
20 obligations issued or to be issued to pay or reimburse business
21 district project costs, the municipality shall provide that
22 monies to the credit of the business district tax allocation
23 fund and not subject to such pledge or otherwise encumbered or
24 required for payment of contractual obligations for specific
25 business district project costs shall be calculated annually
26 and shall be deemed to be "surplus" funds, and such "surplus"

1 funds shall be expended by the municipality for any business
2 district project cost as approved in the business district
3 plan.

4 No obligation issued pursuant to this Law and secured by a
5 pledge of all or any portion of any revenues received or to be
6 received by the municipality from the imposition of taxes
7 pursuant to subsection (10) of Section 11-74.3-3, shall be
8 deemed to constitute an economic incentive agreement under
9 Section 8-11-20, notwithstanding the fact that such pledge
10 provides for the sharing, rebate, or payment of retailers'
11 occupation taxes or service occupation taxes imposed pursuant
12 to subsection (10) of Section 11-74.3-3 and received or to be
13 received by the municipality from the development or
14 redevelopment of properties in the business district.

15 Without limiting the foregoing in this Section, the
16 municipality may further secure obligations secured by the
17 business district tax allocation fund with a pledge, for a
18 period not greater than the term of the obligations and in any
19 case not longer than the dissolution date, of any part or any
20 combination of the following: (i) net revenues of all or part
21 of any business district project; (ii) taxes levied or imposed
22 by the municipality on any or all property in the municipality,
23 including, specifically, taxes levied or imposed by the
24 municipality in a special service area pursuant to the Special
25 Service Area Tax Law; (iii) the full faith and credit of the
26 municipality; (iv) a mortgage on part or all of the business

1 district project; or (v) any other taxes or anticipated
2 receipts that the municipality may lawfully pledge.

3 Such obligations may be issued in one or more series, bear
4 such date or dates, become due at such time or times as therein
5 provided, but in any case not later than (i) 20 years after the
6 date of issue or (ii) the dissolution date, whichever is
7 earlier, bear interest payable at such intervals and at such
8 rate or rates as set forth therein, except as may be limited by
9 applicable law, which rate or rates may be fixed or variable,
10 be in such denominations, be in such form, either coupon,
11 registered, or book-entry, carry such conversion, registration
12 and exchange privileges, be subject to defeasance upon such
13 terms, have such rank or priority, be executed in such manner,
14 be payable in such medium or payment at such place or places
15 within or without the State, make provision for a corporate
16 trustee within or without the State with respect to such
17 obligations, prescribe the rights, powers, and duties thereof
18 to be exercised for the benefit of the municipality and the
19 benefit of the owners of such obligations, provide for the
20 holding in trust, investment, and use of moneys, funds, and
21 accounts held under an ordinance, provide for assignment of and
22 direct payment of the moneys to pay such obligations or to be
23 deposited into such funds or accounts directly to such trustee,
24 be subject to such terms of redemption with or without premium,
25 and be sold at such price, all as the corporate authorities
26 shall determine. No referendum approval of the electors shall

1 be required as a condition to the issuance of obligations
2 pursuant to this Law except as provided in this Section.

3 In the event the municipality authorizes the issuance of
4 obligations pursuant to the authority of this Law secured by
5 the full faith and credit of the municipality, or pledges ad
6 valorem taxes pursuant to this subsection, which obligations
7 are other than obligations which may be issued under home rule
8 powers provided by Section 6 of Article VII of the Illinois
9 Constitution or which ad valorem taxes are other than ad
10 valorem taxes which may be pledged under home rule powers
11 provided by Section 6 of Article VII of the Illinois
12 Constitution or which are levied in a special service area
13 pursuant to the Special Service Area Tax Law, the ordinance
14 authorizing the issuance of those obligations or pledging those
15 taxes shall be published within 10 days after the ordinance has
16 been adopted, in a newspaper having a general circulation
17 within the municipality. The publication of the ordinance shall
18 be accompanied by a notice of (i) the specific number of voters
19 required to sign a petition requesting the question of the
20 issuance of the obligations or pledging such ad valorem taxes
21 to be submitted to the electors; (ii) the time within which the
22 petition must be filed; and (iii) the date of the prospective
23 referendum. The municipal clerk shall provide a petition form
24 to any individual requesting one.

25 If no petition is filed with the municipal clerk, as
26 hereinafter provided in this Section, within 21 days after the

1 publication of the ordinance, the ordinance shall be in effect.
2 However, if within that 21-day period a petition is filed with
3 the municipal clerk, signed by electors numbering not less than
4 15% of the number of electors voting for the mayor or president
5 at the last general municipal election, asking that the
6 question of issuing obligations using full faith and credit of
7 the municipality as security for the cost of paying or
8 reimbursing business district project costs, or of pledging
9 such ad valorem taxes for the payment of those obligations, or
10 both, be submitted to the electors of the municipality, the
11 municipality shall not be authorized to issue obligations of
12 the municipality using the full faith and credit of the
13 municipality as security or pledging such ad valorem taxes for
14 the payment of those obligations, or both, until the
15 proposition has been submitted to and approved by a majority of
16 the voters voting on the proposition at a regularly scheduled
17 election. The municipality shall certify the proposition to the
18 proper election authorities for submission in accordance with
19 the general election law.

20 The ordinance authorizing the obligations may provide that
21 the obligations shall contain a recital that they are issued
22 pursuant to this Law, which recital shall be conclusive
23 evidence of their validity and of the regularity of their
24 issuance.

25 In the event the municipality authorizes issuance of
26 obligations pursuant to this Law secured by the full faith and

1 credit of the municipality, the ordinance authorizing the
2 obligations may provide for the levy and collection of a direct
3 annual tax upon all taxable property within the municipality
4 sufficient to pay the principal thereof and interest thereon as
5 it matures, which levy may be in addition to and exclusive of
6 the maximum of all other taxes authorized to be levied by the
7 municipality, which levy, however, shall be abated to the
8 extent that monies from other sources are available for payment
9 of the obligations and the municipality certifies the amount of
10 those monies available to the county clerk.

11 A certified copy of the ordinance shall be filed with the
12 county clerk of each county in which any portion of the
13 municipality is situated, and shall constitute the authority
14 for the extension and collection of the taxes to be deposited
15 in the business district tax allocation fund.

16 A municipality may also issue its obligations to refund, in
17 whole or in part, obligations theretofore issued by the
18 municipality under the authority of this Law, whether at or
19 prior to maturity. However, the last maturity of the refunding
20 obligations shall not be expressed to mature later than the
21 dissolution date.

22 In the event a municipality issues obligations under home
23 rule powers or other legislative authority, the proceeds of
24 which are pledged to pay or reimburse business district project
25 costs, the municipality may, if it has followed the procedures
26 in conformance with this Law, retire those obligations from

1 funds in the business district tax allocation fund in amounts
2 and in such manner as if those obligations had been issued
3 pursuant to the provisions of this Law.

4 No obligations issued pursuant to this Law shall be
5 regarded as indebtedness of the municipality issuing those
6 obligations or any other taxing district for the purpose of any
7 limitation imposed by law.

8 Obligations issued pursuant to this Law shall not be
9 subject to the provisions of the Bond Authorization Act.

10 (f) When business district project costs, including,
11 without limitation, all obligations paying or reimbursing
12 business district project costs have been paid, any surplus
13 funds then remaining in the Business District Tax Allocation
14 Fund shall be distributed to the municipal treasurer for
15 deposit into the general corporate fund of the municipality.
16 Upon payment of all business district project costs and
17 retirement of all obligations paying or reimbursing business
18 district project costs, but in no event more than 23 years
19 after the date of adoption of the ordinance imposing taxes
20 pursuant to subsection (10) or (11) of Section 11-74.3-3, the
21 municipality shall adopt an ordinance immediately rescinding
22 the taxes imposed pursuant to subsection (10) or (11) of
23 Section 11-74.3-3.

24 (Source: P.A. 99-143, eff. 7-27-15.)

25 Section 50. The Civic Center Code is amended by changing

1 Section 245-12 as follows:

2 (70 ILCS 200/245-12)

3 Sec. 245-12. Use and occupation taxes.

4 (a) The Authority may adopt a resolution that authorizes a
5 referendum on the question of whether the Authority shall be
6 authorized to impose a retailers' occupation tax, a service
7 occupation tax, and a use tax in one-quarter percent increments
8 at a rate not to exceed 1%. The Authority shall certify the
9 question to the proper election authorities who shall submit
10 the question to the voters of the metropolitan area at the next
11 regularly scheduled election in accordance with the general
12 election law. The question shall be in substantially the
13 following form:

14 "Shall the Salem Civic Center Authority be authorized to
15 impose a retailers' occupation tax, a service occupation
16 tax, and a use tax at the rate of (rate) for the sole
17 purpose of obtaining funds for the support, construction,
18 maintenance, or financing of a facility of the Authority?"

19 Votes shall be recorded as "yes" or "no". If a majority of
20 all votes cast on the proposition are in favor of the
21 proposition, the Authority is authorized to impose the tax.

22 (b) The Authority shall impose the retailers' occupation
23 tax upon all persons engaged in the business of selling
24 tangible personal property at retail in the metropolitan area,
25 at the rate approved by referendum, on the gross receipts from

1 the sales made in the course of such business within the
2 metropolitan area. Beginning December 1, 2017, this tax is not
3 imposed on sales of aviation fuel unless the tax revenue is
4 expended for airport-related purposes. If the Authority does
5 not have an airport-related purpose to which it dedicates
6 aviation fuel tax revenue, then aviation fuel is excluded from
7 the tax. For purposes of this Act, "airport-related purposes"
8 has the meaning ascribed in Section 6z-20.2 of the State
9 Finance Act. This exclusion for aviation fuel only applies for
10 so long as the revenue use requirements of 49 U.S.C. §47107(b)
11 and 49 U.S.C. §47133 are binding on the Authority.

12 On or before September 1, 2017, and on or before each April
13 1 and October 1 thereafter, the Authority must certify to the
14 Department of Transportation, in the form and manner required
15 by the Department, whether the Authority has an airport-related
16 purpose, which would allow any Retailers' Occupation Tax and
17 Service Occupation Tax imposed by the Authority to include tax
18 on aviation fuel. On or before October 1, 2017, and on or
19 before each May 1 and November 1 thereafter, the Department of
20 Transportation shall provide to the Department of Revenue, a
21 list of units of local government which have certified to the
22 Department of Transportation that they have airport-related
23 purposes, which would allow any Retailers' Occupation Tax and
24 Service Occupation Tax imposed by the unit of local government
25 to include tax on aviation fuel. All disputes regarding whether
26 or not a unit of local government has an airport-related

1 purpose shall be resolved by the Department of Transportation.

2 The tax imposed under this Section and all civil penalties
3 that may be assessed as an incident thereof shall be collected
4 and enforced by the Department of Revenue. The Department has
5 full power to administer and enforce this Section; to collect
6 all taxes and penalties so collected in the manner provided in
7 this Section; and to determine all rights to credit memoranda
8 arising on account of the erroneous payment of tax or penalty
9 hereunder. In the administration of, and compliance with, this
10 Section, the Department and persons who are subject to this
11 Section shall (i) have the same rights, remedies, privileges,
12 immunities, powers and duties, (ii) be subject to the same
13 conditions, restrictions, limitations, penalties, exclusions,
14 exemptions, and definitions of terms, and (iii) employ the same
15 modes of procedure as are prescribed in Sections 1, 1a, 1a-1,
16 1c, 1d, 1e, 1f, 1i, 1j, 1k, 1m, 1n, 2, 2-5, 2-5.5, 2-10 (in
17 respect to all provisions therein other than the State rate of
18 tax), 2-12, 2-15 through 2-70, 2a, 2b, 2c, 3 (except as to the
19 disposition of taxes and penalties collected and provisions
20 related to quarter monthly payments, and except that the
21 retailer's discount is not allowed for taxes paid on aviation
22 fuel that are deposited into the Local Government Aviation
23 Trust Fund), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 5k, 5l,
24 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 11a, 12, and 13 of the
25 Retailers' Occupation Tax Act and Section 3-7 of the Uniform
26 Penalty and Interest Act, as fully as if those provisions were

1 set forth in this subsection.

2 Persons subject to any tax imposed under this subsection
3 may reimburse themselves for their seller's tax liability by
4 separately stating the tax as an additional charge, which
5 charge may be stated in combination, in a single amount, with
6 State taxes that sellers are required to collect, in accordance
7 with such bracket schedules as the Department may prescribe.

8 Whenever the Department determines that a refund should be
9 made under this subsection to a claimant instead of issuing a
10 credit memorandum, the Department shall notify the State
11 Comptroller, who shall cause the warrant to be drawn for the
12 amount specified, and to the person named, in the notification
13 from the Department. The refund shall be paid by the State
14 Treasurer out of the tax fund referenced under paragraph (g) of
15 this Section.

16 If a tax is imposed under this subsection (b), a tax shall
17 also be imposed at the same rate under subsections (c) and (d)
18 of this Section.

19 For the purpose of determining whether a tax authorized
20 under this Section is applicable, a retail sale, by a producer
21 of coal or other mineral mined in Illinois, is a sale at retail
22 at the place where the coal or other mineral mined in Illinois
23 is extracted from the earth. This paragraph does not apply to
24 coal or other mineral when it is delivered or shipped by the
25 seller to the purchaser at a point outside Illinois so that the
26 sale is exempt under the Federal Constitution as a sale in

1 interstate or foreign commerce.

2 Nothing in this Section shall be construed to authorize the
3 Authority to impose a tax upon the privilege of engaging in any
4 business which under the Constitution of the United States may
5 not be made the subject of taxation by this State.

6 (c) If a tax has been imposed under subsection (b), a
7 service occupation tax shall also be imposed at the same rate
8 upon all persons engaged, in the metropolitan area, in the
9 business of making sales of service, who, as an incident to
10 making those sales of service, transfer tangible personal
11 property within the metropolitan area as an incident to a sale
12 of service. The tax imposed under this subsection and all civil
13 penalties that may be assessed as an incident thereof shall be
14 collected and enforced by the Department of Revenue.

15 Beginning December 1, 2017, this tax is not imposed on
16 sales of aviation fuel unless the tax revenue is expended for
17 airport-related purposes. If the Authority does not have an
18 airport-related purpose to which it dedicates aviation fuel tax
19 revenue, then aviation fuel is excluded from the tax. On or
20 before September 1, 2017, and on or before each April 1 and
21 October 1 thereafter, the Authority must certify to the
22 Department of Transportation, in the form and manner required
23 by the Department, whether the Authority has an airport-related
24 purpose, which would allow any Retailers' Occupation Tax and
25 Service Occupation Tax imposed by the Authority to include tax
26 on aviation fuel. On or before October 1, 2017, and on or

1 before each May 1 and November 1 thereafter, the Department of
2 Transportation shall provide to the Department of Revenue, a
3 list of units of local government which have certified to the
4 Department of Transportation that they have airport-related
5 purposes, which would allow any Retailers' Occupation Tax and
6 Service Occupation Tax imposed by the unit of local government
7 to include tax on aviation fuel. All disputes regarding whether
8 or not a unit of local government has an airport-related
9 purpose shall be resolved by the Department of Transportation.

10 The Department has full power to administer and enforce
11 this paragraph; to collect all taxes and penalties due
12 hereunder; to dispose of taxes and penalties so collected in
13 the manner hereinafter provided; and to determine all rights to
14 credit memoranda arising on account of the erroneous payment of
15 tax or penalty hereunder. In the administration of, and
16 compliance with this paragraph, the Department and persons who
17 are subject to this paragraph shall (i) have the same rights,
18 remedies, privileges, immunities, powers, and duties, (ii) be
19 subject to the same conditions, restrictions, limitations,
20 penalties, exclusions, exemptions, and definitions of terms,
21 and (iii) employ the same modes of procedure as are prescribed
22 in Sections 2 (except that the reference to State in the
23 definition of supplier maintaining a place of business in this
24 State shall mean the metropolitan area), 2a, 2b, 3 through 3-55
25 (in respect to all provisions therein other than the State rate
26 of tax), 4 (except that the reference to the State shall be to

1 the Authority), 5, 7, 8 (except that the jurisdiction to which
2 the tax shall be a debt to the extent indicated in that Section
3 8 shall be the Authority), 9 (except as to the disposition of
4 taxes and penalties collected, and except that the returned
5 merchandise credit for this tax may not be taken against any
6 State tax, and except that the retailer's discount is not
7 allowed for taxes paid on aviation fuel that are deposited into
8 the Local Government Aviation Trust Fund), 11, 12 (except the
9 reference therein to Section 2b of the Retailers' Occupation
10 Tax Act), 13 (except that any reference to the State shall mean
11 the Authority), 15, 16, 17, 18, 19 and 20 of the Service
12 Occupation Tax Act and Section 3-7 of the Uniform Penalty and
13 Interest Act, as fully as if those provisions were set forth
14 herein.

15 Persons subject to any tax imposed under the authority
16 granted in this subsection may reimburse themselves for their
17 serviceman's tax liability by separately stating the tax as an
18 additional charge, which charge may be stated in combination,
19 in a single amount, with State tax that servicemen are
20 authorized to collect under the Service Use Tax Act, in
21 accordance with such bracket schedules as the Department may
22 prescribe.

23 Whenever the Department determines that a refund should be
24 made under this subsection to a claimant instead of issuing a
25 credit memorandum, the Department shall notify the State
26 Comptroller, who shall cause the warrant to be drawn for the

1 amount specified, and to the person named, in the notification
2 from the Department. The refund shall be paid by the State
3 Treasurer out of the tax fund referenced under paragraph (g) of
4 this Section.

5 Nothing in this paragraph shall be construed to authorize
6 the Authority to impose a tax upon the privilege of engaging in
7 any business which under the Constitution of the United States
8 may not be made the subject of taxation by the State.

9 (d) If a tax has been imposed under subsection (b), a use
10 tax shall also be imposed at the same rate upon the privilege
11 of using, in the metropolitan area, any item of tangible
12 personal property that is purchased outside the metropolitan
13 area at retail from a retailer, and that is titled or
14 registered at a location within the metropolitan area with an
15 agency of this State's government. "Selling price" is defined
16 as in the Use Tax Act. The tax shall be collected from persons
17 whose Illinois address for titling or registration purposes is
18 given as being in the metropolitan area. The tax shall be
19 collected by the Department of Revenue for the Authority. The
20 tax must be paid to the State, or an exemption determination
21 must be obtained from the Department of Revenue, before the
22 title or certificate of registration for the property may be
23 issued. The tax or proof of exemption may be transmitted to the
24 Department by way of the State agency with which, or the State
25 officer with whom, the tangible personal property must be
26 titled or registered if the Department and the State agency or

1 State officer determine that this procedure will expedite the
2 processing of applications for title or registration.

3 The Department has full power to administer and enforce
4 this paragraph; to collect all taxes, penalties and interest
5 due hereunder; to dispose of taxes, penalties and interest so
6 collected in the manner hereinafter provided; and to determine
7 all rights to credit memoranda or refunds arising on account of
8 the erroneous payment of tax, penalty or interest hereunder. In
9 the administration of, and compliance with, this subsection,
10 the Department and persons who are subject to this paragraph
11 shall (i) have the same rights, remedies, privileges,
12 immunities, powers, and duties, (ii) be subject to the same
13 conditions, restrictions, limitations, penalties, exclusions,
14 exemptions, and definitions of terms, and (iii) employ the same
15 modes of procedure as are prescribed in Sections 2 (except the
16 definition of "retailer maintaining a place of business in this
17 State"), 3, 3-5, 3-10, 3-45, 3-55, 3-65, 3-70, 3-85, 3a, 4, 6,
18 7, 8 (except that the jurisdiction to which the tax shall be a
19 debt to the extent indicated in that Section 8 shall be the
20 Authority), 9 (except provisions relating to quarter monthly
21 payments), 10, 11, 12, 12a, 12b, 13, 14, 15, 19, 20, 21, and 22
22 of the Use Tax Act and Section 3-7 of the Uniform Penalty and
23 Interest Act, that are not inconsistent with this paragraph, as
24 fully as if those provisions were set forth herein.

25 Whenever the Department determines that a refund should be
26 made under this subsection to a claimant instead of issuing a

1 credit memorandum, the Department shall notify the State
2 Comptroller, who shall cause the order to be drawn for the
3 amount specified, and to the person named, in the notification
4 from the Department. The refund shall be paid by the State
5 Treasurer out of the tax fund referenced under paragraph (g) of
6 this Section.

7 (e) A certificate of registration issued by the State
8 Department of Revenue to a retailer under the Retailers'
9 Occupation Tax Act or under the Service Occupation Tax Act
10 shall permit the registrant to engage in a business that is
11 taxed under the tax imposed under paragraphs (b), (c), or (d)
12 of this Section and no additional registration shall be
13 required. A certificate issued under the Use Tax Act or the
14 Service Use Tax Act shall be applicable with regard to any tax
15 imposed under paragraph (c) of this Section.

16 (f) The results of any election authorizing a proposition
17 to impose a tax under this Section or effecting a change in the
18 rate of tax shall be certified by the proper election
19 authorities and filed with the Illinois Department on or before
20 the first day of April. In addition, an ordinance imposing,
21 discontinuing, or effecting a change in the rate of tax under
22 this Section shall be adopted and a certified copy thereof
23 filed with the Department on or before the first day of April.
24 After proper receipt of such certifications, the Department
25 shall proceed to administer and enforce this Section as of the
26 first day of July next following such adoption and filing.

1 (g) Except as otherwise provided, the ~~The~~ Department of
2 Revenue shall, upon collecting any taxes and penalties as
3 provided in this Section, pay the taxes and penalties over to
4 the State Treasurer as trustee for the Authority. The taxes and
5 penalties shall be held in a trust fund outside the State
6 Treasury. Taxes and penalties collected on aviation fuel sold
7 on or after December 1, 2017, shall be immediately paid over by
8 the Department to the State Treasurer, ex officio, as trustee,
9 for deposit into the Local Government Aviation Trust Fund. The
10 Department shall only pay moneys into the State Aviation
11 Program Fund under this Act for so long as the revenue use
12 requirements of 49 U.S.C. §47107(b) and 49 U.S.C. §47133 are
13 binding on the District. On or before the 25th day of each
14 calendar month, the Department of Revenue shall prepare and
15 certify to the Comptroller of the State of Illinois the amount
16 to be paid to the Authority, which shall be the balance in the
17 fund, less any amount determined by the Department to be
18 necessary for the payment of refunds and not including taxes
19 and penalties collected on aviation fuel sold on or after
20 December 1, 2017. Within 10 days after receipt by the
21 Comptroller of the certification of the amount to be paid to
22 the Authority, the Comptroller shall cause an order to be drawn
23 for payment for the amount in accordance with the directions
24 contained in the certification. Amounts received from the tax
25 imposed under this Section shall be used only for the support,
26 construction, maintenance, or financing of a facility of the

1 Authority.

2 (h) When certifying the amount of a monthly disbursement to
3 the Authority under this Section, the Department shall increase
4 or decrease the amounts by an amount necessary to offset any
5 miscalculation of previous disbursements. The offset amount
6 shall be the amount erroneously disbursed within the previous 6
7 months from the time a miscalculation is discovered.

8 (i) This Section may be cited as the Salem Civic Center Use
9 and Occupation Tax Law.

10 (Source: P.A. 98-1098, eff. 8-26-14.)

11 Section 55. The Flood Prevention District Act is amended by
12 changing Section 25 as follows:

13 (70 ILCS 750/25)

14 Sec. 25. Flood prevention retailers' and service
15 occupation taxes.

16 (a) If the Board of Commissioners of a flood prevention
17 district determines that an emergency situation exists
18 regarding levee repair or flood prevention, and upon an
19 ordinance confirming the determination adopted by the
20 affirmative vote of a majority of the members of the county
21 board of the county in which the district is situated, the
22 county may impose a flood prevention retailers' occupation tax
23 upon all persons engaged in the business of selling tangible
24 personal property at retail within the territory of the

1 district to provide revenue to pay the costs of providing
2 emergency levee repair and flood prevention and to secure the
3 payment of bonds, notes, and other evidences of indebtedness
4 issued under this Act for a period not to exceed 25 years or as
5 required to repay the bonds, notes, and other evidences of
6 indebtedness issued under this Act. The tax rate shall be 0.25%
7 of the gross receipts from all taxable sales made in the course
8 of that business. Beginning December 1, 2017, this tax is not
9 imposed on sales of aviation fuel unless the tax revenue is
10 expended for airport-related purposes. If the District does not
11 have an airport-related purpose to which it dedicates aviation
12 fuel tax revenue, then aviation fuel is excluded from the tax.
13 The County must comply with the certification requirements for
14 airport-related purposes under Section 5-1184 of the Counties
15 Code.

16 For purposes of this Act, "airport-related purposes" has
17 the meaning ascribed in Section 6z-20.2 of the State Finance
18 Act. This exclusion for aviation fuel only applies for so long
19 as the revenue use requirements of 49 U.S.C. §47107(b) and 49
20 U.S.C. §47133 are binding on the District.

21 The tax imposed under this Section and all civil penalties
22 that may be assessed as an incident thereof shall be collected
23 and enforced by the State Department of Revenue. The Department
24 shall have full power to administer and enforce this Section;
25 to collect all taxes and penalties so collected in the manner
26 hereinafter provided; and to determine all rights to credit

1 memoranda arising on account of the erroneous payment of tax or
2 penalty hereunder.

3 In the administration of and compliance with this
4 subsection, the Department and persons who are subject to this
5 subsection (i) have the same rights, remedies, privileges,
6 immunities, powers, and duties, (ii) are subject to the same
7 conditions, restrictions, limitations, penalties, and
8 definitions of terms, and (iii) shall employ the same modes of
9 procedure as are set forth in Sections 1 through 10, 2 through
10 2-70 (in respect to all provisions contained in those Sections
11 other than the State rate of tax), 2a through 2h, 3 (except as
12 to the disposition of taxes and penalties collected, and except
13 that the retailer's discount is not allowed for taxes paid on
14 aviation fuel that are deposited into the Local Government
15 Aviation Trust Fund), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i,
16 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 11a, 12, and 13 of the
17 Retailers' Occupation Tax Act and all provisions of the Uniform
18 Penalty and Interest Act as if those provisions were set forth
19 in this subsection.

20 Persons subject to any tax imposed under this Section may
21 reimburse themselves for their seller's tax liability
22 hereunder by separately stating the tax as an additional
23 charge, which charge may be stated in combination in a single
24 amount with State taxes that sellers are required to collect
25 under the Use Tax Act, under any bracket schedules the
26 Department may prescribe.

1 If a tax is imposed under this subsection (a), a tax shall
2 also be imposed under subsection (b) of this Section.

3 (b) If a tax has been imposed under subsection (a), a flood
4 prevention service occupation tax shall also be imposed upon
5 all persons engaged within the territory of the district in the
6 business of making sales of service, who, as an incident to
7 making the sales of service, transfer tangible personal
8 property, either in the form of tangible personal property or
9 in the form of real estate as an incident to a sale of service
10 to provide revenue to pay the costs of providing emergency
11 levee repair and flood prevention and to secure the payment of
12 bonds, notes, and other evidences of indebtedness issued under
13 this Act for a period not to exceed 25 years or as required to
14 repay the bonds, notes, and other evidences of indebtedness.
15 The tax rate shall be 0.25% of the selling price of all
16 tangible personal property transferred. Beginning December 1,
17 2017, this tax is not imposed on sales of aviation fuel unless
18 the tax revenue is expended for airport-related purposes. If
19 the District does not have an airport-related purpose to which
20 it dedicates aviation fuel tax revenue, then aviation fuel is
21 excluded from the tax. The County must comply with the
22 certification requirements for airport-related purposes under
23 Section 5-1184 of the Counties Code. For purposes of this Act,
24 "airport-related purposes" has the meaning ascribed in Section
25 6z-20.2 of the State Finance Act. This exclusion for aviation
26 fuel only applies for so long as the revenue use requirements

1 of 49 U.S.C. §47107(b) and 49 U.S.C. §47133 are binding on the
2 District.

3 The tax imposed under this subsection and all civil
4 penalties that may be assessed as an incident thereof shall be
5 collected and enforced by the State Department of Revenue. The
6 Department shall have full power to administer and enforce this
7 subsection; to collect all taxes and penalties due hereunder;
8 to dispose of taxes and penalties collected in the manner
9 hereinafter provided; and to determine all rights to credit
10 memoranda arising on account of the erroneous payment of tax or
11 penalty hereunder.

12 In the administration of and compliance with this
13 subsection, the Department and persons who are subject to this
14 subsection shall (i) have the same rights, remedies,
15 privileges, immunities, powers, and duties, (ii) be subject to
16 the same conditions, restrictions, limitations, penalties, and
17 definitions of terms, and (iii) employ the same modes of
18 procedure as are set forth in Sections 2 (except that the
19 reference to State in the definition of supplier maintaining a
20 place of business in this State means the district), 2a through
21 2d, 3 through 3-50 (in respect to all provisions contained in
22 those Sections other than the State rate of tax), 4 (except
23 that the reference to the State shall be to the district), 5,
24 7, 8 (except that the jurisdiction to which the tax is a debt
25 to the extent indicated in that Section 8 is the district), 9
26 (except as to the disposition of taxes and penalties collected,

1 and except that the retailer's discount is not allowed for
2 taxes paid on aviation fuel that are deposited into the Local
3 Government Aviation Trust Fund), 10, 11, 12 (except the
4 reference therein to Section 2b of the Retailers' Occupation
5 Tax Act), 13 (except that any reference to the State means the
6 district), Section 15, 16, 17, 18, 19, and 20 of the Service
7 Occupation Tax Act and all provisions of the Uniform Penalty
8 and Interest Act, as fully as if those provisions were set
9 forth herein.

10 Persons subject to any tax imposed under the authority
11 granted in this subsection may reimburse themselves for their
12 serviceman's tax liability hereunder by separately stating the
13 tax as an additional charge, that charge may be stated in
14 combination in a single amount with State tax that servicemen
15 are authorized to collect under the Service Use Tax Act, under
16 any bracket schedules the Department may prescribe.

17 (c) The taxes imposed in subsections (a) and (b) may not be
18 imposed on personal property titled or registered with an
19 agency of the State; food for human consumption that is to be
20 consumed off the premises where it is sold (other than
21 alcoholic beverages, soft drinks, and food that has been
22 prepared for immediate consumption); prescription and
23 non-prescription medicines, drugs, and medical appliances;
24 modifications to a motor vehicle for the purpose of rendering
25 it usable by a person with a disability; or insulin, urine
26 testing materials, and syringes and needles used by diabetics.

1 (d) Nothing in this Section shall be construed to authorize
2 the district to impose a tax upon the privilege of engaging in
3 any business that under the Constitution of the United States
4 may not be made the subject of taxation by the State.

5 (e) The certificate of registration that is issued by the
6 Department to a retailer under the Retailers' Occupation Tax
7 Act or a serviceman under the Service Occupation Tax Act
8 permits the retailer or serviceman to engage in a business that
9 is taxable without registering separately with the Department
10 under an ordinance or resolution under this Section.

11 (f) Except as otherwise provided, the ~~The~~ Department shall
12 immediately pay over to the State Treasurer, ex officio, as
13 trustee, all taxes and penalties collected under this Section
14 to be deposited into the Flood Prevention Occupation Tax Fund,
15 which shall be an unappropriated trust fund held outside the
16 State treasury. Taxes and penalties collected on aviation fuel
17 sold on or after December 1, 2017, shall be immediately paid
18 over by the Department to the State Treasurer, ex officio, as
19 trustee, for deposit into the Local Government Aviation Trust
20 Fund. The Department shall only pay moneys into the State
21 Aviation Program Fund under this Act for so long as the revenue
22 use requirements of 49 U.S.C. §47107(b) and 49 U.S.C. §47133
23 are binding on the District.

24 On or before the 25th day of each calendar month, the
25 Department shall prepare and certify to the Comptroller the
26 disbursement of stated sums of money to the counties from which

1 retailers or servicemen have paid taxes or penalties to the
2 Department during the second preceding calendar month. The
3 amount to be paid to each county is equal to the amount (not
4 including credit memoranda and not including taxes and
5 penalties collected on aviation fuel sold on or after December
6 1, 2017) collected from the county under this Section during
7 the second preceding calendar month by the Department, (i) less
8 2% of that amount (except the amount collected on aviation fuel
9 sold on or after December 1, 2017), which shall be deposited
10 into the Tax Compliance and Administration Fund and shall be
11 used by the Department in administering and enforcing the
12 provisions of this Section on behalf of the county, (ii) plus
13 an amount that the Department determines is necessary to offset
14 any amounts that were erroneously paid to a different taxing
15 body; (iii) less an amount equal to the amount of refunds made
16 during the second preceding calendar month by the Department on
17 behalf of the county; and (iv) less any amount that the
18 Department determines is necessary to offset any amounts that
19 were payable to a different taxing body but were erroneously
20 paid to the county. When certifying the amount of a monthly
21 disbursement to a county under this Section, the Department
22 shall increase or decrease the amounts by an amount necessary
23 to offset any miscalculation of previous disbursements within
24 the previous 6 months from the time a miscalculation is
25 discovered.

26 Within 10 days after receipt by the Comptroller from the

1 Department of the disbursement certification to the counties
2 provided for in this Section, the Comptroller shall cause the
3 orders to be drawn for the respective amounts in accordance
4 with directions contained in the certification.

5 If the Department determines that a refund should be made
6 under this Section to a claimant instead of issuing a credit
7 memorandum, then the Department shall notify the Comptroller,
8 who shall cause the order to be drawn for the amount specified
9 and to the person named in the notification from the
10 Department. The refund shall be paid by the Treasurer out of
11 the Flood Prevention Occupation Tax Fund.

12 (g) If a county imposes a tax under this Section, then the
13 county board shall, by ordinance, discontinue the tax upon the
14 payment of all indebtedness of the flood prevention district.
15 The tax shall not be discontinued until all indebtedness of the
16 District has been paid.

17 (h) Any ordinance imposing the tax under this Section, or
18 any ordinance that discontinues the tax, must be certified by
19 the county clerk and filed with the Illinois Department of
20 Revenue either (i) on or before the first day of April,
21 whereupon the Department shall proceed to administer and
22 enforce the tax or change in the rate as of the first day of
23 July next following the filing; or (ii) on or before the first
24 day of October, whereupon the Department shall proceed to
25 administer and enforce the tax or change in the rate as of the
26 first day of January next following the filing.

1 (j) County Flood Prevention Occupation Tax Fund. All
2 proceeds received by a county from a tax distribution under
3 this Section must be maintained in a special fund known as the
4 [name of county] flood prevention occupation tax fund. The
5 county shall, at the direction of the flood prevention
6 district, use moneys in the fund to pay the costs of providing
7 emergency levee repair and flood prevention and to pay bonds,
8 notes, and other evidences of indebtedness issued under this
9 Act.

10 (k) This Section may be cited as the Flood Prevention
11 Occupation Tax Law.

12 (Source: P.A. 99-143, eff. 7-27-15; 99-217, eff. 7-31-15;
13 99-642, eff. 7-28-16.)

14 Section 60. The Metro-East Park and Recreation District Act
15 is amended by changing Section 30 as follows:

16 (70 ILCS 1605/30)

17 Sec. 30. Taxes.

18 (a) The board shall impose a tax upon all persons engaged
19 in the business of selling tangible personal property, other
20 than personal property titled or registered with an agency of
21 this State's government, at retail in the District on the gross
22 receipts from the sales made in the course of business. This
23 tax shall be imposed only at the rate of one-tenth of one per
24 cent.

1 This additional tax may not be imposed on the sales of food
2 for human consumption that is to be consumed off the premises
3 where it is sold (other than alcoholic beverages, soft drinks,
4 and food which has been prepared for immediate consumption) and
5 prescription and non-prescription medicines, drugs, medical
6 appliances, and insulin, urine testing materials, syringes,
7 and needles used by diabetics. Beginning December 1, 2017, this
8 tax is not imposed on sales of aviation fuel unless the tax
9 revenue is expended for airport-related purposes. If the
10 District does not have an airport-related purpose to which it
11 dedicates aviation fuel tax revenue, then aviation fuel shall
12 be excluded from tax. For purposes of this Act,
13 "airport-related purposes" has the meaning ascribed in Section
14 6z-20.2 of the State Finance Act. This exception for aviation
15 fuel only applies for so long as the revenue use requirements
16 of 49 U.S.C. §47107(b) and 49 U.S.C. §47133 are binding on the
17 District.

18 On or before September 1, 2017, and on or before each April
19 1 and October 1 thereafter, the Board must certify to the
20 Department of Transportation, in the form and manner required
21 by the Department, whether the District has an airport-related
22 purpose, which would allow any Retailers' Occupation Tax and
23 Service Occupation Tax imposed by the District to include tax
24 on aviation fuel. On or before October 1, 2017, and on or
25 before each May 1 and November 1 thereafter, the Department of
26 Transportation shall provide to the Department of Revenue, a

1 list of units of local government which have certified to the
2 Department of Transportation that they have airport-related
3 purposes, which would allow any Retailers' Occupation Tax and
4 Service Occupation Tax imposed by the unit of local government
5 to include tax on aviation fuel. All disputes regarding whether
6 or not a unit of local government has an airport-related
7 purpose shall be resolved by the Department of Transportation.

8 The tax imposed by the Board under this Section and all
9 civil penalties that may be assessed as an incident of the tax
10 shall be collected and enforced by the Department of Revenue.
11 The certificate of registration that is issued by the
12 Department to a retailer under the Retailers' Occupation Tax
13 Act shall permit the retailer to engage in a business that is
14 taxable without registering separately with the Department
15 under an ordinance or resolution under this Section. The
16 Department has full power to administer and enforce this
17 Section, to collect all taxes and penalties due under this
18 Section, to dispose of taxes and penalties so collected in the
19 manner provided in this Section, and to determine all rights to
20 credit memoranda arising on account of the erroneous payment of
21 a tax or penalty under this Section. In the administration of
22 and compliance with this Section, the Department and persons
23 who are subject to this Section shall (i) have the same rights,
24 remedies, privileges, immunities, powers, and duties, (ii) be
25 subject to the same conditions, restrictions, limitations,
26 penalties, and definitions of terms, and (iii) employ the same

1 modes of procedure as are prescribed in Sections 1, 1a, 1a-1,
2 1d, 1e, 1f, 1i, 1j, 1k, 1m, 1n, 2, 2-5, 2-5.5, 2-10 (in respect
3 to all provisions contained in those Sections other than the
4 State rate of tax), 2-12, 2-15 through 2-70, 2a, 2b, 2c, 3
5 (except provisions relating to transaction returns and quarter
6 monthly payments, and except that the retailer's discount is
7 not allowed for taxes paid on aviation fuel that are deposited
8 into the Local Government Aviation Trust Fund), 4, 5, 5a, 5b,
9 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8,
10 9, 10, 11, 11a, 12, and 13 of the Retailers' Occupation Tax Act
11 and the Uniform Penalty and Interest Act as if those provisions
12 were set forth in this Section.

13 Persons subject to any tax imposed under the authority
14 granted in this Section may reimburse themselves for their
15 sellers' tax liability by separately stating the tax as an
16 additional charge, which charge may be stated in combination,
17 in a single amount, with State tax which sellers are required
18 to collect under the Use Tax Act, pursuant to such bracketed
19 schedules as the Department may prescribe.

20 Whenever the Department determines that a refund should be
21 made under this Section to a claimant instead of issuing a
22 credit memorandum, the Department shall notify the State
23 Comptroller, who shall cause the order to be drawn for the
24 amount specified and to the person named in the notification
25 from the Department. The refund shall be paid by the State
26 Treasurer out of the State Metro-East Park and Recreation

1 District Fund.

2 (b) If a tax has been imposed under subsection (a), a
3 service occupation tax shall also be imposed at the same rate
4 upon all persons engaged, in the District, in the business of
5 making sales of service, who, as an incident to making those
6 sales of service, transfer tangible personal property within
7 the District as an incident to a sale of service. This tax may
8 not be imposed on sales of food for human consumption that is
9 to be consumed off the premises where it is sold (other than
10 alcoholic beverages, soft drinks, and food prepared for
11 immediate consumption) and prescription and non-prescription
12 medicines, drugs, medical appliances, and insulin, urine
13 testing materials, syringes, and needles used by diabetics.
14 Beginning December 1, 2017, this tax may not be imposed on
15 sales of aviation fuel unless the tax revenue is expended for
16 airport-related purposes. If the District does not have an
17 airport-related purpose to which it dedicates aviation fuel tax
18 revenue, then aviation fuel shall be excluded from tax. For
19 purposes of this Act, "airport-related purposes" has the
20 meaning ascribed in Section 6z-20.2 of the State Finance Act.
21 This exception for aviation fuel only applies for so long as
22 the revenue use requirements of 49 U.S.C. §47107(b) and 49
23 U.S.C. §47133 are binding on the District.

24 On or before September 1, 2017, and on or before each April
25 1 and October 1 thereafter, the Board must certify to the
26 Department of Transportation, in the form and manner required

1 by the Department, whether the District has an airport-related
2 purpose, which would allow any Retailers' Occupation Tax and
3 Service Occupation Tax imposed by the District to include tax
4 on aviation fuel. On or before October 1, 2017, and on or
5 before each May 1 and November 1 thereafter, the Department of
6 Transportation shall provide to the Department of Revenue, a
7 list of units of local government which have certified to the
8 Department of Transportation that they have airport-related
9 purposes, which would allow any Retailers' Occupation Tax and
10 Service Occupation Tax imposed by the unit of local government
11 to include tax on aviation fuel. All disputes regarding whether
12 or not a unit of local government has an airport-related
13 purpose shall be resolved by the Department of Transportation.

14 The tax imposed under this subsection and all civil
15 penalties that may be assessed as an incident thereof shall be
16 collected and enforced by the Department of Revenue. The
17 Department has full power to administer and enforce this
18 subsection; to collect all taxes and penalties due hereunder;
19 to dispose of taxes and penalties so collected in the manner
20 hereinafter provided; and to determine all rights to credit
21 memoranda arising on account of the erroneous payment of tax or
22 penalty hereunder. In the administration of, and compliance
23 with this subsection, the Department and persons who are
24 subject to this paragraph shall (i) have the same rights,
25 remedies, privileges, immunities, powers, and duties, (ii) be
26 subject to the same conditions, restrictions, limitations,

1 penalties, exclusions, exemptions, and definitions of terms,
2 and (iii) employ the same modes of procedure as are prescribed
3 in Sections 2 (except that the reference to State in the
4 definition of supplier maintaining a place of business in this
5 State shall mean the District), 2a, 2b, 2c, 3 through 3-50 (in
6 respect to all provisions therein other than the State rate of
7 tax), 4 (except that the reference to the State shall be to the
8 District), 5, 7, 8 (except that the jurisdiction to which the
9 tax shall be a debt to the extent indicated in that Section 8
10 shall be the District), 9 (except as to the disposition of
11 taxes and penalties collected, and except that the retailer's
12 discount is not allowed for taxes paid on aviation fuel that
13 are deposited into the Local Government Aviation Trust Fund),
14 10, 11, 12 (except the reference therein to Section 2b of the
15 Retailers' Occupation Tax Act), 13 (except that any reference
16 to the State shall mean the District), Sections 15, 16, 17, 18,
17 19 and 20 of the Service Occupation Tax Act and the Uniform
18 Penalty and Interest Act, as fully as if those provisions were
19 set forth herein.

20 Persons subject to any tax imposed under the authority
21 granted in this subsection may reimburse themselves for their
22 serviceman's tax liability by separately stating the tax as an
23 additional charge, which charge may be stated in combination,
24 in a single amount, with State tax that servicemen are
25 authorized to collect under the Service Use Tax Act, in
26 accordance with such bracket schedules as the Department may

1 prescribe.

2 Whenever the Department determines that a refund should be
3 made under this subsection to a claimant instead of issuing a
4 credit memorandum, the Department shall notify the State
5 Comptroller, who shall cause the warrant to be drawn for the
6 amount specified, and to the person named, in the notification
7 from the Department. The refund shall be paid by the State
8 Treasurer out of the State Metro-East Park and Recreation
9 District Fund.

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

14 (c) Except as otherwise provided in this paragraph, the ~~The~~
15 Department shall immediately pay over to the State Treasurer,
16 ex officio, as trustee, all taxes and penalties collected under
17 this Section to be deposited into the State Metro-East Park and
18 Recreation District Fund, which shall be an unappropriated
19 trust fund held outside of the State treasury. Taxes and
20 penalties collected on aviation fuel sold on or after December
21 1, 2017, shall be immediately paid over by the Department to
22 the State Treasurer, ex officio, as trustee, for deposit into
23 the Local Government Aviation Trust Fund. The Department shall
24 only pay moneys into the State Aviation Program Fund under this
25 Act for so long as the revenue use requirements of 49 U.S.C.
26 §47107(b) and 49 U.S.C. §47133 are binding on the District.

1 As soon as possible after the first day of each month,
2 beginning January 1, 2011, upon certification of the Department
3 of Revenue, the Comptroller shall order transferred, and the
4 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
5 local sales tax increment, as defined in the Innovation
6 Development and Economy Act, collected under this Section
7 during the second preceding calendar month for sales within a
8 STAR bond district. The Department shall make this
9 certification only if the Metro East Park and Recreation
10 District imposes a tax on real property as provided in the
11 definition of "local sales taxes" under the Innovation
12 Development and Economy Act.

13 After the monthly transfer to the STAR Bonds Revenue Fund,
14 on or before the 25th day of each calendar month, the
15 Department shall prepare and certify to the Comptroller the
16 disbursement of stated sums of money pursuant to Section 35 of
17 this Act to the District from which retailers have paid taxes
18 or penalties to the Department during the second preceding
19 calendar month. The amount to be paid to the District shall be
20 the amount (not including credit memoranda and not including
21 taxes and penalties collected on aviation fuel sold on or after
22 December 1, 2017) collected under this Section during the
23 second preceding calendar month by the Department plus an
24 amount the Department determines is necessary to offset any
25 amounts that were erroneously paid to a different taxing body,
26 and not including (i) an amount equal to the amount of refunds

1 made during the second preceding calendar month by the
2 Department on behalf of the District, (ii) any amount that the
3 Department determines is necessary to offset any amounts that
4 were payable to a different taxing body but were erroneously
5 paid to the District, and (iii) any amounts that are
6 transferred to the STAR Bonds Revenue Fund. Within 10 days
7 after receipt by the Comptroller of the disbursement
8 certification to the District provided for in this Section to
9 be given to the Comptroller by the Department, the Comptroller
10 shall cause the orders to be drawn for the respective amounts
11 in accordance with directions contained in the certification.

12 (d) For the purpose of determining whether a tax authorized
13 under this Section is applicable, a retail sale by a producer
14 of coal or another mineral mined in Illinois is a sale at
15 retail at the place where the coal or other mineral mined in
16 Illinois is extracted from the earth. This paragraph does not
17 apply to coal or another mineral when it is delivered or
18 shipped by the seller to the purchaser at a point outside
19 Illinois so that the sale is exempt under the United States
20 Constitution as a sale in interstate or foreign commerce.

21 (e) Nothing in this Section shall be construed to authorize
22 the board to impose a tax upon the privilege of engaging in any
23 business that under the Constitution of the United States may
24 not be made the subject of taxation by this State.

25 (f) An ordinance imposing a tax under this Section or an
26 ordinance extending the imposition of a tax to an additional

1 county or counties shall be certified by the board and filed
2 with the Department of Revenue either (i) on or before the
3 first day of April, whereupon the Department shall proceed to
4 administer and enforce the tax as of the first day of July next
5 following the filing; or (ii) on or before the first day of
6 October, whereupon the Department shall proceed to administer
7 and enforce the tax as of the first day of January next
8 following the filing.

9 (g) When certifying the amount of a monthly disbursement to
10 the District under this Section, the Department shall increase
11 or decrease the amounts by an amount necessary to offset any
12 misallocation of previous disbursements. The offset amount
13 shall be the amount erroneously disbursed within the previous 6
14 months from the time a misallocation is discovered.

15 (Source: P.A. 98-1098, eff. 8-26-14; 99-217, eff. 7-31-15.)

16 Section 65. The Local Mass Transit District Act is amended
17 by changing Section 5.01 as follows:

18 (70 ILCS 3610/5.01) (from Ch. 111 2/3, par. 355.01)

19 Sec. 5.01. Metro East Mass Transit District; use and
20 occupation taxes.

21 (a) The Board of Trustees of any Metro East Mass Transit
22 District may, by ordinance adopted with the concurrence of
23 two-thirds of the then trustees, impose throughout the District
24 any or all of the taxes and fees provided in this Section.

1 Except as otherwise provided, all ~~All~~ taxes and fees imposed
2 under this Section shall be used only for public mass
3 transportation systems, and the amount used to provide mass
4 transit service to unserved areas of the District shall be in
5 the same proportion to the total proceeds as the number of
6 persons residing in the unserved areas is to the total
7 population of the District. Except as otherwise provided in
8 this Act, taxes imposed under this Section and civil penalties
9 imposed incident thereto shall be collected and enforced by the
10 State Department of Revenue. The Department shall have the
11 power to administer and enforce the taxes and to determine all
12 rights for refunds for erroneous payments of the taxes.

13 (b) The Board may impose a Metro East Mass Transit District
14 Retailers' Occupation Tax upon all persons engaged in the
15 business of selling tangible personal property at retail in the
16 district at a rate of 1/4 of 1%, or as authorized under
17 subsection (d-5) of this Section, of the gross receipts from
18 the sales made in the course of such business within the
19 district, except that the rate of tax imposed under this
20 Section on sales of aviation fuel on or after December 1, 2017
21 shall be 0.25% in Madison County unless the Metro-East Mass
22 Transit District in Madison County has an "airport-related
23 purpose" and any additional amount authorized under subsection
24 (d-5) is expended for airport-related purposes. If there is no
25 airport-related purpose to which aviation fuel tax revenue is
26 dedicated, then aviation fuel is excluded from any future

1 increase in the tax. The rate in St. Clair County shall be
2 0.25% unless the Metro-East Mass Transit District in St. Clair
3 County has an "airport-related purpose" and the additional
4 0.50% of the 0.75% tax on aviation fuel imposed in that County
5 is expended for airport-related purposes. If there is no
6 airport-related purpose to which aviation fuel tax revenue is
7 dedicated, then aviation fuel is excluded from the tax.

8 On or before September 1, 2017, and on or before each April
9 1 and October 1 thereafter, each Metro-East Mass Transit
10 District and Madison and St. Clair Counties must certify to the
11 Department of Transportation, in the form and manner required
12 by the Department, whether they have an airport-related
13 purpose, which would allow any Retailers' Occupation Tax and
14 Service Occupation Tax imposed under this Act to include tax on
15 aviation fuel. On or before October 1, 2017, and on or before
16 each May 1 and November 1 thereafter, the Department of
17 Transportation shall provide to the Department of Revenue, a
18 list of units of local government which have certified to the
19 Department of Transportation that they have airport-related
20 purposes, which would allow any Retailers' Occupation Tax and
21 Service Occupation Tax imposed by the unit of local government
22 to include tax on aviation fuel. All disputes regarding whether
23 or not a unit of local government has an airport-related
24 purpose shall be resolved by the Department of Transportation.

25 For purposes of this Act, "airport-related purposes" has
26 the meaning ascribed in Section 6z-20.2 of the State Finance

1 Act. This exclusion for aviation fuel only applies for so long
2 as the revenue use requirements of 49 U.S.C. §47107(b) and 49
3 U.S.C. §47133 are binding on the District.

4 The tax imposed under this Section and all civil penalties
5 that may be assessed as an incident thereof shall be collected
6 and enforced by the State Department of Revenue. The Department
7 shall have full power to administer and enforce this Section;
8 to collect all taxes and penalties so collected in the manner
9 hereinafter provided; and to determine all rights to credit
10 memoranda arising on account of the erroneous payment of tax or
11 penalty hereunder. In the administration of, and compliance
12 with, this Section, the Department and persons who are subject
13 to this Section shall have the same rights, remedies,
14 privileges, immunities, powers and duties, and be subject to
15 the same conditions, restrictions, limitations, penalties,
16 exclusions, exemptions and definitions of terms and employ the
17 same modes of procedure, as are prescribed in Sections 1, 1a,
18 1a-1, 1c, 1d, 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all
19 provisions therein other than the State rate of tax), 2c, 3
20 (except as to the disposition of taxes and penalties collected,
21 and except that the retailer's discount is not allowed for
22 taxes paid on aviation fuel that are deposited into the Local
23 Government Aviation Trust Fund), 4, 5, 5a, 5c, 5d, 5e, 5f, 5g,
24 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 12, 13,
25 and 14 of the Retailers' Occupation Tax Act and Section 3-7 of
26 the Uniform Penalty and Interest Act, as fully as if those

1 provisions were set forth herein.

2 Persons subject to any tax imposed under the Section may
3 reimburse themselves for their seller's tax liability
4 hereunder by separately stating the tax as an additional
5 charge, which charge may be stated in combination, in a single
6 amount, with State taxes that sellers are required to collect
7 under the Use Tax Act, in accordance with such bracket
8 schedules as the Department may prescribe.

9 Whenever the Department determines that a refund should be
10 made under this Section to a claimant instead of issuing a
11 credit memorandum, the Department shall notify the State
12 Comptroller, who shall cause the warrant to be drawn for the
13 amount specified, and to the person named, in the notification
14 from the Department. The refund shall be paid by the State
15 Treasurer out of the Metro East Mass Transit District tax fund
16 established under paragraph (h) of this Section.

17 If a tax is imposed under this subsection (b), a tax shall
18 also be imposed under subsections (c) and (d) of this Section.

19 For the purpose of determining whether a tax authorized
20 under this Section is applicable, a retail sale, by a producer
21 of coal or other mineral mined in Illinois, is a sale at retail
22 at the place where the coal or other mineral mined in Illinois
23 is extracted from the earth. This paragraph does not apply to
24 coal or other mineral when it is delivered or shipped by the
25 seller to the purchaser at a point outside Illinois so that the
26 sale is exempt under the Federal Constitution as a sale in

1 interstate or foreign commerce.

2 No tax shall be imposed or collected under this subsection
3 on the sale of a motor vehicle in this State to a resident of
4 another state if that motor vehicle will not be titled in this
5 State.

6 Nothing in this Section shall be construed to authorize the
7 Metro East Mass Transit District to impose a tax upon the
8 privilege of engaging in any business which under the
9 Constitution of the United States may not be made the subject
10 of taxation by this State.

11 (c) If a tax has been imposed under subsection (b), a Metro
12 East Mass Transit District Service Occupation Tax shall also be
13 imposed upon all persons engaged, in the district, in the
14 business of making sales of service, who, as an incident to
15 making those sales of service, transfer tangible personal
16 property within the District, either in the form of tangible
17 personal property or in the form of real estate as an incident
18 to a sale of service. The tax rate shall be 1/4%, or as
19 authorized under subsection (d-5) of this Section, of the
20 selling price of tangible personal property so transferred
21 within the district, except that the rate of tax imposed in
22 these Counties under this Section on sales of aviation fuel on
23 or after December 1, 2017 shall be 0.25% in Madison County
24 unless the Metro-East Mass Transit District in Madison County
25 has an "airport-related purpose" and any additional amount
26 authorized under subsection (d-5) is expended for

1 airport-related purposes. If there is no airport-related
2 purpose to which aviation fuel tax revenue is dedicated, then
3 aviation fuel is excluded from any future increase in the tax.
4 The rate in St. Clair County shall be 0.25% unless the
5 Metro-East Mass Transit District in St. Clair County has an
6 "airport-related purpose" and the additional 0.50% of the 0.75%
7 tax on aviation fuel is expended for airport-related purposes.
8 If there is no airport-related purpose to which aviation fuel
9 tax revenue is dedicated, then aviation fuel is excluded from
10 the tax.

11 On or before September 1, 2017, and on or before each April
12 1 and October 1 thereafter, each Metro-East Mass Transit
13 District and Madison and St. Clair Counties must certify to the
14 Department of Transportation, in the form and manner required
15 by the Department, whether they have an airport-related
16 purpose, which would allow any Retailers' Occupation Tax and
17 Service Occupation Tax imposed under this Act to include tax on
18 aviation fuel. On or before October 1, 2017, and on or before
19 each May 1 and November 1 thereafter, the Department of
20 Transportation shall provide to the Department of Revenue, a
21 list of units of local government which have certified to the
22 Department of Transportation that they have airport-related
23 purposes, which would allow any Retailers' Occupation Tax and
24 Service Occupation Tax imposed by the unit of local government
25 to include tax on aviation fuel. All disputes regarding whether
26 or not a unit of local government has an airport-related

1 purpose shall be resolved by the Department of Transportation.

2 For purposes of this Act, "airport-related purposes" has
3 the meaning ascribed in Section 6z-20.2 of the State Finance
4 Act. This exclusion for aviation fuel only applies for so long
5 as the revenue use requirements of 49 U.S.C. §47107(b) and 49
6 U.S.C. §47133 are binding on the District.

7 The tax imposed under this paragraph and all civil
8 penalties that may be assessed as an incident thereof shall be
9 collected and enforced by the State Department of Revenue. The
10 Department shall have full power to administer and enforce this
11 paragraph; to collect all taxes and penalties due hereunder; to
12 dispose of taxes and penalties so collected in the manner
13 hereinafter provided; and to determine all rights to credit
14 memoranda arising on account of the erroneous payment of tax or
15 penalty hereunder. In the administration of, and compliance
16 with this paragraph, the Department and persons who are subject
17 to this paragraph shall have the same rights, remedies,
18 privileges, immunities, powers and duties, and be subject to
19 the same conditions, restrictions, limitations, penalties,
20 exclusions, exemptions and definitions of terms and employ the
21 same modes of procedure as are prescribed in Sections 1a-1, 2
22 (except that the reference to State in the definition of
23 supplier maintaining a place of business in this State shall
24 mean the Authority), 2a, 3 through 3-50 (in respect to all
25 provisions therein other than the State rate of tax), 4 (except
26 that the reference to the State shall be to the Authority), 5,

1 7, 8 (except that the jurisdiction to which the tax shall be a
2 debt to the extent indicated in that Section 8 shall be the
3 District), 9 (except as to the disposition of taxes and
4 penalties collected, and except that the returned merchandise
5 credit for this tax may not be taken against any State tax, and
6 except that the retailer's discount is not allowed for taxes
7 paid on aviation fuel that are deposited into the Local
8 Government Aviation Trust Fund), 10, 11, 12 (except the
9 reference therein to Section 2b of the Retailers' Occupation
10 Tax Act), 13 (except that any reference to the State shall mean
11 the District), the first paragraph of Section 15, 16, 17, 18,
12 19 and 20 of the Service Occupation Tax Act and Section 3-7 of
13 the Uniform Penalty and Interest Act, as fully as if those
14 provisions were set forth herein.

15 Persons subject to any tax imposed under the authority
16 granted in this paragraph may reimburse themselves for their
17 serviceman's tax liability hereunder by separately stating the
18 tax as an additional charge, which charge may be stated in
19 combination, in a single amount, with State tax that servicemen
20 are authorized to collect under the Service Use Tax Act, in
21 accordance with such bracket schedules as the Department may
22 prescribe.

23 Whenever the Department determines that a refund should be
24 made under this paragraph to a claimant instead of issuing a
25 credit memorandum, the Department shall notify the State
26 Comptroller, who shall cause the warrant to be drawn for the

1 amount specified, and to the person named, in the notification
2 from the Department. The refund shall be paid by the State
3 Treasurer out of the Metro East Mass Transit District tax fund
4 established under paragraph (h) of this Section.

5 Nothing in this paragraph shall be construed to authorize
6 the District to impose a tax upon the privilege of engaging in
7 any business which under the Constitution of the United States
8 may not be made the subject of taxation by the State.

9 (d) If a tax has been imposed under subsection (b), a Metro
10 East Mass Transit District Use Tax shall also be imposed upon
11 the privilege of using, in the district, any item of tangible
12 personal property that is purchased outside the district at
13 retail from a retailer, and that is titled or registered with
14 an agency of this State's government, at a rate of 1/4%, or as
15 authorized under subsection (d-5) of this Section, of the
16 selling price of the tangible personal property within the
17 District, as "selling price" is defined in the Use Tax Act. The
18 tax shall be collected from persons whose Illinois address for
19 titling or registration purposes is given as being in the
20 District. The tax shall be collected by the Department of
21 Revenue for the Metro East Mass Transit District. The tax must
22 be paid to the State, or an exemption determination must be
23 obtained from the Department of Revenue, before the title or
24 certificate of registration for the property may be issued. The
25 tax or proof of exemption may be transmitted to the Department
26 by way of the State agency with which, or the State officer

1 with whom, the tangible personal property must be titled or
2 registered if the Department and the State agency or State
3 officer determine that this procedure will expedite the
4 processing of applications for title or registration.

5 The Department shall have full power to administer and
6 enforce this paragraph; to collect all taxes, penalties and
7 interest due hereunder; to dispose of taxes, penalties and
8 interest so collected in the manner hereinafter provided; and
9 to determine all rights to credit memoranda or refunds arising
10 on account of the erroneous payment of tax, penalty or interest
11 hereunder. In the administration of, and compliance with, this
12 paragraph, the Department and persons who are subject to this
13 paragraph shall have the same rights, remedies, privileges,
14 immunities, powers and duties, and be subject to the same
15 conditions, restrictions, limitations, penalties, exclusions,
16 exemptions and definitions of terms and employ the same modes
17 of procedure, as are prescribed in Sections 2 (except the
18 definition of "retailer maintaining a place of business in this
19 State"), 3 through 3-80 (except provisions pertaining to the
20 State rate of tax, and except provisions concerning collection
21 or refunding of the tax by retailers), 4, 11, 12, 12a, 14, 15,
22 19 (except the portions pertaining to claims by retailers and
23 except the last paragraph concerning refunds), 20, 21 and 22 of
24 the Use Tax Act and Section 3-7 of the Uniform Penalty and
25 Interest Act, that are not inconsistent with this paragraph, as
26 fully as if those provisions were set forth herein.

1 Whenever the Department determines that a refund should be
2 made under this paragraph to a claimant instead of issuing a
3 credit memorandum, the Department shall notify the State
4 Comptroller, who shall cause the order to be drawn for the
5 amount specified, and to the person named, in the notification
6 from the Department. The refund shall be paid by the State
7 Treasurer out of the Metro East Mass Transit District tax fund
8 established under paragraph (h) of this Section.

9 (d-5) (A) The county board of any county participating in
10 the Metro East Mass Transit District may authorize, by
11 ordinance, a referendum on the question of whether the tax
12 rates for the Metro East Mass Transit District Retailers'
13 Occupation Tax, the Metro East Mass Transit District Service
14 Occupation Tax, and the Metro East Mass Transit District Use
15 Tax for the District should be increased from 0.25% to 0.75%.
16 Upon adopting the ordinance, the county board shall certify the
17 proposition to the proper election officials who shall submit
18 the proposition to the voters of the District at the next
19 election, in accordance with the general election law.

20 The proposition shall be in substantially the following
21 form:

22 Shall the tax rates for the Metro East Mass Transit
23 District Retailers' Occupation Tax, the Metro East Mass
24 Transit District Service Occupation Tax, and the Metro East
25 Mass Transit District Use Tax be increased from 0.25% to
26 0.75%?

1 (B) Two thousand five hundred electors of any Metro East
2 Mass Transit District may petition the Chief Judge of the
3 Circuit Court, or any judge of that Circuit designated by the
4 Chief Judge, in which that District is located to cause to be
5 submitted to a vote of the electors the question whether the
6 tax rates for the Metro East Mass Transit District Retailers'
7 Occupation Tax, the Metro East Mass Transit District Service
8 Occupation Tax, and the Metro East Mass Transit District Use
9 Tax for the District should be increased from 0.25% to 0.75%.

10 Upon submission of such petition the court shall set a date
11 not less than 10 nor more than 30 days thereafter for a hearing
12 on the sufficiency thereof. Notice of the filing of such
13 petition and of such date shall be given in writing to the
14 District and the County Clerk at least 7 days before the date
15 of such hearing.

16 If such petition is found sufficient, the court shall enter
17 an order to submit that proposition at the next election, in
18 accordance with general election law.

19 The form of the petition shall be in substantially the
20 following form: To the Circuit Court of the County of (name of
21 county):

22 We, the undersigned electors of the (name of transit
23 district), respectfully petition your honor to submit to a
24 vote of the electors of (name of transit district) the
25 following proposition:

26 Shall the tax rates for the Metro East Mass Transit

1 District Retailers' Occupation Tax, the Metro East Mass
 2 Transit District Service Occupation Tax, and the Metro East
 3 Mass Transit District Use Tax be increased from 0.25% to
 4 0.75%?

5 Name Address, with Street and Number.

6
 7

8 (C) The votes shall be recorded as "YES" or "NO". If a
 9 majority of all votes cast on the proposition are for the
 10 increase in the tax rates, the Metro East Mass Transit District
 11 shall begin imposing the increased rates in the District, and
 12 the Department of Revenue shall begin collecting the increased
 13 amounts, as provided under this Section. An ordinance imposing
 14 or discontinuing a tax hereunder or effecting a change in the
 15 rate thereof shall be adopted and a certified copy thereof
 16 filed with the Department on or before the first day of
 17 October, whereupon the Department shall proceed to administer
 18 and enforce this Section as of the first day of January next
 19 following the adoption and filing, or on or before the first
 20 day of April, whereupon the Department shall proceed to
 21 administer and enforce this Section as of the first day of July
 22 next following the adoption and filing.

23 (D) If the voters have approved a referendum under this
 24 subsection, before November 1, 1994, to increase the tax rate
 25 under this subsection, the Metro East Mass Transit District
 26 Board of Trustees may adopt by a majority vote an ordinance at

1 any time before January 1, 1995 that excludes from the rate
2 increase tangible personal property that is titled or
3 registered with an agency of this State's government. The
4 ordinance excluding titled or registered tangible personal
5 property from the rate increase must be filed with the
6 Department at least 15 days before its effective date. At any
7 time after adopting an ordinance excluding from the rate
8 increase tangible personal property that is titled or
9 registered with an agency of this State's government, the Metro
10 East Mass Transit District Board of Trustees may adopt an
11 ordinance applying the rate increase to that tangible personal
12 property. The ordinance shall be adopted, and a certified copy
13 of that ordinance shall be filed with the Department, on or
14 before October 1, whereupon the Department shall proceed to
15 administer and enforce the rate increase against tangible
16 personal property titled or registered with an agency of this
17 State's government as of the following January 1. After
18 December 31, 1995, any reimposed rate increase in effect under
19 this subsection shall no longer apply to tangible personal
20 property titled or registered with an agency of this State's
21 government. Beginning January 1, 1996, the Board of Trustees of
22 any Metro East Mass Transit District may never reimpose a
23 previously excluded tax rate increase on tangible personal
24 property titled or registered with an agency of this State's
25 government. After July 1, 2004, if the voters have approved a
26 referendum under this subsection to increase the tax rate under

1 this subsection, the Metro East Mass Transit District Board of
2 Trustees may adopt by a majority vote an ordinance that
3 excludes from the rate increase tangible personal property that
4 is titled or registered with an agency of this State's
5 government. The ordinance excluding titled or registered
6 tangible personal property from the rate increase shall be
7 adopted, and a certified copy of that ordinance shall be filed
8 with the Department on or before October 1, whereupon the
9 Department shall administer and enforce this exclusion from the
10 rate increase as of the following January 1, or on or before
11 April 1, whereupon the Department shall administer and enforce
12 this exclusion from the rate increase as of the following July
13 1. The Board of Trustees of any Metro East Mass Transit
14 District may never reimpose a previously excluded tax rate
15 increase on tangible personal property titled or registered
16 with an agency of this State's government.

17 (d-6) If the Board of Trustees of any Metro East Mass
18 Transit District has imposed a rate increase under subsection
19 (d-5) and filed an ordinance with the Department of Revenue
20 excluding titled property from the higher rate, then that Board
21 may, by ordinance adopted with the concurrence of two-thirds of
22 the then trustees, impose throughout the District a fee. The
23 fee on the excluded property shall not exceed \$20 per retail
24 transaction or an amount equal to the amount of tax excluded,
25 whichever is less, on tangible personal property that is titled
26 or registered with an agency of this State's government.

1 Beginning July 1, 2004, the fee shall apply only to titled
2 property that is subject to either the Metro East Mass Transit
3 District Retailers' Occupation Tax or the Metro East Mass
4 Transit District Service Occupation Tax. No fee shall be
5 imposed or collected under this subsection on the sale of a
6 motor vehicle in this State to a resident of another state if
7 that motor vehicle will not be titled in this State.

8 (d-7) Until June 30, 2004, if a fee has been imposed under
9 subsection (d-6), a fee shall also be imposed upon the
10 privilege of using, in the district, any item of tangible
11 personal property that is titled or registered with any agency
12 of this State's government, in an amount equal to the amount of
13 the fee imposed under subsection (d-6).

14 (d-7.1) Beginning July 1, 2004, any fee imposed by the
15 Board of Trustees of any Metro East Mass Transit District under
16 subsection (d-6) and all civil penalties that may be assessed
17 as an incident of the fees shall be collected and enforced by
18 the State Department of Revenue. Reference to "taxes" in this
19 Section shall be construed to apply to the administration,
20 payment, and remittance of all fees under this Section. For
21 purposes of any fee imposed under subsection (d-6), 4% of the
22 fee, penalty, and interest received by the Department in the
23 first 12 months that the fee is collected and enforced by the
24 Department and 2% of the fee, penalty, and interest following
25 the first 12 months (except the amount collected on aviation
26 fuel sold on or after December 1, 2017) shall be deposited into

1 the Tax Compliance and Administration Fund and shall be used by
2 the Department, subject to appropriation, to cover the costs of
3 the Department. No retailers' discount shall apply to any fee
4 imposed under subsection (d-6).

5 (d-8) No item of titled property shall be subject to both
6 the higher rate approved by referendum, as authorized under
7 subsection (d-5), and any fee imposed under subsection (d-6) or
8 (d-7).

9 (d-9) (Blank).

10 (d-10) (Blank).

11 (e) A certificate of registration issued by the State
12 Department of Revenue to a retailer under the Retailers'
13 Occupation Tax Act or under the Service Occupation Tax Act
14 shall permit the registrant to engage in a business that is
15 taxed under the tax imposed under paragraphs (b), (c) or (d) of
16 this Section and no additional registration shall be required
17 under the tax. A certificate issued under the Use Tax Act or
18 the Service Use Tax Act shall be applicable with regard to any
19 tax imposed under paragraph (c) of this Section.

20 (f) (Blank).

21 (g) Any ordinance imposing or discontinuing any tax under
22 this Section shall be adopted and a certified copy thereof
23 filed with the Department on or before June 1, whereupon the
24 Department of Revenue shall proceed to administer and enforce
25 this Section on behalf of the Metro East Mass Transit District
26 as of September 1 next following such adoption and filing.

1 Beginning January 1, 1992, an ordinance or resolution imposing
2 or discontinuing the tax hereunder shall be adopted and a
3 certified copy thereof filed with the Department on or before
4 the first day of July, whereupon the Department shall proceed
5 to administer and enforce this Section as of the first day of
6 October next following such adoption and filing. Beginning
7 January 1, 1993, except as provided in subsection (d-5) of this
8 Section, an ordinance or resolution imposing or discontinuing
9 the tax hereunder shall be adopted and a certified copy thereof
10 filed with the Department on or before the first day of
11 October, whereupon the Department shall proceed to administer
12 and enforce this Section as of the first day of January next
13 following such adoption and filing, or, beginning January 1,
14 2004, on or before the first day of April, whereupon the
15 Department shall proceed to administer and enforce this Section
16 as of the first day of July next following the adoption and
17 filing.

18 (h) Except as provided in subsection (d-7.1), the State
19 Department of Revenue shall, upon collecting any taxes as
20 provided in this Section, pay the taxes over to the State
21 Treasurer as trustee for the District. The taxes shall be held
22 in a trust fund outside the State Treasury. Taxes and penalties
23 collected in St. Clair Counties on aviation fuel sold on or
24 after December 1, 2017 from the 0.50% of the .75% rate shall be
25 immediately paid over by the Department to the State Treasurer,
26 ex officio, as trustee, for deposit into the Local Government

1 Aviation Trust Fund. The Department shall only pay moneys into
2 the Local Government Aviation Trust Fund under this Act for so
3 long as the revenue use requirements of 49 U.S.C. §47107(b) and
4 49 U.S.C. §47133 are binding on the District.

5 As soon as possible after the first day of each month,
6 beginning January 1, 2011, upon certification of the Department
7 of Revenue, the Comptroller shall order transferred, and the
8 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
9 local sales tax increment, as defined in the Innovation
10 Development and Economy Act, collected under this Section
11 during the second preceding calendar month for sales within a
12 STAR bond district. The Department shall make this
13 certification only if the local mass transit district imposes a
14 tax on real property as provided in the definition of "local
15 sales taxes" under the Innovation Development and Economy Act.

16 After the monthly transfer to the STAR Bonds Revenue Fund,
17 on or before the 25th day of each calendar month, the State
18 Department of Revenue shall prepare and certify to the
19 Comptroller of the State of Illinois the amount to be paid to
20 the District, which shall be the amount (not including credit
21 memoranda and not including taxes and penalties collected on
22 aviation fuel sold on or after December 1, 2017) collected
23 under this Section during the second preceding calendar month
24 by the Department plus an amount the Department determines is
25 necessary to offset any amounts that were erroneously paid to a
26 different taxing body, and not including any amount equal to

1 the amount of refunds made during the second preceding calendar
2 month by the Department on behalf of the District, and not
3 including any amount that the Department determines is
4 necessary to offset any amounts that were payable to a
5 different taxing body but were erroneously paid to the
6 District, and less any amounts that are transferred to the STAR
7 Bonds Revenue Fund. Within 10 days after receipt by the
8 Comptroller of the certification of the amount to be paid to
9 the District, the Comptroller shall cause an order to be drawn
10 for payment for the amount in accordance with the direction in
11 the certification.

12 (Source: P.A. 98-298, eff. 8-9-13; 99-217, eff. 7-31-15.)

13 Section 70. The Regional Transportation Authority Act is
14 amended by changing Sections 4.03 and 4.03.3 as follows:

15 (70 ILCS 3615/4.03) (from Ch. 111 2/3, par. 704.03)

16 Sec. 4.03. Taxes.

17 (a) In order to carry out any of the powers or purposes of
18 the Authority, the Board may by ordinance adopted with the
19 concurrence of 12 of the then Directors, impose throughout the
20 metropolitan region any or all of the taxes provided in this
21 Section. Except as otherwise provided in this Act, taxes
22 imposed under this Section and civil penalties imposed incident
23 thereto shall be collected and enforced by the State Department
24 of Revenue. The Department shall have the power to administer

1 and enforce the taxes and to determine all rights for refunds
2 for erroneous payments of the taxes. Nothing in Public Act
3 95-708 is intended to invalidate any taxes currently imposed by
4 the Authority. The increased vote requirements to impose a tax
5 shall only apply to actions taken after January 1, 2008 (the
6 effective date of Public Act 95-708).

7 (b) The Board may impose a public transportation tax upon
8 all persons engaged in the metropolitan region in the business
9 of selling at retail motor fuel for operation of motor vehicles
10 upon public highways. The tax shall be at a rate not to exceed
11 5% of the gross receipts from the sales of motor fuel in the
12 course of the business. As used in this Act, the term "motor
13 fuel" shall have the same meaning as in the Motor Fuel Tax Law.
14 The Board may provide for details of the tax. The provisions of
15 any tax shall conform, as closely as may be practicable, to the
16 provisions of the Municipal Retailers Occupation Tax Act,
17 including without limitation, conformity to penalties with
18 respect to the tax imposed and as to the powers of the State
19 Department of Revenue to promulgate and enforce rules and
20 regulations relating to the administration and enforcement of
21 the provisions of the tax imposed, except that reference in the
22 Act to any municipality shall refer to the Authority and the
23 tax shall be imposed only with regard to receipts from sales of
24 motor fuel in the metropolitan region, at rates as limited by
25 this Section.

26 (c) In connection with the tax imposed under paragraph (b)

1 of this Section the Board may impose a tax upon the privilege
2 of using in the metropolitan region motor fuel for the
3 operation of a motor vehicle upon public highways, the tax to
4 be at a rate not in excess of the rate of tax imposed under
5 paragraph (b) of this Section. The Board may provide for
6 details of the tax.

7 (d) The Board may impose a motor vehicle parking tax upon
8 the privilege of parking motor vehicles at off-street parking
9 facilities in the metropolitan region at which a fee is
10 charged, and may provide for reasonable classifications in and
11 exemptions to the tax, for administration and enforcement
12 thereof and for civil penalties and refunds thereunder and may
13 provide criminal penalties thereunder, the maximum penalties
14 not to exceed the maximum criminal penalties provided in the
15 Retailers' Occupation Tax Act. The Authority may collect and
16 enforce the tax itself or by contract with any unit of local
17 government. The State Department of Revenue shall have no
18 responsibility for the collection and enforcement unless the
19 Department agrees with the Authority to undertake the
20 collection and enforcement. As used in this paragraph, the term
21 "parking facility" means a parking area or structure having
22 parking spaces for more than 2 vehicles at which motor vehicles
23 are permitted to park in return for an hourly, daily, or other
24 periodic fee, whether publicly or privately owned, but does not
25 include parking spaces on a public street, the use of which is
26 regulated by parking meters.

1 (e) The Board may impose a Regional Transportation
2 Authority Retailers' Occupation Tax upon all persons engaged in
3 the business of selling tangible personal property at retail in
4 the metropolitan region. In Cook County the tax rate shall be
5 1.25% of the gross receipts from sales of food for human
6 consumption that is to be consumed off the premises where it is
7 sold (other than alcoholic beverages, soft drinks and food that
8 has been prepared for immediate consumption) and prescription
9 and nonprescription medicines, drugs, medical appliances and
10 insulin, urine testing materials, syringes and needles used by
11 diabetics, and 1% of the gross receipts from other taxable
12 sales made in the course of that business. In DuPage, Kane,
13 Lake, McHenry, and Will Counties, the tax rate shall be 0.75%
14 of the gross receipts from all taxable sales made in the course
15 of that business except that the rate of tax imposed in these
16 Counties under this Section on sales of aviation fuel on or
17 after December 1, 2017 shall be 0.25% unless the Regional
18 Transportation Authority in DuPage, Kane, Lake, McHenry and
19 Will Counties has an "airport-related purpose" and the
20 additional 0.50% of the 0.75% tax on aviation fuel is expended
21 for airport-related purposes. If there is no airport-related
22 purpose to which aviation fuel tax revenue is dedicated, then
23 aviation fuel is excluded from the tax.

24 On or before September 1, 2017, and on or before each April
25 1 and October 1 thereafter, the Authority and Cook, DuPage,
26 Kane, Lake, McHenry, and Will Counties must certify to the

1 Department of Transportation, in the form and manner required
2 by the Department, whether they have an airport-related
3 purpose, which would allow any Retailers' Occupation Tax and
4 Service Occupation Tax imposed under this Act to include tax on
5 aviation fuel. On or before October 1, 2017, and on or before
6 each May 1 and November 1 thereafter, the Department of
7 Transportation shall provide to the Department of Revenue, a
8 list of units of local government which have certified to the
9 Department of Transportation that they have airport-related
10 purposes, which would allow any Retailers' Occupation Tax and
11 Service Occupation Tax imposed by the unit of local government
12 to include tax on aviation fuel. All disputes regarding whether
13 or not a unit of local government has an airport-related
14 purpose shall be resolved by the Department of Transportation.

15 For purposes of this Act, "airport-related purposes" has
16 the meaning ascribed in Section 6z-20.2 of the State Finance
17 Act. This exclusion for aviation fuel only applies for so long
18 as the revenue use requirements of 49 U.S.C. §47107(b) and 49
19 U.S.C. §47133 are binding on the Authority.

20 The tax imposed under this Section and all civil penalties
21 that may be assessed as an incident thereof shall be collected
22 and enforced by the State Department of Revenue. The Department
23 shall have full power to administer and enforce this Section;
24 to collect all taxes and penalties so collected in the manner
25 hereinafter provided; and to determine all rights to credit
26 memoranda arising on account of the erroneous payment of tax or

1 penalty hereunder. In the administration of, and compliance
2 with this Section, the Department and persons who are subject
3 to this Section shall have the same rights, remedies,
4 privileges, immunities, powers and duties, and be subject to
5 the same conditions, restrictions, limitations, penalties,
6 exclusions, exemptions and definitions of terms, and employ the
7 same modes of procedure, as are prescribed in Sections 1, 1a,
8 1a-1, 1c, 1d, 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all
9 provisions therein other than the State rate of tax), 2c, 3
10 (except as to the disposition of taxes and penalties collected,
11 and except that the retailer's discount is not allowed for
12 taxes paid on aviation fuel that are deposited into the Local
13 Government Aviation Trust Fund), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f,
14 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 12
15 and 13 of the Retailers' Occupation Tax Act and Section 3-7 of
16 the Uniform Penalty and Interest Act, as fully as if those
17 provisions were set forth herein.

18 Persons subject to any tax imposed under the authority
19 granted in this Section may reimburse themselves for their
20 seller's tax liability hereunder by separately stating the tax
21 as an additional charge, which charge may be stated in
22 combination in a single amount with State taxes that sellers
23 are required to collect under the Use Tax Act, under any
24 bracket schedules the Department may prescribe.

25 Whenever the Department determines that a refund should be
26 made under this Section to a claimant instead of issuing a

1 credit memorandum, the Department shall notify the State
2 Comptroller, who shall cause the warrant to be drawn for the
3 amount specified, and to the person named, in the notification
4 from the Department. The refund shall be paid by the State
5 Treasurer out of the Regional Transportation Authority tax fund
6 established under paragraph (n) of this Section.

7 If a tax is imposed under this subsection (e), a tax shall
8 also be imposed under subsections (f) and (g) of this Section.

9 For the purpose of determining whether a tax authorized
10 under this Section is applicable, a retail sale by a producer
11 of coal or other mineral mined in Illinois, is a sale at retail
12 at the place where the coal or other mineral mined in Illinois
13 is extracted from the earth. This paragraph does not apply to
14 coal or other mineral when it is delivered or shipped by the
15 seller to the purchaser at a point outside Illinois so that the
16 sale is exempt under the Federal Constitution as a sale in
17 interstate or foreign commerce.

18 No tax shall be imposed or collected under this subsection
19 on the sale of a motor vehicle in this State to a resident of
20 another state if that motor vehicle will not be titled in this
21 State.

22 Nothing in this Section shall be construed to authorize the
23 Regional Transportation Authority to impose a tax upon the
24 privilege of engaging in any business that under the
25 Constitution of the United States may not be made the subject
26 of taxation by this State.

1 (f) If a tax has been imposed under paragraph (e), a
2 Regional Transportation Authority Service Occupation Tax shall
3 also be imposed upon all persons engaged, in the metropolitan
4 region in the business of making sales of service, who as an
5 incident to making the sales of service, transfer tangible
6 personal property within the metropolitan region, either in the
7 form of tangible personal property or in the form of real
8 estate as an incident to a sale of service. In Cook County, the
9 tax rate shall be: (1) 1.25% of the serviceman's cost price of
10 food prepared for immediate consumption and transferred
11 incident to a sale of service subject to the service occupation
12 tax by an entity licensed under the Hospital Licensing Act, the
13 Nursing Home Care Act, the Specialized Mental Health
14 Rehabilitation Act of 2013, the ID/DD Community Care Act, or
15 the MC/DD Act that is located in the metropolitan region; (2)
16 1.25% of the selling price of food for human consumption that
17 is to be consumed off the premises where it is sold (other than
18 alcoholic beverages, soft drinks and food that has been
19 prepared for immediate consumption) and prescription and
20 nonprescription medicines, drugs, medical appliances and
21 insulin, urine testing materials, syringes and needles used by
22 diabetics; and (3) 1% of the selling price from other taxable
23 sales of tangible personal property transferred. In DuPage,
24 Kane, Lake, McHenry and Will Counties the rate shall be 0.75%
25 of the selling price of all tangible personal property
26 transferred except that the rate of tax imposed in these

1 Counties under this Section on sales of aviation fuel on or
2 after December 1, 2017 shall be 0.25% unless the Regional
3 Transportation Authority in DuPage, Kane, Lake, McHenry and
4 Will Counties has an "airport-related purpose" and the
5 additional 0.50% of the 0.75% tax on aviation fuel is expended
6 for airport-related purposes. If there is no airport-related
7 purpose to which aviation fuel tax revenue is dedicated, then
8 aviation fuel is excluded from the tax..

9 On or before September 1, 2017, and on or before each April
10 1 and October 1 thereafter, the Authority and Cook, DuPage,
11 Kane, Lake, McHenry, and Will Counties must certify to the
12 Department of Transportation, in the form and manner required
13 by the Department, whether they have an airport-related
14 purpose, which would allow any Retailers' Occupation Tax and
15 Service Occupation Tax imposed under this Act to include tax on
16 aviation fuel. On or before October 1, 2017, and on or before
17 each May 1 and November 1 thereafter, the Department of
18 Transportation shall provide to the Department of Revenue, a
19 list of units of local government which have certified to the
20 Department of Transportation that they have airport-related
21 purposes, which would allow any Retailers' Occupation Tax and
22 Service Occupation Tax imposed by the unit of local government
23 to include tax on aviation fuel. All disputes regarding whether
24 or not a unit of local government has an airport-related
25 purpose shall be resolved by the Department of Transportation.

26 For purposes of this Act, "airport-related purposes" has

1 the meaning ascribed in Section 6z-20.2 of the State Finance
2 Act. This exclusion for aviation fuel only applies for so long
3 as the revenue use requirements of 49 U.S.C. §47107(b) and 49
4 U.S.C. §47133 are binding on the Authority.

5 The tax imposed under this paragraph and all civil
6 penalties that may be assessed as an incident thereof shall be
7 collected and enforced by the State Department of Revenue. The
8 Department shall have full power to administer and enforce this
9 paragraph; to collect all taxes and penalties due hereunder; to
10 dispose of taxes and penalties collected in the manner
11 hereinafter provided; and to determine all rights to credit
12 memoranda arising on account of the erroneous payment of tax or
13 penalty hereunder. In the administration of and compliance with
14 this paragraph, the Department and persons who are subject to
15 this paragraph shall have the same rights, remedies,
16 privileges, immunities, powers and duties, and be subject to
17 the same conditions, restrictions, limitations, penalties,
18 exclusions, exemptions and definitions of terms, and employ the
19 same modes of procedure, as are prescribed in Sections 1a-1, 2,
20 2a, 3 through 3-50 (in respect to all provisions therein other
21 than the State rate of tax), 4 (except that the reference to
22 the State shall be to the Authority), 5, 7, 8 (except that the
23 jurisdiction to which the tax shall be a debt to the extent
24 indicated in that Section 8 shall be the Authority), 9 (except
25 as to the disposition of taxes and penalties collected, and
26 except that the returned merchandise credit for this tax may

1 not be taken against any State tax, and except that the
2 retailer's discount is not allowed for taxes paid on aviation
3 fuel that are deposited into the Local Government Aviation
4 Trust Fund), 10, 11, 12 (except the reference therein to
5 Section 2b of the Retailers' Occupation Tax Act), 13 (except
6 that any reference to the State shall mean the Authority), the
7 first paragraph of Section 15, 16, 17, 18, 19 and 20 of the
8 Service Occupation Tax Act and Section 3-7 of the Uniform
9 Penalty and Interest Act, as fully as if those provisions were
10 set forth herein.

11 Persons subject to any tax imposed under the authority
12 granted in this paragraph may reimburse themselves for their
13 serviceman's tax liability hereunder by separately stating the
14 tax as an additional charge, that charge may be stated in
15 combination in a single amount with State tax that servicemen
16 are authorized to collect under the Service Use Tax Act, under
17 any bracket schedules the Department may prescribe.

18 Whenever the Department determines that a refund should be
19 made under this paragraph to a claimant instead of issuing a
20 credit memorandum, the Department shall notify the State
21 Comptroller, who shall cause the warrant to be drawn for the
22 amount specified, and to the person named in the notification
23 from the Department. The refund shall be paid by the State
24 Treasurer out of the Regional Transportation Authority tax fund
25 established under paragraph (n) of this Section.

26 Nothing in this paragraph shall be construed to authorize

1 the Authority to impose a tax upon the privilege of engaging in
2 any business that under the Constitution of the United States
3 may not be made the subject of taxation by the State.

4 (g) If a tax has been imposed under paragraph (e), a tax
5 shall also be imposed upon the privilege of using in the
6 metropolitan region, any item of tangible personal property
7 that is purchased outside the metropolitan region at retail
8 from a retailer, and that is titled or registered with an
9 agency of this State's government. In Cook County the tax rate
10 shall be 1% of the selling price of the tangible personal
11 property, as "selling price" is defined in the Use Tax Act. In
12 DuPage, Kane, Lake, McHenry and Will counties the tax rate
13 shall be 0.75% of the selling price of the tangible personal
14 property, as "selling price" is defined in the Use Tax Act. The
15 tax shall be collected from persons whose Illinois address for
16 titling or registration purposes is given as being in the
17 metropolitan region. The tax shall be collected by the
18 Department of Revenue for the Regional Transportation
19 Authority. The tax must be paid to the State, or an exemption
20 determination must be obtained from the Department of Revenue,
21 before the title or certificate of registration for the
22 property may be issued. The tax or proof of exemption may be
23 transmitted to the Department by way of the State agency with
24 which, or the State officer with whom, the tangible personal
25 property must be titled or registered if the Department and the
26 State agency or State officer determine that this procedure

1 will expedite the processing of applications for title or
2 registration.

3 The Department shall have full power to administer and
4 enforce this paragraph; to collect all taxes, penalties and
5 interest due hereunder; to dispose of taxes, penalties and
6 interest collected in the manner hereinafter provided; and to
7 determine all rights to credit memoranda or refunds arising on
8 account of the erroneous payment of tax, penalty or interest
9 hereunder. In the administration of and compliance with this
10 paragraph, the Department and persons who are subject to this
11 paragraph shall have the same rights, remedies, privileges,
12 immunities, powers and duties, and be subject to the same
13 conditions, restrictions, limitations, penalties, exclusions,
14 exemptions and definitions of terms and employ the same modes
15 of procedure, as are prescribed in Sections 2 (except the
16 definition of "retailer maintaining a place of business in this
17 State"), 3 through 3-80 (except provisions pertaining to the
18 State rate of tax, and except provisions concerning collection
19 or refunding of the tax by retailers), 4, 11, 12, 12a, 14, 15,
20 19 (except the portions pertaining to claims by retailers and
21 except the last paragraph concerning refunds), 20, 21 and 22 of
22 the Use Tax Act, and are not inconsistent with this paragraph,
23 as fully as if those provisions were set forth herein.

24 Whenever the Department determines that a refund should be
25 made under this paragraph to a claimant instead of issuing a
26 credit memorandum, the Department shall notify the State

1 Comptroller, who shall cause the order to be drawn for the
2 amount specified, and to the person named in the notification
3 from the Department. The refund shall be paid by the State
4 Treasurer out of the Regional Transportation Authority tax fund
5 established under paragraph (n) of this Section.

6 (h) The Authority may impose a replacement vehicle tax of
7 \$50 on any passenger car as defined in Section 1-157 of the
8 Illinois Vehicle Code purchased within the metropolitan region
9 by or on behalf of an insurance company to replace a passenger
10 car of an insured person in settlement of a total loss claim.
11 The tax imposed may not become effective before the first day
12 of the month following the passage of the ordinance imposing
13 the tax and receipt of a certified copy of the ordinance by the
14 Department of Revenue. The Department of Revenue shall collect
15 the tax for the Authority in accordance with Sections 3-2002
16 and 3-2003 of the Illinois Vehicle Code.

17 Except as otherwise provided in this paragraph, the ~~The~~
18 Department shall immediately pay over to the State Treasurer,
19 ex officio, as trustee, all taxes collected hereunder. Taxes
20 and penalties collected in DuPage, Kane, Lake, McHenry and Will
21 Counties on aviation fuel sold on or after December 1, 2017
22 from the 0.50% of the .75% rate shall be immediately paid over
23 by the Department to the State Treasurer, ex officio, as
24 trustee, for deposit into the Local Government Aviation Trust
25 Fund. The Department shall only pay moneys into the Local
26 Government Aviation Trust Fund under this Act for so long as

1 the revenue use requirements of 49 U.S.C. §47107(b) and 49
2 U.S.C. §47133 are binding on the Authority.

3 As soon as possible after the first day of each month,
4 beginning January 1, 2011, upon certification of the Department
5 of Revenue, the Comptroller shall order transferred, and the
6 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
7 local sales tax increment, as defined in the Innovation
8 Development and Economy Act, collected under this Section
9 during the second preceding calendar month for sales within a
10 STAR bond district.

11 After the monthly transfer to the STAR Bonds Revenue Fund,
12 on or before the 25th day of each calendar month, the
13 Department shall prepare and certify to the Comptroller the
14 disbursement of stated sums of money to the Authority. The
15 amount to be paid to the Authority shall be the amount
16 collected hereunder during the second preceding calendar month
17 by the Department, less any amount determined by the Department
18 to be necessary for the payment of refunds, and less any
19 amounts that are transferred to the STAR Bonds Revenue Fund.
20 Within 10 days after receipt by the Comptroller of the
21 disbursement certification to the Authority provided for in
22 this Section to be given to the Comptroller by the Department,
23 the Comptroller shall cause the orders to be drawn for that
24 amount in accordance with the directions contained in the
25 certification.

26 (i) The Board may not impose any other taxes except as it

1 may from time to time be authorized by law to impose.

2 (j) A certificate of registration issued by the State
3 Department of Revenue to a retailer under the Retailers'
4 Occupation Tax Act or under the Service Occupation Tax Act
5 shall permit the registrant to engage in a business that is
6 taxed under the tax imposed under paragraphs (b), (e), (f) or
7 (g) of this Section and no additional registration shall be
8 required under the tax. A certificate issued under the Use Tax
9 Act or the Service Use Tax Act shall be applicable with regard
10 to any tax imposed under paragraph (c) of this Section.

11 (k) The provisions of any tax imposed under paragraph (c)
12 of this Section shall conform as closely as may be practicable
13 to the provisions of the Use Tax Act, including without
14 limitation conformity as to penalties with respect to the tax
15 imposed and as to the powers of the State Department of Revenue
16 to promulgate and enforce rules and regulations relating to the
17 administration and enforcement of the provisions of the tax
18 imposed. The taxes shall be imposed only on use within the
19 metropolitan region and at rates as provided in the paragraph.

20 (l) The Board in imposing any tax as provided in paragraphs
21 (b) and (c) of this Section, shall, after seeking the advice of
22 the State Department of Revenue, provide means for retailers,
23 users or purchasers of motor fuel for purposes other than those
24 with regard to which the taxes may be imposed as provided in
25 those paragraphs to receive refunds of taxes improperly paid,
26 which provisions may be at variance with the refund provisions

1 as applicable under the Municipal Retailers Occupation Tax Act.
2 The State Department of Revenue may provide for certificates of
3 registration for users or purchasers of motor fuel for purposes
4 other than those with regard to which taxes may be imposed as
5 provided in paragraphs (b) and (c) of this Section to
6 facilitate the reporting and nontaxability of the exempt sales
7 or uses.

8 (m) Any ordinance imposing or discontinuing any tax under
9 this Section shall be adopted and a certified copy thereof
10 filed with the Department on or before June 1, whereupon the
11 Department of Revenue shall proceed to administer and enforce
12 this Section on behalf of the Regional Transportation Authority
13 as of September 1 next following such adoption and filing.
14 Beginning January 1, 1992, an ordinance or resolution imposing
15 or discontinuing the tax hereunder shall be adopted and a
16 certified copy thereof filed with the Department on or before
17 the first day of July, whereupon the Department shall proceed
18 to administer and enforce this Section as of the first day of
19 October next following such adoption and filing. Beginning
20 January 1, 1993, an ordinance or resolution imposing,
21 increasing, decreasing, or discontinuing the tax hereunder
22 shall be adopted and a certified copy thereof filed with the
23 Department, whereupon the Department shall proceed to
24 administer and enforce this Section as of the first day of the
25 first month to occur not less than 60 days following such
26 adoption and filing. Any ordinance or resolution of the

1 Authority imposing a tax under this Section and in effect on
2 August 1, 2007 shall remain in full force and effect and shall
3 be administered by the Department of Revenue under the terms
4 and conditions and rates of tax established by such ordinance
5 or resolution until the Department begins administering and
6 enforcing an increased tax under this Section as authorized by
7 Public Act 95-708. The tax rates authorized by Public Act
8 95-708 are effective only if imposed by ordinance of the
9 Authority.

10 (n) The State Department of Revenue shall, upon collecting
11 any taxes as provided in this Section, pay the taxes over to
12 the State Treasurer as trustee for the Authority. The taxes
13 shall be held in a trust fund outside the State Treasury. On or
14 before the 25th day of each calendar month, the State
15 Department of Revenue shall prepare and certify to the
16 Comptroller of the State of Illinois and to the Authority (i)
17 the amount of taxes collected in each County other than Cook
18 County in the metropolitan region, (ii) the amount of taxes
19 collected within the City of Chicago, and (iii) the amount
20 collected in that portion of Cook County outside of Chicago,
21 each amount less the amount necessary for the payment of
22 refunds to taxpayers located in those areas described in items
23 (i), (ii), and (iii). Within 10 days after receipt by the
24 Comptroller of the certification of the amounts, the
25 Comptroller shall cause an order to be drawn for the payment of
26 two-thirds of the amounts certified in item (i) of this

1 subsection to the Authority and one-third of the amounts
2 certified in item (i) of this subsection to the respective
3 counties other than Cook County and the amount certified in
4 items (ii) and (iii) of this subsection to the Authority.

5 In addition to the disbursement required by the preceding
6 paragraph, an allocation shall be made in July 1991 and each
7 year thereafter to the Regional Transportation Authority. The
8 allocation shall be made in an amount equal to the average
9 monthly distribution during the preceding calendar year
10 (excluding the 2 months of lowest receipts) and the allocation
11 shall include the amount of average monthly distribution from
12 the Regional Transportation Authority Occupation and Use Tax
13 Replacement Fund. The distribution made in July 1992 and each
14 year thereafter under this paragraph and the preceding
15 paragraph shall be reduced by the amount allocated and
16 disbursed under this paragraph in the preceding calendar year.
17 The Department of Revenue shall prepare and certify to the
18 Comptroller for disbursement the allocations made in
19 accordance with this paragraph.

20 (o) Failure to adopt a budget ordinance or otherwise to
21 comply with Section 4.01 of this Act or to adopt a Five-year
22 Capital Program or otherwise to comply with paragraph (b) of
23 Section 2.01 of this Act shall not affect the validity of any
24 tax imposed by the Authority otherwise in conformity with law.

25 (p) At no time shall a public transportation tax or motor
26 vehicle parking tax authorized under paragraphs (b), (c) and

1 (d) of this Section be in effect at the same time as any
2 retailers' occupation, use or service occupation tax
3 authorized under paragraphs (e), (f) and (g) of this Section is
4 in effect.

5 Any taxes imposed under the authority provided in
6 paragraphs (b), (c) and (d) shall remain in effect only until
7 the time as any tax authorized by paragraphs (e), (f) or (g) of
8 this Section are imposed and becomes effective. Once any tax
9 authorized by paragraphs (e), (f) or (g) is imposed the Board
10 may not reimpose taxes as authorized in paragraphs (b), (c) and
11 (d) of the Section unless any tax authorized by paragraphs (e),
12 (f) or (g) of this Section becomes ineffective by means other
13 than an ordinance of the Board.

14 (q) Any existing rights, remedies and obligations
15 (including enforcement by the Regional Transportation
16 Authority) arising under any tax imposed under paragraphs (b),
17 (c) or (d) of this Section shall not be affected by the
18 imposition of a tax under paragraphs (e), (f) or (g) of this
19 Section.

20 (Source: P.A. 98-104, eff. 7-22-13; 99-180, eff. 7-29-15;
21 99-217, eff. 7-31-15; 99-642, eff. 7-28-16.)

22 (70 ILCS 3615/4.03.3)

23 Sec. 4.03.3. Distribution of Revenues. This Section
24 applies only after the Department begins administering and
25 enforcing an increased tax under Section 4.03(m) as authorized

1 by this amendatory Act of the 95th General Assembly. After
2 providing for payment of its obligations with respect to bonds
3 and notes issued under the provisions of Section 4.04 and
4 obligations related to those bonds and notes, the Authority
5 shall disburse the remaining proceeds from taxes it has
6 received from the Department of Revenue under this Article IV
7 and the remaining proceeds it has received from the State under
8 Section 4.09(a) as follows:

9 (a) With respect to taxes imposed by the Authority under
10 Section 4.03, after withholding 15% of 80% of the receipts from
11 those taxes collected in Cook County at a rate of 1.25%, 15% of
12 75% of the receipts from those taxes collected in Cook County
13 at the rate of 1%, 15% of one-half of the receipts from those
14 taxes collected in DuPage, Kane, Lake, McHenry, and Will
15 Counties, and 15% of money received by the Authority from the
16 Regional Transportation Authority Occupation and Use Tax
17 Replacement Fund or from the Regional Transportation Authority
18 tax fund created in Section 4.03(n), the Board shall allocate
19 the proceeds and money remaining to the Service Boards as
20 follows:

21 (1) an amount equal to (i) 85% of 80% of the receipts
22 from those taxes collected within the City of Chicago at a
23 rate of 1.25%, (ii) 85% of 75% of the receipts from those
24 taxes collected in the City of Chicago at the rate of 1%,
25 and (iii) 85% of the money received by the Authority on
26 account of transfers to the Regional Transportation

1 Authority Occupation and Use Tax Replacement Fund or to the
2 Regional Transportation Authority tax fund created in
3 Section 4.03(n) from the County and Mass Transit District
4 Fund attributable to retail sales within the City of
5 Chicago shall be allocated to the Chicago Transit
6 Authority;

7 (2) an amount equal to (i) 85% of 80% of the receipts
8 from those taxes collected within Cook County outside of
9 the City of Chicago at a rate of 1.25%, (ii) 85% of 75% of
10 the receipts from those taxes collected within Cook County
11 outside the City of Chicago at a rate of 1%, and (iii) 85%
12 of the money received by the Authority on account of
13 transfers to the Regional Transportation Authority
14 Occupation and Use Tax Replacement Fund or to the Regional
15 Transportation Authority tax fund created in Section
16 4.03(n) from the County and Mass Transit District Fund
17 attributable to retail sales within Cook County outside of
18 the City of Chicago shall be allocated 30% to the Chicago
19 Transit Authority, 55% to the Commuter Rail Board, and 15%
20 to the Suburban Bus Board; and

21 (3) an amount equal to 85% of one-half of the receipts
22 from the taxes collected within the Counties of DuPage,
23 Kane, Lake, McHenry, and Will shall be allocated 70% to the
24 Commuter Rail Board and 30% to the Suburban Bus Board.

25 (b) Moneys received by the Authority on account of
26 transfers to the Regional Transportation Authority Occupation

1 and Use Tax Replacement Fund from the State and Local Sales Tax
2 Reform Fund shall be allocated among the Authority and the
3 Service Boards as follows: 15% of such moneys shall be retained
4 by the Authority and the remaining 85% shall be transferred to
5 the Service Boards as soon as may be practicable after the
6 Authority receives payment. Moneys which are distributable to
7 the Service Boards pursuant to the preceding sentence shall be
8 allocated among the Service Boards on the basis of each Service
9 Board's distribution ratio. The term "distribution ratio"
10 means, for purposes of this subsection (b), the ratio of the
11 total amount distributed to a Service Board pursuant to
12 subsection (a) of Section 4.03.3 for the immediately preceding
13 calendar year to the total amount distributed to all of the
14 Service Boards pursuant to subsection (a) of Section 4.03.3 for
15 the immediately preceding calendar year.

16 (c) (i) 20% of the receipts from those taxes collected in
17 Cook County under Section 4.03 at the rate of 1.25%, (ii) 25%
18 of the receipts from those taxes collected in Cook County under
19 Section 4.03 at the rate of 1%, (iii) 50% of the receipts from
20 those taxes collected in DuPage, Kane, Lake, McHenry, and Will
21 Counties under Section 4.03, and (iv) amounts received from the
22 State under Section 4.09 (a) (2) and items (i), (ii), and (iii)
23 of Section 4.09 (a) (3) shall be allocated as follows: the
24 amount required to be deposited into the ADA Paratransit Fund
25 described in Section 2.01d, the amount required to be deposited
26 into the Suburban Community Mobility Fund described in Section

1 2.01e, and the amount required to be deposited into the
2 Innovation, Coordination and Enhancement Fund described in
3 Section 2.01c, and the balance shall be allocated 48% to the
4 Chicago Transit Authority, 39% to the Commuter Rail Board, and
5 13% to the Suburban Bus Board.

6 (d) Amounts received from the State under Section 4.09
7 (a)(3)(iv) shall be distributed 100% to the Chicago Transit
8 Authority.

9 (e) With respect to those taxes collected in DuPage, Kane,
10 Lake, McHenry, and Will Counties and paid directly to the
11 counties under Section 4.03, the County Board of each county
12 shall use those amounts to fund operating and capital costs of
13 public safety and public transportation services or facilities
14 or to fund operating, capital, right-of-way, construction, and
15 maintenance costs of other transportation purposes, including
16 road, bridge, public safety, and transit purposes intended to
17 improve mobility or reduce congestion in the county. The
18 receipt of funding by such counties pursuant to this paragraph
19 shall not be used as the basis for reducing any funds that such
20 counties would otherwise have received from the State of
21 Illinois, any agency or instrumentality thereof, the
22 Authority, or the Service Boards.

23 (f) The Authority by ordinance adopted by 12 of its then
24 Directors shall apportion to the Service Boards funds provided
25 by the State of Illinois under Section 4.09(a)(1) as it shall
26 determine and shall make payment of the amounts to each Service

1 Board as soon as may be practicable upon their receipt provided
2 the Authority has adopted a balanced budget as required by
3 Section 4.01 and further provided the Service Board is in
4 compliance with the requirements in Section 4.11.

5 (g) Beginning January 1, 2009, before making any payments,
6 transfers, or expenditures under this Section to a Service
7 Board, the Authority must first comply with Section 4.02a or
8 4.02b of this Act, whichever may be applicable.

9 (h) Moneys may be appropriated from the Public
10 Transportation Fund to the Office of the Executive Inspector
11 General for the costs incurred by the Executive Inspector
12 General while serving as the inspector general for the
13 Authority and each of the Service Boards. Beginning December
14 31, 2012, and each year thereafter, the Office of the Executive
15 Inspector General shall annually report to the General Assembly
16 the expenses incurred while serving as the inspector general
17 for the Authority and each of the Service Boards.

18 (Source: P.A. 97-399, eff. 8-16-11; 97-641, eff. 12-19-11.)

19 Section 75. The Water Commission Act of 1985 is amended by
20 changing Section 4 as follows:

21 (70 ILCS 3720/4) (from Ch. 111 2/3, par. 254)

22 Sec. 4. Taxes.

23 (a) The board of commissioners of any county water
24 commission may, by ordinance, impose throughout the territory

1 of the commission any or all of the taxes provided in this
 2 Section for its corporate purposes. However, no county water
 3 commission may impose any such tax unless the commission
 4 certifies the proposition of imposing the tax to the proper
 5 election officials, who shall submit the proposition to the
 6 voters residing in the territory at an election in accordance
 7 with the general election law, and the proposition has been
 8 approved by a majority of those voting on the proposition.

9 The proposition shall be in the form provided in Section 5
 10 or shall be substantially in the following form:

11 -----

12 Shall the (insert corporate	
13 name of county water commission)	YES
14 impose (state type of tax or	-----
15 taxes to be imposed) at the	NO
16 rate of 1/4%?	

17 -----

18 Taxes imposed under this Section and civil penalties
 19 imposed incident thereto shall be collected and enforced by the
 20 State Department of Revenue. The Department shall have the
 21 power to administer and enforce the taxes and to determine all
 22 rights for refunds for erroneous payments of the taxes.

23 (b) The board of commissioners may impose a County Water
 24 Commission Retailers' Occupation Tax upon all persons engaged
 25 in the business of selling tangible personal property at retail
 26 in the territory of the commission at a rate of 1/4% of the

1 gross receipts from the sales made in the course of such
2 business within the territory. The tax imposed under this
3 paragraph and all civil penalties that may be assessed as an
4 incident thereof shall be collected and enforced by the State
5 Department of Revenue. The Department shall have full power to
6 administer and enforce this paragraph; to collect all taxes and
7 penalties due hereunder; to dispose of taxes and penalties so
8 collected in the manner hereinafter provided; and to determine
9 all rights to credit memoranda arising on account of the
10 erroneous payment of tax or penalty hereunder. In the
11 administration of, and compliance with, this paragraph, the
12 Department and persons who are subject to this paragraph shall
13 have the same rights, remedies, privileges, immunities, powers
14 and duties, and be subject to the same conditions,
15 restrictions, limitations, penalties, exclusions, exemptions
16 and definitions of terms, and employ the same modes of
17 procedure, as are prescribed in Sections 1, 1a, 1a-1, 1c, 1d,
18 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all provisions
19 therein other than the State rate of tax except that food for
20 human consumption that is to be consumed off the premises where
21 it is sold (other than alcoholic beverages, soft drinks, and
22 food that has been prepared for immediate consumption) and
23 prescription and nonprescription medicine, drugs, medical
24 appliances and insulin, urine testing materials, syringes, and
25 needles used by diabetics, for human use, shall not be subject
26 to tax hereunder), 2c, 3 (except as to the disposition of taxes

1 and penalties collected, and except that the retailer's
2 discount is not allowed for taxes paid on aviation fuel sold on
3 or after December 1, 2017), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g,
4 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 12 and
5 13 of the Retailers' Occupation Tax Act and Section 3-7 of the
6 Uniform Penalty and Interest Act, as fully as if those
7 provisions were set forth herein.

8 Persons subject to any tax imposed under the authority
9 granted in this paragraph may reimburse themselves for their
10 seller's tax liability hereunder by separately stating the tax
11 as an additional charge, which charge may be stated in
12 combination, in a single amount, with State taxes that sellers
13 are required to collect under the Use Tax Act and under
14 subsection (e) of Section 4.03 of the Regional Transportation
15 Authority Act, in accordance with such bracket schedules as the
16 Department may prescribe.

17 Whenever the Department determines that a refund should be
18 made under this paragraph to a claimant instead of issuing a
19 credit memorandum, the Department shall notify the State
20 Comptroller, who shall cause the warrant to be drawn for the
21 amount specified, and to the person named, in the notification
22 from the Department. The refund shall be paid by the State
23 Treasurer out of a county water commission tax fund established
24 under paragraph (g) of this Section.

25 For the purpose of determining whether a tax authorized
26 under this paragraph is applicable, a retail sale by a producer

1 of coal or other mineral mined in Illinois is a sale at retail
2 at the place where the coal or other mineral mined in Illinois
3 is extracted from the earth. This paragraph does not apply to
4 coal or other mineral when it is delivered or shipped by the
5 seller to the purchaser at a point outside Illinois so that the
6 sale is exempt under the Federal Constitution as a sale in
7 interstate or foreign commerce.

8 If a tax is imposed under this subsection (b) a tax shall
9 also be imposed under subsections (c) and (d) of this Section.

10 No tax shall be imposed or collected under this subsection
11 on the sale of a motor vehicle in this State to a resident of
12 another state if that motor vehicle will not be titled in this
13 State.

14 Nothing in this paragraph shall be construed to authorize a
15 county water commission to impose a tax upon the privilege of
16 engaging in any business which under the Constitution of the
17 United States may not be made the subject of taxation by this
18 State.

19 (c) If a tax has been imposed under subsection (b), a
20 County Water Commission Service Occupation Tax shall also be
21 imposed upon all persons engaged, in the territory of the
22 commission, in the business of making sales of service, who, as
23 an incident to making the sales of service, transfer tangible
24 personal property within the territory. The tax rate shall be
25 1/4% of the selling price of tangible personal property so
26 transferred within the territory. The tax imposed under this

1 paragraph and all civil penalties that may be assessed as an
2 incident thereof shall be collected and enforced by the State
3 Department of Revenue. The Department shall have full power to
4 administer and enforce this paragraph; to collect all taxes and
5 penalties due hereunder; to dispose of taxes and penalties so
6 collected in the manner hereinafter provided; and to determine
7 all rights to credit memoranda arising on account of the
8 erroneous payment of tax or penalty hereunder. In the
9 administration of, and compliance with, this paragraph, the
10 Department and persons who are subject to this paragraph shall
11 have the same rights, remedies, privileges, immunities, powers
12 and duties, and be subject to the same conditions,
13 restrictions, limitations, penalties, exclusions, exemptions
14 and definitions of terms, and employ the same modes of
15 procedure, as are prescribed in Sections 1a-1, 2 (except that
16 the reference to State in the definition of supplier
17 maintaining a place of business in this State shall mean the
18 territory of the commission), 2a, 3 through 3-50 (in respect to
19 all provisions therein other than the State rate of tax except
20 that food for human consumption that is to be consumed off the
21 premises where it is sold (other than alcoholic beverages, soft
22 drinks, and food that has been prepared for immediate
23 consumption) and prescription and nonprescription medicines,
24 drugs, medical appliances and insulin, urine testing
25 materials, syringes, and needles used by diabetics, for human
26 use, shall not be subject to tax hereunder), 4 (except that the

1 reference to the State shall be to the territory of the
2 commission), 5, 7, 8 (except that the jurisdiction to which the
3 tax shall be a debt to the extent indicated in that Section 8
4 shall be the commission), 9 (except as to the disposition of
5 taxes and penalties collected and except that the returned
6 merchandise credit for this tax may not be taken against any
7 State tax, and except that the retailer's discount is not
8 allowed for taxes paid on aviation fuel sold on or after
9 December 1, 2017), 10, 11, 12 (except the reference therein to
10 Section 2b of the Retailers' Occupation Tax Act), 13 (except
11 that any reference to the State shall mean the territory of the
12 commission), the first paragraph of Section 15, 15.5, 16, 17,
13 18, 19 and 20 of the Service Occupation Tax Act as fully as if
14 those provisions were set forth herein.

15 Persons subject to any tax imposed under the authority
16 granted in this paragraph may reimburse themselves for their
17 serviceman's tax liability hereunder by separately stating the
18 tax as an additional charge, which charge may be stated in
19 combination, in a single amount, with State tax that servicemen
20 are authorized to collect under the Service Use Tax Act, and
21 any tax for which servicemen may be liable under subsection (f)
22 of Section 4.03 of the Regional Transportation Authority Act,
23 in accordance with such bracket schedules as the Department may
24 prescribe.

25 Whenever the Department determines that a refund should be
26 made under this paragraph to a claimant instead of issuing a

1 credit memorandum, the Department shall notify the State
2 Comptroller, who shall cause the warrant to be drawn for the
3 amount specified, and to the person named, in the notification
4 from the Department. The refund shall be paid by the State
5 Treasurer out of a county water commission tax fund established
6 under paragraph (g) of this Section.

7 Nothing in this paragraph shall be construed to authorize a
8 county water commission to impose a tax upon the privilege of
9 engaging in any business which under the Constitution of the
10 United States may not be made the subject of taxation by the
11 State.

12 (d) If a tax has been imposed under subsection (b), a tax
13 shall also imposed upon the privilege of using, in the
14 territory of the commission, any item of tangible personal
15 property that is purchased outside the territory at retail from
16 a retailer, and that is titled or registered with an agency of
17 this State's government, at a rate of 1/4% of the selling price
18 of the tangible personal property within the territory, as
19 "selling price" is defined in the Use Tax Act. The tax shall be
20 collected from persons whose Illinois address for titling or
21 registration purposes is given as being in the territory. The
22 tax shall be collected by the Department of Revenue for a
23 county water commission. The tax must be paid to the State, or
24 an exemption determination must be obtained from the Department
25 of Revenue, before the title or certificate of registration for
26 the property may be issued. The tax or proof of exemption may

1 be transmitted to the Department by way of the State agency
2 with which, or the State officer with whom, the tangible
3 personal property must be titled or registered if the
4 Department and the State agency or State officer determine that
5 this procedure will expedite the processing of applications for
6 title or registration.

7 The Department shall have full power to administer and
8 enforce this paragraph; to collect all taxes, penalties and
9 interest due hereunder; to dispose of taxes, penalties and
10 interest so collected in the manner hereinafter provided; and
11 to determine all rights to credit memoranda or refunds arising
12 on account of the erroneous payment of tax, penalty or interest
13 hereunder. In the administration of, and compliance with this
14 paragraph, the Department and persons who are subject to this
15 paragraph shall have the same rights, remedies, privileges,
16 immunities, powers and duties, and be subject to the same
17 conditions, restrictions, limitations, penalties, exclusions,
18 exemptions and definitions of terms and employ the same modes
19 of procedure, as are prescribed in Sections 2 (except the
20 definition of "retailer maintaining a place of business in this
21 State"), 3 through 3-80 (except provisions pertaining to the
22 State rate of tax, and except provisions concerning collection
23 or refunding of the tax by retailers, and except that food for
24 human consumption that is to be consumed off the premises where
25 it is sold (other than alcoholic beverages, soft drinks, and
26 food that has been prepared for immediate consumption) and

1 prescription and nonprescription medicines, drugs, medical
2 appliances and insulin, urine testing materials, syringes, and
3 needles used by diabetics, for human use, shall not be subject
4 to tax hereunder), 4, 11, 12, 12a, 14, 15, 19 (except the
5 portions pertaining to claims by retailers and except the last
6 paragraph concerning refunds), 20, 21 and 22 of the Use Tax Act
7 and Section 3-7 of the Uniform Penalty and Interest Act that
8 are not inconsistent with this paragraph, as fully as if those
9 provisions were set forth herein.

10 Whenever the Department determines that a refund should be
11 made under this paragraph to a claimant instead of issuing a
12 credit memorandum, the Department shall notify the State
13 Comptroller, who shall cause the order to be drawn for the
14 amount specified, and to the person named, in the notification
15 from the Department. The refund shall be paid by the State
16 Treasurer out of a county water commission tax fund established
17 under paragraph (g) of this Section.

18 (e) A certificate of registration issued by the State
19 Department of Revenue to a retailer under the Retailers'
20 Occupation Tax Act or under the Service Occupation Tax Act
21 shall permit the registrant to engage in a business that is
22 taxed under the tax imposed under paragraphs (b), (c) or (d) of
23 this Section and no additional registration shall be required
24 under the tax. A certificate issued under the Use Tax Act or
25 the Service Use Tax Act shall be applicable with regard to any
26 tax imposed under paragraph (c) of this Section.

1 (f) Any ordinance imposing or discontinuing any tax under
2 this Section shall be adopted and a certified copy thereof
3 filed with the Department on or before June 1, whereupon the
4 Department of Revenue shall proceed to administer and enforce
5 this Section on behalf of the county water commission as of
6 September 1 next following the adoption and filing. Beginning
7 January 1, 1992, an ordinance or resolution imposing or
8 discontinuing the tax hereunder shall be adopted and a
9 certified copy thereof filed with the Department on or before
10 the first day of July, whereupon the Department shall proceed
11 to administer and enforce this Section as of the first day of
12 October next following such adoption and filing. Beginning
13 January 1, 1993, an ordinance or resolution imposing or
14 discontinuing the tax hereunder shall be adopted and a
15 certified copy thereof filed with the Department on or before
16 the first day of October, whereupon the Department shall
17 proceed to administer and enforce this Section as of the first
18 day of January next following such adoption and filing.

19 (g) The State Department of Revenue shall, upon collecting
20 any taxes as provided in this Section, pay the taxes over to
21 the State Treasurer as trustee for the commission. The taxes
22 shall be held in a trust fund outside the State Treasury.

23 As soon as possible after the first day of each month,
24 beginning January 1, 2011, upon certification of the Department
25 of Revenue, the Comptroller shall order transferred, and the
26 Treasurer shall transfer, to the STAR Bonds Revenue Fund the

1 local sales tax increment, as defined in the Innovation
2 Development and Economy Act, collected under this Section
3 during the second preceding calendar month for sales within a
4 STAR bond district.

5 After the monthly transfer to the STAR Bonds Revenue Fund,
6 on or before the 25th day of each calendar month, the State
7 Department of Revenue shall prepare and certify to the
8 Comptroller of the State of Illinois the amount to be paid to
9 the commission, which shall be the amount (not including credit
10 memoranda) collected under this Section during the second
11 preceding calendar month by the Department plus an amount the
12 Department determines is necessary to offset any amounts that
13 were erroneously paid to a different taxing body, and not
14 including any amount equal to the amount of refunds made during
15 the second preceding calendar month by the Department on behalf
16 of the commission, and not including any amount that the
17 Department determines is necessary to offset any amounts that
18 were payable to a different taxing body but were erroneously
19 paid to the commission, and less any amounts that are
20 transferred to the STAR Bonds Revenue Fund. Within 10 days
21 after receipt by the Comptroller of the certification of the
22 amount to be paid to the commission, the Comptroller shall
23 cause an order to be drawn for the payment for the amount in
24 accordance with the direction in the certification.

25 (h) Beginning June 1, 2016, any tax imposed pursuant to
26 this Section may no longer be imposed or collected, unless a

1 continuation of the tax is approved by the voters at a
2 referendum as set forth in this Section.

3 (Source: P.A. 98-298, eff. 8-9-13; 99-217, eff. 7-31-15;
4 99-642, eff. 7-28-16.)

5 Section 80. The Environmental Impact Fee Law is amended by
6 changing Sections 315 and 320 as follows:

7 (415 ILCS 125/315)

8 (Section scheduled to be repealed on January 1, 2025)

9 Sec. 315. Fee on receivers of fuel for sale or use;
10 collection and reporting. A person that is required to pay the
11 fee imposed by this Law shall pay the fee to the Department by
12 return showing all fuel purchased, acquired, or received and
13 sold, distributed or used during the preceding calendar month,
14 including losses of fuel as the result of evaporation or
15 shrinkage due to temperature variations, and such other
16 reasonable information as the Department may require. Losses of
17 fuel as the result of evaporation or shrinkage due to
18 temperature variations may not exceed 1% of the total gallons
19 in storage at the beginning of the month, plus the receipts of
20 gallonage during the month, minus the gallonage remaining in
21 storage at the end of the month. Any loss reported that is in
22 excess of this amount shall be subject to the fee imposed by
23 Section 310 of this Law. On and after July 1, 2001, for each
24 6-month period January through June, net losses of fuel (for

1 each category of fuel that is required to be reported on a
2 return) as the result of evaporation or shrinkage due to
3 temperature variations may not exceed 1% of the total gallons
4 in storage at the beginning of each January, plus the receipts
5 of gallonage each January through June, minus the gallonage
6 remaining in storage at the end of each June. On and after July
7 1, 2001, for each 6-month period July through December, net
8 losses of fuel (for each category of fuel that is required to
9 be reported on a return) as the result of evaporation or
10 shrinkage due to temperature variations may not exceed 1% of
11 the total gallons in storage at the beginning of each July,
12 plus the receipts of gallonage each July through December,
13 minus the gallonage remaining in storage at the end of each
14 December. Any net loss reported that is in excess of this
15 amount shall be subject to the fee imposed by Section 310 of
16 this Law. For purposes of this Section, "net loss" means the
17 number of gallons gained through temperature variations minus
18 the number of gallons lost through temperature variations or
19 evaporation for each of the respective 6-month periods.

20 The return shall be prescribed by the Department and shall
21 be filed between the 1st and 20th days of each calendar month.
22 The Department may, in its discretion, combine the return filed
23 under this Law with the return filed under Section 2b of the
24 Motor Fuel Tax Law. If the return is timely filed, the receiver
25 may take a discount of 2% through June 30, 2003 and 1.75%
26 thereafter to reimburse himself for the expenses incurred in

1 keeping records, preparing and filing returns, collecting and
2 remitting the fee, and supplying data to the Department on
3 request. However, the discount applies only to the amount of
4 the fee payment that accompanies a return that is timely filed
5 in accordance with this Section. The discount is not permitted
6 on fees paid on aviation fuel sold or used on and after
7 December 1, 2017. This exception for aviation fuel only applies
8 for so long as the revenue use requirements of 49 U.S.C. §47017
9 (b) and 49 U.S.C. §47133 are binding on the State.

10 Beginning on January 1, 2018, each retailer required or
11 authorized to collect the fee imposed by this Act on aviation
12 fuel at retail in this State during the preceding calendar
13 month shall, instead of reporting and paying tax on aviation
14 fuel as otherwise required by this Section, file an aviation
15 fuel tax return with the Department, on or before the twentieth
16 day of each calendar month. The requirements related to the
17 return shall be as otherwise provided in this Section.
18 Notwithstanding any other provisions of this Act to the
19 contrary, retailers collecting fees on aviation fuel shall file
20 all aviation fuel tax returns and shall make all aviation fuel
21 fee payments by electronic means in the manner and form
22 required by the Department. For purposes of this paragraph,
23 "aviation fuel" means a product that is intended for use or
24 offered for sale as fuel for an aircraft.

25 (Source: P.A. 92-30, eff. 7-1-01; 93-32, eff. 6-20-03.)

1 (415 ILCS 125/320)

2 (Section scheduled to be repealed on January 1, 2025)

3 Sec. 320. Deposit of fee receipts. Except as otherwise
4 provided in this paragraph, all ~~All~~ money received by the
5 Department under this Law shall be deposited in the Underground
6 Storage Tank Fund created by Section 57.11 of the Environmental
7 Protection Act. All money received for aviation fuel by the
8 Department under this Law on or after December 1, 2017, shall
9 be immediately paid over by the Department to the State
10 Aviation Program Fund. The Department shall only pay such
11 moneys into the State Aviation Program Fund under this Act for
12 so long as the revenue use requirements of 49 U.S.C. §47107(b)
13 and 49 U.S.C. §47133 are binding on the State. For purposes of
14 this Section, "aviation fuel" means a product that is intended
15 for use or offered for sale as fuel for an aircraft.

16 (Source: P.A. 89-428, eff. 1-1-96; 89-457, eff. 5-22-96; 90-14,
17 eff. 7-1-97.)

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