



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5148

Introduced 1/27/2022, by Rep. Sandra Hamilton

SYNOPSIS AS INTRODUCED:

35 ILCS 525/10-5
35 ILCS 525/10-20

Amends the Parking Excise Tax Act. Expands the exemptions from the Act to include seasonal or festival parking, provided that parking activity takes place for no more than 30 days within one calendar year. Defines "seasonal or festival parking".

LRB102 25254 HLH 34527 b

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 Parking Excise Tax Act is amended by
5 changing Sections 10-5 and 10-20 as follows:

6 (35 ILCS 525/10-5)

7 Sec. 10-5. Definitions.

8 "Booking intermediary" means any person or entity that
9 facilitates the processing and fulfillment of reservation
10 transactions between an operator and a person or entity
11 desiring parking in a parking lot or garage of that operator.

12 "Charge or fee paid for parking" means the gross amount of
13 consideration for the use or privilege of parking a motor
14 vehicle in or upon any parking lot or garage in the State,
15 collected by an operator and valued in money, whether received
16 in money or otherwise, including cash, credits, property, and
17 services, determined without any deduction for costs or
18 expenses, but not including charges that are added to the
19 charge or fee on account of the tax imposed by this Act or on
20 account of any other tax imposed on the charge or fee. "Charge
21 or fee paid for parking" excludes separately stated charges
22 not for the use or privilege of parking and excludes amounts
23 retained by or paid to a booking intermediary for services

1 provided by the booking intermediary. If any separately stated
2 charge is not optional, it shall be presumed that it is part of
3 the charge for the use or privilege or parking.

4 "Department" means the Department of Revenue.

5 "Operator" means any person who engages in the business of
6 operating a parking area or garage, or who, directly or
7 through an agreement or arrangement with another party,
8 collects the consideration for parking or storage of motor
9 vehicles, recreational vehicles, or other self-propelled
10 vehicles, at that parking place. This includes, but is not
11 limited to, any facilitator or aggregator that collects from
12 the purchaser the charge or fee paid for parking. "Operator"
13 does not include a bank, credit card company, payment
14 processor, booking intermediary, or person whose involvement
15 is limited to performing functions that are similar to those
16 performed by a bank, credit card company, payment processor,
17 or booking intermediary.

18 "Parking area or garage" means any real estate, building,
19 structure, premises, enclosure or other place, whether
20 enclosed or not, except a public way, within the State, where
21 motor vehicles, recreational vehicles, or other self-propelled
22 vehicles, are stored, housed or parked for hire, charge, fee
23 or other valuable consideration in a condition ready for use,
24 or where rent or compensation is paid to the owner, manager,
25 operator or lessee of the premises for the housing, storing,
26 sheltering, keeping or maintaining motor vehicles,

1 recreational vehicles, or other self-propelled vehicles.
2 "Parking area or garage" includes any parking area or garage,
3 whether the vehicle is parked by the owner of the vehicle or by
4 the operator or an attendant.

5 "Person" means any natural individual, firm, trust,
6 estate, partnership, association, joint stock company, joint
7 venture, corporation, limited liability company, or a
8 receiver, trustee, guardian, or other representative appointed
9 by order of any court.

10 "Purchase price" means the consideration paid for the
11 purchase of a parking space in a parking area or garage, valued
12 in money, whether received in money or otherwise, including
13 cash, gift cards, credits, and property, and shall be
14 determined without any deduction on account of the cost of
15 materials used, labor or service costs, or any other expense
16 whatsoever.

17 "Purchase price" includes any and all charges that the
18 recipient pays related to or incidental to obtaining the use
19 or privilege of using a parking space in a parking area or
20 garage, including but not limited to any and all related
21 markups, service fees, convenience fees, facilitation fees,
22 cancellation fees, overtime fees, or other such charges,
23 regardless of terminology. However, "purchase price" shall not
24 include consideration paid for:

25 (1) optional, separately stated charges not for the
26 use or privilege of using a parking space in the parking

1 area or garage;

2 (2) any charge for a dishonored check;

3 (3) any finance or credit charge, penalty or charge
4 for delayed payment, or discount for prompt payment;

5 (4) any purchase by a purchaser if the operator is
6 prohibited by federal or State Constitution, treaty,
7 convention, statute or court decision from collecting the
8 tax from such purchaser;

9 (5) the isolated or occasional sale of parking spaces
10 subject to tax under this Act by a person who does not hold
11 himself out as being engaged (or who does not habitually
12 engage) in selling of parking spaces; and

13 (6) any amounts added to a purchaser's bills because
14 of charges made pursuant to the tax imposed by this Act. If
15 credit is extended, then the amount thereof shall be
16 included only as and when payments are made.

17 "Purchaser" means any person who acquires a parking space
18 in a parking area or garage for use for valuable
19 consideration.

20 "Seasonal or festival parking" means any parking activity
21 in which parking takes place for no more than 30 days within
22 one calendar year. "Seasonal or festival parking" includes,
23 but is not limited to, the Illinois State Fair at Springfield,
24 the Illinois State Fair at DuQuoin, or any seasonal event or
25 seasonal tourist attraction as referenced in subsection (2) of
26 Section 8a of the Illinois Promotion Act.

1 "Use" means the exercise by any person of any right or
2 power over, or the enjoyment of, a parking space in a parking
3 area or garage subject to tax under this Act.

4 (Source: P.A. 101-31, eff. 6-28-19.)

5 (35 ILCS 525/10-20)

6 Sec. 10-20. Exemptions. The tax imposed by this Act shall
7 not apply to:

8 (1) parking in a parking area or garage operated by
9 the federal government or its instrumentalities that has
10 been issued an active tax exemption number by the
11 Department under Section 1g of the Retailers' Occupation
12 Tax Act; for this exemption to apply, the parking area or
13 garage must be operated by the federal government or its
14 instrumentalities; the exemption under this paragraph (1)
15 does not apply if the parking area or garage is operated by
16 a third party, whether under a lease or other contractual
17 arrangement, or any other manner whatsoever;

18 (2) residential off-street parking for home or
19 apartment tenants or condominium occupants, if the
20 arrangement for such parking is provided in the home or
21 apartment lease or in a separate writing between the
22 landlord and tenant, or in a condominium agreement between
23 the condominium association and the owner, occupant, or
24 guest of a unit, whether the parking charge is payable to
25 the landlord, condominium association, or to the operator

1 of the parking spaces;

2 (3) parking by hospital employees in a parking space
3 that is owned and operated by the hospital for which they
4 work; ~~and~~

5 (4) parking in a parking area or garage where 3 or
6 fewer motor vehicles are stored, housed, or parked for
7 hire, charge, fee or other valuable consideration, if the
8 operator of the parking area or garage does not act as the
9 operator of more than a total of 3 parking spaces located
10 in the State; if any operator of parking areas or garages,
11 including any facilitator or aggregator, acts as an
12 operator of more than 3 parking spaces in total that are
13 located in the State, then this exemption shall not apply
14 to any of those spaces; and-

15 (5) parking for the purpose of seasonal or festival
16 parking, provided that parking activity takes place for no
17 more than 30 days within one calendar year.

18 (Source: P.A. 101-31, eff. 6-28-19.)