



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3110

by Rep. Lou Lang

SYNOPSIS AS INTRODUCED:

30 ILCS 105/6z-18	from Ch. 127, par. 142z-18
30 ILCS 105/6z-20	from Ch. 127, par. 142z-20
35 ILCS 120/2-12	
55 ILCS 5/5-1006	from Ch. 34, par. 5-1006
55 ILCS 5/5-1006.5	
55 ILCS 5/5-1006.7	
55 ILCS 5/5-1008.5	
65 ILCS 5/8-11-1	from Ch. 24, par. 8-11-1
65 ILCS 5/8-11-1.3	from Ch. 24, par. 8-11-1.3
65 ILCS 5/8-11-1.6	
70 ILCS 200/245-12	
70 ILCS 1605/30	
70 ILCS 3610/5.01	from Ch. 111 2/3, par. 355.01
70 ILCS 3615/4.03	from Ch. 111 2/3, par. 704.03
70 ILCS 3720/4	from Ch. 111 2/3, par. 254

Amends the State Finance Act, the Retailers' Occupation Tax Act, the Counties Code, the Illinois Municipal Code, 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. Provides that, for the purposes of local sales tax sourcing, a retail sale of fuel or petroleum products used by an aircraft shall be deemed to be a retail sale at the place where the fuel or petroleum products are delivered to the aircraft. Effective immediately.

LRB099 07428 HLH 27549 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 changing
5 Sections 6z-18 and 6z-20 as follows:

6 (30 ILCS 105/6z-18) (from Ch. 127, par. 142z-18)

7 Sec. 6z-18. A portion of the money paid into the Local
8 Government Tax Fund from sales of food for human consumption
9 which is to be consumed off the premises where it is sold
10 (other than alcoholic beverages, soft drinks and food which has
11 been prepared for immediate consumption) and prescription and
12 nonprescription medicines, drugs, medical appliances and
13 insulin, urine testing materials, syringes and needles used by
14 diabetics, which occurred in municipalities, shall be
15 distributed to each municipality based upon the sales which
16 occurred in that municipality. The remainder shall be
17 distributed to each county based upon the sales which occurred
18 in the unincorporated area of that county.

19 A portion of the money paid into the Local Government Tax
20 Fund from the 6.25% general use tax rate on the selling price
21 of tangible personal property which is purchased outside
22 Illinois at retail from a retailer and which is titled or
23 registered by any agency of this State's government shall be

1 distributed to municipalities as provided in this paragraph.
2 Each municipality shall receive the amount attributable to
3 sales for which Illinois addresses for titling or registration
4 purposes are given as being in such municipality. The remainder
5 of the money paid into the Local Government Tax Fund from such
6 sales shall be distributed to counties. Each county shall
7 receive the amount attributable to sales for which Illinois
8 addresses for titling or registration purposes are given as
9 being located in the unincorporated area of such county.

10 A portion of the money paid into the Local Government Tax
11 Fund from the 6.25% general rate (and, beginning July 1, 2000
12 and through December 31, 2000, the 1.25% rate on motor fuel and
13 gasohol, and beginning on August 6, 2010 through August 15,
14 2010, the 1.25% rate on sales tax holiday items) on sales
15 subject to taxation under the Retailers' Occupation Tax Act and
16 the Service Occupation Tax Act, which occurred in
17 municipalities, shall be distributed to each municipality,
18 based upon the sales which occurred in that municipality. The
19 remainder shall be distributed to each county, based upon the
20 sales which occurred in the unincorporated area of such county.

21 For the purpose of determining allocation to the local
22 government unit, a retail sale by a producer of coal or other
23 mineral mined in Illinois is a sale at retail at the place
24 where the coal or other mineral mined in Illinois is extracted
25 from the earth. This paragraph does not apply to coal or other
26 mineral when it is delivered or shipped by the seller to the

1 purchaser at a point outside Illinois so that the sale is
2 exempt under the United States Constitution as a sale in
3 interstate or foreign commerce.

4 For the purpose of determining allocation to the local
5 government unit, the location where a retailer is deemed to be
6 engaged in the business of selling fuel or petroleum products
7 used by an aircrafts shall be deemed to be the place where the
8 fuel or petroleum products are delivered to the aircraft.

9 Whenever the Department determines that a refund of money
10 paid into the Local Government Tax Fund should be made to a
11 claimant instead of issuing a credit memorandum, the Department
12 shall notify the State Comptroller, who shall cause the order
13 to be drawn for the amount specified, and to the person named,
14 in such notification from the Department. Such refund shall be
15 paid by the State Treasurer out of the Local Government Tax
16 Fund.

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 during the second
23 preceding calendar month for sales within a STAR bond district
24 and deposited into the Local Government Tax Fund, less 3% of
25 that amount, which shall be transferred into the Tax Compliance
26 and Administration Fund and shall be used by the Department,

1 subject to appropriation, to cover the costs of the Department
2 in administering the Innovation Development and Economy Act.

3 After the monthly transfer to the STAR Bonds Revenue Fund,
4 on or before the 25th day of each calendar month, the
5 Department shall prepare and certify to the Comptroller the
6 disbursement of stated sums of money to named municipalities
7 and counties, the municipalities and counties to be those
8 entitled to distribution of taxes or penalties paid to the
9 Department during the second preceding calendar month. The
10 amount to be paid to each municipality or county shall be the
11 amount (not including credit memoranda) collected during the
12 second preceding calendar month by the Department and paid into
13 the Local Government Tax Fund, plus an amount the Department
14 determines is necessary to offset any amounts which were
15 erroneously paid to a different taxing body, and not including
16 an amount equal to the amount of refunds made during the second
17 preceding calendar month by the Department, and not including
18 any amount which the Department determines is necessary to
19 offset any amounts which are payable to a different taxing body
20 but were erroneously paid to the municipality or county, and
21 not including any amounts that are transferred to the STAR
22 Bonds Revenue Fund. Within 10 days after receipt, by the
23 Comptroller, of the disbursement certification to the
24 municipalities and counties, provided for in this Section to be
25 given to the Comptroller by the Department, the Comptroller
26 shall cause the orders to be drawn for the respective amounts

1 in accordance with the directions contained in such
2 certification.

3 When certifying the amount of monthly disbursement to a
4 municipality or county under this Section, the Department shall
5 increase or decrease that amount by an amount necessary to
6 offset any misallocation of previous disbursements. The offset
7 amount shall be the amount erroneously disbursed within the 6
8 months preceding the time a misallocation is discovered.

9 The provisions directing the distributions from the
10 special fund in the State Treasury provided for in this Section
11 shall constitute an irrevocable and continuing appropriation
12 of all amounts as provided herein. The State Treasurer and
13 State Comptroller are hereby authorized to make distributions
14 as provided in this Section.

15 In construing any development, redevelopment, annexation,
16 preannexation or other lawful agreement in effect prior to
17 September 1, 1990, which describes or refers to receipts from a
18 county or municipal retailers' occupation tax, use tax or
19 service occupation tax which now cannot be imposed, such
20 description or reference shall be deemed to include the
21 replacement revenue for such abolished taxes, distributed from
22 the Local Government Tax Fund.

23 As soon as possible after the effective date of this
24 amendatory Act of the 98th General Assembly, the State
25 Comptroller shall order and the State Treasurer shall transfer
26 \$6,600,000 from the Local Government Tax Fund to the Illinois

1 State Medical Disciplinary Fund.

2 (Source: P.A. 97-333, eff. 8-12-11; 98-3, eff. 3-8-13.)

3 (30 ILCS 105/6z-20) (from Ch. 127, par. 142z-20)

4 Sec. 6z-20. Of the money received from the 6.25% general
5 rate (and, beginning July 1, 2000 and through December 31,
6 2000, the 1.25% rate on motor fuel and gasohol, and beginning
7 on August 6, 2010 through August 15, 2010, the 1.25% rate on
8 sales tax holiday items) on sales subject to taxation under the
9 Retailers' Occupation Tax Act and Service Occupation Tax Act
10 and paid into the County and Mass Transit District Fund,
11 distribution to the Regional Transportation Authority tax
12 fund, created pursuant to Section 4.03 of the Regional
13 Transportation Authority Act, for deposit therein shall be made
14 based upon the retail sales occurring in a county having more
15 than 3,000,000 inhabitants. The remainder shall be distributed
16 to each county having 3,000,000 or fewer inhabitants based upon
17 the retail sales occurring in each such county.

18 For the purpose of determining allocation to the local
19 government unit, a retail sale by a producer of coal or other
20 mineral mined in Illinois is a sale at retail at the place
21 where the coal or other mineral mined in Illinois is extracted
22 from the earth. This paragraph does not apply to coal or other
23 mineral when it is delivered or shipped by the seller to the
24 purchaser at a point outside Illinois so that the sale is
25 exempt under the United States Constitution as a sale in

1 interstate or foreign commerce.

2 For the purpose of determining allocation to the local
3 government unit, the location where a retailer is deemed to be
4 engaged in the business of selling fuel or petroleum products
5 used by an aircrafts shall be deemed to be the place where the
6 fuel or petroleum products are delivered to the aircraft.

7 Of the money received from the 6.25% general use tax rate
8 on tangible personal property which is purchased outside
9 Illinois at retail from a retailer and which is titled or
10 registered by any agency of this State's government and paid
11 into the County and Mass Transit District Fund, the amount for
12 which Illinois addresses for titling or registration purposes
13 are given as being in each county having more than 3,000,000
14 inhabitants shall be distributed into the Regional
15 Transportation Authority tax fund, created pursuant to Section
16 4.03 of the Regional Transportation Authority Act. The
17 remainder of the money paid from such sales shall be
18 distributed to each county based on sales for which Illinois
19 addresses for titling or registration purposes are given as
20 being located in the county. Any money paid into the Regional
21 Transportation Authority Occupation and Use Tax Replacement
22 Fund from the County and Mass Transit District Fund prior to
23 January 14, 1991, which has not been paid to the Authority
24 prior to that date, shall be transferred to the Regional
25 Transportation Authority tax fund.

26 Whenever the Department determines that a refund of money

1 paid into the County and Mass Transit District Fund should be
2 made to a claimant instead of issuing a credit memorandum, the
3 Department shall notify the State Comptroller, who shall cause
4 the order to be drawn for the amount specified, and to the
5 person named, in such notification from the Department. Such
6 refund shall be paid by the State Treasurer out of the County
7 and Mass Transit District Fund.

8 As soon as possible after the first day of each month,
9 beginning January 1, 2011, upon certification of the Department
10 of Revenue, the Comptroller shall order transferred, and the
11 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
12 local sales tax increment, as defined in the Innovation
13 Development and Economy Act, collected during the second
14 preceding calendar month for sales within a STAR bond district
15 and deposited into the County and Mass Transit District Fund,
16 less 3% of that amount, which shall be transferred into the Tax
17 Compliance and Administration Fund and shall be used by the
18 Department, subject to appropriation, to cover the costs of the
19 Department in administering the Innovation Development and
20 Economy Act.

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 the Regional
25 Transportation Authority and to named counties, the counties to
26 be those entitled to distribution, as hereinabove provided, of

1 taxes or penalties paid to the Department during the second
2 preceding calendar month. The amount to be paid to the Regional
3 Transportation Authority and each county having 3,000,000 or
4 fewer inhabitants shall be the amount (not including credit
5 memoranda) collected during the second preceding calendar
6 month by the Department and paid into the County and Mass
7 Transit District Fund, plus an amount the Department determines
8 is necessary to offset any amounts which were erroneously paid
9 to a different taxing body, and not including an amount equal
10 to the amount of refunds made during the second preceding
11 calendar month by the Department, and not including any amount
12 which the Department determines is necessary to offset any
13 amounts which were payable to a different taxing body but were
14 erroneously paid to the Regional Transportation Authority or
15 county, and not including any amounts that are transferred to
16 the STAR Bonds Revenue Fund. Within 10 days after receipt, by
17 the Comptroller, of the disbursement certification to the
18 Regional Transportation Authority and counties, provided for
19 in this Section to be given to the Comptroller by the
20 Department, the Comptroller shall cause the orders to be drawn
21 for the respective amounts in accordance with the directions
22 contained in such certification.

23 When certifying the amount of a monthly disbursement to the
24 Regional Transportation Authority or to a county under this
25 Section, the Department shall increase or decrease that amount
26 by an amount necessary to offset any misallocation of previous

1 disbursements. The offset amount shall be the amount
2 erroneously disbursed within the 6 months preceding the time a
3 misallocation is discovered.

4 The provisions directing the distributions from the
5 special fund in the State Treasury provided for in this Section
6 and from the Regional Transportation Authority tax fund created
7 by Section 4.03 of the Regional Transportation Authority Act
8 shall constitute an irrevocable and continuing appropriation
9 of all amounts as provided herein. The State Treasurer and
10 State Comptroller are hereby authorized to make distributions
11 as provided in this Section.

12 In construing any development, redevelopment, annexation,
13 preannexation or other lawful agreement in effect prior to
14 September 1, 1990, which describes or refers to receipts from a
15 county or municipal retailers' occupation tax, use tax or
16 service occupation tax which now cannot be imposed, such
17 description or reference shall be deemed to include the
18 replacement revenue for such abolished taxes, distributed from
19 the County and Mass Transit District Fund or Local Government
20 Distributive Fund, as the case may be.

21 (Source: P.A. 96-939, eff. 6-24-10; 96-1012, eff. 7-7-10;
22 97-333, eff. 8-12-11.)

23 Section 10. The Retailers' Occupation Tax Act is amended by
24 changing Section 2-12 as follows:

1 (35 ILCS 120/2-12)

2 Sec. 2-12. Location where retailer is deemed to be engaged
3 in the business of selling. The purpose of this Section is to
4 specify where a retailer is deemed to be engaged in the
5 business of selling tangible personal property for the purposes
6 of this Act, the Use Tax Act, the Service Use Tax Act, and the
7 Service Occupation Tax Act, and for the purpose of collecting
8 any other local retailers' occupation tax administered by the
9 Department. This Section applies only with respect to the
10 particular selling activities described in the following
11 paragraphs. The provisions of this Section are not intended to,
12 and shall not be interpreted to, affect where a retailer is
13 deemed to be engaged in the business of selling with respect to
14 any activity that is not specifically described in the
15 following paragraphs.

16 (1) If a purchaser who is present at the retailer's
17 place of business, having no prior commitment to the
18 retailer, agrees to purchase and makes payment for tangible
19 personal property at the retailer's place of business, then
20 the transaction shall be deemed an over-the-counter sale
21 occurring at the retailer's same place of business where
22 the purchaser was present and made payment for that
23 tangible personal property if the retailer regularly
24 stocks the purchased tangible personal property or similar
25 tangible personal property in the quantity, or similar
26 quantity, for sale at the retailer's same place of business

1 and then either (i) the purchaser takes possession of the
2 tangible personal property at the same place of business or
3 (ii) the retailer delivers or arranges for the tangible
4 personal property to be delivered to the purchaser.

5 (2) If a purchaser, having no prior commitment to the
6 retailer, agrees to purchase tangible personal property
7 and makes payment over the phone, in writing, or via the
8 Internet and takes possession of the tangible personal
9 property at the retailer's place of business, then the sale
10 shall be deemed to have occurred at the retailer's place of
11 business where the purchaser takes possession of the
12 property if the retailer regularly stocks the item or
13 similar items in the quantity, or similar quantities,
14 purchased by the purchaser.

15 (3) A retailer is deemed to be engaged in the business
16 of selling food, beverages, or other tangible personal
17 property through a vending machine at the location where
18 the vending machine is located at the time the sale is made
19 if (i) the vending machine is a device operated by coin,
20 currency, credit card, token, coupon or similar device; (2)
21 the food, beverage or other tangible personal property is
22 contained within the vending machine and dispensed from the
23 vending machine; and (3) the purchaser takes possession of
24 the purchased food, beverage or other tangible personal
25 property immediately.

26 (4) Minerals. A producer of coal or other mineral mined

1 in Illinois is deemed to be engaged in the business of
2 selling at the place where the coal or other mineral mined
3 in Illinois is extracted from the earth. With respect to
4 minerals (i) the term "extracted from the earth" means the
5 location at which the coal or other mineral is extracted
6 from the mouth of the mine, and (ii) a "mineral" includes
7 not only coal, but also oil, sand, stone taken from a
8 quarry, gravel and any other thing commonly regarded as a
9 mineral and extracted from the earth. This paragraph does
10 not apply to coal or another mineral when it is delivered
11 or shipped by the seller to the purchaser at a point
12 outside Illinois so that the sale is exempt under the
13 United States Constitution as a sale in interstate or
14 foreign commerce.

15 (5) Aircraft fuel. Notwithstanding any other provision
16 of law, the location where a retailer is deemed to be
17 engaged in the business of selling fuel or petroleum
18 products used by an aircrafts shall be deemed to be the
19 place where the fuel or petroleum products are delivered to
20 the aircraft.

21 (Source: P.A. 98-1098, eff. 8-26-14.)

22 Section 15. The Counties Code is amended by changing
23 Sections 5-1006, 5-1006.5, 5-1006.7, and 5-1008.5 as follows:

24 (55 ILCS 5/5-1006) (from Ch. 34, par. 5-1006)

1 Sec. 5-1006. Home Rule County Retailers' Occupation Tax
2 Law. Any county that is a home rule unit may impose a tax upon
3 all persons engaged in the business of selling tangible
4 personal property, other than an item of tangible personal
5 property titled or registered with an agency of this State's
6 government, at retail in the county on the gross receipts from
7 such sales made in the course of their business. If imposed,
8 this tax shall only be imposed in 1/4% increments. On and after
9 September 1, 1991, this additional tax may not be imposed on
10 the sales of food for human consumption which is to be consumed
11 off the premises where it is sold (other than alcoholic
12 beverages, soft drinks and food which has been prepared for
13 immediate consumption) and prescription and nonprescription
14 medicines, drugs, medical appliances and insulin, urine
15 testing materials, syringes and needles used by diabetics. The
16 tax imposed by a home rule county pursuant to this Section and
17 all civil penalties that may be assessed as an incident thereof
18 shall be collected and enforced by the State Department of
19 Revenue. The certificate of registration that is issued by the
20 Department to a retailer under the Retailers' Occupation Tax
21 Act shall permit the retailer to engage in a business that is
22 taxable under any ordinance or resolution enacted pursuant to
23 this Section without registering separately with the
24 Department under such ordinance or resolution or under this
25 Section. The Department shall have full power to administer and
26 enforce this Section; to collect all taxes and penalties due

1 hereunder; to dispose of taxes and penalties so collected in
2 the manner hereinafter provided; and to determine all rights to
3 credit memoranda arising on account of the erroneous payment of
4 tax or penalty hereunder. In the administration of, and
5 compliance with, this Section, the Department and persons who
6 are subject to this Section shall have the same rights,
7 remedies, privileges, immunities, powers and duties, and be
8 subject to the same conditions, restrictions, limitations,
9 penalties and definitions of terms, and employ the same modes
10 of procedure, as are prescribed in Sections 1, 1a, 1a-1, 1d,
11 1e, 1f, 1i, 1j, 1k, 1m, 1n, 2 through 2-65 (in respect to all
12 provisions therein other than the State rate of tax), 4, 5, 5a,
13 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8,
14 9, 10, 11, 12 and 13 of the Retailers' Occupation Tax Act and
15 Section 3-7 of the Uniform Penalty and Interest Act, as fully
16 as if those provisions were set forth herein.

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

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

1 Whenever the Department determines that a refund should be
2 made under this Section 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 home rule county retailers' occupation tax
8 fund.

9 The Department shall forthwith pay over to the State
10 Treasurer, ex officio, as trustee, all taxes and penalties
11 collected hereunder.

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

20 After the monthly transfer to the STAR Bonds Revenue Fund,
21 on or before the 25th day of each calendar month, the
22 Department shall prepare and certify to the Comptroller the
23 disbursement of stated sums of money to named counties, the
24 counties to be those from which retailers have paid taxes or
25 penalties hereunder to the Department during the second
26 preceding calendar month. The amount to be paid to each county

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

18 In addition to the disbursement required by the preceding
19 paragraph, an allocation shall be made in March of each year to
20 each county that received more than \$500,000 in disbursements
21 under the preceding paragraph in the preceding calendar year.
22 The allocation shall be in an amount equal to the average
23 monthly distribution made to each such county under the
24 preceding paragraph during the preceding calendar year
25 (excluding the 2 months of highest receipts). The distribution
26 made in March of each year subsequent to the year in which an

1 allocation was made pursuant to this paragraph and the
2 preceding paragraph shall be reduced by the amount allocated
3 and disbursed under this paragraph in the preceding calendar
4 year. The Department shall prepare and certify to the
5 Comptroller for disbursement the allocations made in
6 accordance with this paragraph.

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

16 Notwithstanding any other provision of law, for the purpose
17 of determining the local governmental unit whose tax is
18 applicable, a retail sale of fuel or petroleum products used by
19 an aircraft shall be deemed to be a retail sale at the place
20 where the fuel or petroleum products are delivered to the
21 aircraft.

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

26 An ordinance or resolution imposing or discontinuing a 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 June, whereupon the Department
4 shall proceed to administer and enforce this Section as of the
5 first day of September next following such adoption and filing.
6 Beginning January 1, 1992, an ordinance or resolution imposing
7 or discontinuing the tax hereunder or effecting a change in the
8 rate thereof shall be adopted and a certified copy thereof
9 filed with the Department on or before the first day of July,
10 whereupon the Department shall proceed to administer and
11 enforce this Section as of the first day of October next
12 following such adoption and filing. Beginning January 1, 1993,
13 an ordinance or resolution imposing or discontinuing the 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 October, whereupon the Department
17 shall proceed to administer and enforce this Section as of the
18 first day of January next following such adoption and filing.
19 Beginning April 1, 1998, an ordinance or resolution imposing or
20 discontinuing the tax hereunder or effecting a change in the
21 rate 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 shall proceed to administer and
24 enforce this Section as of the first day of July next following
25 the adoption and filing; or (ii) be adopted and a certified
26 copy thereof filed with the Department on or before the first

1 day of October, whereupon the Department shall proceed to
2 administer and enforce this Section as of the first day of
3 January next following the adoption and filing.

4 When certifying the amount of a monthly disbursement to a
5 county under this Section, the Department shall increase or
6 decrease such 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 This Section shall be known and may be cited as the Home
11 Rule County Retailers' Occupation Tax Law.

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

13 (55 ILCS 5/5-1006.5)

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

16 (a) The county board of any county may impose a tax upon
17 all persons engaged in the business of selling tangible
18 personal property, other than personal property titled or
19 registered with an agency of this State's government, at retail
20 in the county on the gross receipts from the sales made in the
21 course of business to provide revenue to be used exclusively
22 for public safety, public facility, or transportation purposes
23 in that county, if a proposition for the tax has been submitted
24 to the electors of that county and approved by a majority of
25 those voting on the question. If imposed, this tax shall be

1 imposed only in one-quarter percent increments. By resolution,
2 the county board may order the proposition to be submitted at
3 any election. If the tax is imposed for transportation purposes
4 for expenditures for public highways or as authorized under the
5 Illinois Highway Code, the county board must publish notice of
6 the existence of its long-range highway transportation plan as
7 required or described in Section 5-301 of the Illinois Highway
8 Code and must make the plan publicly available prior to
9 approval of the ordinance or resolution imposing the tax. If
10 the tax is imposed for transportation purposes for expenditures
11 for passenger rail transportation, the county board must
12 publish notice of the existence of its long-range passenger
13 rail transportation plan and must make the plan publicly
14 available prior to approval of the ordinance or resolution
15 imposing the tax.

16 If a tax is imposed for public facilities purposes, then
17 the name of the project may be included in the proposition at
18 the discretion of the county board as determined in the
19 enabling resolution. For example, the "XXX Nursing Home" or the
20 "YYY Museum".

21 The county clerk shall certify the question to the proper
22 election authority, who shall submit the proposition at an
23 election in accordance with the general election law.

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

26 "To pay for public safety purposes, shall (name of

1 county) be authorized to impose an increase on its share of
2 local sales taxes by (insert rate)?"

3 As additional information on the ballot below the
4 question shall appear the following:

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

8 The county board may also opt to establish a sunset
9 provision at which time the additional sales tax would
10 cease being collected, if not terminated earlier by a vote
11 of the county board. If the county board votes to include a
12 sunset provision, the proposition for public safety
13 purposes shall be in substantially the following form:

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

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. If imposed,
23 the additional tax would cease being collected at the end
24 of (insert number of years), if not terminated earlier by a
25 vote of the county board."

26 For the purposes of the paragraph, "public safety

1 purposes" means crime prevention, detention, fire
2 fighting, police, medical, ambulance, or other emergency
3 services.

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

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

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

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

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

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

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

26 As additional information on the ballot below the

1 question shall appear the following:

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

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

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

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

16 "To pay for public facilities 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 facilities
3 purposes shall be in substantially the following form:

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

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

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

6 This additional tax may not be imposed on the sales of food
7 for human consumption that is to be consumed off the premises
8 where it is sold (other than alcoholic beverages, soft drinks,
9 and food which has been prepared for immediate consumption) and
10 prescription and non-prescription medicines, drugs, medical
11 appliances and insulin, urine testing materials, syringes, and
12 needles used by diabetics. The tax imposed by a county under
13 this Section and all civil penalties that may be assessed as an
14 incident of the tax shall be collected and enforced by the
15 Illinois Department of Revenue and deposited into a special
16 fund created for that purpose. The certificate of registration
17 that is issued by the Department to a retailer under the
18 Retailers' Occupation Tax Act shall permit the retailer to
19 engage in a business that is taxable without registering
20 separately with the Department under an ordinance or resolution
21 under this Section. The Department has full power to administer
22 and enforce this Section, to collect all taxes and penalties
23 due under this Section, to dispose of taxes and penalties so
24 collected in the manner provided in this Section, and to
25 determine all rights to credit memoranda arising on account of
26 the erroneous payment of a tax or penalty under this Section.

1 In the administration of and compliance with this Section, the
2 Department and persons who are subject to this Section shall
3 (i) have the same rights, remedies, privileges, immunities,
4 powers, and duties, (ii) be subject to the same conditions,
5 restrictions, limitations, penalties, and definitions of
6 terms, and (iii) employ the same modes of procedure as are
7 prescribed in Sections 1, 1a, 1a-1, 1d, 1e, 1f, 1i, 1j, 1k, 1m,
8 1n, 2 through 2-70 (in respect to all provisions contained in
9 those Sections other than the State rate of tax), 2a, 2b, 2c, 3
10 (except provisions relating to transaction returns and quarter
11 monthly payments), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i,
12 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 11a, 12, and 13 of
13 the Retailers' Occupation Tax Act and Section 3-7 of the
14 Uniform Penalty and Interest Act as if those provisions were
15 set forth in this Section.

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

23 Whenever the Department determines that a refund should be
24 made under this Section to a claimant instead of issuing a
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 the notification
2 from the Department. The refund shall be paid by the State
3 Treasurer out of the County Public Safety or Transportation
4 Retailers' Occupation Tax Fund.

5 (b) If a tax has been imposed under subsection (a), a
6 service occupation tax shall also be imposed at the same rate
7 upon all persons engaged, in the county, in the business of
8 making sales of service, who, as an incident to making those
9 sales of service, transfer tangible personal property within
10 the county as an incident to a sale of service. This tax may
11 not be imposed on sales of food for human consumption that is
12 to be consumed off the premises where it is sold (other than
13 alcoholic beverages, soft drinks, and food prepared for
14 immediate consumption) and prescription and non-prescription
15 medicines, drugs, medical appliances and insulin, urine
16 testing materials, syringes, and needles used by diabetics. The
17 tax imposed under this subsection and all civil penalties that
18 may be assessed as an incident thereof shall be collected and
19 enforced by the Department of Revenue. The Department has full
20 power to administer and enforce this subsection; to collect all
21 taxes and penalties due hereunder; to dispose of taxes and
22 penalties so collected in the manner hereinafter provided; and
23 to determine all rights to credit memoranda arising on account
24 of the erroneous payment of tax or penalty hereunder. In the
25 administration of, and compliance with this subsection, the
26 Department and persons who are subject to this paragraph shall

1 (i) have the same rights, remedies, privileges, immunities,
2 powers, and duties, (ii) be subject to the same conditions,
3 restrictions, limitations, penalties, exclusions, exemptions,
4 and definitions of terms, and (iii) employ the same modes of
5 procedure as are prescribed in Sections 2 (except that the
6 reference to State in the definition of supplier maintaining a
7 place of business in this State shall mean the county), 2a, 2b,
8 2c, 3 through 3-50 (in respect to all provisions therein other
9 than the State rate of tax), 4 (except that the reference to
10 the State shall be to the county), 5, 7, 8 (except that the
11 jurisdiction to which the tax shall be a debt to the extent
12 indicated in that Section 8 shall be the county), 9 (except as
13 to the disposition of taxes and penalties collected), 10, 11,
14 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 county), Section 15, 16, 17, 18, 19
17 and 20 of the Service Occupation Tax Act and Section 3-7 of the
18 Uniform Penalty and Interest Act, as fully as if those
19 provisions were 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 County Public Safety or Transportation
9 Retailers' Occupation Fund.

10 Nothing in this subsection shall be construed to authorize
11 the county 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 the State.

14 (c) The Department shall immediately pay over to the State
15 Treasurer, ex officio, as trustee, all taxes and penalties
16 collected under this Section to be deposited into the County
17 Public Safety or Transportation Retailers' Occupation Tax
18 Fund, which shall be an unappropriated trust fund held outside
19 of the State treasury.

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

1 STAR bond district.

2 After the monthly transfer to the STAR Bonds Revenue Fund,
3 on or before the 25th day of each calendar month, the
4 Department shall prepare and certify to the Comptroller the
5 disbursement of stated sums of money to the counties from which
6 retailers have paid taxes or penalties to the Department during
7 the second preceding calendar month. The amount to be paid to
8 each county, and deposited by the county into its special fund
9 created for the purposes of this Section, shall be the amount
10 (not including credit memoranda) collected under this Section
11 during the second preceding calendar month by the Department
12 plus an amount the Department determines is necessary to offset
13 any amounts that were erroneously paid to a different taxing
14 body, and not including (i) an amount equal to the amount of
15 refunds made during the second preceding calendar month by the
16 Department on behalf of the county, (ii) 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 county, and (iii) any amounts that are transferred
20 to the STAR Bonds Revenue Fund. Within 10 days after receipt by
21 the Comptroller of the disbursement certification to the
22 counties provided for in this Section to be given to the
23 Comptroller by the Department, the Comptroller shall cause the
24 orders to be drawn for the respective amounts in accordance
25 with directions contained in the certification.

26 In addition to the disbursement required by the preceding

1 paragraph, an allocation shall be made in March of each year to
2 each county that received more than \$500,000 in disbursements
3 under the preceding paragraph in the preceding calendar year.
4 The allocation shall be in an amount equal to the average
5 monthly distribution made to each such county under the
6 preceding paragraph during the preceding calendar year
7 (excluding the 2 months of highest receipts). The distribution
8 made in March of each year subsequent to the year in which an
9 allocation was made pursuant to this paragraph and the
10 preceding paragraph shall be reduced by the amount allocated
11 and disbursed under this paragraph in the preceding calendar
12 year. The Department shall prepare and certify to the
13 Comptroller for disbursement the allocations made in
14 accordance with this paragraph.

15 A county may direct, by ordinance, that all or a portion of
16 the taxes and penalties collected under the Special County
17 Retailers' Occupation Tax For Public Safety or Transportation
18 be deposited into the Transportation Development Partnership
19 Trust Fund.

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

1 sale is exempt under the United States Constitution as a sale
2 in interstate or foreign commerce.

3 Notwithstanding any other provision of law, for the purpose
4 of determining the local governmental unit whose tax is
5 applicable, a retail sale of fuel or petroleum products used by
6 an aircraft shall be deemed to be a retail sale at the place
7 where the fuel or petroleum products are delivered to the
8 aircraft.

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

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

19 (f) Beginning April 1, 1998 and through December 31, 2013,
20 the results of any election authorizing a proposition to impose
21 a tax under this Section or effecting a change in the rate of
22 tax, or any ordinance lowering the rate or discontinuing the
23 tax, shall be certified by the county clerk and filed with the
24 Illinois Department of Revenue either (i) on or before the
25 first day of April, whereupon the Department shall proceed to
26 administer and enforce the tax as of the first day of July next

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

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

18 (g) When certifying the amount of a monthly disbursement to
19 a 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 (h) This Section may be cited as the "Special County
25 Occupation Tax For Public Safety, Public Facilities, or
26 Transportation Law".

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

24 (j) The Department may promulgate rules to implement Public
25 Act 95-1002 only to the extent necessary to apply the existing
26 rules for the Special County Retailers' Occupation Tax for

1 Public Safety to this new purpose for public facilities.

2 (Source: P.A. 98-584, eff. 8-27-13.)

3 (55 ILCS 5/5-1006.7)

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

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

16 This additional tax may not be imposed on the sale of food
17 for human consumption that is to be consumed off the premises
18 where it is sold (other than alcoholic beverages, soft drinks,
19 and food that has been prepared for immediate consumption) and
20 prescription and non-prescription medicines, drugs, medical
21 appliances and insulin, urine testing materials, syringes and
22 needles used by diabetics. The Department of Revenue has full
23 power to administer and enforce this subsection, to collect all
24 taxes and penalties due under this subsection, to dispose of
25 taxes and penalties so collected in the manner provided in this

1 subsection, and to determine all rights to credit memoranda
2 arising on account of the erroneous payment of a tax or penalty
3 under this subsection. The Department shall deposit all taxes
4 and penalties collected under this subsection into a special
5 fund created for that purpose.

6 In the administration of and compliance with this
7 subsection, the Department and persons who are subject to this
8 subsection (i) have the same rights, remedies, privileges,
9 immunities, powers, and duties, (ii) are subject to the same
10 conditions, restrictions, limitations, penalties, and
11 definitions of terms, and (iii) shall employ the same modes of
12 procedure as are set forth in Sections 1 through 1o, 2 through
13 2-70 (in respect to all provisions contained in those Sections
14 other than the State rate of tax), 2a through 2h, 3 (except as
15 to the disposition of taxes and penalties collected), 4, 5, 5a,
16 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8,
17 9, 10, 11, 11a, 12, and 13 of the Retailers' Occupation Tax Act
18 and all provisions of the Uniform Penalty and Interest Act as
19 if those provisions were set forth in this subsection.

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

25 Persons subject to any tax imposed under the authority
26 granted in this subsection may reimburse themselves for their

1 seller's tax liability by separately stating that tax as an
2 additional charge, which may be stated in combination, in a
3 single amount, with State tax that sellers are required to
4 collect under the Use Tax Act, pursuant to any bracketed
5 schedules set forth by the Department.

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

12 This tax may not be imposed on sales of food for human
13 consumption that is to be consumed off the premises where it is
14 sold (other than alcoholic beverages, soft drinks, and food
15 prepared for immediate consumption) and prescription and
16 non-prescription medicines, drugs, medical appliances and
17 insulin, urine testing materials, syringes, and needles used by
18 diabetics.

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 and deposited into a
22 special fund created for that purpose. The Department has full
23 power to administer and enforce this subsection, to collect all
24 taxes and penalties due under this subsection, to dispose of
25 taxes 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 a tax or penalty
2 under this subsection.

3 In the administration of and compliance with this
4 subsection, the Department and persons who are subject to this
5 subsection shall (i) have the same rights, remedies,
6 privileges, immunities, powers and duties, (ii) be subject to
7 the same conditions, restrictions, limitations, penalties and
8 definition of terms, and (iii) employ the same modes of
9 procedure as are set forth in Sections 2 (except that that
10 reference to State in the definition of supplier maintaining a
11 place of business in this State means the county), 2a through
12 2d, 3 through 3-50 (in respect to all provisions contained in
13 those Sections other than the State rate of tax), 4 (except
14 that the reference to the State shall be to the county), 5, 7,
15 8 (except that the jurisdiction to which the tax is a debt to
16 the extent indicated in that Section 8 is the county), 9
17 (except as to the disposition of taxes and penalties
18 collected), 10, 11, 12 (except the reference therein to Section
19 2b of the Retailers' Occupation Tax Act), 13 (except that any
20 reference to the State means the county), Section 15, 16, 17,
21 18, 19, and 20 of the Service Occupation Tax Act and all
22 provisions of the Uniform Penalty and Interest Act, as fully as
23 if those provisions were set forth herein.

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 may be stated in combination, in a
2 single amount, with State tax that servicemen are authorized to
3 collect under the Service Use Tax Act, pursuant to any
4 bracketed schedules set forth by the Department.

5 (c) The tax under this Section may not be imposed until the
6 question of imposing the tax has been submitted to the electors
7 of the county at a regular election and approved by a majority
8 of the electors voting on the question. For all regular
9 elections held prior to the effective date of this amendatory
10 Act of the 97th General Assembly, upon a resolution by the
11 county board or a resolution by school district boards that
12 represent at least 51% of the student enrollment within the
13 county, the county board must certify the question to the
14 proper election authority in accordance with the Election Code.

15 For all regular elections held prior to the effective date
16 of this amendatory Act of the 97th General Assembly, the
17 election authority must submit the question in substantially
18 the following form:

19 Shall (name of county) be authorized to impose a
20 retailers' occupation tax and a service occupation tax
21 (commonly referred to as a "sales tax") at a rate of
22 (insert rate) to be used exclusively for school facility
23 purposes?

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

25 If a majority of the electors voting on the question vote
26 in the affirmative, then the county may, thereafter, impose the

1 tax.

2 For all regular elections held on or after the effective
3 date of this amendatory Act of the 97th General Assembly, the
4 regional superintendent of schools for the county must, upon
5 receipt of a resolution or resolutions of school district
6 boards that represent more than 50% of the student enrollment
7 within the county, certify the question to the proper election
8 authority for submission to the electors of the county at the
9 next regular election at which the question lawfully may be
10 submitted to the electors, all in accordance with the Election
11 Code.

12 For all regular elections held on or after the effective
13 date of this amendatory Act of the 97th General Assembly, the
14 election authority must submit the question in substantially
15 the following form:

16 Shall a retailers' occupation tax and a service
17 occupation tax (commonly referred to as a "sales tax") be
18 imposed in (name of county) at a rate of (insert rate) to
19 be used exclusively for school facility purposes?

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

21 If a majority of the electors voting on the question vote
22 in the affirmative, then the tax shall be imposed at the rate
23 set forth in the question.

24 For the purposes of this subsection (c), "enrollment" means
25 the head count of the students residing in the county on the
26 last school day of September of each year, which must be

1 reported on the Illinois State Board of Education Public School
2 Fall Enrollment/Housing Report.

3 (d) The Department shall immediately pay over to the State
4 Treasurer, ex officio, as trustee, all taxes and penalties
5 collected under this Section to be deposited into the School
6 Facility Occupation Tax Fund, which shall be an unappropriated
7 trust fund held outside the State treasury.

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 the regional
11 superintendents of schools in counties from which retailers or
12 servicemen have paid taxes or penalties to the Department
13 during the second preceding calendar month. The amount to be
14 paid to each regional superintendent of schools and disbursed
15 to him or her in accordance with Section 3-14.31 of the School
16 Code, is equal to the amount (not including credit memoranda)
17 collected from the county under this Section during the second
18 preceding calendar month by the Department, (i) less 2% of that
19 amount, which shall be deposited into the Tax Compliance and
20 Administration Fund and shall be used by the Department,
21 subject to appropriation, to cover the costs of the Department
22 in administering and enforcing the provisions of this Section,
23 on behalf of the county, (ii) plus an amount that the
24 Department determines is necessary to offset any amounts that
25 were erroneously paid to a different taxing body; (iii) less an
26 amount equal to the amount of refunds made during the second

1 preceding calendar month by the Department on behalf of the
2 county; and (iv) less any amount that the Department determines
3 is necessary to offset any amounts that were payable to a
4 different taxing body but were erroneously paid to the county.
5 When certifying the amount of a monthly disbursement to a
6 regional superintendent of schools under this Section, the
7 Department shall increase or decrease the amounts by an amount
8 necessary to offset any miscalculation of previous
9 disbursements within the previous 6 months from the time a
10 miscalculation is discovered.

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

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

24 (e) For the purposes of determining the local governmental
25 unit whose tax is applicable, a retail sale by a producer of
26 coal or another mineral mined in Illinois is a sale at retail

1 at the place where the coal or other mineral mined in Illinois
2 is extracted from the earth. This subsection does not apply to
3 coal or another mineral when it is delivered or shipped by the
4 seller to the purchaser at a point outside Illinois so that the
5 sale is exempt under the United States Constitution as a sale
6 in interstate or foreign commerce.

7 Notwithstanding any other provision of law, for the purpose
8 of determining the local governmental unit whose tax is
9 applicable, a retail sale of fuel or petroleum products used by
10 an aircraft shall be deemed to be a retail sale at the place
11 where the fuel or petroleum products are delivered to the
12 aircraft.

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

17 (g) If a county board imposes a tax under this Section
18 pursuant to a referendum held before the effective date of this
19 amendatory Act of the 97th General Assembly at a rate below the
20 rate set forth in the question approved by a majority of
21 electors of that county voting on the question as provided in
22 subsection (c), then the county board may, by ordinance,
23 increase the rate of the tax up to the rate set forth in the
24 question approved by a majority of electors of that county
25 voting on the question as provided in subsection (c). If a
26 county board imposes a tax under this Section pursuant to a

1 referendum held before the effective date of this amendatory
2 Act of the 97th General Assembly, then the board may, by
3 ordinance, discontinue or reduce the rate of the tax. If a tax
4 is imposed under this Section pursuant to a referendum held on
5 or after the effective date of this amendatory Act of the 97th
6 General Assembly, then the county board may reduce or
7 discontinue the tax, but only in accordance with subsection
8 (h-5) of this Section. If, however, a school board issues bonds
9 that are secured by the proceeds of the tax under this Section,
10 then the county board may not reduce the tax rate or
11 discontinue the tax if that rate reduction or discontinuance
12 would adversely affect the school board's ability to pay the
13 principal and interest on those bonds as they become due or
14 necessitate the extension of additional property taxes to pay
15 the principal and interest on those bonds. If the county board
16 reduces the tax rate or discontinues the tax, then a referendum
17 must be held in accordance with subsection (c) of this Section
18 in order to increase the rate of the tax or to reimpose the
19 discontinued tax.

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

18 (h) For purposes of this Section, "school facility
19 purposes" means (i) 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 capital facilities and (ii)
26 the payment of bonds or other obligations heretofore or

1 hereafter issued, including bonds or other obligations
2 heretofore or hereafter issued to refund or to continue to
3 refund bonds or other obligations issued, for school facility
4 purposes, provided that the taxes levied to pay those bonds are
5 abated by the amount of the taxes imposed under this Section
6 that are used to pay those bonds. "School-facility purposes"
7 also includes fire prevention, safety, energy conservation,
8 disabled accessibility, school security, and specified repair
9 purposes set forth under Section 17-2.11 of the School Code.

10 (h-5) A county board in a county where a tax has been
11 imposed under this Section pursuant to a referendum held on or
12 after the effective date of this amendatory Act of the 97th
13 General Assembly may, by ordinance or resolution, submit to the
14 voters of the county the question of reducing or discontinuing
15 the tax. In the ordinance or resolution, the county board shall
16 certify the question to the proper election authority in
17 accordance with the Election Code. The election authority must
18 submit the question in substantially the following form:

19 Shall the school facility retailers' occupation tax
20 and service occupation tax (commonly referred to as the
21 "school facility sales tax") currently imposed in (name of
22 county) at a rate of (insert rate) be (reduced to (insert
23 rate)) (discontinued)?

24 If a majority of the electors voting on the question vote in
25 the affirmative, then, subject to the provisions of subsection
26 (g) of this Section, the tax shall be reduced or discontinued

1 as set forth in the question.

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

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

5 (Source: P.A. 97-542, eff. 8-23-11; 97-813, eff. 7-13-12;
6 98-584, eff. 8-27-13.)

7 (55 ILCS 5/5-1008.5)

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

9 (a) The Rock Island County Board may adopt a resolution
10 that authorizes a referendum on the question of whether the
11 county shall be authorized to impose a retailers' occupation
12 tax, a service occupation tax, and a use tax at a rate of 1/4 of
13 1% on behalf of the economic development activities of Rock
14 Island County and communities located within the county. The
15 county board shall certify the question to the proper election
16 authorities who shall submit the question to the voters of the
17 county at the next regularly scheduled election in accordance
18 with the general election law. The question shall be in
19 substantially the following form:

20 Shall Rock Island County be authorized to impose a
21 retailers' occupation tax, a service occupation tax, and a
22 use tax at the rate of 1/4 of 1% for the sole purpose of
23 economic development activities, including creation and
24 retention of job opportunities, support of affordable
25 housing opportunities, and enhancement of quality of life

1 improvements?

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

5 (b) The county shall impose the retailers' occupation tax
6 upon all persons engaged in the business of selling tangible
7 personal property at retail in the county, at the rate approved
8 by referendum, on the gross receipts from the sales made in the
9 course of those businesses within the county. This additional
10 tax may not be imposed on the sale of food for human
11 consumption that is to be consumed off the premises where it is
12 sold (other than alcoholic beverages, soft drinks, and food
13 that has been prepared for immediate consumption) and
14 prescription and non-prescription medicines, drugs, medical
15 appliances and insulin, urine testing materials, syringes, and
16 needles used by diabetics. The tax imposed under this Section
17 and all civil penalties that may be assessed as an incident of
18 the tax shall be collected and enforced by the Department of
19 Revenue. The Department has full power to administer and
20 enforce this Section; to collect all taxes and penalties so
21 collected in the manner provided in this Section; and to
22 determine all rights to credit memoranda arising on account of
23 the erroneous payment of tax or penalty under this Section. In
24 the administration of, and compliance with, this Section, the
25 Department and persons who are subject to this Section shall
26 (i) have the same rights, remedies, privileges, immunities,

1 powers and duties, (ii) be subject to the same conditions,
2 restrictions, limitations, penalties, exclusions, exemptions,
3 and definitions of terms, and (iii) employ the same modes of
4 procedure as are prescribed in Sections 1, 1a, 1a-1, 1c, 1d,
5 1e, 1f, 1i, 1j, 1k, 1m, 1n, 2, 2-5, 2-5.5, 2-10 (in respect to
6 all provisions other than the State rate of tax), 2-15 through
7 2-70, 2a, 2b, 2c, 3 (except as to the disposition of taxes and
8 penalties collected and provisions related to quarter monthly
9 payments), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 5k, 5l, 6,
10 6a, 6b, 6c, 7, 8, 9, 10, 11, 11a, 12, and 13 of the Retailers'
11 Occupation Tax Act and Section 3-7 of the Uniform Penalty and
12 Interest Act, as fully as if those provisions were set forth in
13 this subsection.

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

20 Whenever the Department determines that a refund should be
21 made under this subsection to a claimant instead of issuing a
22 credit memorandum, the Department shall notify the State
23 Comptroller, who shall cause the warrant 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 tax fund referenced under paragraph (g) of

1 this Section.

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

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

14 Notwithstanding any other provision of law, for the purpose
15 of determining the local governmental unit whose tax is
16 applicable, a retail sale of fuel or petroleum products used by
17 an aircraft shall be deemed to be a retail sale at the place
18 where the fuel or petroleum products are delivered to the
19 aircraft.

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

24 (c) If a tax has been imposed under subsection (b), a
25 service occupation tax shall also be imposed at the same rate
26 upon all persons engaged, in the county, in the business of

1 making sales of service, who, as an incident to making those
2 sales of service, transfer tangible personal property within
3 the county as an incident to a sale of service. This additional
4 tax may not be imposed on the sale of food for human
5 consumption that is to be consumed off the premises where it is
6 sold (other than alcoholic beverages, soft drinks, and food
7 that has been prepared for immediate consumption) and
8 prescription and non-prescription medicines, drugs, medical
9 appliances and insulin, urine testing materials, syringes, and
10 needles used by diabetics. The tax imposed under this
11 subsection and all civil penalties that may be assessed as an
12 incident of the tax shall be collected and enforced by the
13 Department of Revenue. The Department has full power to
14 administer and enforce this paragraph; to collect all taxes and
15 penalties due under this Section; to dispose of taxes and
16 penalties so collected in the manner provided in this Section;
17 and to determine all rights to credit memoranda arising on
18 account of the erroneous payment of tax or penalty under this
19 Section. In the administration of, and compliance with this
20 paragraph, the Department and persons who are subject to this
21 paragraph shall (i) have the same rights, remedies, privileges,
22 immunities, powers, and duties, (ii) be subject to the same
23 conditions, restrictions, limitations, penalties, exclusions,
24 exemptions, and definitions of terms, and (iii) employ the same
25 modes of procedure as are prescribed in Sections 2 (except that
26 the reference to State in the definition of supplier

1 maintaining a place of business in this State shall mean the
2 county), 2a, 2b, 3 through 3-55 (in respect to all provisions
3 other than the State rate of tax), 4 (except that the reference
4 to the State shall be to the county), 5, 7, 8 (except that the
5 jurisdiction to which the tax shall be a debt to the extent
6 indicated in that Section 8 shall be the county), 9 (except as
7 to the disposition of taxes and penalties collected, and except
8 that the returned merchandise credit for this tax may not be
9 taken against any State tax), 11, 12 (except the reference to
10 Section 2b of the Retailers' Occupation Tax Act), 13 (except
11 that any reference to the State shall mean the county), 15, 16,
12 17, 18, 19 and 20 of the Service Occupation Tax Act and Section
13 3-7 of the Uniform Penalty and Interest Act, as fully as if
14 those provisions were set forth in this subsection.

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 bracket schedules prescribed by the
22 Department.

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 county to impose a tax upon the privilege of engaging in
7 any business that 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 county, any item of tangible personal property
12 that is purchased outside the county at retail from a retailer,
13 and that is titled or registered at a location within the
14 county with an agency of this State's government. This
15 additional tax may not be imposed on the sale of food for human
16 consumption that is to be consumed off the premises where it is
17 sold (other than alcoholic beverages, soft drinks, and food
18 that has been prepared for immediate consumption) and
19 prescription and non-prescription medicines, drugs, medical
20 appliances and insulin, urine testing materials, syringes, and
21 needles used by diabetics. "Selling price" is defined as in the
22 Use Tax Act. The tax shall be collected from persons whose
23 Illinois address for titling or registration purposes is given
24 as being in the county. The tax shall be collected by the
25 Department of Revenue for the county. The tax must be paid to
26 the State, or an exemption determination must be obtained from

1 the Department of Revenue, before the title or certificate of
2 registration for the property may be issued. The tax or proof
3 of exemption may be transmitted to the Department by way of the
4 State agency with which, or the State officer with whom, the
5 tangible personal property must be titled or registered if the
6 Department and the State agency or State officer determine that
7 this procedure will expedite the processing of applications for
8 title or registration.

9 The Department has full power to administer and enforce
10 this paragraph; to collect all taxes, penalties, and interest
11 due under this Section; to dispose of taxes, penalties, and
12 interest so collected in the manner provided in this Section;
13 and to determine all rights to credit memoranda or refunds
14 arising on account of the erroneous payment of tax, penalty, or
15 interest under this Section. In the administration of, and
16 compliance with, this subsection, the Department and persons
17 who are subject to this paragraph shall (i) have the same
18 rights, remedies, privileges, immunities, powers, and duties,
19 (ii) be subject to the same conditions, restrictions,
20 limitations, penalties, exclusions, exemptions, and
21 definitions of terms, and (iii) employ the same modes of
22 procedure as are prescribed in Sections 2 (except the
23 definition of "retailer maintaining a place of business in this
24 State"), 3, 3-5, 3-10, 3-45, 3-55, 3-65, 3-70, 3-85, 3a, 4, 6,
25 7, 8 (except that the jurisdiction to which the tax shall be a
26 debt to the extent indicated in that Section 8 shall be the

1 county), 9 (except provisions relating to quarter monthly
2 payments), 10, 11, 12, 12a, 12b, 13, 14, 15, 19, 20, 21, and 22
3 of the Use Tax Act and Section 3-7 of the Uniform Penalty and
4 Interest Act, that are not inconsistent with this paragraph, as
5 fully as if those provisions were set forth in this subsection.

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 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 tax fund referenced under paragraph (g) of
13 this Section.

14 (e) A certificate of registration issued by the State
15 Department of Revenue to a retailer under the Retailers'
16 Occupation Tax Act or under the Service Occupation Tax Act
17 shall permit the registrant to engage in a business that is
18 taxed under the tax imposed under paragraphs (b), (c), or (d)
19 of this Section and no additional registration shall be
20 required. A certificate issued under the Use Tax Act or the
21 Service Use Tax Act shall be applicable with regard to any tax
22 imposed under paragraph (c) of this Section.

23 (f) The results of any election authorizing a proposition
24 to impose a tax under this Section or effecting a change in the
25 rate of tax shall be certified by the proper election
26 authorities and filed with the Illinois Department on or before

1 the first day of October. In addition, an ordinance imposing,
2 discontinuing, or effecting a change in the rate of tax under
3 this Section shall be adopted and a certified copy of the
4 ordinance filed with the Department on or before the first day
5 of October. After proper receipt of the certifications, the
6 Department shall proceed to administer and enforce this Section
7 as of the first day of January next following the adoption and
8 filing.

9 (g) The Department of Revenue shall, upon collecting any
10 taxes and penalties as provided in this Section, pay the taxes
11 and penalties over to the State Treasurer as trustee for the
12 county. The taxes and penalties shall be held in a trust fund
13 outside the State Treasury. 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 county, 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. Within 10 days after
19 receipt by the Comptroller of the certification of the amount
20 to be paid to the county, the Comptroller shall cause an order
21 to be drawn for payment for the amount in accordance with the
22 directions contained in the certification. Amounts received
23 from the tax imposed under this Section shall be used only for
24 the economic development activities of the county and
25 communities located within the county.

26 (h) When certifying the amount of a monthly disbursement to

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

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

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

9 Section 20. The Illinois Municipal Code is amended by
10 changing Sections 8-11-1, 8-11-1.3, and 8-11-1.6 as follows:

11 (65 ILCS 5/8-11-1) (from Ch. 24, par. 8-11-1)

12 Sec. 8-11-1. Home Rule Municipal Retailers' Occupation Tax
13 Act. The corporate authorities of a home rule municipality may
14 impose a tax upon all persons engaged in the business of
15 selling tangible personal property, other than an item of
16 tangible personal property titled or registered with an agency
17 of this State's government, at retail in the municipality on
18 the gross receipts from these sales made in the course of such
19 business. If imposed, the tax shall only be imposed in 1/4%
20 increments. On and after September 1, 1991, this additional tax
21 may not be imposed on the sales of food for human consumption
22 that is to be consumed off the premises where it is sold (other
23 than alcoholic beverages, soft drinks and food that has been
24 prepared for immediate consumption) and prescription and

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

1 disposition of taxes and penalties collected), 4, 5, 5a, 5b,
2 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9,
3 10, 11, 12 and 13 of the Retailers' Occupation Tax Act and
4 Section 3-7 of the Uniform Penalty and Interest Act, as fully
5 as if those provisions were set forth herein.

6 No tax may be imposed by a home rule municipality under
7 this Section unless the municipality also imposes a tax at the
8 same rate under Section 8-11-5 of this Act.

9 Persons subject to any tax imposed under the authority
10 granted in this Section may reimburse themselves for their
11 seller's tax liability hereunder by separately stating that tax
12 as an additional charge, which charge may be stated in
13 combination, in a single amount, with State tax which sellers
14 are required to collect under the Use Tax Act, pursuant to such
15 bracket 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 home rule municipal retailers' occupation
23 tax fund.

24 The Department shall immediately pay over to the State
25 Treasurer, ex officio, as trustee, all taxes and penalties
26 collected hereunder.

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.

9 After the monthly transfer to the STAR Bonds Revenue Fund,
10 on or before the 25th day of each calendar month, the
11 Department shall prepare and certify to the Comptroller the
12 disbursement of stated sums of money to named municipalities,
13 the municipalities to be those from which retailers have paid
14 taxes or penalties hereunder to the Department during the
15 second preceding calendar month. The amount to be paid to each
16 municipality shall be the amount (not including credit
17 memoranda) collected hereunder during the second preceding
18 calendar month by the Department plus an amount the Department
19 determines is necessary to offset any amounts that were
20 erroneously paid to a different taxing body, and not including
21 an amount equal to the amount of refunds made during the second
22 preceding calendar month by the Department on behalf of such
23 municipality, and not including any amount that the Department
24 determines is necessary to offset any amounts that were payable
25 to a 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 Notwithstanding any other provision of law, for the purpose

1 of determining the local governmental unit whose tax is
2 applicable, a retail sale of fuel or petroleum products used by
3 an aircraft shall be deemed to be a retail sale at the place
4 where the fuel or petroleum products are delivered to the
5 aircraft.

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

1 shall proceed to administer and enforce this Section as of the
2 first day of January next following the adoption and filing.
3 However, a municipality located in a county with a population
4 in excess of 3,000,000 that elected to become a home rule unit
5 at the general primary election in 1994 may adopt an ordinance
6 or resolution imposing the tax under this Section and file a
7 certified copy of the ordinance or resolution with the
8 Department on or before July 1, 1994. The Department shall then
9 proceed to administer and enforce this Section as of October 1,
10 1994. Beginning April 1, 1998, an ordinance or resolution
11 imposing or discontinuing the tax hereunder or effecting a
12 change in the rate thereof shall either (i) be adopted and a
13 certified copy thereof filed with the Department on or before
14 the first day of April, whereupon the Department shall proceed
15 to administer and enforce this Section as of the first day of
16 July next following the adoption and filing; or (ii) be adopted
17 and a certified copy thereof filed with the Department on or
18 before the first day of October, whereupon the Department shall
19 proceed to administer and enforce this Section as of the first
20 day of January next following the adoption and filing.

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

1 Any unobligated balance remaining in the Municipal
2 Retailers' Occupation Tax Fund on December 31, 1989, which fund
3 was abolished by Public Act 85-1135, and all receipts of
4 municipal tax as a result of audits of liability periods prior
5 to January 1, 1990, shall be paid into the Local Government Tax
6 Fund for distribution as provided by this Section prior to the
7 enactment of Public Act 85-1135. All receipts of municipal tax
8 as a result of an assessment not arising from an audit, for
9 liability periods prior to January 1, 1990, shall be paid into
10 the Local Government Tax Fund for distribution before July 1,
11 1990, as provided by this Section prior to the enactment of
12 Public Act 85-1135; and on and after July 1, 1990, all such
13 receipts shall be distributed as provided in Section 6z-18 of
14 the State Finance Act.

15 As used in this Section, "municipal" and "municipality"
16 means a city, village or incorporated town, including an
17 incorporated town that has superseded a civil township.

18 This Section shall be known and may be cited as the Home
19 Rule Municipal Retailers' Occupation Tax Act.

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

21 (65 ILCS 5/8-11-1.3) (from Ch. 24, par. 8-11-1.3)

22 Sec. 8-11-1.3. Non-Home Rule Municipal Retailers'
23 Occupation Tax Act. The corporate authorities of a non-home
24 rule municipality may impose a tax upon all persons engaged in
25 the business of selling tangible personal property, other than

1 on an item of tangible personal property which is titled and
2 registered by an agency of this State's Government, at retail
3 in the municipality for expenditure on public infrastructure or
4 for property tax relief or both as defined in Section 8-11-1.2
5 if approved by referendum as provided in Section 8-11-1.1, of
6 the gross receipts from such sales made in the course of such
7 business. If the tax is approved by referendum on or after July
8 14, 2010 (the effective date of Public Act 96-1057), the
9 corporate authorities of a non-home rule municipality may,
10 until December 31, 2020, use the proceeds of the tax for
11 expenditure on municipal operations, in addition to or in lieu
12 of any expenditure on public infrastructure or for property tax
13 relief. The tax imposed may not be more than 1% and may be
14 imposed only in 1/4% increments. The tax may not be imposed on
15 the sale of food for human consumption that is to be consumed
16 off the premises where it is sold (other than alcoholic
17 beverages, soft drinks, and food that has been prepared for
18 immediate consumption) and prescription and nonprescription
19 medicines, drugs, medical appliances, and insulin, urine
20 testing materials, syringes, and needles used by diabetics. The
21 tax imposed by a municipality pursuant to this Section and all
22 civil penalties that may be assessed as an incident thereof
23 shall be collected and enforced by the State Department of
24 Revenue. The certificate of registration which is issued by the
25 Department to a retailer under the Retailers' Occupation Tax
26 Act shall permit such retailer to engage in a business which is

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

23 No municipality may impose a tax under this Section unless
24 the municipality also imposes a tax at the same rate under
25 Section 8-11-1.4 of this Code.

26 Persons subject to any tax imposed pursuant to the

1 authority granted in this Section may reimburse themselves for
2 their seller's tax liability hereunder by separately stating
3 such tax as an additional charge, which charge may be stated in
4 combination, in a single amount, with State tax which sellers
5 are required to collect under the Use Tax Act, pursuant to such
6 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 a
9 credit memorandum, the Department shall notify the State
10 Comptroller, who shall cause the order to be drawn for the
11 amount specified, and to the person named, in such notification
12 from the Department. Such refund shall be paid by the State
13 Treasurer out of the non-home rule municipal retailers'
14 occupation tax fund.

15 The Department shall forthwith pay over to the State
16 Treasurer, ex officio, as trustee, all taxes and penalties
17 collected hereunder.

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 municipalities,
4 the municipalities to be those from which retailers have paid
5 taxes or penalties hereunder to the Department during the
6 second preceding calendar month. The amount to be paid to each
7 municipality shall be the amount (not including credit
8 memoranda) collected hereunder during the second preceding
9 calendar month by the Department plus an amount the Department
10 determines is necessary to offset any amounts which were
11 erroneously paid to a different taxing body, and not including
12 an amount equal to the amount of refunds made during the second
13 preceding calendar month by the Department on behalf of such
14 municipality, and not including any amount which the Department
15 determines is necessary to offset any amounts which were
16 payable to a different taxing body but were erroneously paid to
17 the municipality, and not including any amounts that are
18 transferred to the STAR Bonds Revenue Fund. Within 10 days
19 after receipt, by the Comptroller, of the disbursement
20 certification to the municipalities, provided for in this
21 Section to be given to the Comptroller by the Department, the
22 Comptroller shall cause the orders to be drawn for the
23 respective amounts in accordance with the directions contained
24 in such certification.

25 For the purpose of determining the local governmental unit
26 whose tax is applicable, a retail sale, by a producer of coal

1 or other mineral mined in Illinois, is a sale at retail at the
2 place where the coal or other mineral mined in Illinois is
3 extracted from the earth. This paragraph does not apply to coal
4 or other mineral when it is delivered or shipped by the seller
5 to the purchaser at a point outside Illinois so that the sale
6 is exempt under the Federal Constitution as a sale in
7 interstate or foreign commerce.

8 Notwithstanding any other provision of law, for the purpose
9 of determining the local governmental unit whose tax is
10 applicable, a retail sale of fuel or petroleum products used by
11 an aircraft shall be deemed to be a retail sale at the place
12 where the fuel or petroleum products are delivered to the
13 aircraft.

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

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

24 The Department of Revenue shall implement this amendatory
25 Act of the 91st General Assembly so as to collect the tax on
26 and after January 1, 2002.

1 As used in this Section, "municipal" and "municipality"
2 means a city, village or incorporated town, including an
3 incorporated town which has superseded a civil township.

4 This Section shall be known and may be cited as the
5 "Non-Home Rule Municipal Retailers' Occupation Tax Act".

6 (Source: P.A. 96-939, eff. 6-24-10; 96-1057, eff. 7-14-10;
7 97-333, eff. 8-12-11; 97-837, eff. 7-20-12.)

8 (65 ILCS 5/8-11-1.6)

9 Sec. 8-11-1.6. Non-home rule municipal retailers
10 occupation tax; municipalities between 20,000 and 25,000. The
11 corporate authorities of a non-home rule municipality with a
12 population of more than 20,000 but less than 25,000 that has,
13 prior to January 1, 1987, established a Redevelopment Project
14 Area that has been certified as a State Sales Tax Boundary and
15 has issued bonds or otherwise incurred indebtedness to pay for
16 costs in excess of \$5,000,000, which is secured in part by a
17 tax increment allocation fund, in accordance with the
18 provisions of Division 11-74.4 of this Code may, by passage of
19 an ordinance, impose a tax upon all persons engaged in the
20 business of selling tangible personal property, other than on
21 an item of tangible personal property that is titled and
22 registered by an agency of this State's Government, at retail
23 in the municipality. This tax may not be imposed on the sales
24 of food for human consumption that is to be consumed off the
25 premises where it is sold (other than alcoholic beverages, soft

1 drinks, and food that has been prepared for immediate
2 consumption) and prescription and nonprescription medicines,
3 drugs, medical appliances and insulin, urine testing
4 materials, syringes, and needles used by diabetics. If imposed,
5 the tax shall only be imposed in .25% increments of the gross
6 receipts from such sales made in the course of business. Any
7 tax imposed by a municipality under this Sec. 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. An
10 ordinance imposing a tax hereunder or effecting a change in the
11 rate thereof shall be adopted and a certified copy thereof
12 filed with the Department on or before the first day of
13 October, whereupon the Department shall proceed to administer
14 and enforce this Section as of the first day of January next
15 following such adoption and filing. The certificate of
16 registration that is issued by the Department to a retailer
17 under the Retailers' Occupation Tax Act shall permit the
18 retailer to engage in a business that is taxable under any
19 ordinance or resolution enacted under this Section without
20 registering separately with the Department under the ordinance
21 or resolution or under this Section. The Department shall have
22 full power to administer and enforce this Section, to collect
23 all taxes and penalties due hereunder, to dispose of taxes and
24 penalties so collected in the manner hereinafter provided, and
25 to determine all rights to credit memoranda, arising on account
26 of the erroneous payment of tax or penalty hereunder. In the

1 administration of, and compliance with this Section, the
2 Department and persons who are subject to this Section shall
3 have the same rights, remedies, privileges, immunities,
4 powers, and duties, and be subject to the same conditions,
5 restrictions, limitations, penalties, and definitions of
6 terms, and employ the same modes of procedure, as are
7 prescribed in Sections 1, 1a, 1a-1, 1d, 1e, 1f, 1i, 1j, 2
8 through 2-65 (in respect to all provisions therein other than
9 the State rate of tax), 2c, 3 (except as to the disposition of
10 taxes and penalties collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f,
11 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 12 and
12 13 of the Retailers' Occupation Tax Act and Section 3-7 of the
13 Uniform Penalty and Interest Act as fully as if those
14 provisions were set forth herein.

15 A tax may not be imposed by a municipality under this
16 Section unless the municipality also imposes a tax at the same
17 rate under Section 8-11-1.7 of this Act.

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 tax which sellers
23 are required to collect under the Use Tax Act, pursuant to such
24 bracket schedules as 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 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 Non-Home Rule Municipal Retailers'
6 Occupation Tax Fund, which is hereby created.

7 The Department shall forthwith pay over to the State
8 Treasurer, ex officio, as trustee, all taxes and penalties
9 collected hereunder.

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

18 After the monthly transfer to the STAR Bonds Revenue Fund,
19 on or before the 25th day of each calendar month, the
20 Department shall prepare and certify to the Comptroller the
21 disbursement of stated sums of money to named municipalities,
22 the municipalities to be those from which retailers have paid
23 taxes or penalties hereunder to the Department during the
24 second preceding calendar month. The amount to be paid to each
25 municipality shall be the amount (not including credit
26 memoranda) collected hereunder during the second preceding

1 calendar month by the Department plus an amount the Department
2 determines is necessary to offset any amounts that were
3 erroneously paid to a different taxing body, and not including
4 an amount equal to the amount of refunds made during the second
5 preceding calendar month by the Department on behalf of the
6 municipality, and not including any amount that the Department
7 determines is necessary to offset any amounts that were payable
8 to a different taxing body but were erroneously paid to the
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 the certification.

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 federal Constitution as a sale in
25 interstate or foreign commerce.

26 Notwithstanding any other provision of law, for the purpose

1 of determining the local governmental unit whose tax is
2 applicable, a retail sale of fuel or petroleum products used by
3 an aircraft shall be deemed to be a retail sale at the place
4 where the fuel or petroleum products are delivered to the
5 aircraft.

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. 96-939, eff. 6-24-10.)

20 Section 25. The Civic Center Code is amended by changing
21 Section 245-12 as follows:

22 (70 ILCS 200/245-12)

23 Sec. 245-12. Use and occupation taxes.

24 (a) The Authority may adopt a resolution that authorizes a

1 referendum on the question of whether the Authority shall be
2 authorized to impose a retailers' occupation tax, a service
3 occupation tax, and a use tax in one-quarter percent increments
4 at a rate not to exceed 1%. The Authority shall certify the
5 question to the proper election authorities who shall submit
6 the question to the voters of the metropolitan area at the next
7 regularly scheduled election in accordance with the general
8 election law. The question shall be in substantially the
9 following form:

10 "Shall the Salem Civic Center Authority be authorized to
11 impose a retailers' occupation tax, a service occupation
12 tax, and a use tax at the rate of (rate) for the sole
13 purpose of obtaining funds for the support, construction,
14 maintenance, or financing of a facility of the Authority?"

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 Authority is authorized to impose the tax.

18 (b) The Authority shall impose the retailers' occupation
19 tax upon all persons engaged in the business of selling
20 tangible personal property at retail in the metropolitan area,
21 at the rate approved by referendum, on the gross receipts from
22 the sales made in the course of such business within the
23 metropolitan area. The tax imposed under this Section and all
24 civil penalties that may be assessed as an incident thereof
25 shall be collected and enforced by the Department of Revenue.
26 The Department has full power to administer and enforce this

1 Section; to collect all taxes and penalties so collected in the
2 manner provided in this Section; and to determine all rights to
3 credit memoranda arising on account of the erroneous payment of
4 tax or penalty hereunder. In the administration of, and
5 compliance with, this Section, the Department and persons who
6 are subject to this Section shall (i) have the same rights,
7 remedies, privileges, immunities, powers and duties, (ii) be
8 subject to the same conditions, restrictions, limitations,
9 penalties, exclusions, exemptions, and definitions of terms,
10 and (iii) employ the same modes of procedure as are prescribed
11 in Sections 1, 1a, 1a-1, 1c, 1d, 1e, 1f, 1i, 1j, 1k, 1m, 1n, 2,
12 2-5, 2-5.5, 2-10 (in respect to all provisions therein other
13 than the State rate of tax), 2-12, 2-15 through 2-70, 2a, 2b,
14 2c, 3 (except as to the disposition of taxes and penalties
15 collected and provisions related to quarter monthly payments),
16 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c,
17 7, 8, 9, 10, 11, 11a, 12, and 13 of the Retailers' Occupation
18 Tax Act and Section 3-7 of the Uniform Penalty and Interest
19 Act, as fully as if those provisions were set forth in this
20 subsection.

21 Persons subject to any tax imposed under this subsection
22 may reimburse themselves for their seller's tax liability by
23 separately stating the tax as an additional charge, which
24 charge may be stated in combination, in a single amount, with
25 State taxes that sellers are required to collect, in accordance
26 with such bracket schedules as the Department may prescribe.

1 Whenever the Department determines that a refund should be
2 made under this subsection to a claimant instead of issuing a
3 credit memorandum, the Department shall notify the State
4 Comptroller, who shall cause the warrant 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 tax fund referenced under paragraph (g) of
8 this Section.

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

12 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 other mineral mined in Illinois, is a sale at retail
15 at the place where the coal or other mineral mined in Illinois
16 is extracted from the earth. This paragraph does not apply to
17 coal or other mineral when it is delivered or shipped by the
18 seller to the purchaser at a point outside Illinois so that the
19 sale is exempt under the Federal Constitution as a sale in
20 interstate or foreign commerce.

21 Notwithstanding any other provision of law, for the purpose
22 of determining whether a tax authorized under this Section is
23 applicable, a retail sale of fuel or petroleum products used by
24 an aircraft shall be deemed to be a retail sale at the place
25 where the fuel or petroleum products are delivered to the
26 aircraft.

1 Nothing in this Section shall be construed to authorize the
2 Authority to impose a tax upon the privilege of engaging in any
3 business which under the Constitution of the United States may
4 not be made the subject of taxation by this State.

5 (c) If a tax has been imposed under subsection (b), a
6 service occupation tax shall also be imposed at the same rate
7 upon all persons engaged, in the metropolitan area, in the
8 business of making sales of service, who, as an incident to
9 making those sales of service, transfer tangible personal
10 property within the metropolitan area as an incident to a sale
11 of service. The tax imposed under this subsection and all civil
12 penalties that may be assessed as an incident thereof shall be
13 collected and enforced by the Department of Revenue. The
14 Department has full power to administer and enforce this
15 paragraph; to collect all taxes and penalties due hereunder; to
16 dispose of taxes and penalties so collected in the manner
17 hereinafter provided; and to determine all rights to credit
18 memoranda arising on account of the erroneous payment of tax or
19 penalty hereunder. In the administration of, and compliance
20 with this paragraph, the Department and persons who are subject
21 to this paragraph shall (i) have the same rights, remedies,
22 privileges, immunities, powers, and duties, (ii) be subject to
23 the same conditions, restrictions, limitations, penalties,
24 exclusions, exemptions, and definitions of terms, and (iii)
25 employ the same modes of procedure as are prescribed in
26 Sections 2 (except that the reference to State in the

1 definition of supplier maintaining a place of business in this
2 State shall mean the metropolitan area), 2a, 2b, 3 through 3-55
3 (in respect to all provisions therein other than the State rate
4 of tax), 4 (except that the reference to the State shall be to
5 the Authority), 5, 7, 8 (except that the jurisdiction to which
6 the tax shall be a debt to the extent indicated in that Section
7 8 shall be the Authority), 9 (except as to the disposition of
8 taxes and penalties collected, and except that the returned
9 merchandise credit for this tax may not be taken against any
10 State tax), 11, 12 (except the reference therein to Section 2b
11 of the Retailers' Occupation Tax Act), 13 (except that any
12 reference to the State shall mean the Authority), 15, 16, 17,
13 18, 19 and 20 of the Service Occupation Tax Act and Section 3-7
14 of the Uniform Penalty and Interest Act, as fully as if those
15 provisions were set forth herein.

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

24 Whenever the Department determines that a refund should be
25 made under this subsection to a claimant instead of issuing a
26 credit memorandum, the Department shall notify the State

1 Comptroller, who shall cause the warrant 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 tax fund referenced under paragraph (g) of
5 this Section.

6 Nothing in this paragraph shall be construed to authorize
7 the Authority 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 the State.

10 (d) If a tax has been imposed under subsection (b), a use
11 tax shall also be imposed at the same rate upon the privilege
12 of using, in the metropolitan area, any item of tangible
13 personal property that is purchased outside the metropolitan
14 area at retail from a retailer, and that is titled or
15 registered at a location within the metropolitan area with an
16 agency of this State's government. "Selling price" is defined
17 as in the Use Tax Act. The tax shall be collected from persons
18 whose Illinois address for titling or registration purposes is
19 given as being in the metropolitan area. The tax shall be
20 collected by the Department of Revenue for the Authority. The
21 tax must be paid to the State, or an exemption determination
22 must be obtained from the Department of Revenue, before the
23 title or certificate of registration for the property may be
24 issued. The tax or proof of exemption may be transmitted to the
25 Department by way of the State agency with which, or the State
26 officer with whom, the tangible personal property must be

1 titled or registered if the Department and the State agency or
2 State officer determine that this procedure will expedite the
3 processing of applications for title or registration.

4 The Department has full power to administer and enforce
5 this paragraph; to collect all taxes, penalties and interest
6 due hereunder; to dispose of taxes, penalties and interest so
7 collected in the manner hereinafter provided; and to determine
8 all rights to credit memoranda or refunds arising on account of
9 the erroneous payment of tax, penalty or interest hereunder. In
10 the administration of, and compliance with, this subsection,
11 the Department and persons who are subject to this paragraph
12 shall (i) have the same rights, remedies, privileges,
13 immunities, powers, and duties, (ii) be subject to the same
14 conditions, restrictions, limitations, penalties, exclusions,
15 exemptions, and definitions of terms, and (iii) employ the same
16 modes of procedure as are prescribed in Sections 2 (except the
17 definition of "retailer maintaining a place of business in this
18 State"), 3, 3-5, 3-10, 3-45, 3-55, 3-65, 3-70, 3-85, 3a, 4, 6,
19 7, 8 (except that the jurisdiction to which the tax shall be a
20 debt to the extent indicated in that Section 8 shall be the
21 Authority), 9 (except provisions relating to quarter monthly
22 payments), 10, 11, 12, 12a, 12b, 13, 14, 15, 19, 20, 21, and 22
23 of the Use Tax Act and Section 3-7 of the Uniform Penalty and
24 Interest Act, that are not inconsistent with this paragraph, as
25 fully as if those provisions were set forth herein.

26 Whenever the Department determines that a refund should be

1 made under this subsection to a claimant instead of issuing a
2 credit memorandum, the Department shall notify the State
3 Comptroller, who shall cause the order to be drawn for the
4 amount specified, and to the person named, in the notification
5 from the Department. The refund shall be paid by the State
6 Treasurer out of the tax fund referenced under paragraph (g) of
7 this Section.

8 (e) A certificate of registration issued by the State
9 Department of Revenue to a retailer under the Retailers'
10 Occupation Tax Act or under the Service Occupation Tax Act
11 shall permit the registrant to engage in a business that is
12 taxed under the tax imposed under paragraphs (b), (c), or (d)
13 of this Section and no additional registration shall be
14 required. A certificate issued under the Use Tax Act or the
15 Service Use Tax Act shall be applicable with regard to any tax
16 imposed under paragraph (c) of this Section.

17 (f) The results of any election authorizing a proposition
18 to impose a tax under this Section or effecting a change in the
19 rate of tax shall be certified by the proper election
20 authorities and filed with the Illinois Department on or before
21 the first day of April. In addition, an ordinance imposing,
22 discontinuing, or effecting a change in the rate of tax under
23 this Section shall be adopted and a certified copy thereof
24 filed with the Department on or before the first day of April.
25 After proper receipt of such certifications, the Department
26 shall proceed to administer and enforce this Section as of the

1 first day of July next following such adoption and filing.

2 (g) The Department of Revenue shall, upon collecting any
3 taxes and penalties as provided in this Section, pay the taxes
4 and penalties over to the State Treasurer as trustee for the
5 Authority. The taxes and penalties shall be held in a trust
6 fund outside the State Treasury. On or before the 25th day of
7 each calendar month, the Department of Revenue shall prepare
8 and certify to the Comptroller of the State of Illinois the
9 amount to be paid to the Authority, which shall be the balance
10 in the fund, less any amount determined by the Department to be
11 necessary for the payment of refunds. Within 10 days after
12 receipt by the Comptroller of the certification of the amount
13 to be paid to the Authority, the Comptroller shall cause an
14 order to be drawn for payment for the amount in accordance with
15 the directions contained in the certification. Amounts
16 received from the tax imposed under this Section shall be used
17 only for the support, construction, maintenance, or financing
18 of a facility of the Authority.

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

25 (i) This Section may be cited as the Salem Civic Center Use
26 and Occupation Tax Law.

1 (Source: P.A. 98-1098, eff. 8-26-14.)

2 Section 30. The Metro-East Park and Recreation District Act
3 is amended by changing Section 30 as follows:

4 (70 ILCS 1605/30)

5 Sec. 30. Taxes.

6 (a) The board shall impose a tax upon all persons engaged
7 in the business of selling tangible personal property, other
8 than personal property titled or registered with an agency of
9 this State's government, at retail in the District on the gross
10 receipts from the sales made in the course of business. This
11 tax shall be imposed only at the rate of one-tenth of one per
12 cent.

13 This additional tax may not be imposed on the sales of food
14 for human consumption that is to be consumed off the premises
15 where it is sold (other than alcoholic beverages, soft drinks,
16 and food which has been prepared for immediate consumption) and
17 prescription and non-prescription medicines, drugs, medical
18 appliances, and insulin, urine testing materials, syringes,
19 and needles used by diabetics. The tax imposed by the Board
20 under this Section and all civil penalties that may be assessed
21 as an incident of the tax shall be collected and enforced by
22 the Department of Revenue. The certificate of registration that
23 is issued by the Department to a retailer under the Retailers'
24 Occupation Tax Act shall permit the retailer to engage in a

1 business that is taxable without registering separately with
2 the Department under an ordinance or resolution under this
3 Section. The Department has full power to administer and
4 enforce this Section, to collect all taxes and penalties due
5 under this Section, to dispose of taxes and penalties so
6 collected in the manner provided in this Section, and to
7 determine all rights to credit memoranda arising on account of
8 the erroneous payment of a tax or penalty under this Section.
9 In the administration of and compliance with this Section, the
10 Department and persons who are subject to this Section shall
11 (i) have the same rights, remedies, privileges, immunities,
12 powers, and duties, (ii) be subject to the same conditions,
13 restrictions, limitations, penalties, and definitions of
14 terms, and (iii) employ the same modes of procedure as are
15 prescribed in Sections 1, 1a, 1a-1, 1d, 1e, 1f, 1i, 1j, 1k, 1m,
16 1n, 2, 2-5, 2-5.5, 2-10 (in respect to all provisions contained
17 in those Sections other than the State rate of tax), 2-12, 2-15
18 through 2-70, 2a, 2b, 2c, 3 (except provisions relating to
19 transaction returns and quarter monthly payments), 4, 5, 5a,
20 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8,
21 9, 10, 11, 11a, 12, and 13 of the Retailers' Occupation Tax Act
22 and the Uniform Penalty and Interest Act as if those provisions
23 were set forth in this Section.

24 Persons subject to any tax imposed under the authority
25 granted in this Section may reimburse themselves for their
26 sellers' 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 which sellers are required
3 to collect under the Use Tax Act, pursuant to such bracketed
4 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 State Metro-East Park and Recreation
12 District Fund.

13 (b) If a tax has been imposed under subsection (a), a
14 service occupation tax shall also be imposed at the same rate
15 upon all persons engaged, in the 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 District as an incident to a sale of service. This tax may
19 not be imposed on sales of food for human consumption that is
20 to be consumed off the premises where it is sold (other than
21 alcoholic beverages, soft drinks, and food prepared for
22 immediate consumption) and prescription and non-prescription
23 medicines, drugs, medical appliances, and insulin, urine
24 testing materials, syringes, and needles used by diabetics. The
25 tax imposed under this subsection and all civil penalties that
26 may be assessed as an incident thereof shall be collected and

1 enforced by the Department of Revenue. The Department has full
2 power to administer and enforce this subsection; to collect all
3 taxes and penalties due hereunder; to dispose of taxes and
4 penalties so collected in the manner hereinafter provided; and
5 to determine all rights to credit memoranda arising on account
6 of the erroneous payment of tax or penalty hereunder. In the
7 administration of, and compliance with this subsection, the
8 Department and persons who are subject to this paragraph shall
9 (i) have the same rights, remedies, privileges, immunities,
10 powers, and duties, (ii) be subject to the same conditions,
11 restrictions, limitations, penalties, exclusions, exemptions,
12 and definitions of terms, and (iii) employ the same modes of
13 procedure as are prescribed in Sections 2 (except that the
14 reference to State in the definition of supplier maintaining a
15 place of business in this State shall mean the District), 2a,
16 2b, 2c, 3 through 3-50 (in respect to all provisions therein
17 other than the State rate of tax), 4 (except that the reference
18 to the State shall be to the District), 5, 7, 8 (except that
19 the jurisdiction to which the tax shall be a debt to the extent
20 indicated in that Section 8 shall be the District), 9 (except
21 as to the disposition of taxes and penalties collected), 10,
22 11, 12 (except the reference therein to Section 2b of the
23 Retailers' Occupation Tax Act), 13 (except that any reference
24 to the State shall mean the District), Sections 15, 16, 17, 18,
25 19 and 20 of the Service Occupation Tax Act and the Uniform
26 Penalty and Interest Act, as fully as if those provisions were

1 set forth herein.

2 Persons subject to any tax imposed under the authority
3 granted in this subsection may reimburse themselves for their
4 serviceman's tax liability by separately stating the tax as an
5 additional charge, which charge may be stated in combination,
6 in a single amount, with State tax that servicemen are
7 authorized to collect under the Service Use Tax Act, in
8 accordance with such bracket schedules as the Department may
9 prescribe.

10 Whenever the Department determines that a refund should be
11 made under this subsection to a claimant instead of issuing a
12 credit memorandum, the Department shall notify the State
13 Comptroller, who shall cause the warrant 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 State Metro-East Park and Recreation
17 District Fund.

18 Nothing in this subsection shall be construed to authorize
19 the board to impose a tax upon the privilege of engaging in any
20 business which under the Constitution of the United States may
21 not be made the subject of taxation by the State.

22 (c) The Department shall immediately pay over to the State
23 Treasurer, ex officio, as trustee, all taxes and penalties
24 collected under this Section to be deposited into the State
25 Metro-East Park and Recreation District Fund, which shall be an
26 unappropriated trust fund held outside of the State treasury.

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) collected under
21 this Section during the second preceding calendar month by the
22 Department plus an amount the Department determines is
23 necessary to offset any amounts that were erroneously paid to a
24 different taxing body, and not including (i) an amount equal to
25 the amount of refunds made during the second preceding calendar
26 month by the Department on behalf of the District, (ii) any

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

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

19 Notwithstanding any other provision of law, for the purpose
20 of determining whether a tax authorized under this Section is
21 applicable, a retail sale of fuel or petroleum products used by
22 an aircraft shall be deemed to be a retail sale at the place
23 where the fuel or petroleum products are delivered to the
24 aircraft.

25 (e) Nothing in this Section shall be construed to authorize
26 the board to impose a tax upon the privilege of engaging in any

1 business that under the Constitution of the United States may
2 not be made the subject of taxation by this State.

3 (f) An ordinance imposing a tax under this Section or an
4 ordinance extending the imposition of a tax to an additional
5 county or counties shall be certified by the board and filed
6 with the Department of Revenue either (i) on or before the
7 first day of April, whereupon the Department shall proceed to
8 administer and enforce the tax as of the first day of July next
9 following the filing; or (ii) on or before the first day of
10 October, whereupon the Department shall proceed to administer
11 and enforce the tax as of the first day of January next
12 following the filing.

13 (g) When certifying the amount of a monthly disbursement to
14 the District under this Section, the Department shall increase
15 or decrease the amounts by an amount necessary to offset any
16 misallocation of previous disbursements. The offset amount
17 shall be the amount erroneously disbursed within the previous 6
18 months from the time a misallocation is discovered.

19 (Source: P.A. 98-1098, eff. 8-26-14.)

20 Section 35. The Local Mass Transit District Act is amended
21 by changing Section 5.01 as follows:

22 (70 ILCS 3610/5.01) (from Ch. 111 2/3, par. 355.01)

23 Sec. 5.01. Metro East Mass Transit District; use and
24 occupation taxes.

1 (a) The Board of Trustees of any Metro East Mass Transit
2 District may, by ordinance adopted with the concurrence of
3 two-thirds of the then trustees, impose throughout the District
4 any or all of the taxes and fees provided in this Section. All
5 taxes and fees imposed under this Section shall be used only
6 for public mass transportation systems, and the amount used to
7 provide mass transit service to unserved areas of the District
8 shall be in the same proportion to the total proceeds as the
9 number of persons residing in the unserved areas is to the
10 total population of the District. Except as otherwise provided
11 in this Act, taxes imposed under this Section and civil
12 penalties imposed incident thereto shall be collected and
13 enforced by the State Department of Revenue. The Department
14 shall have the power to administer and enforce the taxes and to
15 determine all rights for refunds for erroneous payments of the
16 taxes.

17 (b) The Board may impose a Metro East Mass Transit District
18 Retailers' Occupation Tax upon all persons engaged in the
19 business of selling tangible personal property at retail in the
20 district at a rate of 1/4 of 1%, or as authorized under
21 subsection (d-5) of this Section, of the gross receipts from
22 the sales made in the course of such business within the
23 district. The tax imposed under this Section and all civil
24 penalties that may be assessed as an incident thereof shall be
25 collected and enforced by the State Department of Revenue. The
26 Department shall have full power to administer and enforce this

1 Section; to collect all taxes and penalties so collected in the
2 manner hereinafter provided; and to determine all rights to
3 credit memoranda arising on account of the erroneous payment of
4 tax or penalty hereunder. In the administration of, and
5 compliance with, this Section, the Department and persons who
6 are subject to this Section shall have the same rights,
7 remedies, privileges, immunities, powers and duties, and be
8 subject to the same conditions, restrictions, limitations,
9 penalties, exclusions, exemptions and definitions of terms and
10 employ the same modes of procedure, as are prescribed in
11 Sections 1, 1a, 1a-1, 1c, 1d, 1e, 1f, 1i, 1j, 2 through 2-65
12 (in respect to all provisions therein other than the State rate
13 of tax), 2c, 3 (except as to the disposition of taxes and
14 penalties collected), 4, 5, 5a, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j,
15 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 12, 13, and 14 of the
16 Retailers' Occupation Tax Act and Section 3-7 of the Uniform
17 Penalty and Interest Act, as fully as if those provisions were
18 set forth herein.

19 Persons subject to any tax imposed under the Section may
20 reimburse themselves for their seller's tax liability
21 hereunder by separately stating the tax as an additional
22 charge, which charge may be stated in combination, in a single
23 amount, with State taxes that sellers are required to collect
24 under the Use Tax Act, in accordance with such bracket
25 schedules as the Department may prescribe.

26 Whenever the Department determines that a refund should be

1 made under this Section to a claimant instead of issuing a
2 credit memorandum, the Department shall notify the State
3 Comptroller, who shall cause the warrant to be drawn for the
4 amount specified, and to the person named, in the notification
5 from the Department. The refund shall be paid by the State
6 Treasurer out of the Metro East Mass Transit District tax fund
7 established under paragraph (h) of this Section.

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

19 Notwithstanding any other provision of law, for the purpose
20 of determining whether a tax authorized under this Section is
21 applicable, a retail sale of fuel or petroleum products used by
22 an aircraft shall be deemed to be a retail sale at the place
23 where the fuel or petroleum products are delivered to the
24 aircraft.

25 No tax shall be imposed or collected under this subsection
26 on the sale of a motor vehicle in this State to a resident of

1 another state if that motor vehicle will not be titled in this
2 State.

3 Nothing in this Section shall be construed to authorize the
4 Metro East Mass Transit District to impose a tax upon the
5 privilege of engaging in any business which under the
6 Constitution of the United States may not be made the subject
7 of taxation by this State.

8 (c) If a tax has been imposed under subsection (b), a Metro
9 East Mass Transit District Service Occupation Tax shall also be
10 imposed upon all persons engaged, in the district, in the
11 business of making sales of service, who, as an incident to
12 making those sales of service, transfer tangible personal
13 property within the District, either in the form of tangible
14 personal property or in the form of real estate as an incident
15 to a sale of service. The tax rate shall be 1/4%, or as
16 authorized under subsection (d-5) of this Section, of the
17 selling price of tangible personal property so transferred
18 within the district. The tax imposed under this paragraph and
19 all civil penalties that may be assessed as an incident thereof
20 shall be collected and enforced by the State Department of
21 Revenue. The Department shall have full power to administer and
22 enforce this paragraph; to collect all taxes and penalties due
23 hereunder; to dispose of taxes and penalties so collected in
24 the manner hereinafter provided; and to determine all rights to
25 credit memoranda arising on account of the erroneous payment of
26 tax or penalty hereunder. In the administration of, and

1 compliance with this paragraph, the Department and persons who
2 are subject to this paragraph shall have the same rights,
3 remedies, privileges, immunities, powers and duties, and be
4 subject to the same conditions, restrictions, limitations,
5 penalties, exclusions, exemptions and definitions of terms and
6 employ the same modes of procedure as are prescribed in
7 Sections 1a-1, 2 (except that the reference to State in the
8 definition of supplier maintaining a place of business in this
9 State shall mean the Authority), 2a, 3 through 3-50 (in respect
10 to all provisions therein other than the State rate of tax), 4
11 (except that the reference to the State shall be to the
12 Authority), 5, 7, 8 (except that the jurisdiction to which the
13 tax shall be a debt to the extent indicated in that Section 8
14 shall be the District), 9 (except as to the disposition of
15 taxes and penalties collected, and except that the returned
16 merchandise credit for this tax may not be taken against any
17 State tax), 10, 11, 12 (except the reference therein to Section
18 2b of the Retailers' Occupation Tax Act), 13 (except that any
19 reference to the State shall mean the District), the first
20 paragraph of Section 15, 16, 17, 18, 19 and 20 of the Service
21 Occupation Tax Act and Section 3-7 of the Uniform Penalty and
22 Interest Act, as fully as if those provisions were set forth
23 herein.

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

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

6 Whenever the Department determines that a refund should be
7 made under this paragraph 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 Metro East Mass Transit District tax fund
13 established under paragraph (h) of this Section.

14 Nothing in this paragraph shall be construed to authorize
15 the District to impose a tax upon the privilege of engaging in
16 any business which 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 Metro
19 East Mass Transit District Use Tax shall also be imposed upon
20 the privilege of using, in the district, any item of tangible
21 personal property that is purchased outside the district at
22 retail from a retailer, and that is titled or registered with
23 an agency of this State's government, at a rate of 1/4%, or as
24 authorized under subsection (d-5) of this Section, of the
25 selling price of the tangible personal property within the
26 District, as "selling price" is defined in the Use Tax Act. The

1 tax shall be collected from persons whose Illinois address for
2 titling or registration purposes is given as being in the
3 District. The tax shall be collected by the Department of
4 Revenue for the Metro East Mass Transit District. The tax must
5 be paid to the State, or an exemption determination must be
6 obtained from the Department of Revenue, before the title or
7 certificate of registration for the property may be issued. The
8 tax or proof of exemption may be transmitted to the Department
9 by way of the State agency with which, or the State officer
10 with whom, the tangible personal property must be titled or
11 registered if the Department and the State agency or State
12 officer determine that this procedure will expedite the
13 processing of applications for title or registration.

14 The Department shall have full power to administer and
15 enforce this paragraph; to collect all taxes, penalties and
16 interest due hereunder; to dispose of taxes, penalties and
17 interest so collected in the manner hereinafter provided; and
18 to determine all rights to credit memoranda or refunds arising
19 on account of the erroneous payment of tax, penalty or interest
20 hereunder. In the administration of, and compliance with, this
21 paragraph, the Department and persons who are subject to this
22 paragraph 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 2 (except the

1 definition of "retailer maintaining a place of business in this
2 State"), 3 through 3-80 (except provisions pertaining to the
3 State rate of tax, and except provisions concerning collection
4 or refunding of the tax by retailers), 4, 11, 12, 12a, 14, 15,
5 19 (except the portions pertaining to claims by retailers and
6 except the last paragraph concerning refunds), 20, 21 and 22 of
7 the Use Tax Act and Section 3-7 of the Uniform Penalty and
8 Interest Act, that are not inconsistent with this paragraph, as
9 fully as if those 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 the Metro East Mass Transit District tax fund
17 established under paragraph (h) of this Section.

18 (d-5) (A) The county board of any county participating in
19 the Metro East Mass Transit District may authorize, by
20 ordinance, a referendum on the question of whether the tax
21 rates for the Metro East Mass Transit District Retailers'
22 Occupation Tax, the Metro East Mass Transit District Service
23 Occupation Tax, and the Metro East Mass Transit District Use
24 Tax for the District should be increased from 0.25% to 0.75%.
25 Upon adopting the ordinance, the county board shall certify the
26 proposition to the proper election officials who shall submit

1 the proposition to the voters of the District at the next
2 election, in accordance with the general election law.

3 The proposition shall be in substantially the following
4 form:

5 Shall the tax rates for the Metro East Mass Transit
6 District Retailers' Occupation Tax, the Metro East Mass
7 Transit District Service Occupation Tax, and the Metro East
8 Mass Transit District Use Tax be increased from 0.25% to
9 0.75%?

10 (B) Two thousand five hundred electors of any Metro East
11 Mass Transit District may petition the Chief Judge of the
12 Circuit Court, or any judge of that Circuit designated by the
13 Chief Judge, in which that District is located to cause to be
14 submitted to a vote of the electors the question whether the
15 tax rates for the Metro East Mass Transit District Retailers'
16 Occupation Tax, the Metro East Mass Transit District Service
17 Occupation Tax, and the Metro East Mass Transit District Use
18 Tax for the District should be increased from 0.25% to 0.75%.

19 Upon submission of such petition the court shall set a date
20 not less than 10 nor more than 30 days thereafter for a hearing
21 on the sufficiency thereof. Notice of the filing of such
22 petition and of such date shall be given in writing to the
23 District and the County Clerk at least 7 days before the date
24 of such hearing.

25 If such petition is found sufficient, the court shall enter
26 an order to submit that proposition at the next election, in

1 accordance with general election law.

2 The form of the petition shall be in substantially the
3 following form: To the Circuit Court of the County of (name of
4 county):

5 We, the undersigned electors of the (name of transit
6 district), respectfully petition your honor to submit to a
7 vote of the electors of (name of transit district) the
8 following proposition:

9 Shall the tax rates for the Metro East Mass Transit
10 District Retailers' Occupation Tax, the Metro East Mass
11 Transit District Service Occupation Tax, and the Metro East
12 Mass Transit District Use Tax be increased from 0.25% to
13 0.75%?

14 Name Address, with Street and Number.

15

16

17 (C) The votes shall be recorded as "YES" or "NO". If a
18 majority of all votes cast on the proposition are for the
19 increase in the tax rates, the Metro East Mass Transit District
20 shall begin imposing the increased rates in the District, and
21 the Department of Revenue shall begin collecting the increased
22 amounts, as provided under this Section. An ordinance imposing
23 or discontinuing a tax hereunder or effecting a change in the
24 rate thereof shall be adopted and a certified copy thereof
25 filed with the Department on or before the first day of
26 October, whereupon the Department shall proceed to administer

1 and enforce this Section as of the first day of January next
2 following the adoption and filing, or on or before the first
3 day of April, whereupon the Department shall proceed to
4 administer and enforce this Section as of the first day of July
5 next following the adoption and filing.

6 (D) If the voters have approved a referendum under this
7 subsection, before November 1, 1994, to increase the tax rate
8 under this subsection, the Metro East Mass Transit District
9 Board of Trustees may adopt by a majority vote an ordinance at
10 any time before January 1, 1995 that excludes from the rate
11 increase tangible personal property that is titled or
12 registered with an agency of this State's government. The
13 ordinance excluding titled or registered tangible personal
14 property from the rate increase must be filed with the
15 Department at least 15 days before its effective date. At any
16 time after adopting an ordinance excluding from the rate
17 increase tangible personal property that is titled or
18 registered with an agency of this State's government, the Metro
19 East Mass Transit District Board of Trustees may adopt an
20 ordinance applying the rate increase to that tangible personal
21 property. The ordinance shall be adopted, and a certified copy
22 of that ordinance shall be filed with the Department, on or
23 before October 1, whereupon the Department shall proceed to
24 administer and enforce the rate increase against tangible
25 personal property titled or registered with an agency of this
26 State's government as of the following January 1. After

1 December 31, 1995, any reimposed rate increase in effect under
2 this subsection shall no longer apply to tangible personal
3 property titled or registered with an agency of this State's
4 government. Beginning January 1, 1996, the Board of Trustees of
5 any Metro East Mass Transit District may never reimpose a
6 previously excluded tax rate increase on tangible personal
7 property titled or registered with an agency of this State's
8 government. After July 1, 2004, if the voters have approved a
9 referendum under this subsection to increase the tax rate under
10 this subsection, the Metro East Mass Transit District Board of
11 Trustees may adopt by a majority vote an ordinance that
12 excludes from the rate increase tangible personal property that
13 is titled or registered with an agency of this State's
14 government. The ordinance excluding titled or registered
15 tangible personal property from the rate increase shall be
16 adopted, and a certified copy of that ordinance shall be filed
17 with the Department on or before October 1, whereupon the
18 Department shall administer and enforce this exclusion from the
19 rate increase as of the following January 1, or on or before
20 April 1, whereupon the Department shall administer and enforce
21 this exclusion from the rate increase as of the following July
22 1. The Board of Trustees of any Metro East Mass Transit
23 District may never reimpose a previously excluded tax rate
24 increase on tangible personal property titled or registered
25 with an agency of this State's government.

26 (d-6) If the Board of Trustees of any Metro East Mass

1 Transit District has imposed a rate increase under subsection
2 (d-5) and filed an ordinance with the Department of Revenue
3 excluding titled property from the higher rate, then that Board
4 may, by ordinance adopted with the concurrence of two-thirds of
5 the then trustees, impose throughout the District a fee. The
6 fee on the excluded property shall not exceed \$20 per retail
7 transaction or an amount equal to the amount of tax excluded,
8 whichever is less, on tangible personal property that is titled
9 or registered with an agency of this State's government.
10 Beginning July 1, 2004, the fee shall apply only to titled
11 property that is subject to either the Metro East Mass Transit
12 District Retailers' Occupation Tax or the Metro East Mass
13 Transit District Service Occupation Tax. No fee shall be
14 imposed or collected under this subsection on the sale of a
15 motor vehicle in this State to a resident of another state if
16 that motor vehicle will not be titled in this State.

17 (d-7) Until June 30, 2004, if a fee has been imposed under
18 subsection (d-6), a fee shall also be imposed upon the
19 privilege of using, in the district, any item of tangible
20 personal property that is titled or registered with any agency
21 of this State's government, in an amount equal to the amount of
22 the fee imposed under subsection (d-6).

23 (d-7.1) Beginning July 1, 2004, any fee imposed by the
24 Board of Trustees of any Metro East Mass Transit District under
25 subsection (d-6) and all civil penalties that may be assessed
26 as an incident of the fees shall be collected and enforced by

1 the State Department of Revenue. Reference to "taxes" in this
2 Section shall be construed to apply to the administration,
3 payment, and remittance of all fees under this Section. For
4 purposes of any fee imposed under subsection (d-6), 4% of the
5 fee, penalty, and interest received by the Department in the
6 first 12 months that the fee is collected and enforced by the
7 Department and 2% of the fee, penalty, and interest following
8 the first 12 months shall be deposited into the Tax Compliance
9 and Administration Fund and shall be used by the Department,
10 subject to appropriation, to cover the costs of the Department.
11 No retailers' discount shall apply to any fee imposed under
12 subsection (d-6).

13 (d-8) No item of titled property shall be subject to both
14 the higher rate approved by referendum, as authorized under
15 subsection (d-5), and any fee imposed under subsection (d-6) or
16 (d-7).

17 (d-9) (Blank).

18 (d-10) (Blank).

19 (e) A certificate of registration issued by the State
20 Department of Revenue to a retailer under the Retailers'
21 Occupation Tax Act or under the Service Occupation Tax Act
22 shall permit the registrant to engage in a business that is
23 taxed under the tax imposed under paragraphs (b), (c) or (d) of
24 this Section and no additional registration shall be required
25 under the tax. A certificate issued under the Use Tax Act or
26 the Service Use Tax Act shall be applicable with regard to any

1 tax imposed under paragraph (c) of this Section.

2 (f) (Blank).

3 (g) Any ordinance imposing or discontinuing any tax under
4 this Section shall be adopted and a certified copy thereof
5 filed with the Department on or before June 1, whereupon the
6 Department of Revenue shall proceed to administer and enforce
7 this Section on behalf of the Metro East Mass Transit District
8 as of September 1 next following such adoption and filing.
9 Beginning January 1, 1992, an ordinance or resolution imposing
10 or discontinuing the tax hereunder shall be adopted and a
11 certified copy thereof filed with the Department on or before
12 the first day of July, whereupon the Department shall proceed
13 to administer and enforce this Section as of the first day of
14 October next following such adoption and filing. Beginning
15 January 1, 1993, except as provided in subsection (d-5) of this
16 Section, an ordinance or resolution imposing or discontinuing
17 the tax hereunder shall be adopted and a certified copy thereof
18 filed with the Department on or before the first day of
19 October, whereupon the Department shall proceed to administer
20 and enforce this Section as of the first day of January next
21 following such adoption and filing, or, beginning January 1,
22 2004, on or before the first day of April, whereupon the
23 Department shall proceed to administer and enforce this Section
24 as of the first day of July next following the adoption and
25 filing.

26 (h) Except as provided in subsection (d-7.1), the State

1 Department of Revenue shall, upon collecting any taxes as
2 provided in this Section, pay the taxes over to the State
3 Treasurer as trustee for the District. The taxes shall be held
4 in a trust fund outside the State Treasury.

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) 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 any amount equal to the amount of refunds made during
26 the second preceding calendar month by the Department on behalf

1 of the District, and not including any amount that the
2 Department determines is necessary to offset any amounts that
3 were payable to a different taxing body but were erroneously
4 paid to the District, and less any amounts that are transferred
5 to the STAR Bonds Revenue Fund. Within 10 days after receipt by
6 the Comptroller of the certification of the amount to be paid
7 to the District, the Comptroller shall cause an order to be
8 drawn for payment for the amount in accordance with the
9 direction in the certification.

10 (Source: P.A. 98-298, eff. 8-9-13.)

11 Section 40. The Regional Transportation Authority Act is
12 amended by changing Section 4.03 as follows:

13 (70 ILCS 3615/4.03) (from Ch. 111 2/3, par. 704.03)

14 Sec. 4.03. Taxes.

15 (a) In order to carry out any of the powers or purposes of
16 the Authority, the Board may by ordinance adopted with the
17 concurrence of 12 of the then Directors, impose throughout the
18 metropolitan region any or all of the taxes provided in this
19 Section. Except as otherwise provided in this Act, taxes
20 imposed under this Section and civil penalties imposed incident
21 thereto shall be collected and enforced by the State Department
22 of Revenue. The Department shall have the power to administer
23 and enforce the taxes and to determine all rights for refunds
24 for erroneous payments of the taxes. Nothing in this amendatory

1 Act of the 95th General Assembly is intended to invalidate any
2 taxes currently imposed by the Authority. The increased vote
3 requirements to impose a tax shall only apply to actions taken
4 after the effective date of this amendatory Act of the 95th
5 General Assembly.

6 (b) The Board may impose a public transportation tax upon
7 all persons engaged in the metropolitan region in the business
8 of selling at retail motor fuel for operation of motor vehicles
9 upon public highways. The tax shall be at a rate not to exceed
10 5% of the gross receipts from the sales of motor fuel in the
11 course of the business. As used in this Act, the term "motor
12 fuel" shall have the same meaning as in the Motor Fuel Tax Law.
13 The Board may provide for details of the tax. The provisions of
14 any tax shall conform, as closely as may be practicable, to the
15 provisions of the Municipal Retailers Occupation Tax Act,
16 including without limitation, conformity to penalties with
17 respect to the tax imposed and as to the powers of the State
18 Department of Revenue to promulgate and enforce rules and
19 regulations relating to the administration and enforcement of
20 the provisions of the tax imposed, except that reference in the
21 Act to any municipality shall refer to the Authority and the
22 tax shall be imposed only with regard to receipts from sales of
23 motor fuel in the metropolitan region, at rates as limited by
24 this Section.

25 (c) In connection with the tax imposed under paragraph (b)
26 of this Section the Board may impose a tax upon the privilege

1 of using in the metropolitan region motor fuel for the
2 operation of a motor vehicle upon public highways, the tax to
3 be at a rate not in excess of the rate of tax imposed under
4 paragraph (b) of this Section. The Board may provide for
5 details of the tax.

6 (d) The Board may impose a motor vehicle parking tax upon
7 the privilege of parking motor vehicles at off-street parking
8 facilities in the metropolitan region at which a fee is
9 charged, and may provide for reasonable classifications in and
10 exemptions to the tax, for administration and enforcement
11 thereof and for civil penalties and refunds thereunder and may
12 provide criminal penalties thereunder, the maximum penalties
13 not to exceed the maximum criminal penalties provided in the
14 Retailers' Occupation Tax Act. The Authority may collect and
15 enforce the tax itself or by contract with any unit of local
16 government. The State Department of Revenue shall have no
17 responsibility for the collection and enforcement unless the
18 Department agrees with the Authority to undertake the
19 collection and enforcement. As used in this paragraph, the term
20 "parking facility" means a parking area or structure having
21 parking spaces for more than 2 vehicles at which motor vehicles
22 are permitted to park in return for an hourly, daily, or other
23 periodic fee, whether publicly or privately owned, but does not
24 include parking spaces on a public street, the use of which is
25 regulated by parking meters.

26 (e) The Board may impose a Regional Transportation

1 Authority Retailers' Occupation Tax upon all persons engaged in
2 the business of selling tangible personal property at retail in
3 the metropolitan region. In Cook County the tax rate shall be
4 1.25% of the gross receipts from sales of food for human
5 consumption that is to be consumed off the premises where it is
6 sold (other than alcoholic beverages, soft drinks and food that
7 has been prepared for immediate consumption) and prescription
8 and nonprescription medicines, drugs, medical appliances and
9 insulin, urine testing materials, syringes and needles used by
10 diabetics, and 1% of the gross receipts from other taxable
11 sales made in the course of that business. In DuPage, Kane,
12 Lake, McHenry, and Will Counties, the tax rate shall be 0.75%
13 of the gross receipts from all taxable sales made in the course
14 of that business. The tax imposed under this Section and all
15 civil penalties that may be assessed as an incident thereof
16 shall be collected and enforced by the State Department of
17 Revenue. The Department shall have full power to administer and
18 enforce this Section; to collect all taxes and penalties so
19 collected in the manner hereinafter provided; and to determine
20 all rights to credit memoranda arising on account of the
21 erroneous payment of tax or penalty hereunder. In the
22 administration of, and compliance with this Section, the
23 Department and persons who are subject to this Section shall
24 have the same rights, remedies, privileges, immunities, powers
25 and duties, and be subject to the same conditions,
26 restrictions, limitations, penalties, exclusions, exemptions

1 and definitions of terms, and employ the same modes of
2 procedure, as are prescribed in Sections 1, 1a, 1a-1, 1c, 1d,
3 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all provisions
4 therein other than the State rate of tax), 2c, 3 (except as to
5 the disposition of taxes and penalties collected), 4, 5, 5a,
6 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8,
7 9, 10, 11, 12 and 13 of the Retailers' Occupation Tax Act and
8 Section 3-7 of the Uniform Penalty and Interest Act, as fully
9 as if those provisions were set forth herein.

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

17 Whenever the Department determines that a refund should be
18 made under this Section 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 the Regional Transportation Authority tax fund
24 established under paragraph (n) of this Section.

25 If a tax is imposed under this subsection (e), a tax shall
26 also be imposed under subsections (f) and (g) of this Section.

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

10 Notwithstanding any other provision of law, for the purpose
11 of determining whether a tax authorized under this Section is
12 applicable, a retail sale of fuel or petroleum products used by
13 an aircraft shall be deemed to be a retail sale at the place
14 where the fuel or petroleum products are delivered to the
15 aircraft.

16 No tax shall be imposed or collected under this subsection
17 on the sale of a motor vehicle in this State to a resident of
18 another state if that motor vehicle will not be titled in this
19 State.

20 Nothing in this Section shall be construed to authorize the
21 Regional Transportation Authority to impose a tax upon the
22 privilege of engaging in any business that under the
23 Constitution of the United States may not be made the subject
24 of taxation by this State.

25 (f) If a tax has been imposed under paragraph (e), a
26 Regional Transportation Authority Service Occupation Tax shall

1 also be imposed upon all persons engaged, in the metropolitan
2 region in the business of making sales of service, who as an
3 incident to making the sales of service, transfer tangible
4 personal property within the metropolitan region, either in the
5 form of tangible personal property or in the form of real
6 estate as an incident to a sale of service. In Cook County, the
7 tax rate shall be: (1) 1.25% of the serviceman's cost price of
8 food prepared for immediate consumption and transferred
9 incident to a sale of service subject to the service occupation
10 tax by an entity licensed under the Hospital Licensing Act, the
11 Nursing Home Care Act, the Specialized Mental Health
12 Rehabilitation Act of 2013, or the ID/DD Community Care Act
13 that is located in the metropolitan region; (2) 1.25% of the
14 selling price of food for human consumption that is to be
15 consumed off the premises where it is sold (other than
16 alcoholic beverages, soft drinks and food that has been
17 prepared for immediate consumption) and prescription and
18 nonprescription medicines, drugs, medical appliances and
19 insulin, urine testing materials, syringes and needles used by
20 diabetics; and (3) 1% of the selling price from other taxable
21 sales of tangible personal property transferred. In DuPage,
22 Kane, Lake, McHenry and Will Counties the rate shall be 0.75%
23 of the selling price of all tangible personal property
24 transferred.

25 The tax imposed under this paragraph and all civil
26 penalties that may be assessed as an incident thereof shall be

1 collected and enforced by the State Department of Revenue. The
2 Department shall have full power to administer and enforce this
3 paragraph; to collect all taxes and penalties due hereunder; to
4 dispose of taxes and penalties collected in the manner
5 hereinafter provided; and to determine all rights to credit
6 memoranda arising on account of the erroneous payment of tax or
7 penalty hereunder. In the administration of and compliance with
8 this paragraph, the Department and persons who are subject to
9 this paragraph shall have the same rights, remedies,
10 privileges, immunities, powers and duties, and be subject to
11 the same conditions, restrictions, limitations, penalties,
12 exclusions, exemptions and definitions of terms, and employ the
13 same modes of procedure, as are prescribed in Sections 1a-1, 2,
14 2a, 3 through 3-50 (in respect to all provisions therein other
15 than the State rate of tax), 4 (except that the reference to
16 the State shall be to the Authority), 5, 7, 8 (except that the
17 jurisdiction to which the tax shall be a debt to the extent
18 indicated in that Section 8 shall be the Authority), 9 (except
19 as to the disposition of taxes and penalties collected, and
20 except that the returned merchandise credit for this tax may
21 not be taken against any State tax), 10, 11, 12 (except the
22 reference therein to Section 2b of the Retailers' Occupation
23 Tax Act), 13 (except that any reference to the State shall mean
24 the Authority), the first paragraph of Section 15, 16, 17, 18,
25 19 and 20 of the Service 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 authority
3 granted in this paragraph may reimburse themselves for their
4 serviceman's tax liability hereunder by separately stating the
5 tax as an additional charge, that charge may be stated in
6 combination in a single amount with State tax that servicemen
7 are authorized to collect under the Service Use Tax Act, under
8 any bracket schedules the Department may prescribe.

9 Whenever the Department determines that a refund should be
10 made under this paragraph 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 Regional Transportation Authority tax fund
16 established under paragraph (n) of this Section.

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

21 (g) If a tax has been imposed under paragraph (e), a tax
22 shall also be imposed upon the privilege of using in the
23 metropolitan region, any item of tangible personal property
24 that is purchased outside the metropolitan region at retail
25 from a retailer, and that is titled or registered with an
26 agency of this State's government. In Cook County the tax rate

1 shall be 1% of the selling price of the tangible personal
2 property, as "selling price" is defined in the Use Tax Act. In
3 DuPage, Kane, Lake, McHenry and Will counties the tax rate
4 shall be 0.75% of the selling price of the tangible personal
5 property, as "selling price" is defined in the Use Tax Act. The
6 tax shall be collected from persons whose Illinois address for
7 titling or registration purposes is given as being in the
8 metropolitan region. The tax shall be collected by the
9 Department of Revenue for the Regional Transportation
10 Authority. The tax must be paid to the State, or an exemption
11 determination must be obtained from the Department of Revenue,
12 before the title or certificate of registration for the
13 property may be issued. The tax or proof of exemption may be
14 transmitted to the Department by way of the State agency with
15 which, or the State officer with whom, the tangible personal
16 property must be titled or registered if the Department and the
17 State agency or State officer determine that this procedure
18 will expedite the processing of applications for title or
19 registration.

20 The Department shall have full power to administer and
21 enforce this paragraph; to collect all taxes, penalties and
22 interest due hereunder; to dispose of taxes, penalties and
23 interest collected in the manner hereinafter provided; and to
24 determine all rights to credit memoranda or refunds arising on
25 account of the erroneous payment of tax, penalty or interest
26 hereunder. In the administration of and compliance with this

1 paragraph, the Department and persons who are subject to this
2 paragraph shall have the same rights, remedies, privileges,
3 immunities, powers and duties, and be subject to the same
4 conditions, restrictions, limitations, penalties, exclusions,
5 exemptions and definitions of terms and employ the same modes
6 of procedure, as are prescribed in Sections 2 (except the
7 definition of "retailer maintaining a place of business in this
8 State"), 3 through 3-80 (except provisions pertaining to the
9 State rate of tax, and except provisions concerning collection
10 or refunding of the tax by retailers), 4, 11, 12, 12a, 14, 15,
11 19 (except the portions pertaining to claims by retailers and
12 except the last paragraph concerning refunds), 20, 21 and 22 of
13 the Use Tax Act, and are not inconsistent with this paragraph,
14 as fully as if those provisions were set forth herein.

15 Whenever the Department determines that a refund should be
16 made under this paragraph 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 Regional Transportation Authority tax fund
22 established under paragraph (n) of this Section.

23 (h) The Authority may impose a replacement vehicle tax of
24 \$50 on any passenger car as defined in Section 1-157 of the
25 Illinois Vehicle Code purchased within the metropolitan region
26 by or on behalf of an insurance company to replace a passenger

1 car of an insured person in settlement of a total loss claim.
2 The tax imposed may not become effective before the first day
3 of the month following the passage of the ordinance imposing
4 the tax and receipt of a certified copy of the ordinance by the
5 Department of Revenue. The Department of Revenue shall collect
6 the tax for the Authority in accordance with Sections 3-2002
7 and 3-2003 of the Illinois Vehicle Code.

8 The Department shall immediately pay over to the State
9 Treasurer, ex officio, as trustee, all taxes collected
10 hereunder.

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

19 After the monthly transfer to the STAR Bonds Revenue Fund,
20 on or before the 25th day of each calendar month, the
21 Department shall prepare and certify to the Comptroller the
22 disbursement of stated sums of money to the Authority. The
23 amount to be paid to the Authority shall be the amount
24 collected hereunder during the second preceding calendar month
25 by the Department, less any amount determined by the Department
26 to be necessary for the payment of refunds, and less any

1 amounts that are transferred to the STAR Bonds Revenue Fund.
2 Within 10 days after receipt by the Comptroller of the
3 disbursement certification to the Authority provided for in
4 this Section to be given to the Comptroller by the Department,
5 the Comptroller shall cause the orders to be drawn for that
6 amount in accordance with the directions contained in the
7 certification.

8 (i) The Board may not impose any other taxes except as it
9 may from time to time be authorized by law to impose.

10 (j) A certificate of registration issued by the State
11 Department of Revenue to a retailer under the Retailers'
12 Occupation Tax Act or under the Service Occupation Tax Act
13 shall permit the registrant to engage in a business that is
14 taxed under the tax imposed under paragraphs (b), (e), (f) or
15 (g) of this Section and no additional registration shall be
16 required under the tax. A certificate issued under the Use Tax
17 Act or the Service Use Tax Act shall be applicable with regard
18 to any tax imposed under paragraph (c) of this Section.

19 (k) The provisions of any tax imposed under paragraph (c)
20 of this Section shall conform as closely as may be practicable
21 to the provisions of the Use Tax Act, including without
22 limitation conformity as to penalties with respect to the tax
23 imposed and as to the powers of the State Department of Revenue
24 to promulgate and enforce rules and regulations relating to the
25 administration and enforcement of the provisions of the tax
26 imposed. The taxes shall be imposed only on use within the

1 metropolitan region and at rates as provided in the paragraph.

2 (l) The Board in imposing any tax as provided in paragraphs
3 (b) and (c) of this Section, shall, after seeking the advice of
4 the State Department of Revenue, provide means for retailers,
5 users or purchasers of motor fuel for purposes other than those
6 with regard to which the taxes may be imposed as provided in
7 those paragraphs to receive refunds of taxes improperly paid,
8 which provisions may be at variance with the refund provisions
9 as applicable under the Municipal Retailers Occupation Tax Act.
10 The State Department of Revenue may provide for certificates of
11 registration for users or purchasers of motor fuel for purposes
12 other than those with regard to which taxes may be imposed as
13 provided in paragraphs (b) and (c) of this Section to
14 facilitate the reporting and nontaxability of the exempt sales
15 or uses.

16 (m) Any ordinance imposing or discontinuing any tax under
17 this Section shall be adopted and a certified copy thereof
18 filed with the Department on or before June 1, whereupon the
19 Department of Revenue shall proceed to administer and enforce
20 this Section on behalf of the Regional Transportation Authority
21 as of September 1 next following such adoption and filing.
22 Beginning January 1, 1992, an ordinance or resolution imposing
23 or discontinuing the tax hereunder shall be adopted and a
24 certified copy thereof filed with the Department on or before
25 the first day of July, whereupon the Department shall proceed
26 to administer and enforce this Section as of the first day of

1 October next following such adoption and filing. Beginning
2 January 1, 1993, an ordinance or resolution imposing,
3 increasing, decreasing, or discontinuing the tax hereunder
4 shall be adopted and a certified copy thereof filed with the
5 Department, whereupon the Department shall proceed to
6 administer and enforce this Section as of the first day of the
7 first month to occur not less than 60 days following such
8 adoption and filing. Any ordinance or resolution of the
9 Authority imposing a tax under this Section and in effect on
10 August 1, 2007 shall remain in full force and effect and shall
11 be administered by the Department of Revenue under the terms
12 and conditions and rates of tax established by such ordinance
13 or resolution until the Department begins administering and
14 enforcing an increased tax under this Section as authorized by
15 this amendatory Act of the 95th General Assembly. The tax rates
16 authorized by this amendatory Act of the 95th General Assembly
17 are effective only if imposed by ordinance of the Authority.

18 (n) The State Department of Revenue shall, upon collecting
19 any taxes as provided in this Section, pay the taxes over to
20 the State Treasurer as trustee for the Authority. The taxes
21 shall be held in a trust fund outside the State Treasury. On or
22 before the 25th day of each calendar month, the State
23 Department of Revenue shall prepare and certify to the
24 Comptroller of the State of Illinois and to the Authority (i)
25 the amount of taxes collected in each County other than Cook
26 County in the metropolitan region, (ii) the amount of taxes

1 collected within the City of Chicago, and (iii) the amount
2 collected in that portion of Cook County outside of Chicago,
3 each amount less the amount necessary for the payment of
4 refunds to taxpayers located in those areas described in items
5 (i), (ii), and (iii). Within 10 days after receipt by the
6 Comptroller of the certification of the amounts, the
7 Comptroller shall cause an order to be drawn for the payment of
8 two-thirds of the amounts certified in item (i) of this
9 subsection to the Authority and one-third of the amounts
10 certified in item (i) of this subsection to the respective
11 counties other than Cook County and the amount certified in
12 items (ii) and (iii) of this subsection to the Authority.

13 In addition to the disbursement required by the preceding
14 paragraph, an allocation shall be made in July 1991 and each
15 year thereafter to the Regional Transportation Authority. The
16 allocation shall be made in an amount equal to the average
17 monthly distribution during the preceding calendar year
18 (excluding the 2 months of lowest receipts) and the allocation
19 shall include the amount of average monthly distribution from
20 the Regional Transportation Authority Occupation and Use Tax
21 Replacement Fund. The distribution made in July 1992 and each
22 year thereafter under this paragraph and the preceding
23 paragraph shall be reduced by the amount allocated and
24 disbursed under this paragraph in the preceding calendar year.
25 The Department of Revenue shall prepare and certify to the
26 Comptroller for disbursement the allocations made in

1 accordance with this paragraph.

2 (o) Failure to adopt a budget ordinance or otherwise to
3 comply with Section 4.01 of this Act or to adopt a Five-year
4 Capital Program or otherwise to comply with paragraph (b) of
5 Section 2.01 of this Act shall not affect the validity of any
6 tax imposed by the Authority otherwise in conformity with law.

7 (p) At no time shall a public transportation tax or motor
8 vehicle parking tax authorized under paragraphs (b), (c) and
9 (d) of this Section be in effect at the same time as any
10 retailers' occupation, use or service occupation tax
11 authorized under paragraphs (e), (f) and (g) of this Section is
12 in effect.

13 Any taxes imposed under the authority provided in
14 paragraphs (b), (c) and (d) shall remain in effect only until
15 the time as any tax authorized by paragraphs (e), (f) or (g) of
16 this Section are imposed and becomes effective. Once any tax
17 authorized by paragraphs (e), (f) or (g) is imposed the Board
18 may not reimpose taxes as authorized in paragraphs (b), (c) and
19 (d) of the Section unless any tax authorized by paragraphs (e),
20 (f) or (g) of this Section becomes ineffective by means other
21 than an ordinance of the Board.

22 (q) Any existing rights, remedies and obligations
23 (including enforcement by the Regional Transportation
24 Authority) arising under any tax imposed under paragraphs (b),
25 (c) or (d) of this Section shall not be affected by the
26 imposition of a tax under paragraphs (e), (f) or (g) of this

1 Section.

2 (Source: P.A. 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; 97-813,
3 eff. 7-13-12; 98-104, eff. 7-22-13.)

4 Section 45. The Water Commission Act of 1985 is amended by
5 changing Section 4 as follows:

6 (70 ILCS 3720/4) (from Ch. 111 2/3, par. 254)

7 Sec. 4. Taxes.

8 (a) The board of commissioners of any county water
9 commission may, by ordinance, impose throughout the territory
10 of the commission any or all of the taxes provided in this
11 Section for its corporate purposes. However, no county water
12 commission may impose any such tax unless the commission
13 certifies the proposition of imposing the tax to the proper
14 election officials, who shall submit the proposition to the
15 voters residing in the territory at an election in accordance
16 with the general election law, and the proposition has been
17 approved by a majority of those voting on the proposition.

18 The proposition shall be in the form provided in Section 5
19 or shall be substantially in the following form:

20 -----

21 Shall the (insert corporate
22 name of county water commission)
23 impose (state type of tax or
24 taxes to be imposed) at the

YES

NO

1 rate of 1/4%?

2 -----

3 Taxes imposed under this Section and civil penalties
4 imposed incident thereto shall be collected and enforced by the
5 State Department of Revenue. The Department shall have the
6 power to administer and enforce the taxes and to determine all
7 rights for refunds for erroneous payments of the taxes.

8 (b) The board of commissioners may impose a County Water
9 Commission Retailers' Occupation Tax upon all persons engaged
10 in the business of selling tangible personal property at retail
11 in the territory of the commission at a rate of 1/4% of the
12 gross receipts from the sales made in the course of such
13 business within the territory. The tax imposed under this
14 paragraph and all civil penalties that may be assessed as an
15 incident thereof shall be collected and enforced by the State
16 Department of Revenue. The Department shall have full power to
17 administer and enforce this paragraph; to collect all taxes and
18 penalties due hereunder; to dispose of taxes and penalties so
19 collected in the manner hereinafter provided; and to determine
20 all rights to credit memoranda arising on account of the
21 erroneous payment of tax or penalty hereunder. In the
22 administration of, and compliance with, this paragraph, the
23 Department and persons who are subject to this paragraph shall
24 have the same rights, remedies, privileges, immunities, powers
25 and duties, and be subject to the same conditions,
26 restrictions, limitations, penalties, exclusions, exemptions

1 and definitions of terms, and employ the same modes of
2 procedure, as are prescribed in Sections 1, 1a, 1a-1, 1c, 1d,
3 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all provisions
4 therein other than the State rate of tax except that food for
5 human consumption that is to be consumed off the premises where
6 it is sold (other than alcoholic beverages, soft drinks, and
7 food that has been prepared for immediate consumption) and
8 prescription and nonprescription medicine, drugs, medical
9 appliances and insulin, urine testing materials, syringes, and
10 needles used by diabetics, for human use, shall not be subject
11 to tax hereunder), 2c, 3 (except as to the disposition of taxes
12 and penalties collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h,
13 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 12 and 13 of the
14 Retailers' Occupation Tax Act and Section 3-7 of the Uniform
15 Penalty and Interest Act, as fully as if those provisions were
16 set forth herein.

17 Persons subject to any tax imposed under the authority
18 granted in this paragraph may reimburse themselves for their
19 seller's tax liability hereunder by separately stating the tax
20 as an additional charge, which charge may be stated in
21 combination, in a single amount, with State taxes that sellers
22 are required to collect under the Use Tax Act and under
23 subsection (e) of Section 4.03 of the Regional Transportation
24 Authority Act, in accordance with such bracket schedules as the
25 Department may prescribe.

26 Whenever the Department determines that a refund should be

1 made under this paragraph to a claimant instead of issuing a
2 credit memorandum, the Department shall notify the State
3 Comptroller, who shall cause the warrant to be drawn for the
4 amount specified, and to the person named, in the notification
5 from the Department. The refund shall be paid by the State
6 Treasurer out of a county water commission tax fund established
7 under paragraph (g) of this Section.

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

17 Notwithstanding any other provision of law, for the purpose
18 of determining whether a tax authorized under this Section is
19 applicable, a retail sale of fuel or petroleum products used by
20 an aircraft shall be deemed to be a retail sale at the place
21 where the fuel or petroleum products are delivered to the
22 aircraft.

23 If a tax is imposed under this subsection (b) a tax shall
24 also be imposed under subsections (c) and (d) of this Section.

25 No tax shall be imposed or collected under this subsection
26 on the sale of a motor vehicle in this State to a resident of

1 another state if that motor vehicle will not be titled in this
2 State.

3 Nothing in this paragraph shall be construed to authorize a
4 county water commission to impose a tax upon the privilege of
5 engaging in any business which under the Constitution of the
6 United States may not be made the subject of taxation by this
7 State.

8 (c) If a tax has been imposed under subsection (b), a
9 County Water Commission Service Occupation Tax shall also be
10 imposed upon all persons engaged, in the territory of the
11 commission, in the business of making sales of service, who, as
12 an incident to making the sales of service, transfer tangible
13 personal property within the territory. The tax rate shall be
14 1/4% of the selling price of tangible personal property so
15 transferred within the territory. The tax imposed under this
16 paragraph and all civil penalties that may be assessed as an
17 incident thereof shall be collected and enforced by the State
18 Department of Revenue. The Department shall have full power to
19 administer and enforce this paragraph; to collect all taxes and
20 penalties due hereunder; to dispose of taxes and penalties so
21 collected in the manner hereinafter provided; and to determine
22 all rights to credit memoranda arising on account of the
23 erroneous payment of tax or penalty hereunder. In the
24 administration of, and compliance with, this paragraph, the
25 Department and persons who are subject to this paragraph shall
26 have the same rights, remedies, privileges, immunities, powers

1 and duties, and be subject to the same conditions,
2 restrictions, limitations, penalties, exclusions, exemptions
3 and definitions of terms, and employ the same modes of
4 procedure, as are prescribed in Sections 1a-1, 2 (except that
5 the reference to State in the definition of supplier
6 maintaining a place of business in this State shall mean the
7 territory of the commission), 2a, 3 through 3-50 (in respect to
8 all provisions therein other than the State rate of tax except
9 that food for human consumption that is to be consumed off the
10 premises where it is sold (other than alcoholic beverages, soft
11 drinks, and food that has been prepared for immediate
12 consumption) and prescription and nonprescription medicines,
13 drugs, medical appliances and insulin, urine testing
14 materials, syringes, and needles used by diabetics, for human
15 use, shall not be subject to tax hereunder), 4 (except that the
16 reference to the State shall be to the territory of the
17 commission), 5, 7, 8 (except that the jurisdiction to which the
18 tax shall be a debt to the extent indicated in that Section 8
19 shall be the commission), 9 (except as to the disposition of
20 taxes and penalties collected and except that the returned
21 merchandise credit for this tax may not be taken against any
22 State tax), 10, 11, 12 (except the reference therein to Section
23 2b of the Retailers' Occupation Tax Act), 13 (except that any
24 reference to the State shall mean the territory of the
25 commission), the first paragraph of Section 15, 15.5, 16, 17,
26 18, 19 and 20 of the Service Occupation Tax Act as fully as if

1 those provisions were set forth herein.

2 Persons subject to any tax imposed under the authority
3 granted in this paragraph may reimburse themselves for their
4 serviceman's tax liability hereunder by separately stating the
5 tax as an additional charge, which charge may be stated in
6 combination, in a single amount, with State tax that servicemen
7 are authorized to collect under the Service Use Tax Act, and
8 any tax for which servicemen may be liable under subsection (f)
9 of Sec. 4.03 of the Regional Transportation Authority Act, in
10 accordance with such bracket schedules as the Department may
11 prescribe.

12 Whenever the Department determines that a refund should be
13 made under this paragraph to a claimant instead of issuing a
14 credit memorandum, the Department shall notify the State
15 Comptroller, who shall cause the warrant to be drawn for the
16 amount specified, and to the person named, in the notification
17 from the Department. The refund shall be paid by the State
18 Treasurer out of a county water commission tax fund established
19 under paragraph (g) of this Section.

20 Nothing in this paragraph shall be construed to authorize a
21 county water commission to impose a tax upon the privilege of
22 engaging in any business which under the Constitution of the
23 United States may not be made the subject of taxation by the
24 State.

25 (d) If a tax has been imposed under subsection (b), a tax
26 shall also imposed upon the privilege of using, in the

1 territory of the commission, any item of tangible personal
2 property that is purchased outside the territory at retail from
3 a retailer, and that is titled or registered with an agency of
4 this State's government, at a rate of 1/4% of the selling price
5 of the tangible personal property within the territory, as
6 "selling price" is defined in the Use Tax Act. The tax shall be
7 collected from persons whose Illinois address for titling or
8 registration purposes is given as being in the territory. The
9 tax shall be collected by the Department of Revenue for a
10 county water commission. The tax must be paid to the State, or
11 an exemption determination must be obtained from the Department
12 of Revenue, before the title or certificate of registration for
13 the property may be issued. The tax or proof of exemption may
14 be transmitted to the Department by way of the State agency
15 with which, or the State officer with whom, the tangible
16 personal property must be titled or registered if the
17 Department and the State agency or State officer determine that
18 this procedure will expedite the processing of applications for
19 title or registration.

20 The Department shall have full power to administer and
21 enforce this paragraph; to collect all taxes, penalties and
22 interest due hereunder; to dispose of taxes, penalties and
23 interest so collected in the manner hereinafter provided; and
24 to determine all rights to credit memoranda or refunds arising
25 on account of the erroneous payment of tax, penalty or interest
26 hereunder. In the administration of, and compliance with this

1 paragraph, the Department and persons who are subject to this
2 paragraph shall have the same rights, remedies, privileges,
3 immunities, powers and duties, and be subject to the same
4 conditions, restrictions, limitations, penalties, exclusions,
5 exemptions and definitions of terms and employ the same modes
6 of procedure, as are prescribed in Sections 2 (except the
7 definition of "retailer maintaining a place of business in this
8 State"), 3 through 3-80 (except provisions pertaining to the
9 State rate of tax, and except provisions concerning collection
10 or refunding of the tax by retailers, and except that food for
11 human consumption that is to be consumed off the premises where
12 it is sold (other than alcoholic beverages, soft drinks, and
13 food that has been prepared for immediate consumption) and
14 prescription and nonprescription medicines, drugs, medical
15 appliances and insulin, urine testing materials, syringes, and
16 needles used by diabetics, for human use, shall not be subject
17 to tax hereunder), 4, 11, 12, 12a, 14, 15, 19 (except the
18 portions pertaining to claims by retailers and except the last
19 paragraph concerning refunds), 20, 21 and 22 of the Use Tax Act
20 and Section 3-7 of the Uniform Penalty and Interest Act that
21 are not inconsistent with this paragraph, as fully as if those
22 provisions were set forth herein.

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 order 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 a county water commission tax fund established
4 under paragraph (g) of this Section.

5 (e) A certificate of registration issued by the State
6 Department of Revenue to a retailer under the Retailers'
7 Occupation Tax Act or under the Service Occupation Tax Act
8 shall permit the registrant to engage in a business that is
9 taxed under the tax imposed under paragraphs (b), (c) or (d) of
10 this Section and no additional registration shall be required
11 under the tax. A certificate issued under the Use Tax Act or
12 the Service Use Tax Act shall be applicable with regard to any
13 tax imposed under paragraph (c) of this Section.

14 (f) Any ordinance imposing or discontinuing any tax under
15 this Section shall be adopted and a certified copy thereof
16 filed with the Department on or before June 1, whereupon the
17 Department of Revenue shall proceed to administer and enforce
18 this Section on behalf of the county water commission as of
19 September 1 next following the adoption and filing. Beginning
20 January 1, 1992, an ordinance or resolution imposing or
21 discontinuing the tax hereunder shall be adopted and a
22 certified copy thereof filed with the Department on or before
23 the first day of July, whereupon the Department shall proceed
24 to administer and enforce this Section as of the first day of
25 October next following such adoption and filing. Beginning
26 January 1, 1993, an ordinance or resolution imposing or

1 discontinuing the tax hereunder shall be adopted and a
2 certified copy thereof filed with the Department on or before
3 the first day of October, whereupon the Department shall
4 proceed to administer and enforce this Section as of the first
5 day of January next following such adoption and filing.

6 (g) The State Department of Revenue shall, upon collecting
7 any taxes as provided in this Section, pay the taxes over to
8 the State Treasurer as trustee for the commission. The taxes
9 shall be held in a trust fund outside the State Treasury.

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

18 After the monthly transfer to the STAR Bonds Revenue Fund,
19 on or before the 25th day of each calendar month, the State
20 Department of Revenue shall prepare and certify to the
21 Comptroller of the State of Illinois the amount to be paid to
22 the commission, which shall be the amount (not including credit
23 memoranda) collected under this Section during the second
24 preceding calendar month by the Department plus an amount the
25 Department determines is necessary to offset any amounts that
26 were erroneously paid to a different taxing body, and not

1 including any amount equal to the amount of refunds made during
2 the second preceding calendar month by the Department on behalf
3 of the commission, 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 commission, and less any amounts that are
7 transferred to the STAR Bonds Revenue Fund. Within 10 days
8 after receipt by the Comptroller of the certification of the
9 amount to be paid to the commission, the Comptroller shall
10 cause an order to be drawn for the payment for the amount in
11 accordance with the direction in the certification.

12 (h) Beginning June 1, 2016, any tax imposed pursuant to
13 this Section may no longer be imposed or collected, unless a
14 continuation of the tax is approved by the voters at a
15 referendum as set forth in this Section.

16 (Source: P.A. 97-333, eff. 8-12-11; 98-298, eff. 8-9-13.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.