



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4905

by Rep. Michael P. McAuliffe

SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-1009

from Ch. 34, par. 5-1009

65 ILCS 5/8-11-6a

from Ch. 24, par. 8-11-6a

Amends the Counties Code and Illinois Municipal Code. Prohibits specified county and municipal taxes based on the (i) selling or purchase price, gross receipts, or weight or volume from the use, sale, or purchase of tangible personal property; or (ii) number of units of tangible personal property (currently, prohibits taxes based on the use, sale, or purchase of tangible personal property based on the gross receipts from such sales or the selling or purchase price of said tangible personal property).

LRB100 17869 AWJ 33053 b

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

1 AN ACT concerning local government.

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

4 Section 5. The Counties Code is amended by changing Section
5 5-1009 as follows:

6 (55 ILCS 5/5-1009) (from Ch. 34, par. 5-1009)

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

1 the sale or transfer of real property; (5) a tax, however
2 measured, on lease receipts; (6) a tax on food prepared for
3 immediate consumption and on alcoholic beverages sold by a
4 business which provides for on premise consumption of said food
5 or alcoholic beverages; or (7) other taxes not based on the (i)
6 selling or purchase price, ~~or~~ gross receipts, or weight or
7 volume from the use, sale, or purchase of tangible personal
8 property; or (ii) number of units of tangible personal
9 property. This Section does not preempt a home rule county from
10 imposing a tax, however measured, on the use, for
11 consideration, of a parking lot, garage, or other parking
12 facility. This Section is a limitation, pursuant to subsection
13 (g) of Section 6 of Article VII of the Illinois Constitution,
14 on the power of home rule units to tax.

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

16 Section 10. The Illinois Municipal Code is amended by
17 changing Section 8-11-6a as follows:

18 (65 ILCS 5/8-11-6a) (from Ch. 24, par. 8-11-6a)

19 Sec. 8-11-6a. Home rule municipalities; preemption of
20 certain taxes. Except as provided in Sections 8-11-1, 8-11-5,
21 8-11-6, 8-11-6b, 8-11-6c, and 11-74.3-6 on and after September
22 1, 1990, no home rule municipality has the authority to impose,
23 pursuant to its home rule authority, a retailer's occupation
24 tax, service occupation tax, use tax, sales tax or other tax ~~on~~

1 ~~the use, sale or purchase of tangible personal property~~ based
2 on the (i) selling or purchase price, the gross receipts, or
3 weight or volume from the use, sale, or purchase from such
4 ~~sales or the selling or purchase price of said tangible~~
5 ~~personal property; or (ii) number of units of tangible personal~~
6 property. Notwithstanding the foregoing, this Section does not
7 preempt any home rule imposed tax such as the following: (1) a
8 tax on alcoholic beverages, whether based on gross receipts,
9 volume sold or any other measurement; (2) a tax based on the
10 number of units of cigarettes or tobacco products (provided,
11 however, that a home rule municipality that has not imposed a
12 tax based on the number of units of cigarettes or tobacco
13 products before July 1, 1993, shall not impose such a tax after
14 that date); (3) a tax, however measured, based on the use of a
15 hotel or motel room or similar facility; (4) a tax, however
16 measured, on the sale or transfer of real property; (5) a tax,
17 however measured, on lease receipts; (6) a tax on food prepared
18 for immediate consumption and on alcoholic beverages sold by a
19 business which provides for on premise consumption of said food
20 or alcoholic beverages; or (7) other taxes not based on the (i)
21 selling or purchase price, or gross receipts, or weight or
22 volume from the use, sale, or purchase of tangible personal
23 property; or (ii) number of units of tangible personal
24 property. This Section does not preempt a home rule
25 municipality with a population of more than 2,000,000 from
26 imposing a tax, however measured, on the use, for

1 consideration, of a parking lot, garage, or other parking
2 facility. This Section is not intended to affect any existing
3 tax on food and beverages prepared for immediate consumption on
4 the premises where the sale occurs, or any existing tax on
5 alcoholic beverages, or any existing tax imposed on the charge
6 for renting a hotel or motel room, which was in effect January
7 15, 1988, or any extension of the effective date of such an
8 existing tax by ordinance of the municipality imposing the tax,
9 which extension is hereby authorized, in any non-home rule
10 municipality in which the imposition of such a tax has been
11 upheld by judicial determination, nor is this Section intended
12 to preempt the authority granted by Public Act 85-1006. This
13 Section is a limitation, pursuant to subsection (g) of Section
14 6 of Article VII of the Illinois Constitution, on the power of
15 home rule units to tax.

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