



Rep. Michael J. Zalewski

**Filed: 4/9/2019**

10100HB0102ham002

LRB101 02984 TAE 59489 a

1 AMENDMENT TO HOUSE BILL 102

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 102, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Illinois Municipal Code is amended by  
6 adding Section 8-11-2.3 as follows:

7 (65 ILCS 5/8-11-2.3 new)

8 Sec. 8-11-2.3. Motor fuel tax. Notwithstanding any other  
9 provision of law, in addition to any other tax that may be  
10 imposed, if a municipality adopts a responsible bid ordinance  
11 that is approved by the Department of Transportation, then the  
12 municipality may also impose, by ordinance, a tax on motor fuel  
13 at a rate not to exceed \$0.03 per gallon. To be approved by the  
14 Department pursuant to this Section, any responsible bid  
15 ordinance must, at a minimum, require that bidders present  
16 satisfactory evidence of compliance with the following:

1           (1) The bidder must comply with all applicable laws  
2           concerning the bidder's entitlement to conduct business in  
3           Illinois.

4           (2) The bidder must comply with all applicable  
5           provisions of the Prevailing Wage Act.

6           (3) The bidder must comply with Subchapter VI ("Equal  
7           Employment Opportunities") of Chapter 21 of Title 42 of the  
8           United States Code (42 U.S.C. 2000e and following) and with  
9           Federal Executive Order No. 11246 as amended by Executive  
10           Order No. 11375.

11           (4) The bidder must have a valid Federal Employer  
12           Identification Number or, if an individual, a valid Social  
13           Security Number.

14           (5) The bidder must have a valid certificate of  
15           insurance showing the following coverages: general  
16           liability, professional liability, product liability,  
17           workers' compensation, completed operations, hazardous  
18           occupation, and automobile.

19           (6) The bidder and all bidder's subcontractors must  
20           participate in applicable apprenticeship and training  
21           programs approved by and registered with the United States  
22           Department of Labor's Bureau of Apprenticeship and  
23           Training.

24           (7) The bidder must certify that the bidder will  
25           maintain an Illinois office as the primary place of  
26           employment for persons employed in the construction

1 authorized by the contract.

2 Upon approval, the Department of Transportation shall  
3 certify the responsible bid ordinance to the Department of  
4 Revenue. The Department of Revenue shall administer and enforce  
5 the motor fuel tax on and after the first day of January next  
6 following the adoption of the motor fuel tax ordinance. The  
7 Department of Revenue shall adopt rules for the implementation  
8 and administration of the motor fuel tax.

9 A license that is issued to a distributor or a receiver  
10 under the Motor Fuel Tax Law shall permit that distributor or  
11 receiver to act as a distributor or receiver, as applicable,  
12 under this Section. The provisions of Sections 2b, 2d, 6, 6a,  
13 12, 12a, 13, 13a.2, 13a.7, 13a.8, 15.1, and 21 of the Motor  
14 Fuel Tax Law that are not inconsistent with this Section shall  
15 apply as far as practicable to the subject matter of this  
16 Section to the same extent as if those provisions were included  
17 in this Section.

18 The Department shall immediately pay over to the State  
19 Treasurer, ex officio, as trustee, all taxes and penalties  
20 collected under this Section. Those taxes and penalties shall  
21 be deposited into the Municipal Motor Fuel Tax Fund, a trust  
22 fund created in the State treasury. Moneys in the Municipal  
23 Motor Fuel Tax Fund shall be used to make payments to  
24 municipalities and for the payment of refunds under this  
25 Section. The amount to be paid to each municipality shall be  
26 the amount (not including credit memoranda) collected by the

1 Department from the tax imposed by that municipality under this  
2 Section during the second preceding calendar month, plus an  
3 amount the Department determines is necessary to offset amounts  
4 that were erroneously paid to a different municipality, and not  
5 including an amount equal to the amount of refunds made during  
6 the second preceding calendar month by the Department on behalf  
7 of the municipality, and not including any amount that the  
8 Department determines is necessary to offset any amounts that  
9 were payable to a different municipality but were erroneously  
10 paid to the municipality, less 1.5% of the remainder, which the  
11 Department shall transfer into the Tax Compliance and  
12 Administration Fund. The Department, at the time of each  
13 monthly disbursement, shall prepare and certify to the State  
14 Comptroller the amount to be transferred into the Tax  
15 Compliance and Administration Fund under this Section. Within  
16 10 days after receipt by the Comptroller of the disbursement  
17 certification to the municipalities and the Tax Compliance and  
18 Administration Fund provided for in this Section to be given to  
19 the Comptroller by the Department, the Comptroller shall cause  
20 the orders to be drawn for the respective amounts in accordance  
21 with the directions contained in the certification.

22 Section 99. Effective date. This Act takes effect January  
23 1, 2020."