



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB0270

by Rep. Mike Murphy - Linda Chapa LaVia

SYNOPSIS AS INTRODUCED:

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	
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	
65 ILCS 5/8-11-6	from Ch. 24, par. 8-11-6
70 ILCS 750/25	
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

Amends the Retailers' Occupation Tax Act. Provides that if a purchaser makes payment over the phone, in writing, or via the Internet, and the property is delivered to a location in this State, then the sale shall be sourced to the location where the property is delivered. Provides that the sale shall be deemed to have occurred at the customer's address if the property is delivered and the delivery location is unknown. Amends the Counties Code, the Illinois Municipal Code, the Flood Prevention District Act, the Local Mass Transit District Act, and the Regional Transportation Authority Act. Provides that a unit of local government may require a retailer to collect and remit certain use and occupation taxes if the retailer qualifies as a "retailer maintaining a place of business in this State" under certain provisions of the Use Tax Act.

LRB101 05409 HLH 50423 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 3. The Retailers' Occupation Tax Act is amended by
5 changing Section 2-12 as follows:

6 (35 ILCS 120/2-12)

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

21 (1) If a purchaser who is present at the retailer's
22 place of business, having no prior commitment to the
23 retailer, agrees to purchase and makes payment for tangible

1 personal property at the retailer's place of business, then
2 the transaction shall be deemed an over-the-counter sale
3 occurring at the retailer's same place of business where
4 the purchaser was present and made payment for that
5 tangible personal property if the retailer regularly
6 stocks the purchased tangible personal property or similar
7 tangible personal property in the quantity, or similar
8 quantity, for sale at the retailer's same place of business
9 and then either (i) the purchaser takes possession of the
10 tangible personal property at the same place of business or
11 (ii) the retailer delivers or arranges for the tangible
12 personal property to be delivered to the purchaser.

13 (2) If a purchaser, having no prior commitment to the
14 retailer, agrees to purchase tangible personal property
15 and makes payment over the phone, in writing, or via the
16 Internet and takes possession of the tangible personal
17 property at the retailer's place of business, then the sale
18 shall be deemed to have occurred at the retailer's place of
19 business where the purchaser takes possession of the
20 property if the retailer regularly stocks the item or
21 similar items in the quantity, or similar quantities,
22 purchased by the purchaser.

23 (2.1) If a purchaser, having no prior commitment to the
24 retailer, agrees to purchase tangible personal property
25 and makes payment over the phone, in writing, or via the
26 Internet and the property is delivered to the purchaser or

1 to a third party at a location in this State, then the sale
2 shall be deemed to have occurred at the location where the
3 property is delivered. If such a product is delivered, but
4 the delivery address is unknown, then the sale shall be
5 deemed to have occurred at the customer's address.

6 (3) A retailer is deemed to be engaged in the business
7 of selling food, beverages, or other tangible personal
8 property through a vending machine at the location where
9 the vending machine is located at the time the sale is made
10 if (i) the vending machine is a device operated by coin,
11 currency, credit card, token, coupon or similar device; (2)
12 the food, beverage or other tangible personal property is
13 contained within the vending machine and dispensed from the
14 vending machine; and (3) the purchaser takes possession of
15 the purchased food, beverage or other tangible personal
16 property immediately.

17 (4) Minerals. A producer of coal or other mineral mined
18 in Illinois is deemed to be engaged in the business of
19 selling at the place where the coal or other mineral mined
20 in Illinois is extracted from the earth. With respect to
21 minerals (i) the term "extracted from the earth" means the
22 location at which the coal or other mineral is extracted
23 from the mouth of the mine, and (ii) a "mineral" includes
24 not only coal, but also oil, sand, stone taken from a
25 quarry, gravel and any other thing commonly regarded as a
26 mineral and extracted from the earth. This paragraph does

1 not apply to coal or another mineral when it is delivered
2 or shipped by the seller to the purchaser at a point
3 outside Illinois so that the sale is exempt under the
4 United States Constitution as a sale in interstate or
5 foreign commerce.

6 (5) A retailer selling tangible personal property to a
7 nominal lessee or bailee pursuant to a lease with a dollar
8 or other nominal option to purchase is engaged in the
9 business of selling at the location where the property is
10 first delivered to the lessee or bailee for its intended
11 use.

12 (Source: P.A. 98-1098, eff. 8-26-14; 99-126, eff. 7-23-15.)

13 Section 5. The Counties Code is amended by changing
14 Sections 5-1006, 5-1006.5, and 5-1006.7 as follows:

15 (55 ILCS 5/5-1006) (from Ch. 34, par. 5-1006)

16 Sec. 5-1006. Home Rule County Retailers' Occupation Tax
17 Law. Any county that is a home rule unit may impose a tax upon
18 all persons engaged in the business of selling tangible
19 personal property, other than an item of tangible personal
20 property titled or registered with an agency of this State's
21 government, at retail in the county on the gross receipts from
22 such sales made in the county in the course of their business.
23 If imposed, this tax shall only be imposed in 1/4% increments.
24 On and after September 1, 1991, this additional tax may not be

1 imposed on the sales of food for human consumption which is to
2 be consumed off the premises where it is sold (other than
3 alcoholic beverages, soft drinks and food which has been
4 prepared for immediate consumption) and prescription and
5 nonprescription medicines, drugs, medical appliances and
6 insulin, urine testing materials, syringes and needles used by
7 diabetics. The tax imposed by a home rule county pursuant to
8 this Section and all civil penalties that may be assessed as an
9 incident thereof shall be collected and enforced by the State
10 Department of Revenue. Subject to the limitations set forth in
11 this Code, the county may require a retailer to collect and
12 remit a tax imposed under this Section if the retailer
13 qualifies as a "retailer maintaining a place of business in
14 this State" under Section 2 of the Use Tax Act. The certificate
15 of registration that is issued by the Department to a retailer
16 under the Retailers' Occupation Tax Act shall permit the
17 retailer to engage in a business that is taxable under any
18 ordinance or resolution enacted pursuant to this Section
19 without registering separately with the Department under such
20 ordinance or resolution or under this Section. The Department
21 shall have full power to administer and enforce this Section;
22 to collect all taxes and penalties due hereunder; to dispose of
23 taxes and penalties so collected in the manner hereinafter
24 provided; and to determine all rights to credit memoranda
25 arising on account of the erroneous payment of tax or penalty
26 hereunder. In the administration of, and compliance with, this

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

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

16 Persons subject to any tax imposed pursuant to the
17 authority granted in this Section may reimburse themselves for
18 their seller's tax liability hereunder by separately stating
19 such tax as an additional charge, which charge may be stated in
20 combination, in a single amount, with State tax which sellers
21 are required to collect under the Use Tax Act, pursuant to such
22 bracket 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 home rule county retailers' occupation tax
4 fund.

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

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 under this Section
14 during the second preceding calendar month for sales within a
15 STAR bond district.

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

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

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

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

10 A sale is deemed to have occurred in a county if the
11 retailer is engaged in the business of selling tangible
12 personal property in that county with respect to that sale, as
13 provided in Section 2-12 of the Retailers' Occupation Tax Act.
14 ~~For the purpose of determining the local governmental unit~~
15 ~~whose tax is applicable, a retail sale by a producer of coal or~~
16 ~~other mineral mined in Illinois is a sale at retail at the~~
17 ~~place where the coal or other mineral mined in Illinois is~~
18 ~~extracted from the earth. This paragraph does not apply to coal~~
19 ~~or other mineral when it is delivered or shipped by the seller~~
20 ~~to the purchaser at a point outside Illinois so that the sale~~
21 ~~is exempt under the United States Constitution as a sale in~~
22 ~~interstate or foreign commerce.~~

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

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

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

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

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

13 (Source: P.A. 99-217, eff. 7-31-15; 100-23, eff. 7-6-17;
14 100-587, eff. 6-4-18.)

15 (55 ILCS 5/5-1006.5)

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

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

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

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

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

26 (1) The proposition for public safety purposes shall be

1 in substantially the following form:

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

5 As additional information on the ballot below the
6 question shall appear the following:

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

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

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

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

22 "This would mean that a consumer would pay an
23 additional (insert amount) in sales tax for every \$100 of
24 tangible personal property bought at retail. If imposed,
25 the additional tax would cease being collected at the end
26 of (insert number of years), if not terminated earlier by a

1 vote of the county board."

2 For the purposes of the paragraph, "public safety
3 purposes" means crime prevention, detention, fire
4 fighting, police, medical, ambulance, or other emergency
5 services.

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

7 Beginning on the January 1 or July 1, whichever is
8 first, that occurs not less than 30 days after May 31, 2015
9 (the effective date of Public Act 99-4), Adams County may
10 impose a public safety retailers' occupation tax and
11 service occupation tax at the rate of 0.25%, as provided in
12 the referendum approved by the voters on April 7, 2015,
13 notwithstanding the omission of the additional information
14 that is otherwise required to be printed on the ballot
15 below the question pursuant to this item (1).

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

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

22 As additional information on the ballot below the
23 question shall appear the following:

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

1 The county board may also opt to establish a sunset
2 provision at which time the additional sales tax would
3 cease being collected, if not terminated earlier by a vote
4 of the county board. If the county board votes to include a
5 sunset provision, the proposition for transportation
6 purposes shall be in substantially the following form:

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

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

19 For the purposes of this paragraph, transportation
20 purposes means construction, maintenance, operation, and
21 improvement of public highways, any other purpose for which
22 a county may expend funds under the Illinois Highway Code,
23 and passenger rail transportation.

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

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

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

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

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

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

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

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

1 For purposes of this Section, "public facilities
2 purposes" means the acquisition, development,
3 construction, reconstruction, rehabilitation, improvement,
4 financing, architectural planning, and installation of
5 capital facilities consisting of buildings, structures,
6 and durable equipment and for the acquisition and
7 improvement of real property and interest in real property
8 required, or expected to be required, in connection with
9 the public facilities, for use by the county for the
10 furnishing of governmental services to its citizens,
11 including but not limited to museums and nursing homes.

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

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

17 Subject to the limitations set forth in this Code, the
18 county may require a retailer to collect and remit a tax
19 imposed under this Section if the retailer qualifies as a
20 "retailer maintaining a place of business in this State" under
21 Section 2 of the Use Tax Act. This additional tax may not be
22 imposed on the sales of food for human consumption that is to
23 be consumed off the premises where it is sold (other than
24 alcoholic beverages, soft drinks, and food which has been
25 prepared for immediate consumption) and prescription and
26 non-prescription medicines, drugs, medical appliances and

1 insulin, urine testing materials, syringes, and needles used by
2 diabetics. The tax imposed by a county under this Section and
3 all civil penalties that may be assessed as an incident of the
4 tax shall be collected and enforced by the Illinois Department
5 of Revenue and deposited into a special fund created for that
6 purpose. The certificate of registration that is issued by the
7 Department to a retailer under the Retailers' Occupation Tax
8 Act shall permit the retailer to engage in a business that is
9 taxable without registering separately with the Department
10 under an ordinance or resolution under this Section. The
11 Department has full power to administer and enforce this
12 Section, to collect all taxes and penalties due under this
13 Section, to dispose of taxes and penalties so collected in the
14 manner provided in this Section, and to determine all rights to
15 credit memoranda arising on account of the erroneous payment of
16 a tax or penalty under this Section. In the administration of
17 and compliance with this Section, the Department and persons
18 who are subject to this Section shall (i) have the same rights,
19 remedies, privileges, immunities, powers, and duties, (ii) be
20 subject to the same conditions, restrictions, limitations,
21 penalties, and definitions of terms, and (iii) employ the same
22 modes of procedure as are prescribed in Sections 1, 1a, 1a-1,
23 1d, 1e, 1f, 1i, 1j, 1k, 1m, 1n, 2 through 2-70 (in respect to
24 all provisions contained in those Sections other than the State
25 rate of tax), 2a, 2b, 2c, 3 (except provisions relating to
26 transaction returns and quarter monthly payments), 4, 5, 5a,

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

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

12 Whenever the Department determines that a refund should be
13 made under this Section to a claimant instead of issuing a
14 credit memorandum, the Department shall notify the State
15 Comptroller, who shall cause the order 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 the County Public Safety or Transportation
19 Retailers' Occupation Tax Fund.

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

1 to be consumed off the premises where it is sold (other than
2 alcoholic beverages, soft drinks, and food prepared for
3 immediate consumption) and prescription and non-prescription
4 medicines, drugs, medical appliances and insulin, urine
5 testing materials, syringes, and needles used by diabetics. The
6 tax imposed under this subsection and all civil penalties that
7 may be assessed as an incident thereof shall be collected and
8 enforced by the Department of Revenue. The Department has full
9 power to administer and enforce this subsection; to collect all
10 taxes and penalties due hereunder; to dispose of taxes and
11 penalties so collected in the manner hereinafter provided; and
12 to determine all rights to credit memoranda arising on account
13 of the erroneous payment of tax or penalty hereunder. In the
14 administration of, and compliance with this subsection, the
15 Department and persons who are subject to this paragraph shall
16 (i) have the same rights, remedies, privileges, immunities,
17 powers, and duties, (ii) be subject to the same conditions,
18 restrictions, limitations, penalties, exclusions, exemptions,
19 and definitions of terms, and (iii) employ the same modes of
20 procedure as are prescribed in Sections 2 (except that the
21 reference to State in the definition of supplier maintaining a
22 place of business in this State shall mean the county), 2a, 2b,
23 2c, 3 through 3-50 (in respect to all provisions therein other
24 than the State rate of tax), 4 (except that the reference to
25 the State shall be to the county), 5, 7, 8 (except that the
26 jurisdiction to which the tax shall be a debt to the extent

1 indicated in that Section 8 shall be the county), 9 (except as
2 to the disposition of taxes and penalties collected), 10, 11,
3 12 (except the reference therein to Section 2b of the
4 Retailers' Occupation Tax Act), 13 (except that any reference
5 to the State shall mean the county), Section 15, 16, 17, 18, 19
6 and 20 of the Service Occupation Tax Act and Section 3-7 of the
7 Uniform Penalty and Interest Act, as fully as if those
8 provisions were set forth herein.

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

17 Whenever the Department determines that a refund should be
18 made under this subsection 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 County Public Safety or Transportation
24 Retailers' Occupation Fund.

25 Nothing in this subsection shall be construed to authorize
26 the county to impose a tax upon the privilege of engaging in

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

3 (c) 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 County
6 Public Safety or Transportation Retailers' Occupation Tax
7 Fund, which shall be an unappropriated trust fund held outside
8 of the State treasury.

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

17 After the monthly transfer to the STAR Bonds Revenue Fund,
18 on or before the 25th day of each calendar month, the
19 Department shall prepare and certify to the Comptroller the
20 disbursement of stated sums of money to the counties from which
21 retailers have paid taxes or penalties to the Department during
22 the second preceding calendar month. The amount to be paid to
23 each county, and deposited by the county into its special fund
24 created for the purposes of this Section, shall be the amount
25 (not including credit memoranda) collected under this Section
26 during the second preceding calendar month by the Department

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

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

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

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

16 (d) A sale is deemed to have occurred in a county if the
17 retailer is engaged in the business of selling tangible
18 personal property in that county with respect to that sale, as
19 provided in Section 2-12 of the Retailers' Occupation Tax Act.
20 ~~For the purpose of determining the local governmental unit~~
21 ~~whose tax is applicable, a retail sale by a producer of coal or~~
22 ~~another mineral mined in Illinois is a sale at retail at the~~
23 ~~place where the coal or other mineral mined in Illinois is~~
24 ~~extracted from the earth. This paragraph does not apply to coal~~
25 ~~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 (e) Nothing in this Section shall be construed to authorize
4 a county to impose a tax upon the privilege of engaging in any
5 business that under the Constitution of the United States may
6 not be made the subject of taxation by this State.

7 (e-5) If a county imposes a tax under this Section, the
8 county board may, by ordinance, discontinue or lower the rate
9 of the tax. If the county board lowers the tax rate or
10 discontinues the tax, a referendum must be held in accordance
11 with subsection (a) of this Section in order to increase the
12 rate of the tax or to reimpose the discontinued tax.

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

25 Beginning January 1, 2014, the results of any election
26 authorizing a proposition to impose a tax under this Section or

1 effecting an increase in the rate of tax, along with the
2 ordinance adopted to impose the tax or increase the rate of the
3 tax, or any ordinance adopted to lower the rate or discontinue
4 the tax, shall be certified by the county clerk and filed with
5 the Illinois Department of Revenue either (i) on or before the
6 first day of May, whereupon the Department shall proceed to
7 administer and enforce the tax as of the first day of July next
8 following the adoption and filing; or (ii) on or before the
9 first day of October, whereupon the Department shall proceed to
10 administer and enforce the tax as of the first day of January
11 next following the adoption and filing.

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

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

21 (i) For purposes of this Section, "public safety" includes,
22 but is not limited to, crime prevention, detention, fire
23 fighting, police, medical, ambulance, or other emergency
24 services. The county may share tax proceeds received under this
25 Section for public safety purposes, including proceeds
26 received before August 4, 2009 (the effective date of Public

1 Act 96-124), with any fire protection district located in the
2 county. For the purposes of this Section, "transportation"
3 includes, but is not limited to, the construction, maintenance,
4 operation, and improvement of public highways, any other
5 purpose for which a county may expend funds under the Illinois
6 Highway Code, and passenger rail transportation. For the
7 purposes of this Section, "public facilities purposes"
8 includes, but is not limited to, the acquisition, development,
9 construction, reconstruction, rehabilitation, improvement,
10 financing, architectural planning, and installation of capital
11 facilities consisting of buildings, structures, and durable
12 equipment and for the acquisition and improvement of real
13 property and interest in real property required, or expected to
14 be required, in connection with the public facilities, for use
15 by the county for the furnishing of governmental services to
16 its citizens, including but not limited to museums and nursing
17 homes.

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

22 (Source: P.A. 99-4, eff. 5-31-15; 99-217, eff. 7-31-15; 99-642,
23 eff. 7-28-16; 100-23, eff. 7-6-17; 100-587, eff. 6-4-18.)

24 (55 ILCS 5/5-1006.7)

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

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

12 Subject to the limitations set forth in this Code, the
13 county may require a retailer to collect and remit a tax
14 imposed under this Section if the retailer qualifies as a
15 "retailer maintaining a place of business in this State" under
16 Section 2 of the Use Tax Act. This additional tax may not be
17 imposed on the sale of food for human consumption that is to be
18 consumed off the premises where it is sold (other than
19 alcoholic beverages, soft drinks, and food that has been
20 prepared for immediate consumption) and prescription and
21 non-prescription medicines, drugs, medical appliances and
22 insulin, urine testing materials, syringes and needles used by
23 diabetics. The Department of Revenue has full power to
24 administer and enforce this subsection, to collect all taxes
25 and penalties due under this subsection, to dispose of taxes
26 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, 6d,
17 7, 8, 9, 10, 11, 11a, 12, and 13 of the Retailers' Occupation
18 Tax Act and all provisions of the Uniform Penalty and Interest
19 Act as 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 August 23, 2011 (the effective date of
10 Public Act 97-542), upon a resolution by the county board or a
11 resolution by school district boards that represent at least
12 51% of the student enrollment within the county, the county
13 board must certify the question to the proper election
14 authority in accordance with the Election Code.

15 For all regular elections held prior to August 23, 2011
16 (the effective date of Public Act 97-542), the election
17 authority must submit the question in substantially the
18 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 August 23, 2011
3 (the effective date of Public Act 97-542), the regional
4 superintendent of schools for the county must, upon receipt of
5 a resolution or resolutions of school district boards that
6 represent more than 50% of the student enrollment within the
7 county, certify the question to the proper election authority
8 for submission to the electors of the county at the next
9 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 August 23, 2011
13 (the effective date of Public Act 97-542), the election
14 authority must submit the question in substantially the
15 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) A sale is deemed to have occurred in a county if the
25 retailer is engaged in the business of selling tangible
26 personal property in that county with respect to that sale, as

1 provided in Section 2-12 of the Retailers' Occupation Tax Act.
2 ~~For the purposes of determining the local governmental unit~~
3 ~~whose tax is applicable, a retail sale by a producer of coal or~~
4 ~~another mineral mined in Illinois is a sale at retail at the~~
5 ~~place where the coal or other mineral mined in Illinois is~~
6 ~~extracted from the earth. This subsection does not apply to~~
7 ~~coal or another mineral when it is delivered or shipped by the~~
8 ~~seller to the purchaser at a point outside Illinois so that the~~
9 ~~sale is exempt under the United States Constitution as a sale~~
10 ~~in interstate or foreign commerce.~~

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

15 (g) If a county board imposes a tax under this Section
16 pursuant to a referendum held before August 23, 2011 (the
17 effective date of Public Act 97-542) at a rate below the rate
18 set forth in the question approved by a majority of electors of
19 that county voting on the question as provided in subsection
20 (c), then the county board may, by ordinance, increase the rate
21 of the tax up to the rate set forth in the question approved by
22 a majority of electors of that county voting on the question as
23 provided in subsection (c). If a county board imposes a tax
24 under this Section pursuant to a referendum held before August
25 23, 2011 (the effective date of Public Act 97-542), then the
26 board may, by ordinance, discontinue or reduce the rate of the

1 tax. If a tax is imposed under this Section pursuant to a
2 referendum held on or after August 23, 2011 (the effective date
3 of Public Act 97-542), then the county board may reduce or
4 discontinue the tax, but only in accordance with subsection
5 (h-5) of this Section. If, however, a school board issues bonds
6 that are secured by the proceeds of the tax under this Section,
7 then the county board may not reduce the tax rate or
8 discontinue the tax if that rate reduction or discontinuance
9 would adversely affect the school board's ability to pay the
10 principal and interest on those bonds as they become due or
11 necessitate the extension of additional property taxes to pay
12 the principal and interest on those bonds. If the county board
13 reduces the tax rate or discontinues the tax, then a referendum
14 must be held in accordance with subsection (c) of this Section
15 in order to increase the rate of the tax or to reimpose the
16 discontinued tax.

17 Until January 1, 2014, the results of any election that
18 imposes, reduces, or discontinues a tax under this Section must
19 be certified by the election authority, and any ordinance that
20 increases or lowers the rate or discontinues the tax must be
21 certified by the county clerk and, in each case, filed with the
22 Illinois Department of Revenue either (i) on or before the
23 first day of April, whereupon the Department shall proceed to
24 administer and enforce the tax or change in the rate as of the
25 first day of July next following the filing; or (ii) on or
26 before the first day of October, whereupon the Department shall

1 proceed to administer and enforce the tax or change in the rate
2 as of the first day of January next following the filing.

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

15 (h) For purposes of this Section, "school facility
16 purposes" means (i) the acquisition, development,
17 construction, reconstruction, rehabilitation, improvement,
18 financing, architectural planning, and installation of capital
19 facilities consisting of buildings, structures, and durable
20 equipment and for the acquisition and improvement of real
21 property and interest in real property required, or expected to
22 be required, in connection with the capital facilities and (ii)
23 the payment of bonds or other obligations heretofore or
24 hereafter issued, including bonds or other obligations
25 heretofore or hereafter issued to refund or to continue to
26 refund bonds or other obligations issued, for school facility

1 purposes, provided that the taxes levied to pay those bonds are
2 abated by the amount of the taxes imposed under this Section
3 that are used to pay those bonds. "School-facility purposes"
4 also includes fire prevention, safety, energy conservation,
5 accessibility, school security, and specified repair purposes
6 set forth under Section 17-2.11 of the School Code.

7 (h-5) A county board in a county where a tax has been
8 imposed under this Section pursuant to a referendum held on or
9 after August 23, 2011 (the effective date of Public Act 97-542)
10 may, by ordinance or resolution, submit to the voters of the
11 county the question of reducing or discontinuing the tax. In
12 the ordinance or resolution, the county board shall certify the
13 question to the proper election authority in accordance with
14 the Election Code. The election authority must submit the
15 question in substantially the following form:

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

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

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

26 (j) This Section may be cited as the County School Facility

1 Occupation Tax Law.

2 (Source: P.A. 98-584, eff. 8-27-13; 99-143, eff. 7-27-15;
3 99-217, eff. 7-31-15; 99-642, eff. 7-28-16.)

4 Section 10. The Illinois Municipal Code is amended by
5 changing Sections 8-11-1, 8-11-1.3, 8-11-1.6, and 8-11-6 as
6 follows:

7 (65 ILCS 5/8-11-1) (from Ch. 24, par. 8-11-1)

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

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

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

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

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 that tax
13 as an additional charge, which charge may be stated in
14 combination, in a single amount, with State tax which sellers
15 are required to collect under the Use Tax Act, pursuant to such
16 bracket schedules as 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 order 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 home rule municipal retailers' occupation
24 tax fund.

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

1 collected hereunder.

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

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

1 municipality, and not including any amounts that are
2 transferred to the STAR Bonds Revenue Fund, less 1.5% of the
3 remainder, which the Department shall transfer into the Tax
4 Compliance and Administration Fund. The Department, at the time
5 of each monthly disbursement to the municipalities, shall
6 prepare and certify to the State Comptroller the amount to be
7 transferred into the Tax Compliance and Administration Fund
8 under this Section. Within 10 days after receipt by the
9 Comptroller of the disbursement certification to the
10 municipalities and the Tax Compliance and Administration Fund
11 provided for in this Section to be given to the Comptroller by
12 the Department, the Comptroller shall cause the orders to be
13 drawn for the respective amounts in accordance with the
14 directions contained in the certification.

15 In addition to the disbursement required by the preceding
16 paragraph and in order to mitigate delays caused by
17 distribution procedures, an allocation shall, if requested, be
18 made within 10 days after January 14, 1991, and in November of
19 1991 and each year thereafter, to each municipality that
20 received more than \$500,000 during the preceding fiscal year,
21 (July 1 through June 30) whether collected by the municipality
22 or disbursed by the Department as required by this Section.
23 Within 10 days after January 14, 1991, participating
24 municipalities shall notify the Department in writing of their
25 intent to participate. In addition, for the initial
26 distribution, participating municipalities shall certify to

1 the Department the amounts collected by the municipality for
2 each month under its home rule occupation and service
3 occupation tax during the period July 1, 1989 through June 30,
4 1990. The allocation within 10 days after January 14, 1991,
5 shall be in an amount equal to the monthly average of these
6 amounts, excluding the 2 months of highest receipts. The
7 monthly average for the period of July 1, 1990 through June 30,
8 1991 will be determined as follows: the amounts collected by
9 the municipality under its home rule occupation and service
10 occupation tax during the period of July 1, 1990 through
11 September 30, 1990, plus amounts collected by the Department
12 and paid to such municipality through June 30, 1991, excluding
13 the 2 months of highest receipts. The monthly average for each
14 subsequent period of July 1 through June 30 shall be an amount
15 equal to the monthly distribution made to each such
16 municipality under the preceding paragraph during this period,
17 excluding the 2 months of highest receipts. The distribution
18 made in November 1991 and each year thereafter under this
19 paragraph and the preceding paragraph shall be reduced by the
20 amount allocated and disbursed under this paragraph in the
21 preceding period of July 1 through June 30. The Department
22 shall prepare and certify to the Comptroller for disbursement
23 the allocations made in accordance with this paragraph.

24 A sale is deemed to have occurred in a municipality if the
25 retailer is engaged in the business of selling tangible
26 personal property in that municipality with respect to that

1 sale, as provided in Section 2-12 of the Retailers' Occupation
2 Tax Act. ~~For the purpose of determining the local governmental~~
3 ~~unit whose tax is applicable, a retail sale by a producer of~~
4 ~~coal or other mineral mined in Illinois is a sale at retail at~~
5 ~~the place where the coal or other mineral mined in Illinois is~~
6 ~~extracted from the earth. This paragraph does not apply to coal~~
7 ~~or other mineral when it is delivered or shipped by the seller~~
8 ~~to the purchaser at a point outside Illinois so that the sale~~
9 ~~is exempt under the United States Constitution as a sale in~~
10 ~~interstate or foreign commerce.~~

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

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

1 following such adoption and filing. Beginning January 1, 1993,
2 an ordinance or resolution imposing or discontinuing the tax
3 hereunder or effecting a change in the rate thereof shall be
4 adopted and a certified copy thereof filed with the Department
5 on or before the first day of October, whereupon the Department
6 shall proceed to administer and enforce this Section as of the
7 first day of January next following the adoption and filing.
8 However, a municipality located in a county with a population
9 in excess of 3,000,000 that elected to become a home rule unit
10 at the general primary election in 1994 may adopt an ordinance
11 or resolution imposing the tax under this Section and file a
12 certified copy of the ordinance or resolution with the
13 Department on or before July 1, 1994. The Department shall then
14 proceed to administer and enforce this Section as of October 1,
15 1994. Beginning April 1, 1998, an ordinance or resolution
16 imposing or discontinuing the tax hereunder or effecting a
17 change in the rate thereof shall either (i) be adopted and a
18 certified copy thereof filed with the Department on or before
19 the first day of April, whereupon the Department shall proceed
20 to administer and enforce this Section as of the first day of
21 July next following the adoption and filing; or (ii) be adopted
22 and a certified copy thereof filed with the Department on or
23 before the first day of October, whereupon the Department shall
24 proceed to administer and enforce this Section as of the first
25 day of January next following the adoption and filing.

26 When certifying the amount of a monthly disbursement to a

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

6 Any unobligated balance remaining in the Municipal
7 Retailers' Occupation Tax Fund on December 31, 1989, which fund
8 was abolished by Public Act 85-1135, and all receipts of
9 municipal tax as a result of audits of liability periods prior
10 to January 1, 1990, shall be paid into the Local Government Tax
11 Fund for distribution as provided by this Section prior to the
12 enactment of Public Act 85-1135. All receipts of municipal tax
13 as a result of an assessment not arising from an audit, for
14 liability periods prior to January 1, 1990, shall be paid into
15 the Local Government Tax Fund for distribution before July 1,
16 1990, as provided by this Section prior to the enactment of
17 Public Act 85-1135; and on and after July 1, 1990, all such
18 receipts shall be distributed as provided in Section 6z-18 of
19 the State Finance Act.

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

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

25 (Source: P.A. 99-217, eff. 7-31-15; 100-23, eff. 7-6-17;
26 100-587, eff. 6-4-18.)

1 (65 ILCS 5/8-11-1.3) (from Ch. 24, par. 8-11-1.3)

2 Sec. 8-11-1.3. Non-Home Rule Municipal Retailers'
3 Occupation Tax Act. The corporate authorities of a non-home
4 rule municipality may impose a tax upon all persons engaged in
5 the business of selling tangible personal property, other than
6 on an item of tangible personal property which is titled and
7 registered by an agency of this State's Government, at retail
8 in the municipality for expenditure on public infrastructure or
9 for property tax relief or both as defined in Section 8-11-1.2
10 if approved by referendum as provided in Section 8-11-1.1, of
11 the gross receipts from ~~such~~ sales made in the municipality in
12 the course of such business. If the tax is approved by
13 referendum on or after July 14, 2010 (the effective date of
14 Public Act 96-1057), the corporate authorities of a non-home
15 rule municipality may, until December 31, 2020, use the
16 proceeds of the tax for expenditure on municipal operations, in
17 addition to or in lieu of any expenditure on public
18 infrastructure or for property tax relief. Subject to the
19 limitations set forth in this Code, the corporate authorities
20 of the municipality may require a retailer to collect and remit
21 a tax imposed under this Section if the retailer qualifies as a
22 "retailer maintaining a place of business in this State" under
23 Section 2 of the Use Tax Act. The tax imposed may not be more
24 than 1% and may be imposed only in 1/4% increments. The tax may
25 not be imposed on the sale of food for human consumption that

1 is to be consumed off the premises where it is sold (other than
2 alcoholic beverages, soft drinks, and food that has been
3 prepared for immediate consumption) and prescription and
4 nonprescription medicines, drugs, medical appliances, and
5 insulin, urine testing materials, syringes, and needles used by
6 diabetics. The tax imposed by a municipality pursuant to this
7 Section and all civil penalties that may be assessed as an
8 incident thereof shall be collected and enforced by the State
9 Department of Revenue. The certificate of registration which is
10 issued by the Department to a retailer under the Retailers'
11 Occupation Tax Act shall permit such retailer to engage in a
12 business which is taxable under any ordinance or resolution
13 enacted pursuant to this Section without registering
14 separately with the Department under such ordinance or
15 resolution or under this Section. The Department shall have
16 full power to administer and enforce this Section; to collect
17 all taxes and penalties due hereunder; to dispose of taxes and
18 penalties so collected in the manner hereinafter provided, and
19 to determine all rights to credit memoranda, arising on account
20 of the erroneous payment of tax or penalty hereunder. In the
21 administration of, and compliance with, this Section, the
22 Department and persons who are subject to this Section shall
23 have the same rights, remedies, privileges, immunities, powers
24 and duties, and be subject to the same conditions,
25 restrictions, limitations, penalties and definitions of terms,
26 and employ the same modes of procedure, as are prescribed in

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

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

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

19 Whenever the Department determines that a refund should be
20 made under this Section to a claimant instead of issuing a
21 credit memorandum, the Department shall notify the State
22 Comptroller, who shall cause the order to be drawn for the
23 amount specified, and to the person named, in such notification
24 from the Department. Such refund shall be paid by the State
25 Treasurer out of the non-home rule municipal retailers'
26 occupation tax fund.

1 The Department shall forthwith pay over to the State
2 Treasurer, ex officio, as trustee, all taxes and penalties
3 collected hereunder.

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

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

1 determines is necessary to offset any amounts which were
2 payable to a different taxing body but were erroneously paid to
3 the municipality, and not including any amounts that are
4 transferred to the STAR Bonds Revenue Fund, less 1.5% of the
5 remainder, which the Department shall transfer into the Tax
6 Compliance and Administration Fund. The Department, at the time
7 of each monthly disbursement to the municipalities, shall
8 prepare and certify to the State Comptroller the amount to be
9 transferred into the Tax Compliance and Administration Fund
10 under this Section. Within 10 days after receipt, by the
11 Comptroller, of the disbursement certification to the
12 municipalities and the Tax Compliance and Administration Fund
13 provided for in this Section to be given to the Comptroller by
14 the Department, the Comptroller shall cause the orders to be
15 drawn for the respective amounts in accordance with the
16 directions contained in such certification.

17 A sale is deemed to have occurred in a municipality if the
18 retailer is engaged in the business of selling tangible
19 personal property in that municipality with respect to that
20 sale, as provided in Section 2-12 of the Retailers' Occupation
21 Tax Act. ~~For the purpose of determining the local governmental~~
22 ~~unit whose tax is applicable, a retail sale, by a producer of~~
23 ~~coal or other mineral mined in Illinois, is a sale at retail at~~
24 ~~the place where the coal or other mineral mined in Illinois is~~
25 ~~extracted from the earth. This paragraph does not apply to coal~~
26 ~~or other mineral when it is delivered or shipped by the seller~~

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

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

8 When certifying the amount of a monthly disbursement to a
9 municipality under this Section, the Department shall increase
10 or decrease such amount by an amount necessary to offset any
11 misallocation of previous disbursements. The offset amount
12 shall be the amount erroneously disbursed within the previous 6
13 months from the time a misallocation is discovered.

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

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

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

22 (Source: P.A. 99-217, eff. 7-31-15; 100-23, eff. 7-6-17;
23 100-587, eff. 6-4-18.)

24 (65 ILCS 5/8-11-1.6)

25 Sec. 8-11-1.6. Non-home rule municipal retailers

1 occupation tax; municipalities between 20,000 and 25,000. The
2 corporate authorities of a non-home rule municipality with a
3 population of more than 20,000 but less than 25,000 that has,
4 prior to January 1, 1987, established a Redevelopment Project
5 Area that has been certified as a State Sales Tax Boundary and
6 has issued bonds or otherwise incurred indebtedness to pay for
7 costs in excess of \$5,000,000, which is secured in part by a
8 tax increment allocation fund, in accordance with the
9 provisions of Division 11-74.4 of this Code may, by passage of
10 an ordinance, impose a tax upon all persons engaged in the
11 business of selling tangible personal property, other than on
12 an item of tangible personal property that is titled and
13 registered by an agency of this State's Government, at retail
14 in the municipality. This tax may not be imposed on the sales
15 of food for human consumption that is to be consumed off the
16 premises where it is sold (other than alcoholic beverages, soft
17 drinks, and food that has been prepared for immediate
18 consumption) and prescription and nonprescription medicines,
19 drugs, medical appliances and insulin, urine testing
20 materials, syringes, and needles used by diabetics. If imposed,
21 the tax shall only be imposed in .25% increments of the gross
22 receipts from ~~such~~ sales made in the municipality in the course
23 of business. Any tax imposed by a municipality under this
24 Section and all civil penalties that may be assessed as an
25 incident thereof shall be collected and enforced by the State
26 Department of Revenue. An ordinance imposing a tax hereunder or

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

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

5 Subject to the limitations set forth in this Code, the
6 corporate authorities of the municipality may require a
7 retailer to collect and remit a tax imposed under this Section
8 if the retailer qualifies as a "retailer maintaining a place of
9 business in this State" under Section 2 of the Use Tax Act.

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

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

20 Whenever the Department determines that a refund should be
21 made under this Section to a claimant, instead of issuing a
22 credit memorandum, the Department shall notify the State
23 Comptroller, who shall cause the order to be drawn for the
24 amount specified, and to the person named in the notification
25 from the Department. The refund shall be paid by the State
26 Treasurer out of the Non-Home Rule Municipal Retailers'

1 Occupation Tax Fund, which is hereby created.

2 The Department shall forthwith pay over to the State
3 Treasurer, ex officio, as trustee, all taxes and penalties
4 collected hereunder.

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

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

1 municipality, and not including any amount that the Department
2 determines is necessary to offset any amounts that were payable
3 to a different taxing body but were erroneously paid to the
4 municipality, and not including any amounts that are
5 transferred to the STAR Bonds Revenue Fund, less 1.5% of the
6 remainder, which the Department shall transfer into the Tax
7 Compliance and Administration Fund. The Department, at the time
8 of each monthly disbursement to the municipalities, shall
9 prepare and certify to the State Comptroller the amount to be
10 transferred into the Tax Compliance and Administration Fund
11 under this Section. Within 10 days after receipt by the
12 Comptroller of the disbursement certification to the
13 municipalities and the Tax Compliance and Administration Fund
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 A sale is deemed to have occurred in a municipality if the
19 retailer is engaged in the business of selling tangible
20 personal property in that municipality with respect to that
21 sale, as provided in Section 2-12 of the Retailers' Occupation
22 Tax Act. ~~For the purpose of determining the local governmental~~
23 ~~unit whose tax is applicable, a retail sale by a producer of~~
24 ~~coal or other mineral mined in Illinois is a sale at retail at~~
25 ~~the place where the coal or other mineral mined in Illinois is~~
26 ~~extracted from the earth. This paragraph does not apply to coal~~

1 ~~or other mineral when it is delivered or shipped by the seller~~
2 ~~to the purchaser at a point outside Illinois so that the sale~~
3 ~~is exempt under the federal Constitution as a sale in~~
4 ~~interstate or foreign commerce.~~

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

9 When certifying the amount of a monthly disbursement to a
10 municipality under this Section, the Department shall increase
11 or decrease the amount by an amount necessary to offset any
12 misallocation of previous disbursements. The offset amount
13 shall be the amount erroneously disbursed within the previous 6
14 months from the time a misallocation is discovered.

15 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 (Source: P.A. 99-217, eff. 7-31-15; 99-642, eff. 7-28-16;
19 100-23, eff. 7-6-17; 100-587, eff. 6-4-18; 100-863, eff.
20 8-14-18.)

21 (65 ILCS 5/8-11-6) (from Ch. 24, par. 8-11-6)

22 Sec. 8-11-6. Home Rule Municipal Use Tax Act.

23 (a) The corporate authorities of a home rule municipality
24 may impose a tax upon the privilege of using, in such
25 municipality, any item of tangible personal property which is

1 purchased at retail from a retailer, and which is titled or
2 registered at a location within the corporate limits of such
3 home rule municipality with an agency of this State's
4 government, at a rate which is an increment of 1/4% and based
5 on the selling price of such tangible personal property, as
6 "selling price" is defined in the Use Tax Act. In home rule
7 municipalities with less than 2,000,000 inhabitants, the tax
8 shall be collected by the municipality imposing the tax from
9 persons whose Illinois address for titling or registration
10 purposes is given as being in such municipality.

11 (b) In home rule municipalities with 2,000,000 or more
12 inhabitants, the corporate authorities of the municipality may
13 additionally impose a tax beginning July 1, 1991 upon the
14 privilege of using in the municipality, any item of tangible
15 personal property, other than tangible personal property
16 titled or registered with an agency of the State's government,
17 that is purchased at retail from a retailer located outside the
18 corporate limits of the municipality, at a rate that is an
19 increment of 1/4% not to exceed 1% and based on the selling
20 price of the tangible personal property, as "selling price" is
21 defined in the Use Tax Act. Such tax shall be collected from
22 the purchaser either by the municipality imposing such tax or
23 by the Department of Revenue pursuant to an agreement between
24 the Department and the municipality.

25 To prevent multiple home rule taxation, the use in a home
26 rule municipality of tangible personal property that is

1 acquired outside the municipality and caused to be brought into
2 the municipality by a person who has already paid a home rule
3 municipal tax in another municipality in respect to the sale,
4 purchase, or use of that property, shall be exempt to the
5 extent of the amount of the tax properly due and paid in the
6 other home rule municipality.

7 (c) If a municipality having 2,000,000 or more inhabitants
8 imposes the tax authorized by subsection (a), then the tax
9 shall be collected by the Illinois Department of Revenue when
10 the property is purchased at retail from a retailer in the
11 county in which the home rule municipality imposing the tax is
12 located, and in all contiguous counties. The tax shall be
13 remitted to the State, or an exemption determination must be
14 obtained from the Department before the title or certificate of
15 registration for the property may be issued. The tax or proof
16 of exemption may be transmitted to the Department by way of the
17 State agency with which, or State officer with whom, the
18 tangible personal property must be titled or registered if the
19 Department and that agency or State officer determine that this
20 procedure will expedite the processing of applications for
21 title or registration.

22 The Department shall have full power to administer and
23 enforce this Section to collect all taxes, penalties and
24 interest due hereunder, to dispose of taxes, penalties and
25 interest so collected in the manner hereinafter provided, and
26 determine all rights to credit memoranda or refunds arising on

1 account of the erroneous payment of tax, penalty or interest
2 hereunder. In the administration of and compliance with this
3 Section the Department and persons who are subject to this
4 Section shall have the same rights, remedies, privileges,
5 immunities, powers and duties, and be subject to the same
6 conditions, restrictions, limitations, penalties and
7 definitions of terms, and employ the same modes of procedure as
8 are prescribed in Sections 2 ~~(except the definition of~~
9 ~~"retailer maintaining a place of business in this State")~~, 3
10 (except provisions pertaining to the State rate of tax, and
11 except provisions concerning collection or refunding of the tax
12 by retailers), 4, 11, 12, 12a, 14, 15, 19, 20, 21 and 22 of the
13 Use Tax Act, which are not inconsistent with this Section, as
14 fully as if provisions contained in those Sections of the Use
15 Tax Act were set forth herein.

16 Whenever the Department determines that a refund shall 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 such notification
21 from the Department. Such refund shall be paid by the State
22 Treasurer out of the home rule municipal retailers' occupation
23 tax fund.

24 The Department shall forthwith pay over to the State
25 Treasurer, ex officio, as trustee, all taxes, penalties and
26 interest collected hereunder. On or before the 25th day of each

1 calendar month, the Department shall prepare and certify to the
2 State Comptroller the disbursement of stated sums of money to
3 named municipalities, the municipality in each instance to be
4 that municipality from which the Department during the second
5 preceding calendar month, collected municipal use tax from any
6 person whose Illinois address for titling or registration
7 purposes is given as being in such municipality. The amount to
8 be paid to each municipality shall be the amount (not including
9 credit memoranda) collected hereunder during the second
10 preceding calendar month by the Department, and not including
11 an amount equal to the amount of refunds made during the second
12 preceding calendar month by the Department on behalf of such
13 municipality, less 2% of the balance, which sum shall be
14 retained by the State Treasurer to cover the costs incurred by
15 the Department in administering and enforcing the provisions of
16 this Section. The Department, at the time of each monthly
17 disbursement to the municipalities, shall prepare and certify
18 to the Comptroller the amount so retained by the State
19 Treasurer, which shall be transferred into the Tax Compliance
20 and Administration Fund. Within 10 days after receipt by the
21 State Comptroller of the disbursement certification to the
22 municipalities provided for in this Section to be given to the
23 State Comptroller by the Department, the State Comptroller
24 shall cause the orders to be drawn for the respective amounts
25 in accordance with the directions contained in that
26 certification.

1 Any ordinance imposing or discontinuing any tax to be
2 collected and enforced by the Department under this Section
3 shall be adopted and a certified copy thereof filed with the
4 Department on or before October 1, whereupon the Department of
5 Revenue shall proceed to administer and enforce this Section on
6 behalf of the municipalities as of January 1 next following
7 such adoption and filing. Beginning April 1, 1998, any
8 ordinance imposing or discontinuing any tax to be collected and
9 enforced by the Department under this Section shall either (i)
10 be adopted and a certified copy thereof filed with the
11 Department on or before April 1, whereupon the Department of
12 Revenue shall proceed to administer and enforce this Section on
13 behalf of the municipalities as of July 1 next following the
14 adoption and filing; or (ii) be adopted and a certified copy
15 thereof filed with the Department on or before October 1,
16 whereupon the Department of Revenue shall proceed to administer
17 and enforce this Section on behalf of the municipalities as of
18 January 1 next following the adoption and filing.

19 Nothing in this subsection (c) shall prevent a home rule
20 municipality from collecting the tax pursuant to subsection (a)
21 in any situation where such tax is not collected by the
22 Department of Revenue under this subsection (c).

23 Subject to the limitations set forth in this Code, the
24 corporate authorities may require a retailer to collect and
25 remit a tax imposed under this Section if the retailer
26 qualifies as a "retailer maintaining a place of business in

1 this State" under Section 2 of the Use Tax Act.

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

16 (e) As used in this Section, "Municipal" and "Municipality"
17 means a city, village or incorporated town, including an
18 incorporated town which has superseded a civil township.

19 (f) This Section shall be known and may be cited as the
20 Home Rule Municipal Use Tax Act.

21 (Source: P.A. 98-1049, eff. 8-25-14.)

22 Section 15. The Flood Prevention District Act is amended by
23 changing Section 25 as follows:

24 (70 ILCS 750/25)

1 Sec. 25. Flood prevention retailers' and service
2 occupation taxes.

3 (a) If the Board of Commissioners of a flood prevention
4 district determines that an emergency situation exists
5 regarding levee repair or flood prevention, and upon an
6 ordinance confirming the determination adopted by the
7 affirmative vote of a majority of the members of the county
8 board of the county in which the district is situated, the
9 county may impose a flood prevention retailers' occupation tax
10 upon all persons engaged in the business of selling tangible
11 personal property at retail within the territory of the
12 district to provide revenue to pay the costs of providing
13 emergency levee repair and flood prevention and to secure the
14 payment of bonds, notes, and other evidences of indebtedness
15 issued under this Act for a period not to exceed 25 years or as
16 required to repay the bonds, notes, and other evidences of
17 indebtedness issued under this Act. Subject to the limitations
18 set forth in this Section, the county may require a retailer to
19 collect and remit a tax imposed under this Section if the
20 retailer qualifies as a "retailer maintaining a place of
21 business in this State" under Section 2 of the Use Tax Act. The
22 tax rate shall be 0.25% of the gross receipts from all taxable
23 sales made in the district in the course of that business. The
24 tax imposed under this Section and all civil penalties that may
25 be assessed as an incident thereof shall be collected and
26 enforced by the State Department of Revenue. The Department

1 shall have full power to administer and enforce this Section;
2 to collect all taxes and penalties so collected in the manner
3 hereinafter provided; and to determine all rights to credit
4 memoranda arising on account of the erroneous payment of tax or
5 penalty hereunder.

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, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9,
17 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 A sale is deemed to have occurred in a flood prevention
21 district if the retailer is engaged in the business of selling
22 tangible personal property in that flood prevention district
23 with respect to that sale, as provided in Section 2-12 of the
24 Retailers' Occupation Tax Act.

25 Persons subject to any tax imposed under this Section may
26 reimburse themselves for their seller's tax liability

1 hereunder by separately stating the tax as an additional
2 charge, which charge may be stated in combination in a single
3 amount with State taxes that sellers are required to collect
4 under the Use Tax Act, under any bracket schedules the
5 Department may prescribe.

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

8 (b) If a tax has been imposed under subsection (a), a flood
9 prevention service occupation tax shall also be imposed upon
10 all persons engaged within the territory of the district in the
11 business of making sales of service, who, as an incident to
12 making the sales of service, transfer tangible personal
13 property, either in the form of tangible personal property or
14 in the form of real estate as an incident to a sale of service
15 to provide revenue to pay the costs of providing emergency
16 levee repair and flood prevention and to secure the payment of
17 bonds, notes, and other evidences of indebtedness issued under
18 this Act for a period not to exceed 25 years or as required to
19 repay the bonds, notes, and other evidences of indebtedness.
20 The tax rate shall be 0.25% of the selling price of all
21 tangible personal property transferred.

22 The tax imposed under this subsection and all civil
23 penalties that may be assessed as an incident thereof shall be
24 collected and enforced by the State Department of Revenue. The
25 Department shall have full power to administer and enforce this
26 subsection; to collect all taxes and penalties due hereunder;

1 to dispose of taxes and penalties collected in the manner
2 hereinafter provided; and to determine all rights to credit
3 memoranda arising on account of the erroneous payment of tax or
4 penalty hereunder.

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

26 Persons subject to any tax imposed under the authority

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

7 (c) The taxes imposed in subsections (a) and (b) may not be
8 imposed on personal property titled or registered with an
9 agency of the State; food for human consumption that is to be
10 consumed off the premises where it is sold (other than
11 alcoholic beverages, soft drinks, and food that has been
12 prepared for immediate consumption); prescription and
13 non-prescription medicines, drugs, and medical appliances;
14 modifications to a motor vehicle for the purpose of rendering
15 it usable by a person with a disability; or insulin, urine
16 testing materials, and syringes and needles used by diabetics.

17 (d) Nothing in this Section shall be construed to authorize
18 the district 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 (e) The certificate of registration that is issued by the
22 Department to a retailer under the Retailers' Occupation Tax
23 Act or a serviceman under the Service Occupation Tax Act
24 permits the retailer or serviceman to engage in a business that
25 is taxable without registering separately with the Department
26 under an ordinance or resolution under this Section.

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

6 On or before the 25th day of each calendar month, the
7 Department shall prepare and certify to the Comptroller the
8 disbursement of stated sums of money to the counties from which
9 retailers or servicemen have paid taxes or penalties to the
10 Department during the second preceding calendar month. The
11 amount to be paid to each county is equal to the amount (not
12 including credit memoranda) collected from the county under
13 this Section during the second preceding calendar month by the
14 Department, (i) less 2% of that amount, which shall be
15 deposited into the Tax Compliance and Administration Fund and
16 shall be used by the Department in administering and enforcing
17 the provisions of this Section on behalf of the county, (ii)
18 plus an amount that the Department determines is necessary to
19 offset any amounts that were erroneously paid to a different
20 taxing body; (iii) less an amount equal to the amount of
21 refunds made during the second preceding calendar month by the
22 Department on behalf of the county; and (iv) less any amount
23 that the Department determines is necessary to offset any
24 amounts that were payable to a different taxing body but were
25 erroneously paid to the county. When certifying the amount of a
26 monthly disbursement to a county under this Section, the

1 Department shall increase or decrease the amounts by an amount
2 necessary to offset any miscalculation of previous
3 disbursements within the previous 6 months from the time a
4 miscalculation is discovered.

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

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

17 (g) If a county imposes a tax under this Section, then the
18 county board shall, by ordinance, discontinue the tax upon the
19 payment of all indebtedness of the flood prevention district.
20 The tax shall not be discontinued until all indebtedness of the
21 District has been paid.

22 (h) Any ordinance imposing the tax under this Section, or
23 any ordinance that discontinues the tax, must be certified by
24 the county clerk and filed with the Illinois Department of
25 Revenue either (i) on or before the first day of April,
26 whereupon the Department shall proceed to administer and

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

6 (j) County Flood Prevention Occupation Tax Fund. All
7 proceeds received by a county from a tax distribution under
8 this Section must be maintained in a special fund known as the
9 [name of county] flood prevention occupation tax fund. The
10 county shall, at the direction of the flood prevention
11 district, use moneys in the fund to pay the costs of providing
12 emergency levee repair and flood prevention and to pay bonds,
13 notes, and other evidences of indebtedness issued under this
14 Act.

15 (k) This Section may be cited as the Flood Prevention
16 Occupation Tax Law.

17 (Source: P.A. 99-143, eff. 7-27-15; 99-217, eff. 7-31-15;
18 99-642, eff. 7-28-16.)

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

21 (70 ILCS 3610/5.01) (from Ch. 111 2/3, par. 355.01)

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

24 (a) The Board of Trustees of any Metro East Mass Transit

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

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

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

18 Persons subject to any tax imposed under the Section may
19 reimburse themselves for their seller's tax liability
20 hereunder by separately stating the tax as an additional
21 charge, which charge may be stated in combination, in a single
22 amount, with State taxes that sellers are required to collect
23 under the Use Tax Act, in accordance with such bracket
24 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 warrant to be drawn for the
3 amount specified, and to the person named, in the notification
4 from the Department. The refund shall be paid by the State
5 Treasurer out of the Metro East Mass Transit District tax fund
6 established under paragraph (h) of this Section.

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

9 Subject to the limitations set forth in this Section, the
10 Board may require a retailer to collect and remit the taxes
11 imposed under this Section if the retailer qualifies as a
12 "retailer maintaining a place of business in this State" under
13 Section 2 of the Use Tax Act. A sale is deemed to have occurred
14 in the District if the retailer is engaged in the business of
15 selling tangible personal property in the District with respect
16 to that sale, as provided in Section 2-12 of the Retailers'
17 Occupation Tax Act.

18 ~~For the purpose of determining whether a tax authorized~~
19 ~~under this Section is applicable, a retail sale, by a producer~~
20 ~~of coal or other mineral mined in Illinois, is a sale at retail~~
21 ~~at the place where the coal or other mineral mined in Illinois~~
22 ~~is extracted from the earth. This paragraph does not apply to~~
23 ~~coal or other mineral when it is delivered or shipped by the~~
24 ~~seller to the purchaser at a point outside Illinois so that the~~
25 ~~sale is exempt under the Federal Constitution as a sale in~~
26 ~~interstate or foreign commerce.~~

1 No tax shall be imposed or collected under this subsection
2 on the sale of a motor vehicle in this State to a resident of
3 another state if that motor vehicle will not be titled in this
4 State.

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

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

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

26 Persons subject to any tax imposed under the authority

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

8 Whenever the Department determines that a refund should be
9 made under this paragraph to a claimant instead of issuing a
10 credit memorandum, the Department shall notify the State
11 Comptroller, who shall cause the warrant to be drawn for the
12 amount specified, and to the person named, in the notification
13 from the Department. The refund shall be paid by the State
14 Treasurer out of the Metro East Mass Transit District tax fund
15 established under paragraph (h) of this Section.

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

20 (d) If a tax has been imposed under subsection (b), a Metro
21 East Mass Transit District Use Tax shall also be imposed upon
22 the privilege of using, in the district, any item of tangible
23 personal property that is purchased outside the district at
24 retail from a retailer, and that is titled or registered with
25 an agency of this State's government, at a rate of 1/4%, or as
26 authorized under subsection (d-5) of this Section, of the

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

16 The Department shall have full power to administer and
17 enforce this paragraph; to collect all taxes, penalties and
18 interest due hereunder; to dispose of taxes, penalties and
19 interest so collected in the manner hereinafter provided; and
20 to determine all rights to credit memoranda or refunds arising
21 on account of the erroneous payment of tax, penalty or interest
22 hereunder. In the administration of, and compliance with, this
23 paragraph, the Department and persons who are subject to this
24 paragraph shall have the same rights, remedies, privileges,
25 immunities, powers and duties, and be subject to the same
26 conditions, restrictions, limitations, penalties, exclusions,

1 exemptions and definitions of terms and employ the same modes
2 of procedure, as are prescribed in Sections 2 (except the
3 definition of "retailer maintaining a place of business in this
4 State"), 3 through 3-80 (except provisions pertaining to the
5 State rate of tax, and except provisions concerning collection
6 or refunding of the tax by retailers), 4, 11, 12, 12a, 14, 15,
7 19 (except the portions pertaining to claims by retailers and
8 except the last paragraph concerning refunds), 20, 21 and 22 of
9 the Use Tax Act and Section 3-7 of the Uniform Penalty and
10 Interest Act, that are not inconsistent with this paragraph, as
11 fully as if those provisions were set forth herein.

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 order 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 the Metro East Mass Transit District tax fund
19 established under paragraph (h) of this Section.

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

1 Upon adopting the ordinance, the county board shall certify the
2 proposition to the proper election officials who shall submit
3 the proposition to the voters of the District at the next
4 election, in accordance with the general election law.

5 The proposition shall be in substantially the following
6 form:

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

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

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

1 If such petition is found sufficient, the court shall enter
2 an order to submit that proposition at the next election, in
3 accordance with general election law.

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

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

11 Shall the tax rates for the Metro East Mass Transit
12 District Retailers' Occupation Tax, the Metro East Mass
13 Transit District Service Occupation Tax, and the Metro East
14 Mass Transit District Use Tax be increased from 0.25% to
15 0.75%?

16 Name	Address, with Street and Number.
17
18

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

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

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

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

1 with an agency of this State's government.

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

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

25 (d-7.1) Beginning July 1, 2004, any fee imposed by the
26 Board of Trustees of any Metro East Mass Transit District under

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

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

19 (d-9) (Blank).

20 (d-10) (Blank).

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

1 under the tax. A certificate issued under the Use Tax Act or
2 the Service Use Tax Act shall be applicable with regard to any
3 tax imposed under paragraph (c) of this Section.

4 (f) (Blank).

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

1 filing.

2 (h) Except as provided in subsection (d-7.1), the State
3 Department of Revenue shall, upon collecting any taxes as
4 provided in this Section, pay the taxes over to the State
5 Treasurer as trustee for the District. The taxes shall be held
6 in a trust fund outside the State Treasury.

7 As soon as possible after the first day of each month,
8 beginning January 1, 2011, upon certification of the Department
9 of Revenue, the Comptroller shall order transferred, and the
10 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
11 local sales tax increment, as defined in the Innovation
12 Development and Economy Act, collected under this Section
13 during the second preceding calendar month for sales within a
14 STAR bond district. The Department shall make this
15 certification only if the local mass transit district imposes a
16 tax on real property as provided in the definition of "local
17 sales taxes" under the Innovation Development and Economy Act.

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 District, 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 District, 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 District, and less any amounts that are transferred
7 to the STAR Bonds Revenue Fund, less 1.5% of the remainder,
8 which the Department shall transfer into the Tax Compliance and
9 Administration Fund. The Department, at the time of each
10 monthly disbursement to the District, shall prepare and certify
11 to the State Comptroller the amount to be transferred into the
12 Tax Compliance and Administration Fund under this subsection.
13 Within 10 days after receipt by the Comptroller of the
14 certification of the amount to be paid to the District and the
15 Tax Compliance and Administration Fund, the Comptroller shall
16 cause an order to be drawn for payment for the amount in
17 accordance with the direction in the certification.

18 (Source: P.A. 99-217, eff. 7-31-15; 100-23, eff. 7-6-17;
19 100-587, eff. 6-4-18.)

20 Section 30. The Regional Transportation Authority Act is
21 amended by changing Section 4.03 as follows:

22 (70 ILCS 3615/4.03) (from Ch. 111 2/3, par. 704.03)

23 Sec. 4.03. Taxes.

24 (a) In order to carry out any of the powers or purposes of

1 the Authority, the Board may by ordinance adopted with the
2 concurrence of 12 of the then Directors, impose throughout the
3 metropolitan region any or all of the taxes provided in this
4 Section. Except as otherwise provided in this Act, taxes
5 imposed under this Section and civil penalties imposed incident
6 thereto shall be collected and enforced by the State Department
7 of Revenue. The Department shall have the power to administer
8 and enforce the taxes and to determine all rights for refunds
9 for erroneous payments of the taxes. Nothing in Public Act
10 95-708 is intended to invalidate any taxes currently imposed by
11 the Authority. The increased vote requirements to impose a tax
12 shall only apply to actions taken after January 1, 2008 (the
13 effective date of Public Act 95-708).

14 (b) The Board may impose a public transportation tax upon
15 all persons engaged in the metropolitan region in the business
16 of selling at retail motor fuel for operation of motor vehicles
17 upon public highways. The tax shall be at a rate not to exceed
18 5% of the gross receipts from the sales of motor fuel in the
19 course of the business. As used in this Act, the term "motor
20 fuel" shall have the same meaning as in the Motor Fuel Tax Law.
21 The Board may provide for details of the tax. The provisions of
22 any tax shall conform, as closely as may be practicable, to the
23 provisions of the Municipal Retailers Occupation Tax Act,
24 including without limitation, conformity to penalties with
25 respect to the tax imposed and as to the powers of the State
26 Department of Revenue to promulgate and enforce rules and

1 regulations relating to the administration and enforcement of
2 the provisions of the tax imposed, except that reference in the
3 Act to any municipality shall refer to the Authority and the
4 tax shall be imposed only with regard to receipts from sales of
5 motor fuel in the metropolitan region, at rates as limited by
6 this Section.

7 (c) In connection with the tax imposed under paragraph (b)
8 of this Section the Board may impose a tax upon the privilege
9 of using in the metropolitan region motor fuel for the
10 operation of a motor vehicle upon public highways, the tax to
11 be at a rate not in excess of the rate of tax imposed under
12 paragraph (b) of this Section. The Board may provide for
13 details of the tax.

14 (d) The Board may impose a motor vehicle parking tax upon
15 the privilege of parking motor vehicles at off-street parking
16 facilities in the metropolitan region at which a fee is
17 charged, and may provide for reasonable classifications in and
18 exemptions to the tax, for administration and enforcement
19 thereof and for civil penalties and refunds thereunder and may
20 provide criminal penalties thereunder, the maximum penalties
21 not to exceed the maximum criminal penalties provided in the
22 Retailers' Occupation Tax Act. The Authority may collect and
23 enforce the tax itself or by contract with any unit of local
24 government. The State Department of Revenue shall have no
25 responsibility for the collection and enforcement unless the
26 Department agrees with the Authority to undertake the

1 collection and enforcement. As used in this paragraph, the term
2 "parking facility" means a parking area or structure having
3 parking spaces for more than 2 vehicles at which motor vehicles
4 are permitted to park in return for an hourly, daily, or other
5 periodic fee, whether publicly or privately owned, but does not
6 include parking spaces on a public street, the use of which is
7 regulated by parking meters.

8 (e) The Board may impose a Regional Transportation
9 Authority Retailers' Occupation Tax upon all persons engaged in
10 the business of selling tangible personal property at retail in
11 the metropolitan region. In Cook County the tax rate shall be
12 1.25% of the gross receipts from 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 that
15 has been prepared for immediate consumption) and prescription
16 and nonprescription medicines, drugs, medical appliances and
17 insulin, urine testing materials, syringes and needles used by
18 diabetics, and 1% of the gross receipts from other taxable
19 sales made in the course of that business. In DuPage, Kane,
20 Lake, McHenry, and Will Counties, the tax rate shall be 0.75%
21 of the gross receipts from all taxable sales made in the course
22 of that business. The tax imposed under this Section and all
23 civil penalties that may be assessed as an incident thereof
24 shall be collected and enforced by the State Department of
25 Revenue. The Department shall have full power to administer and
26 enforce this Section; to collect all taxes and penalties so

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

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

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

1 credit memorandum, the Department shall notify the State
2 Comptroller, who shall cause the warrant to be drawn for the
3 amount specified, and to the person named, in the notification
4 from the Department. The refund shall be paid by the State
5 Treasurer out of the Regional Transportation Authority tax fund
6 established under paragraph (n) of this Section.

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

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

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

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

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

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

1 19 and 20 of the Service Occupation Tax Act and Section 3-7 of
2 the Uniform Penalty and Interest Act, as fully as if those
3 provisions were set forth herein.

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

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

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

23 (g) If a tax has been imposed under paragraph (e), a tax
24 shall also be imposed upon the privilege of using in the
25 metropolitan region, any item of tangible personal property
26 that is purchased outside the metropolitan region at retail

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

22 The Department shall have full power to administer and
23 enforce this paragraph; to collect all taxes, penalties and
24 interest due hereunder; to dispose of taxes, penalties and
25 interest collected in the manner hereinafter provided; and to
26 determine all rights to credit memoranda or refunds arising on

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

17 Whenever the Department determines that a refund should be
18 made under this paragraph to a claimant instead of issuing a
19 credit memorandum, the Department shall notify the State
20 Comptroller, who shall cause the order 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 (h) The Authority may impose a replacement vehicle tax of
26 \$50 on any passenger car as defined in Section 1-157 of the

1 Illinois Vehicle Code purchased within the metropolitan region
2 by or on behalf of an insurance company to replace a passenger
3 car of an insured person in settlement of a total loss claim.
4 The tax imposed may not become effective before the first day
5 of the month following the passage of the ordinance imposing
6 the tax and receipt of a certified copy of the ordinance by the
7 Department of Revenue. The Department of Revenue shall collect
8 the tax for the Authority in accordance with Sections 3-2002
9 and 3-2003 of the Illinois Vehicle Code.

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

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

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

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

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

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

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

1 administration and enforcement of the provisions of the tax
2 imposed. The taxes shall be imposed only on use within the
3 metropolitan region and at rates as provided in the paragraph.

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

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

1 the first day of July, whereupon the Department shall proceed
2 to administer and enforce this Section as of the first day of
3 October next following such adoption and filing. Beginning
4 January 1, 1993, an ordinance or resolution imposing,
5 increasing, decreasing, or discontinuing the tax hereunder
6 shall be adopted and a certified copy thereof filed with the
7 Department, whereupon the Department shall proceed to
8 administer and enforce this Section as of the first day of the
9 first month to occur not less than 60 days following such
10 adoption and filing. Any ordinance or resolution of the
11 Authority imposing a tax under this Section and in effect on
12 August 1, 2007 shall remain in full force and effect and shall
13 be administered by the Department of Revenue under the terms
14 and conditions and rates of tax established by such ordinance
15 or resolution until the Department begins administering and
16 enforcing an increased tax under this Section as authorized by
17 Public Act 95-708. The tax rates authorized by Public Act
18 95-708 are effective only if imposed by ordinance of the
19 Authority.

20 (n) Except as otherwise provided in this subsection (n),
21 the State Department of Revenue shall, upon collecting any
22 taxes as provided in this Section, pay the taxes over to the
23 State Treasurer as trustee for the Authority. The taxes shall
24 be held in a trust fund outside the State Treasury. On or
25 before the 25th day of each calendar month, the State
26 Department of Revenue shall prepare and certify to the

1 Comptroller of the State of Illinois and to the Authority (i)
2 the amount of taxes collected in each County other than Cook
3 County in the metropolitan region, (ii) the amount of taxes
4 collected within the City of Chicago, and (iii) the amount
5 collected in that portion of Cook County outside of Chicago,
6 each amount less the amount necessary for the payment of
7 refunds to taxpayers located in those areas described in items
8 (i), (ii), and (iii), and less 1.5% of the remainder, which
9 shall be transferred from the trust fund into the Tax
10 Compliance and Administration Fund. The Department, at the time
11 of each monthly disbursement to the Authority, shall prepare
12 and certify to the State Comptroller the amount to be
13 transferred into the Tax Compliance and Administration Fund
14 under this subsection. Within 10 days after receipt by the
15 Comptroller of the certification of the amounts, the
16 Comptroller shall cause an order to be drawn for the transfer
17 of the amount certified into the Tax Compliance and
18 Administration Fund and the payment of two-thirds of the
19 amounts certified in item (i) of this subsection to the
20 Authority and one-third of the amounts certified in item (i) of
21 this subsection to the respective counties other than Cook
22 County and the amount certified in items (ii) and (iii) of this
23 subsection to the Authority.

24 In addition to the disbursement required by the preceding
25 paragraph, an allocation shall be made in July 1991 and each
26 year thereafter to the Regional Transportation Authority. The

1 allocation shall be made in an amount equal to the average
2 monthly distribution during the preceding calendar year
3 (excluding the 2 months of lowest receipts) and the allocation
4 shall include the amount of average monthly distribution from
5 the Regional Transportation Authority Occupation and Use Tax
6 Replacement Fund. The distribution made in July 1992 and each
7 year thereafter under this paragraph and the preceding
8 paragraph shall be reduced by the amount allocated and
9 disbursed under this paragraph in the preceding calendar year.
10 The Department of Revenue shall prepare and certify to the
11 Comptroller for disbursement the allocations made in
12 accordance with this paragraph.

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

18 (p) At no time shall a public transportation tax or motor
19 vehicle parking tax authorized under paragraphs (b), (c) and
20 (d) of this Section be in effect at the same time as any
21 retailers' occupation, use or service occupation tax
22 authorized under paragraphs (e), (f) and (g) of this Section is
23 in effect.

24 Any taxes imposed under the authority provided in
25 paragraphs (b), (c) and (d) shall remain in effect only until
26 the time as any tax authorized by paragraphs (e), (f) or (g) of

1 this Section are imposed and becomes effective. Once any tax
2 authorized by paragraphs (e), (f) or (g) is imposed the Board
3 may not reimpose taxes as authorized in paragraphs (b), (c) and
4 (d) of the Section unless any tax authorized by paragraphs (e),
5 (f) or (g) of this Section becomes ineffective by means other
6 than an ordinance of the Board.

7 (q) Any existing rights, remedies and obligations
8 (including enforcement by the Regional Transportation
9 Authority) arising under any tax imposed under paragraphs (b),
10 (c) or (d) of this Section shall not be affected by the
11 imposition of a tax under paragraphs (e), (f) or (g) of this
12 Section.

13 (r) Subject to the limitations set forth in this Section,
14 the Board may require any retailer that qualifies as a
15 "retailer maintaining a place of business in this State" under
16 Section 2 of the Use Tax Act to collect and remit the
17 retailers' occupation tax, service occupation tax, and use tax
18 imposed under this Section. A sale is deemed to have occurred
19 in the metropolitan region if the retailer is engaged in the
20 business of selling tangible personal property in the
21 metropolitan region with respect to that sale, as provided in
22 Section 2-12 of the Retailers' Occupation Tax Act.

23 (Source: P.A. 99-180, eff. 7-29-15; 99-217, eff. 7-31-15;
24 99-642, eff. 7-28-16; 100-23, eff. 7-6-17; 100-587, eff.
25 6-4-18.)