

HB4129



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4129

Introduced 9/3/2021, by Rep. Michael J. Zalewski

SYNOPSIS AS INTRODUCED:

35 ILCS 525/10-5

Amends the Parking Excise Tax Act. Provides that the term "purchase price" does not include fees or charges paid to or retained by a booking intermediary and not remitted to the operator.

LRB102 19190 HLH 27955 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning revenue.

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

4 Section 5. The Parking Excise Tax Act is amended by
5 changing Section 10-5 as follows:

6 (35 ILCS 525/10-5)

7 Sec. 10-5. Definitions.

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

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

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

4 "Department" means the Department of Revenue.

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

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

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

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

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

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

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

1 area or garage;

2 (2) any charge for a dishonored check;

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

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

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

13 (5.1) fees or charges paid to or retained by a booking
14 intermediary and not remitted to the operator; or

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

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

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

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