

1 AN ACT concerning local government.

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

4 Section 5. The Local Government Taxpayers' Bill of Rights  
5 Act is amended by changing Section 30 as follows:

6 (50 ILCS 45/30)

7 Sec. 30. Statute of limitations. Units of local government  
8 have an obligation to review tax returns in a timely manner and  
9 issue any determination of tax due as promptly as possible so  
10 that taxpayers may make timely corrections of future returns  
11 and minimize any interest charges applied to tax  
12 underpayments. Each unit of local government must provide  
13 appropriate statutes of limitation for the determination and  
14 assessment of taxes covered by this Act, provided, however,  
15 that a statute of limitations may not exceed the following:

16 (1) No notice of determination of tax due or  
17 assessment may be issued more than 5 ~~4~~ years after the end  
18 of the calendar year for which the return for the period  
19 was filed or the end of the calendar year in which the  
20 return for the period was due, whichever occurs later. An  
21 audit or review that is timely performed under Section 35  
22 of this Act or Section 8-11-2.5 of the Illinois Municipal  
23 Code shall toll the applicable 5-year period for a period

1       of not more than 1 year.

2           (2) If any tax return was not filed or if during any  
3       4-year period for which a notice of tax determination or  
4       assessment may be issued by the unit of local government  
5       the tax paid or remitted was less than 75% of the tax due  
6       for that period, the statute of limitations shall be no  
7       more than 6 years after the end of the calendar year in  
8       which the return for the period was due or the end of the  
9       calendar year in which the return for the period was  
10      filed, whichever occurs later. In the event that a unit of  
11      local government fails to provide a statute of  
12      limitations, the maximum statutory period provided in this  
13      Section applies.

14      (3) The changes to this Section made by this amendatory  
15      Act of the 102nd General Assembly do not revive any  
16      determination and assessment of tax due where the statute of  
17      limitations has expired as of the effective date of this  
18      amendatory Act of the 102nd General Assembly, but the changes  
19      do extend the statute of limitations for the determination and  
20      assessment of taxes where the statute of limitation has not  
21      expired as of the effective date of this amendatory Act of the  
22      102nd General Assembly.

23           This Section does not place any limitation on a unit of  
24      local government if a fraudulent tax return is filed.

25      (Source: P.A. 91-920, eff. 1-1-01.)

1 Section 10. The Illinois Municipal Code is amended by  
2 changing Section 8-11-2.5 as follows:

3 (65 ILCS 5/8-11-2.5)

4 Sec. 8-11-2.5. Municipal tax review; requests for  
5 information.

6 (a) If a municipality has imposed a tax under Section  
7 8-11-2, then the municipality, which may act through its  
8 designated auditor or agent, may conduct an audit of tax  
9 receipts collected from the public utility that is subject to  
10 the tax or that collects the tax from purchasers on behalf of  
11 the municipality to determine whether the amount of tax that  
12 was paid by the public utility was accurate.

13 (b) Not more than once every 2 years, a municipality that  
14 has imposed a tax under Section 8-11-2 of this Act may, subject  
15 to the limitations and protections stated in ~~Section 16-122 of~~  
16 ~~the Public Utilities Act and in~~ the Local Government  
17 Taxpayers' Bill of Rights Act, make a written request via  
18 e-mail to an e-mail address provided by the utility for any  
19 information from a utility in the format maintained by the  
20 public utility in the ordinary course of its business that the  
21 municipality reasonably requires in order to perform an audit  
22 under subsection (a). The information that may be requested by  
23 the municipality includes, without limitation:

24 (1) in an electronic format used by the public utility  
25 in the ordinary course of its business, the

1 premises-specific and other information ~~database~~ used by  
2 the public utility to determine the amount of tax due to  
3 the municipality, for a time period that includes the year  
4 in which the request is made and not more than 6 years  
5 immediately preceding that year, as appropriate for the  
6 period being audited, and which shall include for each  
7 customer premises in the municipality: (i) the premises  
8 address and zip code; (ii) the classification of the  
9 premises as designated by the public utility, such as  
10 residential, commercial, or industrial; (iii) monthly  
11 usage information sufficient to calculate taxes due, in  
12 therms, kilowatts, minutes, or other such other unit of  
13 measurement used to calculate the taxes; (iv) the taxes  
14 actually assessed, collected, and remitted to the  
15 municipality; (v) the first date of service for the  
16 premises, if that date occurred within the period being  
17 audited; and (vi) any tax exemption claimed for the  
18 premises and any additional information that supports a  
19 specific tax exemption, if the municipality requests that  
20 information, including the customer name and other  
21 relevant data; however, a public utility that is an  
22 electric utility may not provide other customer-specific  
23 information to the municipality; ~~provided, however, that,~~  
24 ~~if the municipality has requested customer-specific~~  
25 ~~billing, usage, and load shape data from a public utility~~  
26 ~~that is an electric utility and has not provided the~~

1 ~~electric utility with the verifiable authorization~~  
2 ~~required by Section 16-122 of the Public Utilities Act,~~  
3 ~~then the electric utility shall remove from the database~~  
4 ~~all customer-specific billing, usage, and load shape data~~  
5 ~~before providing it to the municipality, and~~

6 (2) the premises address for customer accounts that  
7 the public utility's records indicate are: (i) in a  
8 bordering municipality, township, or unincorporated area  
9 (other than the City of Chicago), provided that the  
10 municipality provides the public utility a list of such  
11 bordering jurisdictions; or (ii) in any zip code with  
12 boundaries that include or are adjacent to the requesting  
13 municipality provided that the municipality provides the  
14 public utility a list of those zip codes; this item (ii)  
15 applies to requests made on or after September 1, 2022. If  
16 any such customer is determined by the municipality and  
17 the utility to be located within the requesting  
18 municipality, then the public utility shall provide the  
19 additional information provided in paragraph (1) of this  
20 subsection (b). ~~in a format used by the public utility in~~  
21 ~~the ordinary course of its business, summary data, as~~  
22 ~~needed by the municipality, to determine the unit~~  
23 ~~consumption of utility services by providing the gross~~  
24 ~~therms, kilowatts, minutes, or other units of measurement~~  
25 ~~being taxed within the municipal jurisdiction and the~~  
26 ~~gross revenues collected and the associated taxes~~

1        ~~assessed.~~

2        Following the municipality's receipt of the information  
3 provided by the public utility pursuant to paragraphs (1) or  
4 (2) of this subsection (b), if a question or issue arises that  
5 can only be addressed by accessing customer-specific or  
6 additional information not described in this Section, then the  
7 utility shall attempt to resolve the question or issue without  
8 disclosing any customer-specific information. If this process  
9 does not resolve the question or issue, then either the  
10 municipality or public utility can further pursue the matter  
11 before the Department of Revenue, which has the discretion to  
12 receive or share customer-specific information with the  
13 municipality as appropriate subject to confidentiality  
14 restrictions.

15        (c) Each public utility must provide the information  
16 requested under subsection (b) within 45 days after the date  
17 of the request.+

18        ~~(1) 60 days after the date of the request if the~~  
19 ~~population of the requesting municipality is 500,000 or~~  
20 ~~less; or~~

21        ~~(2) 90 days after the date of the request if the~~  
22 ~~population of the requesting municipality exceeds 500,000.~~

23        The time in which a public utility must provide the  
24 information requested under subsection (b) may be extended by  
25 an agreement between the municipality and the public utility.  
26 ~~If a public utility receives, during a single month,~~

1 ~~information requests from more than 2 municipalities, or the~~  
2 ~~aggregate population of the requesting municipalities is~~  
3 ~~100,000 customers or more, the public utility is entitled to~~  
4 ~~an additional 30 days to respond to those requests.~~

5 (d) If an audit by the municipality or its agents finds an  
6 error by the public utility in the amount of taxes paid by the  
7 public utility, then the municipality must notify the public  
8 utility of the error. Any such notice must be issued pursuant  
9 to Section 30 of the Local Government Taxpayers' Bill of  
10 Rights Act or a lesser period of time from the date the tax was  
11 due that may be specified in the municipal ordinance imposing  
12 the tax. Upon such a notice, any audit shall be conducted  
13 pursuant to Section 35 of the Local Government Taxpayers' Bill  
14 of Rights Act subject to the timelines set forth in this  
15 subsection (d). The public utility must submit a written  
16 response within 60 days after the date the notice was  
17 postmarked stating that it has corrected the error or stating  
18 the reason that the error is inapplicable or inaccurate. The  
19 municipality then has 60 days after the receipt of the public  
20 utility's response to review and contest the conclusion of the  
21 public utility. If the parties are unable to agree on the  
22 disposition of the audit findings within 120 days after the  
23 notification of the error to the public utility, then either  
24 party may submit the matter for appeal as outlined in Section  
25 40 of the Local Government Taxpayers' Bill of Rights Act. If  
26 the appeals process does not produce a satisfactory result,

1 then either party may pursue the alleged error in a court of  
2 competent jurisdiction.

3 (e) The public utility shall be liable to the municipality  
4 for unpaid taxes, including taxes that the public utility  
5 failed to properly bill to the customer subject to subsection  
6 paragraph (2) of subsection (e-10) of this Section. This  
7 subsection (e) does not limit a utility's right to an  
8 offsetting credit it would otherwise be entitled to, including  
9 that authorized by subsection (c) of Section 8-11-2 of the  
10 Code. To the extent that a public utility's errors in past tax  
11 collections and payments relate to premises located in an area  
12 of the municipality that was annexed on or after the effective  
13 date of this amendatory Act of the 102nd General Assembly,  
14 however, the public utility shall only be liable for such  
15 errors beginning 60 days after the date that the municipality  
16 provided the public utility notice of the annexation, provided  
17 that the public utility provides municipalities with an email  
18 address to send annexation notices. A copy of the annexation  
19 ordinance and the map filed with the County Clerk sent to the  
20 email address provided by the public utility shall be deemed  
21 sufficient notice, but other forms of notice may also be  
22 sufficient ~~No public utility is liable for any error in past~~  
23 ~~collections and payments that was unknown by it prior to the~~  
24 ~~audit process unless (i) the error was due to negligence by the~~  
25 ~~public utility in the collection or processing of required~~  
26 ~~data and (ii) the municipality had not failed to respond in~~



1 ~~writing on an accurate and timely basis to any written request~~  
2 ~~of the public utility to review and correct information used~~  
3 ~~by the public utility to collect the municipality's tax if a~~  
4 ~~diligent review of such information by the municipality~~  
5 ~~reasonably could have been expected to discover such error.~~  
6 ~~If, however, an error in past collections or payments resulted~~  
7 ~~in a customer, who should not have owed a tax to any~~  
8 ~~municipality, having paid a tax to a municipality, then the~~  
9 ~~customer may, to the extent allowed by Section 9-252 of the~~  
10 ~~Public Utilities Act, recover the tax from the public utility,~~  
11 ~~and any amount so paid by the public utility may be deducted by~~  
12 ~~that public utility from any taxes then or thereafter owed by~~  
13 ~~the public utility to that municipality.~~

14 (e-5) Upon mutual agreement, a utility and municipality  
15 may use a web portal in lieu of email to receive notice of  
16 annexations and boundary changes. After December 31, 2025 for  
17 a gas public utility that serves more than 2,000,000 customers  
18 in Illinois and after December 31, 2022 for all other public  
19 utilities that serve more than 1,000,000 retail customers in  
20 Illinois, the public utilities shall provide a secure web  
21 portal for municipalities to use, and, thereafter, the web  
22 portals shall be used by all municipalities to notify the  
23 public utilities of annexations. The web portal must provide  
24 the municipality with an electronic record of all  
25 communications and attached documents that the municipality  
26 has submitted through the portal.

1       (e-10) (1) No later than August 1, 2023, the Department of  
2 Revenue shall develop and publish a written process to be used  
3 by each public utility and each municipality that imposes a  
4 tax under Section 8-11-2 of the Code, which may act through its  
5 designated auditor or agent, under which:

6           (A) by December 31, 2024, and on a regular  
7 schedule thereafter to occur approximately every 5  
8 years, each public utility shall work collaboratively  
9 with each municipality to develop and file with the  
10 Department of Revenue, a master list of all premises  
11 addresses in the municipality (including premises  
12 addresses with inactive accounts) that are subject to  
13 such tax and all accounts in the municipality that are  
14 exempt from such tax, provided that the final date for  
15 the first master list shall be extended, at the  
16 utility's request, to no later than December 31, 2026;

17           (B) information is provided to the municipality to  
18 facilitate development of the master list including  
19 information described in paragraph (1) of subsection  
20 (b) of this Section regarding all accounts (including  
21 premises addresses with inactive accounts) that the  
22 public utility's records show are in the municipality  
23 and the premises addresses in (i) any bordering  
24 municipality, (ii) any bordering township, or (iii)  
25 any zip code that is in any part in the municipality or  
26 that borders the municipality;

1           (C) any dispute between the public utility and the  
2           municipality related to the master list will be  
3           resolved;

4           (D) on a semi-annual basis following the  
5           development of the master list, each public utility  
6           shall provide to each municipality certain information  
7           that the municipality can use to nominate changes to  
8           the master list, including, but not limited to: (i) a  
9           list of any tax-related changes, such as the addition  
10          or removal of an exemption, or to the taxing  
11          jurisdiction, to any account on the master list; and  
12          (ii) new premises addresses within the municipality,  
13          any bordering municipality, in any bordering township,  
14          or in any zip code that is in any part in the  
15          municipality or that borders the municipality;

16          (E) accounts nominated by the municipality to be  
17          added or deleted from the master list may be submitted  
18          to the public utility and related disputes will be  
19          resolved;

20          (F) changes may be made to the master list; and

21          (G) the utility may file a master list based  
22          solely on its records if the municipality fails to  
23          participate and such a municipality may request to  
24          restart the process prior to the end of the five-year  
25          cycle.

26          (2) No public utility is liable for any error in tax

1 collections or payments due more than 60 days after the  
2 date that the first master list for the relevant  
3 municipality is filed with the Department of Revenue  
4 unless such error in tax collection or payment:

5 (A) was related to a premises address on the  
6 master list at the time of the error;

7 (B) was related to an area of the municipality  
8 annexed on or after the effective date of this  
9 amendatory Act of the 102nd General Assembly, notice  
10 of which was properly provided to the public utility  
11 pursuant to the procedures set forth in subsection  
12 (e); or

13 (C) resulted from the public utility's failure to  
14 comply with the process established in this subsection  
15 (e-10).

16 (3) If the public utility uses a portal as set forth in  
17 subsection (e-5), all lists, changes affecting tax  
18 collection and remission, proposed corrections, and  
19 reports shall be provided through such portal.

20 (e-15) If a customer paid a tax to a municipality that the  
21 customer did not owe or was in excess of the tax the customer  
22 owed, then the customer may, to the extent allowed by Section  
23 9-252 of the Public Utilities Act, recover the tax or over  
24 payment from the public utility, and any amount so paid by the  
25 public utility may be deducted by that public utility from any  
26 taxes then or thereafter owed by the public utility to that

1 municipality.

2 (e-20) (1) The Department of Revenue shall have the  
3 authority to resolve a claim by a municipality that a public  
4 utility materially failed to comply with the requirements of  
5 subsections (b) or (c) of this Section or the process  
6 developed under subsection (e-10) of this Section. If the  
7 Department of Revenue finds, after notice and hearing, that a  
8 public utility (i) caused a material delay in providing  
9 information properly requested under such subsections or (ii)  
10 omitted a material portion of information properly requested,  
11 then the Department shall assess a penalty on the utility of up  
12 to \$50,000 per audit, or up to \$10,000 per audit for a utility  
13 that served less than 100,000 retail customers on the date of  
14 the audit notice, or, if the claim relates to subsection  
15 (e-10), up to \$50,000 per 5-year master list cycle or up to  
16 \$10,000 per cycle for a utility that served less than 100,000  
17 retail customers on the date such master list was filed with  
18 the Department, which penalty shall be paid by the public  
19 utility to the Department of Revenue for deposit into the  
20 Supplemental Low-Income Energy Assistance Fund.  
21 Notwithstanding anything to the contrary, a penalty assessed  
22 pursuant to this subsection shall be the exclusive remedy for  
23 the conduct that is the subject of the claim. A penalty  
24 assessed under this subsection shall bar and prohibit pursuit  
25 of any other penalty, fine, or recovery related to the conduct  
26 for which the penalty was assessed.

1       (2) No penalty shall be assessed by the Department  
2 pursuant to this subsection if the Department finds that a  
3 delay or omission was immaterial or de minimis.

4       (3) Any penalties or fines paid by a public utility  
5 pursuant to this subsection shall not be recoverable through  
6 the utility's rates.

7       (4) If a municipality and public utility have a  
8 disagreement regarding the scope or conduct of an audit  
9 undertaken pursuant to this Section, they shall work together  
10 in good faith to attempt to resolve the dispute. If, after a  
11 period of no less than 14 days, the municipality and public  
12 utility are not able to reach an agreement regarding the  
13 dispute, either entity, or both entities jointly, may submit a  
14 request to the Illinois Department of Revenue seeking  
15 resolution of the dispute, and the Department shall have the  
16 authority to resolve the issue, and shall resolve such dispute  
17 within 60 days. Each such request must include a statement  
18 showing that consultation and reasonable attempts to resolve  
19 the dispute have failed.

20       The time period established pursuant to this Section for  
21 complying with requests for information under this Section  
22 shall be suspended during the dispute resolution processes set  
23 forth in this paragraph (4) of subsection (e-20), but only for  
24 the issue or issues that are the subject of the dispute.  
25 Information requests that are undisputed shall continue to be  
26 subject to the time periods for compliance set forth in this

1 Section.

2 (f) All account specific and premises-specific information  
3 provided by a public utility under this Section may be used  
4 only for the purpose of an audit of taxes conducted under this  
5 Section and the enforcement of any related tax claim. All such  
6 information must be held in strict confidence by the  
7 municipality and its agents and may not be disclosed to the  
8 public under the Freedom of Information Act or under any other  
9 similar statutes allowing for or requiring public disclosure.

10 (g) The provisions of this Section shall not be construed  
11 as diminishing or replacing any civil remedy available to a  
12 municipality, taxpayer, or tax collector.

13 (h) This Section does not apply to any municipality having  
14 a population greater than 1,000,000.

15 (i) The changes to subsection (e) and paragraph (2) of  
16 subsection (e-10) of this Section made by this amendatory Act  
17 of the 102nd General Assembly apply to taxes due on or after  
18 August 1, 2022. The remaining changes to this Section made by  
19 this amendatory Act of the 102nd General Assembly apply on or  
20 after the effective date of this amendatory Act of the 102nd  
21 General Assembly.

22 (j) As used in this Section:

23 "Customer-specific information" means the name, phone  
24 number, email address, and banking information of a customer.

25 "Customer-specific information" includes the load-shape data  
26 associated with a customer account. "Customer-specific

1 information" does not include the tax-exempt status of the  
2 premises and the name of tax exempt customers.

3 "Premises-specific information" means any information,  
4 including billing and usage data, associated with a premises  
5 address that is not customer-specific information.

6 "Premises address" includes the jurisdiction to which the  
7 address is currently coded by the public utility for municipal  
8 tax purposes.

9 (Source: P.A. 96-1422, eff. 8-3-10.)

10 Section 15. The Public Utilities Act is amended by  
11 changing Section 16-122 as follows:

12 (220 ILCS 5/16-122)

13 Sec. 16-122. Customer information.

14 (a) Upon the request of a retail customer, or a person who  
15 presents verifiable authorization and is acting as the  
16 customer's agent, and payment of a reasonable fee, electric  
17 utilities shall provide to the customer or its authorized  
18 agent the customer's billing and usage data.

19 (b) Upon request from any alternative retail electric  
20 supplier and payment of a reasonable fee, an electric utility  
21 serving retail customers in its service area shall make  
22 available generic information concerning the usage, load shape  
23 curve or other general characteristics of customers by rate  
24 classification. Provided however, no customer specific



1 billing, usage or load shape data shall be provided under this  
2 subsection unless authorization to provide such information is  
3 provided by the customer pursuant to subsection (a) of this  
4 Section.

5 (c) Upon request from a unit of local government and  
6 payment of a reasonable fee, an electric utility shall make  
7 available information concerning the usage, load shape curves,  
8 and other characteristics of customers by customer  
9 classification and location within the boundaries of the unit  
10 of local government, however, no customer specific billing,  
11 usage, or load shape data shall be provided under this  
12 subsection unless authorization to provide that information is  
13 provided by the customer. This subsection (c) does not  
14 prohibit an electric utility from providing a unit of local  
15 government or its designated auditor the materials delineated  
16 in Section 8-11-2.5 of the Illinois Municipal Code for the  
17 purposes of an audit under that Section.

18 (d) All such customer information shall be made available  
19 in a timely fashion in an electronic format, if available.

20 (Source: P.A. 92-585, eff. 6-26-02.)

21 Section 99. Effective date. This Act takes effect upon  
22 becoming law.