

1 AN ACT in relation to taxes.

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

4 Section 5. The Motor Fuel Tax Law is amended by changing  
5 Section 8 as follows:

6 (35 ILCS 505/8) (from Ch. 120, par. 424)

7 Sec. 8. Except as provided in Section 8a, subdivision  
8 (h)(1) of Section 12a, Section 13a.6, and items 13, 14, 15,  
9 and 16 of Section 15, all money received by the Department  
10 under this Act, including payments made to the Department by  
11 member jurisdictions participating in the International Fuel  
12 Tax Agreement, shall be deposited in a special fund in the  
13 State treasury, to be known as the "Motor Fuel Tax Fund", and  
14 shall be used as follows:

15 (a) 2 1/2 cents per gallon of the tax collected on  
16 special fuel under paragraph (b) of Section 2 and Section 13a  
17 of this Act shall be transferred to the State Construction  
18 Account Fund in the State Treasury;

19 (b) \$420,000 shall be transferred each month to the  
20 State Boating Act Fund to be used by the Department of  
21 Natural Resources for the purposes specified in Article X of  
22 the Boat Registration and Safety Act;

23 (c) \$2,250,000 shall be transferred each month to the  
24 Grade Crossing Protection Fund to be used as follows: not  
25 less than \$6,000,000 each fiscal year shall be used for the  
26 construction or reconstruction of rail highway grade  
27 separation structures; beginning with fiscal year 1997 and  
28 ending in fiscal year 2000, \$1,500,000, beginning with fiscal  
29 year 2001 and ending in fiscal year 2003, \$2,250,000, and  
30 \$750,000 in fiscal year 2004 and each fiscal year thereafter  
31 shall be transferred to the Transportation Regulatory Fund

1 and shall be accounted for as part of the rail carrier  
2 portion of such funds and shall be used to pay the cost of  
3 administration of the Illinois Commerce Commission's railroad  
4 safety program in connection with its duties under subsection  
5 (3) of Section 18c-7401 of the Illinois Vehicle Code, with  
6 the remainder to be used by the Department of Transportation  
7 upon order of the Illinois Commerce Commission, to pay that  
8 part of the cost apportioned by such Commission to the State  
9 to cover the interest of the public in the use of highways,  
10 roads, streets, or pedestrian walkways in the county highway  
11 system, township and district road system, or municipal  
12 street system as defined in the Illinois Highway Code, as the  
13 same may from time to time be amended, for separation of  
14 grades, for installation, construction or reconstruction of  
15 crossing protection or reconstruction, alteration, relocation  
16 including construction or improvement of any existing highway  
17 necessary for access to property or improvement of any grade  
18 crossing including the necessary highway approaches thereto  
19 of any railroad across the highway or public road, or for the  
20 installation, construction, reconstruction, or maintenance of  
21 a pedestrian walkway over or under a railroad right-of-way,  
22 as provided for in and in accordance with Section 18c-7401 of  
23 the Illinois Vehicle Code. The Commission shall not order  
24 more than \$2,000,000 per year in Grade Crossing Protection  
25 Fund moneys for pedestrian walkways. In entering orders for  
26 projects for which payments from the Grade Crossing  
27 Protection Fund will be made, the Commission shall account  
28 for expenditures authorized by the orders on a cash rather  
29 than an accrual basis. For purposes of this requirement an  
30 "accrual basis" assumes that the total cost of the project is  
31 expended in the fiscal year in which the order is entered,  
32 while a "cash basis" allocates the cost of the project among  
33 fiscal years as expenditures are actually made. To meet the  
34 requirements of this subsection, the Illinois Commerce

1 Commission shall develop annual and 5-year project plans of  
2 rail crossing capital improvements that will be paid for with  
3 moneys from the Grade Crossing Protection Fund. The annual  
4 project plan shall identify projects for the succeeding  
5 fiscal year and the 5-year project plan shall identify  
6 projects for the 5 directly succeeding fiscal years. The  
7 Commission shall submit the annual and 5-year project plans  
8 for this Fund to the Governor, the President of the Senate,  
9 the Senate Minority Leader, the Speaker of the House of  
10 Representatives, and the Minority Leader of the House of  
11 Representatives on the first Wednesday in April of each year;

12 (d) of the amount remaining after allocations provided  
13 for in subsections (a), (b) and (c), a sufficient amount  
14 shall be reserved to pay all of the following:

15 (1) the costs of the Department of Revenue in  
16 administering this Act;

17 (2) the costs of the Department of Transportation  
18 in performing its duties imposed by the Illinois Highway  
19 Code for supervising the use of motor fuel tax funds  
20 apportioned to municipalities, counties and road  
21 districts;

22 (3) refunds provided for in Section 13 of this Act  
23 and under the terms of the International Fuel Tax  
24 Agreement referenced in Section 14a;

25 (4) from October 1, 1985 until June 30, 1994, the  
26 administration of the Vehicle Emissions Inspection Law,  
27 which amount shall be certified monthly by the  
28 Environmental Protection Agency to the State Comptroller  
29 and shall promptly be transferred by the State  
30 Comptroller and Treasurer from the Motor Fuel Tax Fund to  
31 the Vehicle Inspection Fund, and for the period July 1,  
32 1994 through June 30, 2000, one-twelfth of \$25,000,000  
33 each month, and for the period July 1, 2000 through June  
34 30, 2006, one-twelfth of \$30,000,000 each month, for the

1 administration of the Vehicle Emissions Inspection Law of  
2 1995, to be transferred by the State Comptroller and  
3 Treasurer from the Motor Fuel Tax Fund into the Vehicle  
4 Inspection Fund;

5 (5) amounts ordered paid by the Court of Claims;  
6 and

7 (6) payment of motor fuel use taxes due to member  
8 jurisdictions under the terms of the International Fuel  
9 Tax Agreement. The Department shall certify these  
10 amounts to the Comptroller by the 15th day of each month;  
11 the Comptroller shall cause orders to be drawn for such  
12 amounts, and the Treasurer shall administer those amounts  
13 on or before the last day of each month;

14 (e) after allocations for the purposes set forth in  
15 subsections (a), (b), (c) and (d), the remaining amount shall  
16 be apportioned as follows:

17 (1) Until January 1, 2000, 58.4%, and beginning  
18 January 1, 2000, 45.6% shall be deposited as follows:

19 (A) 37% into the State Construction Account  
20 Fund, and

21 (B) 63% into the Road Fund, \$1,250,000 of  
22 which shall be reserved each month for the  
23 Department of Transportation to be used in  
24 accordance with the provisions of Sections 6-901  
25 through 6-906 of the Illinois Highway Code;

26 (2) Until January 1, 2000, 41.6%, and beginning  
27 January 1, 2000, 54.4% shall be transferred to the  
28 Department of Transportation to be distributed as  
29 follows:

30 (A) 49.10% to the municipalities of the State,

31 (B) until January 1, 2004, 16.74%, and  
32 beginning January 1, 2004, 15.15% to the counties of  
33 the State having 1,000,000 or more inhabitants,

34 (C) 18.27% to the counties of the State having

1 less than 1,000,000 inhabitants,

2 (D) until January 1, 2004, 15.89%, and  
3 beginning January 1, 2004, 17.48% to the road  
4 districts of the State.

5 As soon as may be after the first day of each month the  
6 Department of Transportation shall allot to each municipality  
7 its share of the amount apportioned to the several  
8 municipalities which shall be in proportion to the population  
9 of such municipalities as determined by the last preceding  
10 municipal census if conducted by the Federal Government or  
11 Federal census. If territory is annexed to any municipality  
12 subsequent to the time of the last preceding census the  
13 corporate authorities of such municipality may cause a census  
14 to be taken of such annexed territory and the population so  
15 ascertained for such territory shall be added to the  
16 population of the municipality as determined by the last  
17 preceding census for the purpose of determining the allotment  
18 for that municipality. If the population of any municipality  
19 was not determined by the last Federal census preceding any  
20 apportionment, the apportionment to such municipality shall  
21 be in accordance with any census taken by such municipality.  
22 Any municipal census used in accordance with this Section  
23 shall be certified to the Department of Transportation by the  
24 clerk of such municipality, and the accuracy thereof shall be  
25 subject to approval of the Department which may make such  
26 corrections as it ascertains to be necessary.

27 As soon as may be after the first day of each month the  
28 Department of Transportation shall allot to each county its  
29 share of the amount apportioned to the several counties of  
30 the State as herein provided. Each allotment to the several  
31 counties having less than 1,000,000 inhabitants shall be in  
32 proportion to the amount of motor vehicle license fees  
33 received from the residents of such counties, respectively,  
34 during the preceding calendar year. The Secretary of State

1 shall, on or before April 15 of each year, transmit to the  
2 Department of Transportation a full and complete report  
3 showing the amount of motor vehicle license fees received  
4 from the residents of each county, respectively, during the  
5 preceding calendar year. The Department of Transportation  
6 shall, each month, use for allotment purposes the last such  
7 report received from the Secretary of State.

8 As soon as may be after the first day of each month, the  
9 Department of Transportation shall allot to the several  
10 counties their share of the amount apportioned for the use of  
11 road districts. The allotment shall be apportioned among the  
12 several counties in the State in the proportion which the  
13 total mileage of township or district roads in the respective  
14 counties bears to the total mileage of all township and  
15 district roads in the State. Funds allotted to the respective  
16 counties for the use of road districts therein shall be  
17 allocated to the several road districts in the county in the  
18 proportion which the total mileage of such township or  
19 district roads in the respective road districts bears to the  
20 total mileage of all such township or district roads in the  
21 county. After July 1 of any year, no allocation shall be  
22 made for any road district unless it levied a tax for road  
23 and bridge purposes in an amount which will require the  
24 extension of such tax against the taxable property in any  
25 such road district at a rate of not less than either .08% of  
26 the value thereof, based upon the assessment for the year  
27 immediately prior to the year in which such tax was levied  
28 and as equalized by the Department of Revenue or, in DuPage  
29 County, an amount equal to or greater than \$12,000 per mile  
30 of road under the jurisdiction of the road district,  
31 whichever is less. If any road district has levied a special  
32 tax for road purposes pursuant to Sections 6-601, 6-602 and  
33 6-603 of the Illinois Highway Code, and such tax was levied  
34 in an amount which would require extension at a rate of not

1 less than .08% of the value of the taxable property thereof,  
2 as equalized or assessed by the Department of Revenue, or, in  
3 DuPage County, an amount equal to or greater than \$12,000 per  
4 mile of road under the jurisdiction of the road district,  
5 whichever is less, such levy shall, however, be deemed a  
6 proper compliance with this Section and shall qualify such  
7 road district for an allotment under this Section. If a  
8 township has transferred to the road and bridge fund money  
9 which, when added to the amount of any tax levy of the road  
10 district would be the equivalent of a tax levy requiring  
11 extension at a rate of at least .08%, or, in DuPage County,  
12 an amount equal to or greater than \$12,000 per mile of road  
13 under the jurisdiction of the road district, whichever is  
14 less, such transfer, together with any such tax levy, shall  
15 be deemed a proper compliance with this Section and shall  
16 qualify the road district for an allotment under this  
17 Section.

18 In counties in which a property tax extension limitation  
19 is imposed under the Property Tax Extension Limitation Law,  
20 road districts may retain their entitlement to a motor fuel  
21 tax allotment if, at the time the property tax extension  
22 limitation was imposed, the road district was levying a road  
23 and bridge tax at a rate sufficient to entitle it to a motor  
24 fuel tax allotment and continues to levy the maximum  
25 allowable amount after the imposition of the property tax  
26 extension limitation. Any road district may in all  
27 circumstances retain its entitlement to a motor fuel tax  
28 allotment if it levied a road and bridge tax in an amount  
29 that will require the extension of the tax against the  
30 taxable property in the road district at a rate of not less  
31 than 0.08% of the assessed value of the property, based upon  
32 the assessment for the year immediately preceding the year in  
33 which the tax was levied and as equalized by the Department  
34 of Revenue or, in DuPage County, an amount equal to or

1 greater than \$12,000 per mile of road under the jurisdiction  
2 of the road district, whichever is less.

3 As used in this Section the term "road district" means  
4 any road district, including a county unit road district,  
5 provided for by the Illinois Highway Code; and the term  
6 "township or district road" means any road in the township  
7 and district road system as defined in the Illinois Highway  
8 Code. For the purposes of this Section, "road district" also  
9 includes park districts, forest preserve districts and  
10 conservation districts organized under Illinois law and  
11 "township or district road" also includes such roads as are  
12 maintained by park districts, forest preserve districts and  
13 conservation districts. The Department of Transportation  
14 shall determine the mileage of all township and district  
15 roads for the purposes of making allotments and allocations  
16 of motor fuel tax funds for use in road districts.

17 Payment of motor fuel tax moneys to municipalities and  
18 counties shall be made as soon as possible after the  
19 allotment is made. The treasurer of the municipality or  
20 county may invest these funds until their use is required and  
21 the interest earned by these investments shall be limited to  
22 the same uses as the principal funds.

23 (Source: P.A. 91-37, eff. 7-1-99; 91-59, eff. 6-30-99;  
24 91-173, eff. 1-1-00; 91-357, eff. 7-29-99; 91-704, eff.  
25 7-1-00; 91-725, eff. 6-2-00; 91-794, eff. 6-9-00; 92-16, eff.  
26 6-28-01; 92-30, eff. 7-1-01.)

27 Section 99. Effective date. This Act takes effect on  
28 January 1, 2004.