

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 2004 2003, \$2,250,000,  
30 and \$750,000 in fiscal year 2005 2004 and each fiscal year  
31 thereafter shall be transferred to the Transportation

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

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

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

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

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

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

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

1 30, 2006, one-twelfth of \$30,000,000 each month, for the  
 2 administration of the Vehicle Emissions Inspection Law of  
 3 1995, to be transferred by the State Comptroller and  
 4 Treasurer from the Motor Fuel Tax Fund into the Vehicle  
 5 Inspection Fund;

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

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

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

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

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

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

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

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

32 (B) 16.74% to the counties of the State having  
 33 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) 15.89% to the road districts of the State.

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

25           As soon as may be after the first day of each month the  
26 Department of Transportation shall allot to each county its  
27 share of the amount apportioned to the several counties of  
28 the State as herein provided. Each allotment to the several  
29 counties having less than 1,000,000 inhabitants shall be in  
30 proportion to the amount of motor vehicle license fees  
31 received from the residents of such counties, respectively,  
32 during the preceding calendar year. The Secretary of State  
33 shall, on or before April 15 of each year, transmit to the  
34 Department of Transportation a full and complete report

1 showing the amount of motor vehicle license fees received  
2 from the residents of each county, respectively, during the  
3 preceding calendar year. The Department of Transportation  
4 shall, each month, use for allotment purposes the last such  
5 report received from the Secretary of State.

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

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

16 In counties in which a property tax extension limitation  
17 is imposed under the Property Tax Extension Limitation Law,  
18 road districts may retain their entitlement to a motor fuel  
19 tax allotment if, at the time the property tax extension  
20 limitation was imposed, the road district was levying a road  
21 and bridge tax at a rate sufficient to entitle it to a motor  
22 fuel tax allotment and continues to levy the maximum  
23 allowable amount after the imposition of the property tax  
24 extension limitation. Any road district may in all  
25 circumstances retain its entitlement to a motor fuel tax  
26 allotment if it levied a road and bridge tax in an amount  
27 that will require the extension of the tax against the  
28 taxable property in the road district at a rate of not less  
29 than 0.08% of the assessed value of the property, based upon  
30 the assessment for the year immediately preceding the year in  
31 which the tax was levied and as equalized by the Department  
32 of Revenue or, in DuPage County, an amount equal to or  
33 greater than \$12,000 per mile of road under the jurisdiction  
34 of the road district, whichever is less.

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

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

21           (Source: P.A. 91-37, eff. 7-1-99; 91-59, eff. 6-30-99;  
22 91-173, eff. 1-1-00; 91-357, eff. 7-29-99; 91-704, eff.  
23 7-1-00; 91-725, eff. 6-2-00; 91-794, eff. 6-9-00; 92-16, eff.  
24 6-28-01; 92-30, eff. 7-1-01.)

25           Section 99. Effective date. This Act takes effect upon  
26 becoming law.