

1 AN ACT concerning 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 Law Act, including payments made to the Department
11 by member jurisdictions participating in the International
12 Fuel Tax Agreement, shall be deposited in a special fund in
13 the State treasury, to be known as the "Motor Fuel Tax Fund",
14 and 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) 16.74% to the counties of the State having
32 1,000,000 or more inhabitants,

33 (C) 18.27% to the counties of the State having
34 less than 1,000,000 inhabitants,

1 (D) 15.89% to the road districts of the State.

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

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

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

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

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

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

34 As used in this Section the term "road district" means

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

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

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