

# HB5498



## 95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

**HB5498**

by Rep. Angelo Saviano

### SYNOPSIS AS INTRODUCED:

35 ILCS 505/8

from Ch. 120, par. 424

Amends the Motor Fuel Tax Law. Provides that certain distributions must be made to counties with more than 3 million inhabitants (now, 1 million inhabitants). Effective immediately.

LRB095 15066 BDD 41026 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 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, and  
9 16 of Section 15, all money received by the Department under  
10 this Act, including payments made to the Department by member  
11 jurisdictions participating in the International Fuel Tax  
12 Agreement, shall be deposited in a special fund in the State  
13 treasury, to be known as the "Motor Fuel Tax Fund", and shall  
14 be used as follows:

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

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

23 (c) \$2,250,000 shall be transferred each month to the Grade

1 Crossing Protection Fund to be used as follows: not less than  
2 \$6,000,000 each fiscal year shall be used for the construction  
3 or reconstruction of rail highway grade separation structures;  
4 \$2,250,000 in fiscal year 2004 and each fiscal year thereafter  
5 shall be transferred to the Transportation Regulatory Fund and  
6 shall be accounted for as part of the rail carrier portion of  
7 such funds and shall be used to pay the cost of administration  
8 of the Illinois Commerce Commission's railroad safety program  
9 in connection with its duties under subsection (3) of Section  
10 18c-7401 of the Illinois Vehicle Code, with the remainder to be  
11 used by the Department of Transportation upon order of the  
12 Illinois Commerce Commission, to pay that part of the cost  
13 apportioned by such Commission to the State to cover the  
14 interest of the public in the use of highways, roads, streets,  
15 or pedestrian walkways in the county highway system, township  
16 and district road system, or municipal street system as defined  
17 in the Illinois Highway Code, as the same may from time to time  
18 be amended, for separation of grades, for installation,  
19 construction or reconstruction of crossing protection or  
20 reconstruction, alteration, relocation including construction  
21 or improvement of any existing highway necessary for access to  
22 property or improvement of any grade crossing including the  
23 necessary highway approaches thereto of any railroad across the  
24 highway or public road, or for the installation, construction,  
25 reconstruction, or maintenance of a pedestrian walkway over or  
26 under a railroad right-of-way, as provided for in and in

1 accordance with Section 18c-7401 of the Illinois Vehicle Code.  
2 The Commission shall not order more than \$2,000,000 per year in  
3 Grade Crossing Protection Fund moneys for pedestrian walkways.  
4 In entering orders for projects for which payments from the  
5 Grade Crossing Protection Fund will be made, the Commission  
6 shall account for expenditures authorized by the orders on a  
7 cash rather than an accrual basis. For purposes of this  
8 requirement an "accrual basis" assumes that the total cost of  
9 the project is expended in the fiscal year in which the order  
10 is entered, while a "cash basis" allocates the cost of the  
11 project among fiscal years as expenditures are actually made.  
12 To meet the requirements of this subsection, the Illinois  
13 Commerce Commission shall develop annual and 5-year project  
14 plans of rail crossing capital improvements that will be paid  
15 for with moneys from the Grade Crossing Protection Fund. The  
16 annual project plan shall identify projects for the succeeding  
17 fiscal year and the 5-year project plan shall identify projects  
18 for the 5 directly succeeding fiscal years. The Commission  
19 shall submit the annual and 5-year project plans for this Fund  
20 to the Governor, the President of the Senate, the Senate  
21 Minority Leader, the Speaker of the House of Representatives,  
22 and the Minority Leader of the House of Representatives on the  
23 first Wednesday in April of each year;

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

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

3           (2) the costs of the Department of Transportation in  
4           performing its duties imposed by the Illinois Highway Code  
5           for supervising the use of motor fuel tax funds apportioned  
6           to municipalities, counties and road districts;

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

10          (4) from October 1, 1985 until June 30, 1994, the  
11          administration of the Vehicle Emissions Inspection Law,  
12          which amount shall be certified monthly by the  
13          Environmental Protection Agency to the State Comptroller  
14          and shall promptly be transferred by the State Comptroller  
15          and Treasurer from the Motor Fuel Tax Fund to the Vehicle  
16          Inspection Fund, and for the period July 1, 1994 through  
17          June 30, 2000, one-twelfth of \$25,000,000 each month, for  
18          the period July 1, 2000 through June 30, 2003, one-twelfth  
19          of \$30,000,000 each month, and \$15,000,000 on July 1, 2003,  
20          and \$15,000,000 on January 1, 2004, and \$15,000,000 on each  
21          July 1 and October 1, or as soon thereafter as may be  
22          practical, during the period July 1, 2004 through June 30,  
23          2008, for the administration of the Vehicle Emissions  
24          Inspection Law of 1995, to be transferred by the State  
25          Comptroller and Treasurer from the Motor Fuel Tax Fund into  
26          the Vehicle Inspection Fund;

1 (5) amounts ordered paid by the Court of Claims; and  
2 (6) payment of motor fuel use taxes due to member  
3 jurisdictions under the terms of the International Fuel Tax  
4 Agreement. The Department shall certify these amounts to  
5 the Comptroller by the 15th day of each month; the  
6 Comptroller shall cause orders to be drawn for such  
7 amounts, and the Treasurer shall administer those amounts  
8 on or before the last day of each month;

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

12 (1) Until January 1, 2000, 58.4%, and beginning January  
13 1, 2000, 45.6% shall be deposited as follows:

14 (A) 37% into the State Construction Account Fund,  
15 and

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

21 (2) Until January 1, 2000, 41.6%, and beginning January  
22 1, 2000, 54.4% shall be transferred to the Department of  
23 Transportation to be distributed as follows:

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

25 (B) 16.74% to the counties of the State having  
26 3,000,000 ~~1,000,000~~ or more inhabitants,

1 (C) 18.27% to the counties of the State having less  
2 than 3,000,000 ~~1,000,000~~ inhabitants,

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

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

26 As soon as may be after the first day of each month the

1 Department of Transportation shall allot to each county its  
2 share of the amount apportioned to the several counties of the  
3 State as herein provided. Each allotment to the several  
4 counties having less than 3,000,000 ~~1,000,000~~ inhabitants  
5 shall be in proportion to the amount of motor vehicle license  
6 fees received from the residents of such counties,  
7 respectively, during the preceding calendar year. The  
8 Secretary of State shall, on or before April 15 of each year,  
9 transmit to the Department of Transportation a full and  
10 complete report showing the amount of motor vehicle license  
11 fees received from the residents of each county, respectively,  
12 during the preceding calendar year. The Department of  
13 Transportation shall, each month, use for allotment purposes  
14 the last such report received from the Secretary of State.

15 As soon as may be after the first day of each month, the  
16 Department of Transportation shall allot to the several  
17 counties their share of the amount apportioned for the use of  
18 road districts. The allotment shall be apportioned among the  
19 several counties in the State in the proportion which the total  
20 mileage of township or district roads in the respective  
21 counties bears to the total mileage of all township and  
22 district roads in the State. Funds allotted to the respective  
23 counties for the use of road districts therein shall be  
24 allocated to the several road districts in the county in the  
25 proportion which the total mileage of such township or district  
26 roads in the respective road districts bears to the total



1 mileage of all such township or district roads in the county.  
2 After July 1 of any year, no allocation shall be made for any  
3 road district unless it levied a tax for road and bridge  
4 purposes in an amount which will require the extension of such  
5 tax against the taxable property in any such road district at a  
6 rate of not less than either .08% of the value thereof, based  
7 upon the assessment for the year immediately prior to the year  
8 in which such tax was levied and as equalized by the Department  
9 of Revenue or, in DuPage County, an amount equal to or greater  
10 than \$12,000 per mile of road under the jurisdiction of the  
11 road district, whichever is less. If any road district has  
12 levied a special tax for road purposes pursuant to Sections  
13 6-601, 6-602 and 6-603 of the Illinois Highway Code, and such  
14 tax was levied in an amount which would require extension at a  
15 rate of not less than .08% of the value of the taxable property  
16 thereof, as equalized or assessed by the Department of Revenue,  
17 or, in DuPage County, an amount equal to or greater than  
18 \$12,000 per mile of road under the jurisdiction of the road  
19 district, whichever is less, such levy shall, however, be  
20 deemed a proper compliance with this Section and shall qualify  
21 such road district for an allotment under this Section. If a  
22 township has transferred to the road and bridge fund money  
23 which, when added to the amount of any tax levy of the road  
24 district would be the equivalent of a tax levy requiring  
25 extension at a rate of at least .08%, or, in DuPage County, an  
26 amount equal to or greater than \$12,000 per mile of road under

1 the jurisdiction of the road district, whichever is less, such  
2 transfer, together with any such tax levy, shall be deemed a  
3 proper compliance with this Section and shall qualify the road  
4 district for an allotment under this Section.

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

23 As used in this Section the term "road district" means any  
24 road district, including a county unit road district, provided  
25 for by the Illinois Highway Code; and the term "township or  
26 district road" means any road in the township and district road

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

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

17 (Source: P.A. 93-32, eff. 6-20-03; 93-839, eff. 7-30-04;  
18 94-839, eff. 6-6-06.)

19 Section 99. Effective date. This Act takes effect upon  
20 becoming law.