

# SB3156



## 97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB3156

Introduced 2/1/2012, by Sen. David Koehler

### SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-1032

from Ch. 34, par. 5-1032

Amends the County Automobile Renting Occupation Tax Act in the Counties Code. Makes a technical change.

LRB097 19665 KMW 64919 b

A BILL FOR

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 Counties Code is amended by changing Section  
5 5-1032 as follows:

6 (55 ILCS 5/5-1032) (from Ch. 34, par. 5-1032)

7 Sec. 5-1032. County Automobile Renting Occupation Tax. The  
8 ~~The~~ corporate authorities of a county may impose a tax upon all  
9 persons engaged in the business of renting automobiles in the  
10 county, but outside any municipality, at the rate of not to  
11 exceed 1% of the gross receipts from such business. The tax  
12 imposed by a county pursuant to this Section and all civil  
13 penalties that may be assessed as an Incident thereof shall be  
14 collected and enforced by the State Department of Revenue. The  
15 certificate of registration which is issued by the Department  
16 to a retailer under the "Retailers' Occupation Tax Act",  
17 approved June 23, 1933, as amended, or under the "Automobile  
18 Renting Occupation and Use Tax Act", enacted by the  
19 Eighty-Second General Assembly, shall permit such person to  
20 engage in a business which is taxable under any ordinance or  
21 resolution enacted pursuant to this Section without  
22 registering separately with the Department under such  
23 ordinance or resolution or under this Section. The Department

1 shall have full power to administer and enforce this Section;  
2 to collect all taxes and penalties due hereunder; to dispose of  
3 taxes and penalties so collected in the manner hereinafter  
4 provided, and to determine all rights to credit memoranda,  
5 arising on account of the erroneous payment of tax or penalty  
6 hereunder. In the administration of, and compliance with, this  
7 Section, the Department and persons who are subject to this  
8 Section shall have the same rights, remedies, privileges,  
9 immunities, powers and duties, and be subject to the same  
10 conditions, restrictions, limitations, penalties and  
11 definitions of terms, and employ the same modes of procedure,  
12 as are prescribed in Sections 2 and 3 (in respect to all  
13 provisions therein other than the State rate of tax; and with  
14 relation to the provisions of the "Retailers' Occupation Tax"  
15 referred to therein, except as to the disposition of taxes and  
16 penalties collected, and except for the provision allowing  
17 retailers a deduction from the tax to cover certain costs, and  
18 except that credit memoranda issued hereunder may not be used  
19 to discharge any State tax liability) of the "Automobile  
20 Renting Occupation and Use Tax Act", as the same are now or may  
21 hereafter be amended, as fully as if provisions contained in  
22 those Sections of said Act were set forth herein.

23 Persons subject to any tax imposed pursuant to the  
24 authority granted in this Section may reimburse themselves for  
25 their tax liability hereunder by separately stating such tax as  
26 an additional charge, which charge may be stated in

1 combination, in a single amount, with State tax which sellers  
2 are required to collect under the "Automobile Renting  
3 Occupation and Use Tax Act" pursuant to such bracket schedules  
4 as the Department may prescribe.

5 Whenever the Department determines that a refund should be  
6 made under this Section to a claimant instead of issuing a  
7 credit memorandum, the Department shall notify the State  
8 Comptroller, who shall cause the order to be drawn for the  
9 amount specified, and to the person named, in such notification  
10 from the Department. Such refund shall be paid by the State  
11 Treasurer out of the county automobile renting tax fund.

12 The Department shall forthwith pay over to the State  
13 Treasurer, ex-officio, as trustee, all taxes and penalties  
14 collected hereunder. On or before the 25th day of each calendar  
15 month, the Department shall prepare and certify to the  
16 Comptroller the disbursement of stated sums of money to named  
17 counties from which renters have paid taxes or penalties  
18 hereunder to the Department during the second preceding  
19 calendar month. The amount to be paid to each county shall be  
20 the amount (not including credit memoranda) collected  
21 hereunder during the second preceding calendar month by the  
22 Department, and not including an amount equal to the amount of  
23 refunds made during the second preceding calendar month by the  
24 Department on behalf of such county, less 2% of such balance,  
25 which sum shall be retained by the State Treasurer to cover the  
26 costs incurred by the Department in administering and enforcing

1 this Section as provided herein. The Department at the time of  
2 each monthly disbursement to the counties shall prepare and  
3 certify to the Comptroller the amount, so retained by the State  
4 Treasurer, to be paid into the General Revenue Fund of the  
5 State Treasury. Within 10 days after receipt, by the  
6 Comptroller, of the disbursement certification to the counties  
7 and the General Revenue Fund, provided for in this Section to  
8 be given to the Comptroller by the Department, the Comptroller  
9 shall cause the orders to be drawn for the respective amounts  
10 in accordance with the directions contained in such  
11 certification.

12 Nothing in this Section shall be construed to authorize a  
13 county to impose a tax upon the privilege of engaging in any  
14 business which under the constitution of the United States may  
15 not be made the subject of taxation by this State.

16 An ordinance or resolution imposing a tax hereunder or  
17 effecting a change in the rate thereof shall be effective on  
18 the first day of the calendar month next following the month in  
19 which such ordinance or resolution is passed. The corporate  
20 authorities of any county which levies a tax authorized by this  
21 Section shall transmit to the Department of Revenue on or not  
22 later than 5 days after passage of the ordinance or resolution  
23 a certified copy of the ordinance or resolution imposing such  
24 tax whereupon the Department of Revenue shall proceed to  
25 administer and enforce this Section on behalf of such county as  
26 of the effective date of the ordinance or resolution. Upon a

1 change in rate of a tax levied hereunder, or upon the  
2 discontinuance of the tax, the corporate authorities of the  
3 county shall on or not later than 5 days after passage of the  
4 ordinance or resolution discontinuing the tax or effecting a  
5 change in rate transmit to the Department of Revenue a  
6 certified copy of the ordinance or resolution effecting such  
7 change or discontinuance.

8 The Department of Revenue must upon the request of the  
9 County Clerk or County Board submit to a county a list of those  
10 persons who are registered with the Department to pay  
11 automobile renting occupation tax within the unincorporated  
12 area of that governmental unit. This list shall contain only  
13 the names of persons who have paid the tax and not the amount  
14 of tax paid by such person.

15 This Section shall be known and may be cited as the "County  
16 Automobile Renting Occupation Tax Law".

17 (Source: P.A. 86-962.)