AN ACT concerning revenue.

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

Section 5. The State Finance Act is amended by changing Sections 6z-18 and 6z-20 as follows:

(30 ILCS 105/6z-18) (from Ch. 127, par. 142z-18)

Sec. 6z-18. A portion of the money paid into the Local Government Tax Fund from sales of food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food which has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics, which occurred in municipalities, shall be distributed to each municipality based upon the sales which occurred in that municipality. The remainder shall be distributed to each county based upon the sales which occurred in the unincorporated area of that county.

A portion of the money paid into the Local Government Tax Fund from the 6.25% general use tax rate on the selling price of tangible personal property which is purchased outside Illinois at retail from a retailer and which is titled or registered by any agency of this State's government shall be
distributed to municipalities as provided in this paragraph. Each municipality shall receive the amount attributable to sales for which Illinois addresses for titling or registration purposes are given as being in such municipality. The remainder of the money paid into the Local Government Tax Fund from such sales shall be distributed to counties. Each county shall receive the amount attributable to sales for which Illinois addresses for titling or registration purposes are given as being located in the unincorporated area of such county.

A portion of the money paid into the Local Government Tax Fund from the 6.25% general rate (and, beginning July 1, 2000 and through December 31, 2000, the 1.25% rate on motor fuel and gasohol, and beginning on August 6, 2010 through August 15, 2010, the 1.25% rate on sales tax holiday items) on sales subject to taxation under the Retailers' Occupation Tax Act and the Service Occupation Tax Act, which occurred in municipalities, shall be distributed to each municipality, based upon the sales which occurred in that municipality. The remainder shall be distributed to each county, based upon the sales which occurred in the unincorporated area of such county.

In allocating or sourcing any municipal, county, special district, or other local retailers' occupation tax or the local share of the State's retailers' occupation tax for sales occurring in this State, the sales location for such allocation or sourcing purposes shall be the office location that the order for the purchase of the tangible personal property is
accepted by the retailer or its authorized representative, except as provided in the next paragraph. In determining the acceptance location for a sale, the office the order is first received by the retailer or its authorized representative shall be deemed the acceptance location, unless clearly proven otherwise by the retailer that the final event or activity giving rise to the retailer's acceptance of, or the binding contract for, such sale occurred at a different office location. In applying this paragraph and the next paragraph, if the order is received by electronic means, including but not limited to e-mail and facsimile transmission, and the first electronic receipt of the order is not addressed to or otherwise identified with a specific office location of the retailer or its authorized representative, then the order shall be deemed first received at the office location of the retailer or its authorized representative to which the addressee of the electronic order is primarily assigned or stationed, but in the event such addressee has no identifiable office location then the order shall be deemed first received at the office location that first records the receipt of such electronic order. For purposes of this paragraph, and the next paragraph, the term "order" means the request (in writing, orally or electronically) by the purchaser to buy tangible personal property and the term "office location" means a structure, or part of a structure, held out to the public as being an office of the retailer or its authorized representative, where at
least one individual performs authorized services for the 
retailer or its authorized representative with respect to the 
purchase of tangible personal property from the retailer and 
the services relate in some fashion to the overall order 
processing or sales approval process, including, but not 
limited to, order input, order review, credit review, credit 
approval, order acceptance, or order rejection. Neither the 
delivery location nor the location of the acceptance of the 
tangible personal property by the purchaser (either before or 
after inspection or installation) shall determine the sales 
location for allocation or sourcing purposes under this 
Section.

Notwithstanding anything to the contrary in the preceding 
paragraph, the sales location for the allocation or sourcing of 
any municipal, county, special district, or other local 
retailers' occupation tax or the local share of the State's 
retailers' occupation tax shall be as follows: (1) in the event 
the acceptance of the order by the retailer occurs outside of 
the State (whether or not the receipt of the order occurs 
within the State), then in those situations the sales location 
shall be deemed outside of the State, and no local sourcing of 
retailers' occupation tax applies, except when the tangible 
personal property which is being sold is in the inventory of 
the retailer at a location within the State at the time of sale 
(or is subsequently produced by the retailer at a location in 
this State), then in that event such inventory location shall
be deemed the sales location, or (2) in those situations in which the retailer sends to the purchaser a complete and unconditional offer to sell, then the sales location shall be the office location that the retailer or its authorized representative first receives back the purchaser's acceptance of such offer, or (3) for keep full or similar requirements contracts where the retailer agrees to supply tangible personal property to a purchaser on a continuous basis until notified to stop by the purchaser, then for such contracts the sales location shall be the office location that the retailer or its authorized representative receives the initial order under such contract, provided that if such contract is a written contract not requiring a separate initial order to start the continuous supply process, then in such a situation the sales location shall be the office location that the retailer or its authorized representative signed the contract, or (4) for sales accepted in Illinois under a long-term blanket or master contract which (though definite as to price and quantity) must be implemented by the purchaser's placing of specific orders when goods are wanted, the office location of the retailer or its authorized representative with which such subsequent specific orders are received (rather than the place where the seller signed the master contract) will determine the sales location with respect to such orders, or (5) in those situations where the order for the purchase of tangible personal property is received by the retailer or its authorized
representative, and, prior to final acceptance of the order by
the retailer or its authorized representative, the ordered
tangible personal property is delivered or shipped from the
inventory of the retailer at a location in this State, then the
sales location shall be the retailer's or its authorized
representative's office location in this State where the
purchase order for such tangible personal property is first
received or if such order is first received at an office
location outside the State then the sales location shall be the
inventory location from which the tangible personal property
was shipped or delivered, or (6) in those situations where the
order for the purchase of tangible personal property is first
received by the retailer, or placed by the purchaser, at a
retailer's retail sales location and both the immediate payment
for the sale occurs at that location and the delivery or
shipment of the property occurs from that location, then that
retail sales location shall be deemed the sales location for
that sale.

Notwithstanding the preceding 2 paragraphs, for the
purpose of determining allocation to the local government unit,
a retail sale by a producer of coal or other mineral mined in
Illinois is a sale at retail at the place where the coal or
other mineral mined in Illinois is extracted from the earth.
With respect to minerals (i) the term "extracted from the
earth" means the location at which the coal or other mineral is
extracted from the mouth of the mine, and (ii) a "mineral"
includes not only coal, but also oil, sand, stone taken from a quarry, gravel and any other thing commonly regarded as a mineral and extracted from the earth. This paragraph does not apply to coal or other mineral when it is delivered or shipped by the seller to the purchaser at a point outside Illinois so that the sale is exempt under the United States Constitution as a sale in interstate or foreign commerce.

The changes made by this amendatory Act of the 97th General Assembly shall be effective upon becoming law, and for past periods not yet closed by any applicable limitations period, a retailer may apply the changes made to this Section by this amendatory Act of the 97th General Assembly in the allocation of its past sales but only to the extent it does not change the retailer's previous filing location for such sales.

Whenever the Department determines that a refund of money paid into the Local Government Tax Fund should be made to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the order to be drawn for the amount specified, and to the person named, in such notification from the Department. Such refund shall be paid by the State Treasurer out of the Local Government Tax Fund.

As soon as possible after the first day of each month, beginning January 1, 2011, upon certification of the Department of Revenue, the Comptroller shall order transferred, and the Treasurer shall transfer, to the STAR Bonds Revenue Fund the
local sales tax increment, as defined in the Innovation Development and Economy Act, collected during the second preceding calendar month for sales within a STAR bond district and deposited into the Local Government Tax Fund, less 3% of that amount, which shall be transferred into the Tax Compliance and Administration Fund and shall be used by the Department, subject to appropriation, to cover the costs of the Department in administering the Innovation Development and Economy Act.

After the monthly transfer to the STAR Bonds Revenue Fund, on or before the 25th day of each calendar month, the Department shall prepare and certify to the Comptroller the disbursement of stated sums of money to named municipalities and counties, the municipalities and counties to be those entitled to distribution of taxes or penalties paid to the Department during the second preceding calendar month. The amount to be paid to each municipality or county shall be the amount (not including credit memoranda) collected during the second preceding calendar month by the Department and paid into the Local Government Tax Fund, plus an amount the Department determines is necessary to offset any amounts which were erroneously paid to a different taxing body, and not including an amount equal to the amount of refunds made during the second preceding calendar month by the Department, and not including any amount which the Department determines is necessary to offset any amounts which are payable to a different taxing body but were erroneously paid to the municipality or county, and
not including any amounts that are transferred to the STAR Bonds Revenue Fund. Within 10 days after receipt, by the Comptroller, of the disbursement certification to the municipalities and counties, provided for in this Section to be given to the Comptroller by the Department, the Comptroller shall cause the orders to be drawn for the respective amounts in accordance with the directions contained in such certification.

When certifying the amount of monthly disbursement to a municipality or county under this Section, the Department shall increase or decrease that amount by an amount necessary to offset any misallocation of previous disbursements. The offset amount shall be the amount erroneously disbursed within the 6 months preceding the time a misallocation is discovered.

The provisions directing the distributions from the special fund in the State Treasury provided for in this Section shall constitute an irrevocable and continuing appropriation of all amounts as provided herein. The State Treasurer and State Comptroller are hereby authorized to make distributions as provided in this Section.

In construing any development, redevelopment, annexation, preannexation or other lawful agreement in effect prior to September 1, 1990, which describes or refers to receipts from a county or municipal retailers' occupation tax, use tax or service occupation tax which now cannot be imposed, such description or reference shall be deemed to include the
replacement revenue for such abolished taxes, distributed from
the Local Government Tax Fund.
(Source: P.A. 96-939, eff. 6-24-10; 96-1012, eff. 7-7-10;
revised 7-22-10.)

(30 ILCS 105/6z-20) (from Ch. 127, par. 142z-20)
Sec. 6z-20. Of the money received from the 6.25% general
rate (and, beginning July 1, 2000 and through December 31,
2000, the 1.25% rate on motor fuel and gasohol, and beginning
on August 6, 2010 through August 15, 2010, the 1.25% rate on
sales tax holiday items) on sales subject to taxation under the
Retailers' Occupation Tax Act and Service Occupation Tax Act
and paid into the County and Mass Transit District Fund,
distribution to the Regional Transportation Authority tax
fund, created pursuant to Section 4.03 of the Regional
Transportation Authority Act, for deposit therein shall be made
based upon the retail sales occurring in a county having more
than 3,000,000 inhabitants. The remainder shall be distributed
to each county having 3,000,000 or fewer inhabitants based upon
the retail sales occurring in each such county.

In allocating or sourcing any municipal, county, special
district, or other local retailers' occupation tax or the local
share of the State's retailers' occupation tax for sales
occurring in this State, the sales location for such allocation
or sourcing purposes shall be the office location that the
order for the purchase of the tangible personal property is
accepted by the retailer or its authorized representative, except as provided in the next paragraph. In determining the acceptance location for a sale, the office the order is first received by the retailer or its authorized representative shall be deemed the acceptance location, unless clearly proven otherwise by the retailer that the final event or activity giving rise to the retailer's acceptance of, or the binding contract for, such sale occurred at a different office location. In applying this paragraph and the next paragraph, if the order is received by electronic means, including but not limited to e-mail and facsimile transmission, and the first electronic receipt of the order is not addressed to or otherwise identified with a specific office location of the retailer or its authorized representative, then the order shall be deemed first received at the office location of the retailer or its authorized representative to which the addressee of the electronic order is primarily assigned or stationed, but in the event such addressee has no identifiable office location then the order shall be deemed first received at the office location that first records the receipt of such electronic order. For purposes of this paragraph and the next paragraph, the term "order" means the request (in writing, orally or electronically) by the purchaser to buy tangible personal property and the term "office location" means a structure, or part of a structure, held out to the public as being an office of the retailer or its authorized representative, where at
least one individual performs authorized services for the
retailer or its authorized representative with respect to the
purchase of tangible personal property from the retailer and
the services relate in some fashion to the overall order
processing or sales approval process, including, but not
limited to, order input, order review, credit review, credit
approval, order acceptance, or order rejection. Neither the
delivery location nor the location of the acceptance of the
tangible personal property by the purchaser (either before or
after inspection or installation) shall determine the sales
location for allocation or sourcing purposes under this
Section.

Notwithstanding anything to the contrary in the preceding
paragraph, the sales location for the allocation or sourcing of
any municipal, county, special district, or other local
retailers' occupation tax or the local share of the State's
retailers' occupation tax shall be as follows: (1) in the event
the acceptance of the order by the retailer occurs outside of
the State (whether or not the receipt of the order occurs
within the State), then in those situations the sales location
shall be deemed outside of the State, and no local sourcing of
retailers' occupation tax applies, except when the tangible
personal property which is being sold is in the inventory of
the retailer at a location within the State at the time of sale
(or is subsequently produced by the retailer at a location in
this State), then in that event such inventory location shall
be deemed the sales location, or (2) in those situations in
which the retailer sends to the purchaser a complete and
unconditional offer to sell, then the sales location shall be
the office location that the retailer or its authorized
representative first receives back the purchaser's acceptance
of such offer, or (3) for keep full or similar requirements
contracts where the retailer agrees to supply tangible personal
property to a purchaser on a continuous basis until notified to
stop by the purchaser, then for such contracts the sales
location shall be the office location that the retailer or its
authorized representative receives the initial order under
such contract, provided that if such contract is a written
contract not requiring a separate initial order to start the
continuous supply process, then in such a situation the sales
location shall be the office location that the retailer or its
authorized representative signed the contract, or (4) for sales
accepted in Illinois under a long-term blanket or master
contract which (though definite as to price and quantity) must
be implemented by the purchaser's placing of specific orders
when goods are wanted, the office location of the retailer or
its authorized representative with which such subsequent
specific orders are received (rather than the place where the
seller signed the master contract) will determine the sales
location with respect to such orders, or (5) in those
situations where the order for the purchase of tangible
personal property is received by the retailer or its authorized
representative, and, prior to final acceptance of the order by
the retailer or its authorized representative, the ordered
tangible personal property is delivered or shipped from the
inventory of the retailer at a location in this State, then the
sales location shall be the retailer's or its authorized
representative's office location in this State where the
purchase order for such tangible personal property is first
received or if such order is first received at an office
location outside the State then the sales location shall be the
inventory location from which the tangible personal property
was shipped or delivered, or (6) in those situations where the
order for the purchase of tangible personal property is first
received by the retailer, or placed by the purchaser, at a
retailer's retail sales location and both the immediate payment
for the sale occurs at that location and the delivery or
shipment of the property occurs from that location, then that
retail sales location shall be deemed the sales location for
that sale.

Notwithstanding the preceding 2 paragraphs, for the purpose of determining allocation to the local government unit,
a retail sale by a producer of coal or other mineral mined in
Illinois is a sale at retail at the place where the coal or
other mineral mined in Illinois is extracted from the earth.
With respect to minerals (i) the term "extracted from the
earth" means the location at which the coal or other mineral is
extracted from the mouth of the mine, and (ii) a "mineral"
includes not only coal, but also oil, sand, stone taken from a quarry, gravel and any other thing commonly regarded as a mineral and extracted from the earth. This paragraph does not apply to coal or other mineral when it is delivered or shipped by the seller to the purchaser at a point outside Illinois so that the sale is exempt under the United States Constitution as a sale in interstate or foreign commerce.

The changes made by this amendatory Act of the 97th General Assembly shall be effective upon becoming law, and for past periods not yet closed by any applicable limitations period, a retailer may apply the changes made to this Section by this amendatory Act of the 97th General Assembly in the allocation of its past sales but only to the extent it does not change the retailer's previous filing location for such sales.

Of the money received from the 6.25% general use tax rate on tangible personal property which is purchased outside Illinois at retail from a retailer and which is titled or registered by any agency of this State's government and paid into the County and Mass Transit District Fund, the amount for which Illinois addresses for titling or registration purposes are given as being in each county having more than 3,000,000 inhabitants shall be distributed into the Regional Transportation Authority tax fund, created pursuant to Section 4.03 of the Regional Transportation Authority Act. The remainder of the money paid from such sales shall be distributed to each county based on sales for which Illinois
addresses for titling or registration purposes are given as being located in the county. Any money paid into the Regional Transportation Authority Occupation and Use Tax Replacement Fund from the County and Mass Transit District Fund prior to January 14, 1991, which has not been paid to the Authority prior to that date, shall be transferred to the Regional Transportation Authority tax fund.

Whenever the Department determines that a refund of money paid into the County and Mass Transit District Fund should be made to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the order to be drawn for the amount specified, and to the person named, in such notification from the Department. Such refund shall be paid by the State Treasurer out of the County and Mass Transit District Fund.

As soon as possible after the first day of each month, beginning January 1, 2011, upon certification of the Department of Revenue, the Comptroller shall order transferred, and the Treasurer shall transfer, to the STAR Bonds Revenue Fund the local sales tax increment, as defined in the Innovation Development and Economy Act, collected during the second preceding calendar month for sales within a STAR bond district and deposited into the County and Mass Transit District Fund, less 3% of that amount, which shall be transferred into the Tax Compliance and Administration Fund and shall be used by the Department, subject to appropriation, to cover the costs of the
Department in administering the Innovation Development and Economy Act.

After the monthly transfer to the STAR Bonds Revenue Fund, on or before the 25th day of each calendar month, the Department shall prepare and certify to the Comptroller the disbursement of stated sums of money to the Regional Transportation Authority and to named counties, the counties to be those entitled to distribution, as hereinabove provided, of taxes or penalties paid to the Department during the second preceding calendar month. The amount to be paid to the Regional Transportation Authority and each county having 3,000,000 or fewer inhabitants shall be the amount (not including credit memoranda) collected during the second preceding calendar month by the Department and paid into the County and Mass Transit District Fund, plus an amount the Department determines is necessary to offset any amounts which were erroneously paid to a different taxing body, and not including an amount equal to the amount of refunds made during the second preceding calendar month by the Department, and not including any amount which the Department determines is necessary to offset any amounts which were payable to a different taxing body but were erroneously paid to the Regional Transportation Authority or county, and not including any amounts that are transferred to the STAR Bonds Revenue Fund. Within 10 days after receipt, by the Comptroller, of the disbursement certification to the Regional Transportation Authority and counties, provided for
in this Section to be given to the Comptroller by the Department, the Comptroller shall cause the orders to be drawn for the respective amounts in accordance with the directions contained in such certification.

When certifying the amount of a monthly disbursement to the Regional Transportation Authority or to a county under this Section, the Department shall increase or decrease that amount by an amount necessary to offset any misallocation of previous disbursements. The offset amount shall be the amount erroneously disbursed within the 6 months preceding the time a misallocation is discovered.

The provisions directing the distributions from the special fund in the State Treasury provided for in this Section and from the Regional Transportation Authority tax fund created by Section 4.03 of the Regional Transportation Authority Act shall constitute an irrevocable and continuing appropriation of all amounts as provided herein. The State Treasurer and State Comptroller are hereby authorized to make distributions as provided in this Section.

In construing any development, redevelopment, annexation, preannexation or other lawful agreement in effect prior to September 1, 1990, which describes or refers to receipts from a county or municipal retailers' occupation tax, use tax or service occupation tax which now cannot be imposed, such description or reference shall be deemed to include the replacement revenue for such abolished taxes, distributed from
the County and Mass Transit District Fund or Local Government Distributive Fund, as the case may be.

(Source: P.A. 96-939, eff. 6-24-10; 96-1012, eff. 7-7-10; revised 7-22-10.)

Section 10. The Counties Code is amended by changing Sections 5-1006, 5-1006.5, 5-1006.7, and 5-1008.5 as follows:

(55 ILCS 5/5-1006) (from Ch. 34, par. 5-1006)

Sec. 5-1006. Home Rule County Retailers' Occupation Tax Law. Any county that is a home rule unit may impose a tax upon all persons engaged in the business of selling tangible personal property, other than an item of tangible personal property titled or registered with an agency of this State's government, at retail in the county on the gross receipts from such sales made in the course of their business. If imposed, this tax shall only be imposed in 1/4% increments. On and after September 1, 1991, this additional tax may not be imposed on the sales of food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food which has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics. The tax imposed by a home rule county pursuant to this Section and all civil penalties that may be assessed as an incident thereof
shall be collected and enforced by the State Department of Revenue. The certificate of registration that is issued by the Department to a retailer under the Retailers' Occupation Tax Act shall permit the retailer to engage in a business that is taxable under any ordinance or resolution enacted pursuant to this Section without registering separately with the Department under such ordinance or resolution or under this Section. The Department shall have full power to administer and enforce this Section; to collect all taxes and penalties due hereunder; to dispose of taxes and penalties so collected in the manner hereinafter provided; and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty hereunder. In the administration of, and compliance with, this Section, the Department and persons who are subject to this Section shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties and definitions of terms, and employ the same modes of procedure, as are prescribed in Sections 1, 1a, 1a-1, 1d, 1e, 1f, 1i, 1j, 1k, 1m, 1n, 2 through 2-65 (in respect to all provisions therein other than the State rate of tax), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 12 and 13 of the Retailers' Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act, as fully as if those provisions were set forth herein.

No tax may be imposed by a home rule county pursuant to
this Section unless the county also imposes a tax at the same rate pursuant to Section 5-1007.

Persons subject to any tax imposed pursuant to the authority granted in this Section may reimburse themselves for their seller's tax liability hereunder by separately stating such tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax which sellers are required to collect under the Use Tax Act, pursuant to such bracket schedules as the Department may prescribe.

Whenever the Department determines that a refund should be made under this Section to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the order to be drawn for the amount specified and to the person named in the notification from the Department. The refund shall be paid by the State Treasurer out of the home rule county retailers' occupation tax fund.

The Department shall forthwith pay over to the State Treasurer, ex officio, as trustee, all taxes and penalties collected hereunder.

As soon as possible after the first day of each month, beginning January 1, 2011, upon certification of the Department of Revenue, the Comptroller shall order transferred, and the Treasurer shall transfer, to the STAR Bonds Revenue Fund the local sales tax increment, as defined in the Innovation Development and Economy Act, collected under this Section
during the second preceding calendar month for sales within a
STAR bond district.

After the monthly transfer to the STAR Bonds Revenue Fund,
on or before the 25th day of each calendar month, the
Department shall prepare and certify to the Comptroller the
disbursement of stated sums of money to named counties, the
counties to be those from which retailers have paid taxes or
penalties hereunder to the Department during the second
preceding calendar month. The amount to be paid to each county
shall be the amount (not including credit memoranda) collected
hereunder during the second preceding calendar month by the
Department plus an amount the Department determines is
necessary to offset any amounts that were erroneously paid to a
different taxing body, and not including an amount equal to the
amount of refunds made during the second preceding calendar
month by the Department on behalf of such county, and not
including any amount which the Department determines is
necessary to offset any amounts which were payable to a
different taxing body but were erroneously paid to the county,
and not including any amounts that are transferred to the STAR
Bonds Revenue Fund. Within 10 days after receipt, by the
Comptroller, of the disbursement certification to the counties
provided for in this Section to be given to the Comptroller by
the Department, the Comptroller shall cause the orders to be
drawn for the respective amounts in accordance with the
directions contained in the certification.
In addition to the disbursement required by the preceding paragraph, an allocation shall be made in March of each year to each county that received more than $500,000 in disbursements under the preceding paragraph in the preceding calendar year. The allocation shall be in an amount equal to the average monthly distribution made to each such county under the preceding paragraph during the preceding calendar year (excluding the 2 months of highest receipts). The distribution made in March of each year subsequent to the year in which an allocation was made pursuant to this paragraph and the preceding paragraph shall be reduced by the amount allocated and disbursed under this paragraph in the preceding calendar year. The Department shall prepare and certify to the Comptroller for disbursement the allocations made in accordance with this paragraph.

In allocating or sourcing any municipal, county, special district, or other local retailers' occupation tax or the local share of the State's retailers' occupation tax for sales occurring in this State, the sales location for such allocation or sourcing purposes shall be the office location that the order for the purchase of the tangible personal property is accepted by the retailer or its authorized representative, except as provided in the next paragraph. In determining the acceptance location for a sale, the office the order is first received by the retailer or its authorized representative shall be deemed the acceptance location, unless clearly proven
otherwise by the retailer that the final event or activity giving rise to the retailer's acceptance of, or the binding contract for, such sale occurred at a different office location. In applying this paragraph and the next paragraph, if the order is received by electronic means, including but not limited to e-mail and facsimile transmission, and the first electronic receipt of the order is not addressed to or otherwise identified with a specific office location of the retailer or its authorized representative, then the order shall be deemed first received at the office location of the retailer or its authorized representative to which the addressee of the electronic order is primarily assigned or stationed, but in the event such addressee has no identifiable office location then the order shall be deemed first received at the office location that first records the receipt of such electronic order. For purposes of this paragraph and the next paragraph, the term "order" means the request (in writing, orally or electronically) by the purchaser to buy tangible personal property and the term "office location" means a structure, or part of a structure, held out to the public as being an office of the retailer or its authorized representative, where at least one individual performs authorized services for the retailer or its authorized representative with respect to the purchase of tangible personal property from the retailer and the services relate in some fashion to the overall order processing or sales approval process, including, but not
limited to, order input, order review, credit review, credit approval, order acceptance, or order rejection. Neither the delivery location nor the location of the acceptance of the tangible personal property by the purchaser (either before or after inspection or installation) shall determine the sales location for allocation or sourcing purposes under this Section.

Notwithstanding anything to the contrary in the preceding paragraph, the sales location for the allocation or sourcing of any municipal, county, special district, or other local retailers' occupation tax or the local share of the State's retailers' occupation tax shall be as follows: (1) in the event the acceptance of the order by the retailer occurs outside of the State (whether or not the receipt of the order occurs within the State), then in those situations the sales location shall be deemed outside of the State, and no local sourcing of retailers' occupation tax applies, except when the tangible personal property which is being sold is in the inventory of the retailer at a location within the State at the time of sale (or is subsequently produced by the retailer at a location in this State), then in that event such inventory location shall be deemed the sales location, or (2) in those situations in which the retailer sends to the purchaser a complete and unconditional offer to sell, then the sales location shall be the office location that the retailer or its authorized representative first receives back the purchaser's acceptance
of such offer, or (3) for keep full or similar requirements
contracts where the retailer agrees to supply tangible personal
property to a purchaser on a continuous basis until notified to
stop by the purchaser, then for such contracts the sales
location shall be the office location that the retailer or its
authorized representative receives the initial order under
such contract, provided that if such contract is a written
contract not requiring a separate initial order to start the
continuous supply process, then in such a situation the sales
location shall be the office location that the retailer or its
authorized representative signed the contract, or (4) for sales
accepted in Illinois under a long-term blanket or master
contract which (though definite as to price and quantity) must
be implemented by the purchaser's placing of specific orders
when goods are wanted, the office location of the retailer or
its authorized representative with which such subsequent
specific orders are received (rather than the place where the
seller signed the master contract) will determine the sales
location with respect to such orders, or (5) in those
situations where the order for the purchase of tangible
personal property is received by the retailer or its authorized
representative, and, prior to final acceptance of the order by
the retailer or its authorized representative, the ordered
tangible personal property is delivered or shipped from the
inventory of the retailer at a location in this State, then the
sales location shall be the retailer's or its authorized
representative's office location in this State where the purchase order for such tangible personal property is first received or if such order is first received at an office location outside the State then the sales location shall be the inventory location from which the tangible personal property was shipped or delivered, or (6) in those situations where the order for the purchase of tangible personal property is first received by the retailer, or placed by the purchaser, at a retailer's retail sales location and both the immediate payment for the sale occurs at that location and the delivery or shipment of the property occurs from that location, then that retail sales location shall be deemed the sales location for that sale.

Notwithstanding the preceding 2 paragraphs, for the purpose of determining the local governmental unit whose tax is applicable, a retail sale by a producer of coal or other mineral mined in Illinois is a sale at retail at the place where the coal or other mineral mined in Illinois is extracted from the earth. With respect to minerals (i) the term "extracted from the earth" means the location at which the coal or other mineral is extracted from the mouth of the mine, and (ii) a "mineral" includes not only coal, but also oil, sand, stone taken from a quarry, gravel and any other thing commonly regarded as a mineral and extracted from the earth. This paragraph does not apply to coal or other mineral when it is delivered or shipped by the seller to the purchaser at a point
outside Illinois so that the sale is exempt under the United States Constitution as a sale in interstate or foreign commerce.

The changes made by this amendatory Act of the 97th General Assembly shall be effective upon becoming law, and for past periods not yet closed by any applicable limitations period, a retailer may apply the changes made to this Section by this amendatory Act of the 97th General Assembly in the allocation of its past sales but only to the extent it does not change the retailer's previous filing location for such sales.

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

An ordinance or resolution imposing or discontinuing a tax hereunder or effecting a change in the rate thereof shall be adopted and a certified copy thereof filed with the Department on or before the first day of June, whereupon the Department shall proceed to administer and enforce this Section as of the first day of September next following such adoption and filing.

Beginning January 1, 1992, an ordinance or resolution imposing or discontinuing the tax hereunder or effecting a change in the rate thereof shall be adopted and a certified copy thereof filed with the Department on or before the first day of July, whereupon the Department shall proceed to administer and enforce this Section as of the first day of October next
following such adoption and filing. Beginning January 1, 1993, an ordinance or resolution imposing or discontinuing the tax hereunder or effecting a change in the rate thereof shall be adopted and a certified copy thereof filed with the Department on or before the first day of October, whereupon the Department shall proceed to administer and enforce this Section as of the first day of January next following such adoption and filing. Beginning April 1, 1998, an ordinance or resolution imposing or discontinuing the tax hereunder or effecting a change in the rate thereof shall either (i) be adopted and a certified copy thereof filed with the Department on or before the first day of April, whereupon the Department shall proceed to administer and enforce this Section as of the first day of July next following the adoption and filing; or (ii) be adopted and a certified copy thereof filed with the Department on or before the first day of October, whereupon the Department shall proceed to administer and enforce this Section as of the first day of January next following the adoption and filing.

When certifying the amount of a monthly disbursement to a county under this Section, the Department shall increase or decrease such amount by an amount necessary to offset any misallocation of previous disbursements. The offset amount shall be the amount erroneously disbursed within the previous 6 months from the time a misallocation is discovered.

This Section shall be known and may be cited as the Home Rule County Retailers' Occupation Tax Law.
Sec. 5-1006.5. Special County Retailers' Occupation Tax For Public Safety, Public Facilities, or Transportation.

(a) The county board of any county may impose a tax upon all persons engaged in the business of selling tangible personal property, other than personal property titled or registered with an agency of this State's government, at retail in the county on the gross receipts from the sales made in the course of business to provide revenue to be used exclusively for public safety, public facility, or transportation purposes in that county, if a proposition for the tax has been submitted to the electors of that county and approved by a majority of those voting on the question. If imposed, this tax shall be imposed only in one-quarter percent increments. By resolution, the county board may order the proposition to be submitted at any election. If the tax is imposed for transportation purposes for expenditures for public highways or as authorized under the Illinois Highway Code, the county board must publish notice of the existence of its long-range highway transportation plan as required or described in Section 5-301 of the Illinois Highway Code and must make the plan publicly available prior to approval of the ordinance or resolution imposing the tax. If the tax is imposed for transportation purposes for expenditures
for passenger rail transportation, the county board must 
publish notice of the existence of its long-range passenger 
rail transportation plan and must make the plan publicly 
available prior to approval of the ordinance or resolution 
imposing the tax.

If a tax is imposed for public facilities purposes, then 
the name of the project may be included in the proposition at 
the discretion of the county board as determined in the 
enabling resolution. For example, the "XXX Nursing Home" or the 
"YYY Museum".

The county clerk shall certify the question to the proper 
election authority, who shall submit the proposition at an 
election in accordance with the general election law.

(1) The proposition for public safety purposes shall be 
in substantially the following form:

"To pay for public safety purposes, shall (name of 
county) be authorized to impose an increase on its share of 
local sales taxes by (insert rate)?"

As additional information on the ballot below the 
question shall appear the following:

"This would mean that a consumer would pay an 
additional (insert amount) in sales tax for every $100 of 
tangible personal property bought at retail."

The county board may also opt to establish a sunset 
provision at which time the additional sales tax would 
 cease being collected, if not terminated earlier by a vote
of the county board. If the county board votes to include a sunset provision, the proposition for public safety purposes shall be in substantially the following form:

"To pay for public safety purposes, shall (name of county) be authorized to impose an increase on its share of local sales taxes by (insert rate) for a period not to exceed (insert number of years)?"

As additional information on the ballot below the question shall appear the following:

"This would mean that a consumer would pay an additional (insert amount) in sales tax for every $100 of tangible personal property bought at retail. If imposed, the additional tax would cease being collected at the end of (insert number of years), if not terminated earlier by a vote of the county board."

For the purposes of the paragraph, "public safety purposes" means crime prevention, detention, fire fighting, police, medical, ambulance, or other emergency services.

Votes shall be recorded as "Yes" or "No".

(2) The proposition for transportation purposes shall be in substantially the following form:

"To pay for improvements to roads and other transportation purposes, shall (name of county) be authorized to impose an increase on its share of local sales taxes by (insert rate)?"
As additional information on the ballot below the question shall appear the following:

"This would mean that a consumer would pay an additional (insert amount) in sales tax for every $100 of tangible personal property bought at retail."

The county board may also opt to establish a sunset provision at which time the additional sales tax would cease being collected, if not terminated earlier by a vote of the county board. If the county board votes to include a sunset provision, the proposition for transportation purposes shall be in substantially the following form:

"To pay for road improvements and other transportation purposes, shall (name of county) be authorized to impose an increase on its share of local sales taxes by (insert rate) for a period not to exceed (insert number of years)"

As additional information on the ballot below the question shall appear the following:

"This would mean that a consumer would pay an additional (insert amount) in sales tax for every $100 of tangible personal property bought at retail. If imposed, the additional tax would cease being collected at the end of (insert number of years), if not terminated earlier by a vote of the county board."

For the purposes of this paragraph, transportation purposes means construction, maintenance, operation, and improvement of public highways, any other purpose for which
a county may expend funds under the Illinois Highway Code, and passenger rail transportation.

The votes shall be recorded as "Yes" or "No".

(3) The proposition for public facilities purposes shall be in substantially the following form:

"To pay for public facilities purposes, shall (name of county) be authorized to impose an increase on its share of local sales taxes by (insert rate)?"

As additional information on the ballot below the question shall appear the following:

"This would mean that a consumer would pay an additional (insert amount) in sales tax for every $100 of tangible personal property bought at retail."

The county board may also opt to establish a sunset provision at which time the additional sales tax would cease being collected, if not terminated earlier by a vote of the county board. If the county board votes to include a sunset provision, the proposition for public facilities purposes shall be in substantially the following form:

"To pay for public facilities purposes, shall (name of county) be authorized to impose an increase on its share of local sales taxes by (insert rate) for a period not to exceed (insert number of years)?"

As additional information on the ballot below the question shall appear the following:

"This would mean that a consumer would pay an
additional (insert amount) in sales tax for every $100 of tangible personal property bought at retail. If imposed, the additional tax would cease being collected at the end of (insert number of years), if not terminated earlier by a vote of the county board."

For purposes of this Section, "public facilities purposes" means the acquisition, development, construction, reconstruction, rehabilitation, improvement, financing, architectural planning, and installation of capital facilities consisting of buildings, structures, and durable equipment and for the acquisition and improvement of real property and interest in real property required, or expected to be required, in connection with the public facilities, for use by the county for the furnishing of governmental services to its citizens, including but not limited to museums and nursing homes.

The votes shall be recorded as "Yes" or "No".

If a majority of the electors voting on the proposition vote in favor of it, the county may impose the tax. A county may not submit more than one proposition authorized by this Section to the electors at any one time.

This additional tax may not be imposed on the sales of food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food which has been prepared for immediate consumption) and prescription and non-prescription medicines, drugs, medical
appliances and insulin, urine testing materials, syringes, and needles used by diabetics. The tax imposed by a county under this Section and all civil penalties that may be assessed as an incident of the tax shall be collected and enforced by the Illinois Department of Revenue and deposited into a special fund created for that purpose. The certificate of registration that is issued by the Department to a retailer under the Retailers' Occupation Tax Act shall permit the retailer to engage in a business that is taxable without registering separately with the Department under an ordinance or resolution under this Section. The Department has full power to administer and enforce this Section, to collect all taxes and penalties due under this Section, to dispose of taxes and penalties so collected in the manner provided in this Section, and to determine all rights to credit memoranda arising on account of the erroneous payment of a tax or penalty under this Section. In the administration of and compliance with this Section, the Department and persons who are subject to this Section shall (i) have the same rights, remedies, privileges, immunities, powers, and duties, (ii) be subject to the same conditions, restrictions, limitations, penalties, and definitions of terms, and (iii) employ the same modes of procedure as are prescribed in Sections 1, 1a, 1a-1, 1d, 1e, 1f, 1i, 1j, 1k, 1m, 1n, 2 through 2-70 (in respect to all provisions contained in those Sections other than the State rate of tax), 2a, 2b, 2c, 3 (except provisions relating to transaction returns and quarter
monthly payments), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 11a, 12, and 13 of the Retailers' Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act as if those provisions were set forth in this Section.

Persons subject to any tax imposed under the authority granted in this Section may reimburse themselves for their sellers' tax liability by separately stating the tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax which sellers are required to collect under the Use Tax Act, pursuant to such bracketed schedules as the Department may prescribe.

Whenever the Department determines that a refund should be made under this Section to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the order to be drawn for the amount specified and to the person named in the notification from the Department. The refund shall be paid by the State Treasurer out of the County Public Safety or Transportation Retailers' Occupation Tax Fund.

(b) If a tax has been imposed under subsection (a), a service occupation tax shall also be imposed at the same rate upon all persons engaged, in the county, in the business of making sales of service, who, as an incident to making those sales of service, transfer tangible personal property within the county as an incident to a sale of service. This tax may
not be imposed on sales of food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food prepared for immediate consumption) and prescription and non-prescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes, and needles used by diabetics. The tax imposed under this subsection and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the Department of Revenue. The Department has full power to administer and enforce this subsection; to collect all taxes and penalties due hereunder; to dispose of taxes and penalties so collected in the manner hereinafter provided; and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty hereunder. In the administration of, and compliance with this subsection, the Department and persons who are subject to this paragraph shall (i) have the same rights, remedies, privileges, immunities, powers, and duties, (ii) be subject to the same conditions, restrictions, limitations, penalties, exclusions, exemptions, and definitions of terms, and (iii) employ the same modes of procedure as are prescribed in Sections 2 (except that the reference to State in the definition of supplier maintaining a place of business in this State shall mean the county), 2a, 2b, 2c, 3 through 3-50 (in respect to all provisions therein other than the State rate of tax), 4 (except that the reference to the State shall be to the county), 5, 7, 8 (except that the
jurisdiction to which the tax shall be a debt to the extent indicated in that Section 8 shall be the county), 9 (except as to the disposition of taxes and penalties collected), 10, 11, 12 (except the reference therein to Section 2b of the Retailers' Occupation Tax Act), 13 (except that any reference to the State shall mean the county), Section 15, 16, 17, 18, 19 and 20 of the Service Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act, as fully as if those provisions were set forth herein.

Persons subject to any tax imposed under the authority granted in this subsection may reimburse themselves for their serviceman's tax liability by separately stating the tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax that servicemen are authorized to collect under the Service Use Tax Act, in accordance with such bracket schedules as the Department may prescribe.

Whenever the Department determines that a refund should be made under this subsection to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the warrant to be drawn for the amount specified, and to the person named, in the notification from the Department. The refund shall be paid by the State Treasurer out of the County Public Safety or Transportation Retailers' Occupation Fund.

Nothing in this subsection shall be construed to authorize
the county to impose a tax upon the privilege of engaging in
any business which under the Constitution of the United States
may not be made the subject of taxation by the State.

(c) The Department shall immediately pay over to the State
Treasurer, ex officio, as trustee, all taxes and penalties
collected under this Section to be deposited into the County
Public Safety or Transportation Retailers' Occupation Tax
Fund, which shall be an unappropriated trust fund held outside
of the State treasury.

As soon as possible after the first day of each month,
beginning January 1, 2011, upon certification of the Department
of Revenue, the Comptroller shall order transferred, and the
Treasurer shall transfer, to the STAR Bonds Revenue Fund the
local sales tax increment, as defined in the Innovation
Development and Economy Act, collected under this Section
during the second preceding calendar month for sales within a
STAR bond district.

After the monthly transfer to the STAR Bonds Revenue Fund,
on or before the 25th day of each calendar month, the
Department shall prepare and certify to the Comptroller the
disbursement of stated sums of money to the counties from which
retailers have paid taxes or penalties to the Department during
the second preceding calendar month. The amount to be paid to
each county, and deposited by the county into its special fund
created for the purposes of this Section, shall be the amount
(not including credit memoranda) collected under this Section
during the second preceding calendar month by the Department plus an amount the Department determines is necessary to offset any amounts that were erroneously paid to a different taxing body, and not including (i) an amount equal to the amount of refunds made during the second preceding calendar month by the Department on behalf of the county, (ii) any amount that the Department determines is necessary to offset any amounts that were payable to a different taxing body but were erroneously paid to the county, and (iii) any amounts that are transferred to the STAR Bonds Revenue Fund. Within 10 days after receipt by the Comptroller of the disbursement certification to the counties provided for in this Section to be given to the Comptroller by the Department, the Comptroller shall cause the orders to be drawn for the respective amounts in accordance with directions contained in the certification.

In addition to the disbursement required by the preceding paragraph, an allocation shall be made in March of each year to each county that received more than $500,000 in disbursements under the preceding paragraph in the preceding calendar year. The allocation shall be in an amount equal to the average monthly distribution made to each such county under the preceding paragraph during the preceding calendar year (excluding the 2 months of highest receipts). The distribution made in March of each year subsequent to the year in which an allocation was made pursuant to this paragraph and the preceding paragraph shall be reduced by the amount allocated
and disbursed under this paragraph in the preceding calendar year. The Department shall prepare and certify to the Comptroller for disbursement the allocations made in accordance with this paragraph.

(c-5) In allocating or sourcing any municipal, county, special district, or other local retailers' occupation tax or the local share of the State's retailers' occupation tax for sales occurring in this State, the sales location for such allocation or sourcing purposes shall be the office location that the order for the purchase of the tangible personal property is accepted by the retailer or its authorized representative, except as provided in the next paragraph. In determining the acceptance location for a sale, the office the order is first received by the retailer or its authorized representative shall be deemed the acceptance location, unless clearly proven otherwise by the retailer that the final event or activity giving rise to the retailer's acceptance of, or the binding contract for, such sale occurred at a different office location. In applying this subsection (c-5), if the order is received by electronic means, including but not limited to e-mail and facsimile transmission, and the first electronic receipt of the order is not addressed to or otherwise identified with a specific office location of the retailer or its authorized representative, then the order shall be deemed first received at the office location of the retailer or its authorized representative to which the addressee of the
electronic order is primarily assigned or stationed, but in the event such addressee has no identifiable office location then the order shall be deemed first received at the office location that first records the receipt of such electronic order. For purposes of this subsection (c-5), the term "order" means the request (in writing, orally or electronically) by the purchaser to buy tangible personal property and the term "office location" means a structure, or part of a structure, held out to the public as being an office of the retailer or its authorized representative, where at least one individual performs authorized services for the retailer or its authorized representative with respect to the purchase of tangible personal property from the retailer and the services relate in some fashion to the overall order processing or sales approval process, including, but not limited to, order input, order review, credit review, credit approval, order acceptance, or order rejection. Neither the delivery location nor the location of the acceptance of the tangible personal property by the purchaser (either before or after inspection or installation) shall determine the sales location for allocation or sourcing purposes under this Section.

Notwithstanding anything to the contrary in the preceding paragraph, the sales location for the allocation or sourcing of any municipal, county, special district, or other local retailers' occupation tax or the local share of the State's retailers' occupation tax shall be as follows: (1) in the event
the acceptance of the order by the retailer occurs outside of
the State (whether or not the receipt of the order occurs
within the State), then in those situations the sales location
shall be deemed outside of the State, and no local sourcing of
retailers' occupation tax applies, except when the tangible
personal property which is being sold is in the inventory of
the retailer at a location within the State at the time of sale
(or is subsequently produced by the retailer at a location in
this State), then in that event such inventory location shall
be deemed the sales location, or (2) in those situations in
which the retailer sends to the purchaser a complete and
unconditional offer to sell, then the sales location shall be
the office location that the retailer or its authorized
representative first receives back the purchaser's acceptance
of such offer, or (3) for keep full or similar requirements
contracts where the retailer agrees to supply tangible personal
property to a purchaser on a continuous basis until notified to
stop by the purchaser, then for such contracts the sales
location shall be the office location that the retailer or its
authorized representative receives the initial order under
such contract, provided that if such contract is a written
contract not requiring a separate initial order to start the
continuous supply process, then in such a situation the sales
location shall be the office location that the retailer or its
authorized representative signed the contract, or (4) for sales
accepted in Illinois under a long-term blanket or master
contract which (though definite as to price and quantity) must be implemented by the purchaser's placing of specific orders when goods are wanted, the office location of the retailer or its authorized representative with which such subsequent specific orders are received (rather than the place where the seller signed the master contract) will determine the sales location with respect to such orders, or (5) in those situations where the order for the purchase of tangible personal property is received by the retailer or its authorized representative, and, prior to final acceptance of the order by the retailer or its authorized representative, the ordered tangible personal property is delivered or shipped from the inventory of the retailer at a location in this State, then the sales location shall be the retailer's or its authorized representative's office location in this State where the purchase order for such tangible personal property is first received or if such order is first received at an office location outside the State then the sales location shall be the inventory location from which the tangible personal property was shipped or delivered, or (6) in those situations where the order for the purchase of tangible personal property is first received by the retailer, or placed by the purchaser, at a retailer's retail sales location and both the immediate payment for the sale occurs at that location and the delivery or shipment of the property occurs from that location, then that retail sales location shall be deemed the sales location for
that sale.

(c-6) The changes made by this amendatory Act of the 97th General Assembly shall be effective upon becoming law, and for past periods not yet closed by any applicable limitations period, a retailer may apply the changes made to this Section by this amendatory Act of the 97th General Assembly in the allocation of its past sales but only to the extent it does not change the retailer's previous filing location for such sales.

(d) Notwithstanding subsection (c-5) of this Section, for the purpose of determining the local governmental unit whose tax is applicable, a retail sale by a producer of coal or another mineral mined in Illinois is a sale at retail at the place where the coal or other mineral mined in Illinois is extracted from the earth. With respect to minerals (i) the term "extracted from the earth" means the location at which the coal or other mineral is extracted from the mouth of the mine, and (ii) a "mineral" includes not only coal, but also oil, sand, stone taken from a quarry, gravel and any other thing commonly regarded as a mineral and extracted from the earth. This paragraph does not apply to coal or another mineral when it is delivered or shipped by the seller to the purchaser at a point outside Illinois so that the sale is exempt under the United States Constitution as a sale in interstate or foreign commerce.

(e) Nothing in this Section shall be construed to authorize a county to impose a tax upon the privilege of engaging in any
business that under the Constitution of the United States may
not be made the subject of taxation by this State.

(e-5) If a county imposes a tax under this Section, the
county board may, by ordinance, discontinue or lower the rate
of the tax. If the county board lowers the tax rate or
discontinues the tax, a referendum must be held in accordance
with subsection (a) of this Section in order to increase the
rate of the tax or to reimpose the discontinued tax.

(f) Beginning April 1, 1998, the results of any election
authorizing a proposition to impose a tax under this Section or
effecting a change in the rate of tax, or any ordinance
lowering the rate or discontinuing the tax, shall be certified
by the county clerk and filed with the Illinois Department of
Revenue either (i) on or before the first day of April,
whereupon the Department shall proceed to administer and
enforce the tax as of the first day of July next following the
filing; or (ii) on or before the first day of October,
whereupon the Department shall proceed to administer and
enforce the tax as of the first day of January next following
the filing.

(g) When certifying the amount of a monthly disbursement to
a county under this Section, the Department shall increase or
decrease the amounts by an amount necessary to offset any
miscalculation of previous disbursements. The offset amount
shall be the amount erroneously disbursed within the previous 6
months from the time a miscalculation is discovered.
(h) This Section may be cited as the "Special County Occupation Tax For Public Safety, Public Facilities, or Transportation Law".

(i) For purposes of this Section, "public safety" includes, but is not limited to, crime prevention, detention, fire fighting, police, medical, ambulance, or other emergency services. The county may share tax proceeds received under this Section for public safety purposes, including proceeds received before August 4, 2009 (the effective date of Public Act 96-124), with any fire protection district located in the county. For the purposes of this Section, "transportation" includes, but is not limited to, the construction, maintenance, operation, and improvement of public highways, any other purpose for which a county may expend funds under the Illinois Highway Code, and passenger rail transportation. For the purposes of this Section, "public facilities purposes" includes, but is not limited to, the acquisition, development, construction, reconstruction, rehabilitation, improvement, financing, architectural planning, and installation of capital facilities consisting of buildings, structures, and durable equipment and for the acquisition and improvement of real property and interest in real property required, or expected to be required, in connection with the public facilities, for use by the county for the furnishing of governmental services to its citizens, including but not limited to museums and nursing homes.
(j) The Department may promulgate rules to implement Public Act 95-1002 only to the extent necessary to apply the existing rules for the Special County Retailers' Occupation Tax for Public Safety to this new purpose for public facilities.
(Source: P.A. 95-474, eff. 1-1-08; 95-1002, eff. 11-20-08; 96-124, eff. 8-4-09; 96-622, eff. 8-24-09; 96-939, eff. 6-24-10; 96-1000, eff. 7-2-10.)

(Text of Section after amendment by P.A. 96-845)

Sec. 5-1006.5. Special County Retailers' Occupation Tax For Public Safety, Public Facilities, or Transportation.

(a) The county board of any county may impose a tax upon all persons engaged in the business of selling tangible personal property, other than personal property titled or registered with an agency of this State's government, at retail in the county on the gross receipts from the sales made in the course of business to provide revenue to be used exclusively for public safety, public facility, or transportation purposes in that county, if a proposition for the tax has been submitted to the electors of that county and approved by a majority of those voting on the question. If imposed, this tax shall be imposed only in one-quarter percent increments. By resolution, the county board may order the proposition to be submitted at any election. If the tax is imposed for transportation purposes for expenditures for public highways or as authorized under the Illinois Highway Code, the county board must publish notice of
the existence of its long-range highway transportation plan as required or described in Section 5-301 of the Illinois Highway Code and must make the plan publicly available prior to approval of the ordinance or resolution imposing the tax. If the tax is imposed for transportation purposes for expenditures for passenger rail transportation, the county board must publish notice of the existence of its long-range passenger rail transportation plan and must make the plan publicly available prior to approval of the ordinance or resolution imposing the tax.

If a tax is imposed for public facilities purposes, then the name of the project may be included in the proposition at the discretion of the county board as determined in the enabling resolution. For example, the "XXX Nursing Home" or the "YYY Museum".

The county clerk shall certify the question to the proper election authority, who shall submit the proposition at an election in accordance with the general election law.

(1) The proposition for public safety purposes shall be in substantially the following form:

"To pay for public safety purposes, shall (name of county) be authorized to impose an increase on its share of local sales taxes by (insert rate)每位 consumer would pay an
additional (insert amount) in sales tax for every $100 of
tangible personal property bought at retail."

The county board may also opt to establish a sunset
provision at which time the additional sales tax would
cease being collected, if not terminated earlier by a vote
of the county board. If the county board votes to include a
sunset provision, the proposition for public safety
purposes shall be in substantially the following form:

"To pay for public safety purposes, shall (name of
county) be authorized to impose an increase on its share of
local sales taxes by (insert rate) for a period not to
exceed (insert number of years)?"

As additional information on the ballot below the
question shall appear the following:

"This would mean that a consumer would pay an
additional (insert amount) in sales tax for every $100 of
tangible personal property bought at retail. If imposed,
the additional tax would cease being collected at the end
of (insert number of years), if not terminated earlier by a
vote of the county board."

For the purposes of the paragraph, "public safety
purposes" means crime prevention, detention, fire
fighting, police, medical, ambulance, or other emergency
services.

Votes shall be recorded as "Yes" or "No".

(2) The proposition for transportation purposes shall
be in substantially the following form:

"To pay for improvements to roads and other transportation purposes, shall (name of county) be authorized to impose an increase on its share of local sales taxes by (insert rate)?"

As additional information on the ballot below the question shall appear the following:

"This would mean that a consumer would pay an additional (insert amount) in sales tax for every $100 of tangible personal property bought at retail."

The county board may also opt to establish a sunset provision at which time the additional sales tax would cease being collected, if not terminated earlier by a vote of the county board. If the county board votes to include a sunset provision, the proposition for transportation purposes shall be in substantially the following form:

"To pay for road improvements and other transportation purposes, shall (name of county) be authorized to impose an increase on its share of local sales taxes by (insert rate) for a period not to exceed (insert number of years)?"

As additional information on the ballot below the question shall appear the following:

"This would mean that a consumer would pay an additional (insert amount) in sales tax for every $100 of tangible personal property bought at retail. If imposed, the additional tax would cease being collected at the end
of (insert number of years), if not terminated earlier by a vote of the county board."

For the purposes of this paragraph, transportation purposes means construction, maintenance, operation, and improvement of public highways, any other purpose for which a county may expend funds under the Illinois Highway Code, and passenger rail transportation.

The votes shall be recorded as "Yes" or "No".

(3) The proposition for public facilities purposes shall be in substantially the following form:

"To pay for public facilities purposes, shall (name of county) be authorized to impose an increase on its share of local sales taxes by (insert rate)?"

As additional information on the ballot below the question shall appear the following:

"This would mean that a consumer would pay an additional (insert amount) in sales tax for every $100 of tangible personal property bought at retail."

The county board may also opt to establish a sunset provision at which time the additional sales tax would cease being collected, if not terminated earlier by a vote of the county board. If the county board votes to include a sunset provision, the proposition for public facilities purposes shall be in substantially the following form:

"To pay for public facilities purposes, shall (name of county) be authorized to impose an increase on its share of
local sales taxes by (insert rate) for a period not to exceed (insert number of years)?"

As additional information on the ballot below the question shall appear the following:

"This would mean that a consumer would pay an additional (insert amount) in sales tax for every $100 of tangible personal property bought at retail. If imposed, the additional tax would cease being collected at the end of (insert number of years), if not terminated earlier by a vote of the county board."

For purposes of this Section, "public facilities purposes" means the acquisition, development, construction, reconstruction, rehabilitation, improvement, financing, architectural planning, and installation of capital facilities consisting of buildings, structures, and durable equipment and for the acquisition and improvement of real property and interest in real property required, or expected to be required, in connection with the public facilities, for use by the county for the furnishing of governmental services to its citizens, including but not limited to museums and nursing homes.

The votes shall be recorded as "Yes" or "No".

If a majority of the electors voting on the proposition vote in favor of it, the county may impose the tax. A county may not submit more than one proposition authorized by this Section to the electors at any one time.
This additional tax may not be imposed on the sales of food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food which has been prepared for immediate consumption) and prescription and non-prescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes, and needles used by diabetics. The tax imposed by a county under this Section and all civil penalties that may be assessed as an incident of the tax shall be collected and enforced by the Illinois Department of Revenue and deposited into a special fund created for that purpose. The certificate of registration that is issued by the Department to a retailer under the Retailers' Occupation Tax Act shall permit the retailer to engage in a business that is taxable without registering separately with the Department under an ordinance or resolution under this Section. The Department has full power to administer and enforce this Section, to collect all taxes and penalties due under this Section, to dispose of taxes and penalties so collected in the manner provided in this Section, and to determine all rights to credit memoranda arising on account of the erroneous payment of a tax or penalty under this Section. In the administration of and compliance with this Section, the Department and persons who are subject to this Section shall (i) have the same rights, remedies, privileges, immunities, powers, and duties, (ii) be subject to the same conditions, restrictions, limitations, penalties, and definitions of
terms, and (iii) employ the same modes of procedure as are
prescribed in Sections 1, 1a, 1a-1, 1d, 1e, 1f, 1i, 1j, 1k, 1m,
1n, 2 through 2-70 (in respect to all provisions contained in
those Sections other than the State rate of tax), 2a, 2b, 2c, 3
(except provisions relating to transaction returns and quarter
monthly payments), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i,
5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 11a, 12, and 13 of
the Retailers' Occupation Tax Act and Section 3-7 of the
Uniform Penalty and Interest Act as if those provisions were
set forth in this Section.

Persons subject to any tax imposed under the authority
granted in this Section may reimburse themselves for their
sellers' tax liability by separately stating the tax as an
additional charge, which charge may be stated in combination,
in a single amount, with State tax which sellers are required
to collect under the Use Tax Act, pursuant to such bracketed
schedules as the Department may prescribe.

Whenever the Department determines that a refund should be
made under this Section to a claimant instead of issuing a
credit memorandum, the Department shall notify the State
Comptroller, who shall cause the order to be drawn for the
amount specified and to the person named in the notification
from the Department. The refund shall be paid by the State
Treasurer out of the County Public Safety or Transportation
Retailers' Occupation Tax Fund.

(b) If a tax has been imposed under subsection (a), a
service occupation tax shall also be imposed at the same rate upon all persons engaged, in the county, in the business of making sales of service, who, as an incident to making those sales of service, transfer tangible personal property within the county as an incident to a sale of service. This tax may not be imposed on sales of food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food prepared for immediate consumption) and prescription and non-prescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes, and needles used by diabetics. The tax imposed under this subsection and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the Department of Revenue. The Department has full power to administer and enforce this subsection; to collect all taxes and penalties due hereunder; to dispose of taxes and penalties so collected in the manner hereinafter provided; and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty hereunder. In the administration of, and compliance with this subsection, the Department and persons who are subject to this paragraph shall (i) have the same rights, remedies, privileges, immunities, powers, and duties, (ii) be subject to the same conditions, restrictions, limitations, penalties, exclusions, exemptions, and definitions of terms, and (iii) employ the same modes of procedure as are prescribed in Sections 2 (except that the
reference to State in the definition of supplier maintaining a place of business in this State shall mean the county), 2a, 2b, 2c, 3 through 3-50 (in respect to all provisions therein other than the State rate of tax), 4 (except that the reference to the State shall be to the county), 5, 7, 8 (except that the jurisdiction to which the tax shall be a debt to the extent indicated in that Section 8 shall be the county), 9 (except as to the disposition of taxes and penalties collected), 10, 11, 12 (except the reference therein to Section 2b of the Retailers' Occupation Tax Act), 13 (except that any reference to the State shall mean the county), Section 15, 16, 17, 18, 19 and 20 of the Service Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act, as fully as if those provisions were set forth herein.

Persons subject to any tax imposed under the authority granted in this subsection may reimburse themselves for their serviceman's tax liability by separately stating the tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax that servicemen are authorized to collect under the Service Use Tax Act, in accordance with such bracket schedules as the Department may prescribe.

Whenever the Department determines that a refund should be made under this subsection to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the warrant to be drawn for the
amount specified, and to the person named, in the notification
from the Department. The refund shall be paid by the State
Treasurer out of the County Public Safety or Transportation
Retailers' Occupation Fund.

Nothing in this subsection shall be construed to authorize
the county to impose a tax upon the privilege of engaging in
any business which under the Constitution of the United States
may not be made the subject of taxation by the State.

(c) The Department shall immediately pay over to the State
Treasurer, ex officio, as trustee, all taxes and penalties
collected under this Section to be deposited into the County
Public Safety or Transportation Retailers' Occupation Tax
Fund, which shall be an unappropriated trust fund held outside
of the State treasury.

As soon as possible after the first day of each month,
beginning January 1, 2011, upon certification of the Department
of Revenue, the Comptroller shall order transferred, and the
Treasurer shall transfer, to the STAR Bonds Revenue Fund the
local sales tax increment, as defined in the Innovation
Development and Economy Act, collected under this Section
during the second preceding calendar month for sales within a
STAR bond district.

After the monthly transfer to the STAR Bonds Revenue Fund,
on or before the 25th day of each calendar month, the
Department shall prepare and certify to the Comptroller the
disbursement of stated sums of money to the counties from which
retailers have paid taxes or penalties to the Department during
the second preceding calendar month. The amount to be paid to
each county, and deposited by the county into its special fund
created for the purposes of this Section, shall be the amount
(not including credit memoranda) collected under this Section
during the second preceding calendar month by the Department
plus an amount the Department determines is necessary to offset
any amounts that were erroneously paid to a different taxing
body, and not including (i) an amount equal to the amount of
refunds made during the second preceding calendar month by the
Department on behalf of the county, (ii) any amount that the
Department determines is necessary to offset any amounts that
were payable to a different taxing body but were erroneously
paid to the county, and (iii) any amounts that are transferred
to the STAR Bonds Revenue Fund. Within 10 days after receipt by
the Comptroller of the disbursement certification to the
counties provided for in this Section to be given to the
Comptroller by the Department, the Comptroller shall cause the
orders to be drawn for the respective amounts in accordance
with directions contained in the certification.

In addition to the disbursement required by the preceding
paragraph, an allocation shall be made in March of each year to
each county that received more than $500,000 in disbursements
under the preceding paragraph in the preceding calendar year.
The allocation shall be in an amount equal to the average
monthly distribution made to each such county under the
preceding paragraph during the preceding calendar year (excluding the 2 months of highest receipts). The distribution made in March of each year subsequent to the year in which an allocation was made pursuant to this paragraph and the preceding paragraph shall be reduced by the amount allocated and disbursed under this paragraph in the preceding calendar year. The Department shall prepare and certify to the Comptroller for disbursement the allocations made in accordance with this paragraph.

A county may direct, by ordinance, that all or a portion of the taxes and penalties collected under the Special County Retailers' Occupation Tax For Public Safety or Transportation be deposited into the Transportation Development Partnership Trust Fund.

(c-5) In allocating or sourcing any municipal, county, special district, or other local retailers' occupation tax or the local share of the State's retailers' occupation tax for sales occurring in this State, the sales location for such allocation or sourcing purposes shall be the office location that the order for the purchase of the tangible personal property is accepted by the retailer or its authorized representative, except as provided in the next paragraph. In determining the acceptance location for a sale, the office the order is first received by the retailer or its authorized representative shall be deemed the acceptance location, unless clearly proven otherwise by the retailer that the final event
or activity giving rise to the retailer's acceptance of, or the binding contract for, such sale occurred at a different office location. In applying this subsection (c-5), if the order is received by electronic means, including but not limited to e-mail and facsimile transmission, and the first electronic receipt of the order is not addressed to or otherwise identified with a specific office location of the retailer or its authorized representative, then the order shall be deemed first received at the office location of the retailer or its authorized representative to which the addressee of the electronic order is primarily assigned or stationed, but in the event such addressee has no identifiable office location then the order shall be deemed first received at the office location that first records the receipt of such electronic order. For purposes of this subsection (c-5), the term "order" means the request (in writing, orally or electronically) by the purchaser to buy tangible personal property and the term "office location" means a structure, or part of a structure, held out to the public as being an office of the retailer or its authorized representative, where at least one individual performs authorized services for the retailer or its authorized representative with respect to the purchase of tangible personal property from the retailer and the services relate in some fashion to the overall order processing or sales approval process, including, but not limited to, order input, order review, credit review, credit approval, order acceptance, or
order rejection. Neither the delivery location nor the location
of the acceptance of the tangible personal property by the
purchaser (either before or after inspection or installation)
shall determine the sales location for allocation or sourcing
purposes under this Section.

Notwithstanding anything to the contrary in the preceding
paragraph, the sales location for the allocation or sourcing of
any municipal, county, special district, or other local
retailers' occupation tax or the local share of the State's
retailers' occupation tax shall be as follows: (1) in the event
the acceptance of the order by the retailer occurs outside of
the State (whether or not the receipt of the order occurs
within the State), then in those situations the sales location
shall be deemed outside of the State, and no local sourcing of
retailers' occupation tax applies, except when the tangible
personal property which is being sold is in the inventory of
the retailer at a location within the State at the time of sale
(or is subsequently produced by the retailer at a location in
this State), then in that event such inventory location shall
be deemed the sales location, or (2) in those situations in
which the retailer sends to the purchaser a complete and
unconditional offer to sell, then the sales location shall be
the office location that the retailer or its authorized
representative first receives back the purchaser's acceptance
of such offer, or (3) for keep full or similar requirements
contracts where the retailer agrees to supply tangible personal
property to a purchaser on a continuous basis until notified to stop by the purchaser, then for such contracts the sales location shall be the office location that the retailer or its authorized representative receives the initial order under such contract, provided that if such contract is a written contract not requiring a separate initial order to start the continuous supply process, then in such a situation the sales location shall be the office location that the retailer or its authorized representative signed the contract, or (4) for sales accepted in Illinois under a long-term blanket or master contract which (though definite as to price and quantity) must be implemented by the purchaser's placing of specific orders when goods are wanted, the office location of the retailer or its authorized representative with which such subsequent specific orders are received (rather than the place where the seller signed the master contract) will determine the sales location with respect to such orders, or (5) in those situations where the order for the purchase of tangible personal property is received by the retailer or its authorized representative, and, prior to final acceptance of the order by the retailer or its authorized representative, the ordered tangible personal property is delivered or shipped from the inventory of the retailer at a location in this State, then the sales location shall be the retailer's or its authorized representative's office location in this State where the purchase order for such tangible personal property is first
received or if such order is first received at an office location outside the State then the sales location shall be the inventory location from which the tangible personal property was shipped or delivered, or (6) in those situations where the order for the purchase of tangible personal property is first received by the retailer, or placed by the purchaser, at a retail sales location and both the immediate payment for the sale occurs at that location and the delivery or shipment of the property occurs from that location, then that retail sales location shall be deemed the sales location for that sale.

(c-6) The changes made by this amendatory Act of the 97th General Assembly shall be effective upon becoming law, and for past periods not yet closed by any applicable limitations period, a retailer may apply the changes made to this Section by this amendatory Act of the 97th General Assembly in the allocation of its past sales but only to the extent it does not change the retailer's previous filing location for such sales.

(d) Notwithstanding subsection (c-5) of this Section, for the purpose of determining the local governmental unit whose tax is applicable, a retail sale by a producer of coal or another mineral mined in Illinois is a sale at retail at the place where the coal or other mineral mined in Illinois is extracted from the earth. With respect to minerals (i) the term "extracted from the earth" means the location at which the coal or other mineral is extracted from the mouth of the mine, and
(ii) a "mineral" includes not only coal, but also oil, sand, stone taken from a quarry, gravel and any other thing commonly regarded as a mineral and extracted from the earth. This paragraph does not apply to coal or another mineral when it is delivered or shipped by the seller to the purchaser at a point outside Illinois so that the sale is exempt under the United States Constitution as a sale in interstate or foreign commerce.

(e) Nothing in this Section shall be construed to authorize a county to impose a tax upon the privilege of engaging in any business that under the Constitution of the United States may not be made the subject of taxation by this State.

(e-5) If a county imposes a tax under this Section, the county board may, by ordinance, discontinue or lower the rate of the tax. If the county board lowers the tax rate or discontinues the tax, a referendum must be held in accordance with subsection (a) of this Section in order to increase the rate of the tax or to reimpose the discontinued tax.

(f) Beginning April 1, 1998, the results of any election authorizing a proposition to impose a tax under this Section or effecting a change in the rate of tax, or any ordinance lowering the rate or discontinuing the tax, shall be certified by the county clerk and filed with the Illinois Department of Revenue either (i) on or before the first day of April, whereupon the Department shall proceed to administer and enforce the tax as of the first day of July next following the
filing; or (ii) on or before the first day of October, whereupon the Department shall proceed to administer and enforce the tax as of the first day of January next following the filing.

(g) When certifying the amount of a monthly disbursement to a county under this Section, the Department shall increase or decrease the amounts by an amount necessary to offset any miscalculation of previous disbursements. The offset amount shall be the amount erroneously disbursed within the previous 6 months from the time a miscalculation is discovered.

(h) This Section may be cited as the "Special County Occupation Tax For Public Safety, Public Facilities, or Transportation Law".

(i) For purposes of this Section, "public safety" includes, but is not limited to, crime prevention, detention, fire fighting, police, medical, ambulance, or other emergency services. The county may share tax proceeds received under this Section for public safety purposes, including proceeds received before August 4, 2009 (the effective date of Public Act 96-124), with any fire protection district located in the county. For the purposes of this Section, "transportation" includes, but is not limited to, the construction, maintenance, operation, and improvement of public highways, any other purpose for which a county may expend funds under the Illinois Highway Code, and passenger rail transportation. For the purposes of this Section, "public facilities purposes"
includes, but is not limited to, the acquisition, development, construction, reconstruction, rehabilitation, improvement, financing, architectural planning, and installation of capital facilities consisting of buildings, structures, and durable equipment and for the acquisition and improvement of real property and interest in real property required, or expected to be required, in connection with the public facilities, for use by the county for the furnishing of governmental services to its citizens, including but not limited to museums and nursing homes.

(j) The Department may promulgate rules to implement Public Act 95-1002 only to the extent necessary to apply the existing rules for the Special County Retailers' Occupation Tax for Public Safety to this new purpose for public facilities.

(Source: P.A. 95-474, eff. 1-1-08; 95-1002, eff. 11-20-08; 96-124, eff. 8-4-09; 96-622, eff. 8-24-09; 96-845, eff. 7-1-12; 96-939, eff. 6-24-10; 96-1000, eff. 7-2-10.)

(55 ILCS 5/5-1006.7)

Sec. 5-1006.7. School facility occupation taxes.

(a) The county board of any county may impose a tax upon all persons engaged in the business of selling tangible personal property, other than personal property titled or registered with an agency of this State's government, at retail in the county on the gross receipts from the sales made in the course of business to provide revenue to be used exclusively
for school facility purposes if a proposition for the tax has
been submitted to the electors of that county and approved by a
majority of those voting on the question as provided in
subsection (c). The tax under this Section may be imposed only
in one-quarter percent increments and may not exceed 1%.

This additional tax may not be imposed on the sale of food
for human consumption that is to be consumed off the premises
where it is sold (other than alcoholic beverages, soft drinks,
and food that has been prepared for immediate consumption) and
prescription and non-prescription medicines, drugs, medical
appliances and insulin, urine testing materials, syringes and
needles used by diabetics. The Department of Revenue has full
power to administer and enforce this subsection, to collect all
taxes and penalties due under this subsection, to dispose of
taxes and penalties so collected in the manner provided in this
subsection, and to determine all rights to credit memoranda
arising on account of the erroneous payment of a tax or penalty
under this subsection. The Department shall deposit all taxes
and penalties collected under this subsection into a special
fund created for that purpose.

In the administration of and compliance with this
subsection, the Department and persons who are subject to this
subsection (i) have the same rights, remedies, privileges,
immunities, powers, and duties, (ii) are subject to the same
conditions, restrictions, limitations, penalties, and
definitions of terms, and (iii) shall employ the same modes of
procedure as are set forth in Sections 1 through 10, 2 through 2-70 (in respect to all provisions contained in those Sections other than the State rate of tax), 2a through 2h, 3 (except as to the disposition of taxes and penalties collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 11a, 12, and 13 of the Retailers' Occupation Tax Act and all provisions of the Uniform Penalty and Interest Act as if those provisions were set forth in this subsection.

The certificate of registration that is issued by the Department to a retailer under the Retailers' Occupation Tax Act permits the retailer to engage in a business that is taxable without registering separately with the Department under an ordinance or resolution under this subsection.

Persons subject to any tax imposed under the authority granted in this subsection may reimburse themselves for their seller's tax liability by separately stating that tax as an additional charge, which may be stated in combination, in a single amount, with State tax that sellers are required to collect under the Use Tax Act, pursuant to any bracketed schedules set forth by the Department.

(b) If a tax has been imposed under subsection (a), then a service occupation tax must also be imposed at the same rate upon all persons engaged, in the county, in the business of making sales of service, who, as an incident to making those sales of service, transfer tangible personal property within the county as an incident to a sale of service.
This tax may not be imposed on sales of food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food prepared for immediate consumption) and prescription and non-prescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes, and needles used by diabetics.

The tax imposed under this subsection and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the Department and deposited into a special fund created for that purpose. The Department has full power to administer and enforce this subsection, to collect all taxes and penalties due under this subsection, to dispose of taxes and penalties so collected in the manner provided in this subsection, and to determine all rights to credit memoranda arising on account of the erroneous payment of a tax or penalty under this subsection.

In the administration of and compliance with this subsection, the Department and persons who are subject to this subsection shall (i) have the same rights, remedies, privileges, immunities, powers and duties, (ii) be subject to the same conditions, restrictions, limitations, penalties and definition of terms, and (iii) employ the same modes of procedure as are set forth in Sections 2 (except that that reference to State in the definition of supplier maintaining a place of business in this State means the county), 2a through
2d, 3 through 3-50 (in respect to all provisions contained in those Sections other than the State rate of tax), 4 (except that the reference to the State shall be to the county), 5, 7, 8 (except that the jurisdiction to which the tax is a debt to the extent indicated in that Section 8 is the county), 9 (except as to the disposition of taxes and penalties collected), 10, 11, 12 (except the reference therein to Section 2b of the Retailers' Occupation Tax Act), 13 (except that any reference to the State means the county), Section 15, 16, 17, 18, 19, and 20 of the Service Occupation Tax Act and all provisions of the Uniform Penalty and Interest Act, as fully as if those provisions were set forth herein.

Persons subject to any tax imposed under the authority granted in this subsection may reimburse themselves for their serviceman's tax liability by separately stating the tax as an additional charge, which may be stated in combination, in a single amount, with State tax that servicemen are authorized to collect under the Service Use Tax Act, pursuant to any bracketed schedules set forth by the Department.

(c) The tax under this Section may not be imposed until, by ordinance or resolution of the county board, the question of imposing the tax has been submitted to the electors of the county at a regular election and approved by a majority of the electors voting on the question. Upon a resolution by the county board or a resolution by school district boards that represent at least 51% of the student enrollment within the
The county board must certify the question to the proper election authority in accordance with the Election Code. The election authority must submit the question in substantially the following form:

Shall (name of county) be authorized to impose a retailers' occupation tax and a service occupation tax (commonly referred to as a "sales tax") at a rate of (insert rate) to be used exclusively for school facility purposes?

The election authority must record the votes as "Yes" or "No". If a majority of the electors voting on the question vote in the affirmative, then the county may, thereafter, impose the tax.

For the purposes of this subsection (c), "enrollment" means the head count of the students residing in the county on the last school day of September of each year, which must be reported on the Illinois State Board of Education Public School Fall Enrollment/Housing Report.

(d) The Department shall immediately pay over to the State Treasurer, ex officio, as trustee, all taxes and penalties collected under this Section to be deposited into the School Facility Occupation Tax Fund, which shall be an unappropriated trust fund held outside the State treasury.

On or before the 25th day of each calendar month, the Department shall prepare and certify to the Comptroller the disbursement of stated sums of money to the regional
superintendents of schools in counties from which retailers or
servicemen have paid taxes or penalties to the Department
during the second preceding calendar month. The amount to be
paid to each regional superintendent of schools and disbursed
to him or her in accordance with 3-14.31 of the School Code, is
equal to the amount (not including credit memoranda) collected
from the county under this Section during the second preceding
calendar month by the Department, (i) less 2% of that amount,
which shall be deposited into the Tax Compliance and
Administration Fund and shall be used by the Department,
subject to appropriation, to cover the costs of the Department
in administering and enforcing the provisions of this Section,
on behalf of the county, (ii) plus an amount that the
Department determines is necessary to offset any amounts that
were erroneously paid to a different taxing body; (iii) less an
amount equal to the amount of refunds made during the second
preceding calendar month by the Department on behalf of the
county; and (iv) less any amount that the Department determines
is necessary to offset any amounts that were payable to a
different taxing body but were erroneously paid to the county.
When certifying the amount of a monthly disbursement to a
regional superintendent of schools under this Section, the
Department shall increase or decrease the amounts by an amount
necessary to offset any miscalculation of previous
disbursements within the previous 6 months from the time a
miscalculation is discovered.
Within 10 days after receipt by the Comptroller from the Department of the disbursement certification to the regional superintendents of the schools provided for in this Section, the Comptroller shall cause the orders to be drawn for the respective amounts in accordance with directions contained in the certification.

If the Department determines that a refund should be made under this Section to a claimant instead of issuing a credit memorandum, then the Department shall notify the Comptroller, who shall cause the order to be drawn for the amount specified and to the person named in the notification from the Department. The refund shall be paid by the Treasurer out of the School Facility Occupation Tax Fund.

(d-5) In allocating or sourcing any municipal, county, special district, or other local retailers' occupation tax or the local share of the State's retailers' occupation tax for sales occurring in this State, the sales location for such allocation or sourcing purposes shall be the office location that the order for the purchase of the tangible personal property is accepted by the retailer or its authorized representative, except as provided in the next paragraph. In determining the acceptance location for a sale, the office the order is first received by the retailer or its authorized representative shall be deemed the acceptance location, unless clearly proven otherwise by the retailer that the final event or activity giving rise to the retailer's acceptance of, or the
binding contract for, such sale occurred at a different office location. In applying this subsection (d-5), if the order is received by electronic means, including but not limited to e-mail and facsimile transmission, and the first electronic receipt of the order is not addressed to or otherwise identified with a specific office location of the retailer or its authorized representative, then the order shall be deemed first received at the office location of the retailer or its authorized representative to which the addressee of the electronic order is primarily assigned or stationed, but in the event such addressee has no identifiable office location then the order shall be deemed first received at the office location that first records the receipt of such electronic order. For purposes of this subsection (d-5), the term "order" means the request (in writing, orally or electronically) by the purchaser to buy tangible personal property and the term "office location" means a structure, or part of a structure, held out to the public as being an office of the retailer or its authorized representative, where at least one individual performs authorized services for the retailer or its authorized representative with respect to the purchase of tangible personal property from the retailer and the services relate in some fashion to the overall order processing or sales approval process, including, but not limited to, order input, order review, credit review, credit approval, order acceptance, or order rejection. Neither the delivery location nor the location...
of the acceptance of the tangible personal property by the
purchaser (either before or after inspection or installation)
shall determine the sales location for allocation or sourcing
purposes under this Section.

Notwithstanding anything to the contrary in the preceding
paragraph, the sales location for the allocation or sourcing of
any municipal, county, special district, or other local
retailers' occupation tax or the local share of the State's
retailers' occupation tax shall be as follows: (1) in the event
the acceptance of the order by the retailer occurs outside of
the State (whether or not the receipt of the order occurs
within the State), then in those situations the sales location
shall be deemed outside of the State, and no local sourcing of
retailers' occupation tax applies, except when the tangible
personal property which is being sold is in the inventory of
the retailer at a location within the State at the time of sale
(or is subsequently produced by the retailer at a location in
this State), then in that event such inventory location shall
be deemed the sales location, or (2) in those situations in
which the retailer sends to the purchaser a complete and
unconditional offer to sell, then the sales location shall be
the office location that the retailer or its authorized
representative first receives back the purchaser's acceptance
of such offer, or (3) for keep full or similar requirements
contracts where the retailer agrees to supply tangible personal
property to a purchaser on a continuous basis until notified to
stop by the purchaser, then for such contracts the sales
location shall be the office location that the retailer or its
authorized representative receives the initial order under
such contract, provided that if such contract is a written
contract not requiring a separate initial order to start the
continuous supply process, then in such a situation the sales
location shall be the office location that the retailer or its
authorized representative signed the contract, or (4) for sales
accepted in Illinois under a long-term blanket or master
contract which (though definite as to price and quantity) must
be implemented by the purchaser's placing of specific orders
when goods are wanted, the office location of the retailer or
its authorized representative with which such subsequent
specific orders are received (rather than the place where the
seller signed the master contract) will determine the sales
location with respect to such orders, or (5) in those
situations where the order for the purchase of tangible
personal property is received by the retailer or its authorized
representative, and, prior to final acceptance of the order by
the retailer or its authorized representative, the ordered
tangible personal property is delivered or shipped from the
inventory of the retailer at a location in this State, then the
sales location shall be the retailer's or its authorized
representative's office location in this State where the
purchase order for such tangible personal property is first
received or if such order is first received at an office
location outside the State then the sales location shall be the
inventory location from which the tangible personal property
was shipped or delivered, or (6) in those situations where the
order for the purchase of tangible personal property is first
received by the retailer, or placed by the purchaser, at a
retailer's retail sales location and both the immediate payment
for the sale occurs at that location and the delivery or
shipment of the property occurs from that location, then that
retail sales location shall be deemed the sales location for
that sale.

(d-6) The changes made by this amendatory Act of the 97th
General Assembly shall be effective upon becoming law, and for
past periods not yet closed by any applicable limitations
period, a retailer may apply the changes made to this Section
by this amendatory Act of the 97th General Assembly in the
allocation of its past sales but only to the extent it does not
change the retailer's previous filing location for such sales.

(e) Notwithstanding subsection (d-5) of this Section, for
the purposes of determining the local governmental unit
whose tax is applicable, a retail sale by a producer of coal or
another mineral mined in Illinois is a sale at retail at the
place where the coal or other mineral mined in Illinois is
extracted from the earth. With respect to minerals (i) the term
"extracted from the earth" means the location at which the coal
or other mineral is extracted from the mouth of the mine, and
(ii) a "mineral" includes not only coal, but also oil, sand,
stone taken from a quarry, gravel and any other thing commonly regarded as a mineral and extracted from the earth. This subsection does not apply to coal or another mineral when it is delivered or shipped by the seller to the purchaser at a point outside Illinois so that the sale is exempt under the United States Constitution as a sale in interstate or foreign commerce.

(f) Nothing in this Section may be construed to authorize a county board to impose a tax upon the privilege of engaging in any business that under the Constitution of the United States may not be made the subject of taxation by this State.

(g) If a county board imposes a tax under this Section, then the board may, by ordinance, discontinue or reduce the rate of the tax. If, however, a school board issues bonds that are backed by the proceeds of the tax under this Section, then the county board may not reduce the tax rate or discontinue the tax if that rate reduction or discontinuance would inhibit the school board's ability to pay the principal and interest on those bonds as they become due. If the county board reduces the tax rate or discontinues the tax, then a referendum must be held in accordance with subsection (c) of this Section in order to increase the rate of the tax or to reimpose the discontinued tax.

The results of any election that authorizes a proposition to impose a tax under this Section or to change the rate of the tax along with an ordinance imposing the tax, or any ordinance
that lowers the rate or discontinues the tax, must be certified
by the county clerk and filed with the Illinois Department of
Revenue either (i) on or before the first day of April,
whereupon the Department shall proceed to administer and
enforce the tax or change in the rate as of the first day of
July next following the filing; or (ii) on or before the first
day of October, whereupon the Department shall proceed to
administer and enforce the tax or change in the rate as of the
first day of January next following the filing.

(h) For purposes of this Section, "school facility
purposes" means the acquisition, development, construction,
reconstruction, rehabilitation, improvement, financing,
architectural planning, and installation of capital facilities
consisting of buildings, structures, and durable equipment and
for the acquisition and improvement of real property and
interest in real property required, or expected to be required,
in connection with the capital facilities. "School-facility
purposes" also includes fire prevention, safety, energy
conservation, disabled accessibility, school security, and
specified repair purposes set forth under Section 17-2.11 of
the School Code.

(i) This Section does not apply to Cook County.

(j) This Section may be cited as the County School Facility
Occupation Tax Law.

(Source: P.A. 95-675, eff. 10-11-07.)
Sec. 5-1008.5. Use and occupation taxes.

(a) The Rock Island County Board may adopt a resolution that authorizes a referendum on the question of whether the county shall be authorized to impose a retailers' occupation tax, a service occupation tax, and a use tax at a rate of 1/4 of 1% on behalf of the economic development activities of Rock Island County and communities located within the county. The county board shall certify the question to the proper election authorities who shall submit the question to the voters of the county at the next regularly scheduled election in accordance with the general election law. The question shall be in substantially the following form:

Shall Rock Island County be authorized to impose a retailers' occupation tax, a service occupation tax, and a use tax at the rate of 1/4 of 1% for the sole purpose of economic development activities, including creation and retention of job opportunities, support of affordable housing opportunities, and enhancement of quality of life improvements?

Votes shall be recorded as "yes" or "no". If a majority of all votes cast on the proposition are in favor of the proposition, the county is authorized to impose the tax.

(b) The county shall impose the retailers' occupation tax upon all persons engaged in the business of selling tangible personal property at retail in the county, at the rate approved.
by referendum, on the gross receipts from the sales made in the
course of those businesses within the county. This additional
tax may not be imposed on the sale of food for human
consumption that is to be consumed off the premises where it is
sold (other than alcoholic beverages, soft drinks, and food
that has been prepared for immediate consumption) and
prescription and non-prescription medicines, drugs, medical
appliances and insulin, urine testing materials, syringes, and
needles used by diabetics. The tax imposed under this Section
and all civil penalties that may be assessed as an incident of
the tax shall be collected and enforced by the Department of
Revenue. The Department has full power to administer and
enforce this Section; to collect all taxes and penalties so
collected in the manner provided in this Section; and to
determine all rights to credit memoranda arising on account of
the erroneous payment of tax or penalty under this Section. In
the administration of, and compliance with, this Section, the
Department and persons who are subject to this Section shall
(i) have the same rights, remedies, privileges, immunities,
powers and duties, (ii) be subject to the same conditions,
restrictions, limitations, penalties, exclusions, exemptions,
and definitions of terms, and (iii) employ the same modes of
procedure as are prescribed in Sections 1, 1a, 1a-1, 1c, 1d,
1e, 1f, 1i, 1j, 1k, 1m, 1n, 2, 2-5, 2-5.5, 2-10 (in respect to
all provisions other than the State rate of tax), 2-15 through
2-70, 2a, 2b, 2c, 3 (except as to the disposition of taxes and
penalties collected and provisions related to quarter monthly payments), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 11a, 12, and 13 of the Retailers' Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act, as fully as if those provisions were set forth in this subsection.

Persons subject to any tax imposed under this subsection may reimburse themselves for their seller's tax liability by separately stating the tax as an additional charge, which charge may be stated in combination, in a single amount, with State taxes that sellers are required to collect, in accordance with bracket schedules prescribed by the Department.

Whenever the Department determines that a refund should be made under this subsection to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the warrant to be drawn for the amount specified, and to the person named, in the notification from the Department. The refund shall be paid by the State Treasurer out of the tax fund referenced under paragraph (g) of this Section.

If a tax is imposed under this subsection (b), a tax shall also be imposed at the same rate under subsections (c) and (d) of this Section.

Notwithstanding subsection (h-5) of this Section, for the purpose of determining whether a tax authorized under this Section is applicable, a retail sale, by a producer of coal or
another mineral mined in Illinois, is a sale at retail at the
place where the coal or other mineral mined in Illinois is
extracted from the earth. With respect to minerals (i) the term
"extracted from the earth" means the location at which the coal
or other mineral is extracted from the mouth of the mine, and
(ii) a "mineral" includes not only coal, but also oil, sand,
stone taken from a quarry, gravel and any other thing commonly
regarded as a mineral and extracted from the earth. This
paragraph does not apply to coal or another mineral when it is
delivered or shipped by the seller to the purchaser at a point
outside Illinois so that the sale is exempt under the federal
Constitution as a sale in interstate or foreign commerce.

Nothing in this Section shall be construed to authorize the
county to impose a tax upon the privilege of engaging in any
business that under the Constitution of the United States may
not be made the subject of taxation by this State.

(c) If a tax has been imposed under subsection (b), a
service occupation tax shall also be imposed at the same rate
upon all persons engaged, in the county, in the business of
making sales of service, who, as an incident to making those
sales of service, transfer tangible personal property within
the county as an incident to a sale of service. This additional
tax may not be imposed on the sale of food for human
consumption that is to be consumed off the premises where it is
sold (other than alcoholic beverages, soft drinks, and food
that has been prepared for immediate consumption) and
prescription and non-prescription medicines, drugs, medical
appliances and insulin, urine testing materials, syringes, and
needles used by diabetics. The tax imposed under this
subsection and all civil penalties that may be assessed as an
incident of the tax shall be collected and enforced by the
Department of Revenue. The Department has full power to
administer and enforce this paragraph; to collect all taxes and
penalties due under this Section; to dispose of taxes and
penalties so collected in the manner provided in this Section;
and to determine all rights to credit memoranda arising on
account of the erroneous payment of tax or penalty under this
Section. In the administration of, and compliance with this
paragraph, the Department and persons who are subject to this
paragraph shall (i) have the same rights, remedies, privileges,
immunities, powers, and duties, (ii) be subject to the same
conditions, restrictions, limitations, penalties, exclusions,
exemptions, and definitions of terms, and (iii) employ the same
modes of procedure as are prescribed in Sections 2 (except that
the reference to State in the definition of supplier
maintaining a place of business in this State shall mean the
county), 2a, 2b, 3 through 3-55 (in respect to all provisions
other than the State rate of tax), 4 (except that the reference
to the State shall be to the county), 5, 7, 8 (except that the
jurisdiction to which the tax shall be a debt to the extent
indicated in that Section 8 shall be the county), 9 (except as
to the disposition of taxes and penalties collected, and except
that the returned merchandise credit for this tax may not be taken against any State tax), 11, 12 (except the reference to Section 2b of the Retailers' Occupation Tax Act), 13 (except that any reference to the State shall mean the county), 15, 16, 17, 18, 19 and 20 of the Service Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act, as fully as if those provisions were set forth in this subsection.

Persons subject to any tax imposed under the authority granted in this subsection may reimburse themselves for their serviceman's tax liability by separately stating the tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax that servicemen are authorized to collect under the Service Use Tax Act, in accordance with bracket schedules prescribed by the Department.

Whenever the Department determines that a refund should be made under this subsection to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the warrant to be drawn for the amount specified, and to the person named, in the notification from the Department. The refund shall be paid by the State Treasurer out of the tax fund referenced under paragraph (g) of this Section.

Nothing in this paragraph shall be construed to authorize the county to impose a tax upon the privilege of engaging in any business that under the Constitution of the United States
may not be made the subject of taxation by the State.

(d) If a tax has been imposed under subsection (b), a use tax shall also be imposed at the same rate upon the privilege of using, in the county, any item of tangible personal property that is purchased outside the county at retail from a retailer, and that is titled or registered at a location within the county with an agency of this State's government. This additional tax may not be imposed on the sale of food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and non-prescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes, and needles used by diabetics. "Selling price" is defined as in the Use Tax Act. The tax shall be collected from persons whose Illinois address for titling or registration purposes is given as being in the county. The tax shall be collected by the Department of Revenue for the county. The tax must be paid to the State, or an exemption determination must be obtained from the Department of Revenue, before the title or certificate of registration for the property may be issued. The tax or proof of exemption may be transmitted to the Department by way of the State agency with which, or the State officer with whom, the tangible personal property must be titled or registered if the Department and the State agency or State officer determine that this procedure will expedite the processing of applications for
The Department has full power to administer and enforce this paragraph; to collect all taxes, penalties, and interest due under this Section; to dispose of taxes, penalties, and interest so collected in the manner provided in this Section; and to determine all rights to credit memoranda or refunds arising on account of the erroneous payment of tax, penalty, or interest under this Section. In the administration of, and compliance with, this subsection, the Department and persons who are subject to this paragraph shall (i) have the same rights, remedies, privileges, immunities, powers, and duties, (ii) be subject to the same conditions, restrictions, limitations, penalties, exclusions, exemptions, and definitions of terms, and (iii) employ the same modes of procedure as are prescribed in Sections 2 (except the definition of "retailer maintaining a place of business in this State"), 3, 3-5, 3-10, 3-45, 3-55, 3-65, 3-70, 3-85, 3a, 4, 6, 7, 8 (except that the jurisdiction to which the tax shall be a debt to the extent indicated in that Section 8 shall be the county), 9 (except provisions relating to quarter monthly payments), 10, 11, 12, 12a, 12b, 13, 14, 15, 19, 20, 21, and 22 of the Use Tax Act and Section 3-7 of the Uniform Penalty and Interest Act, that are not inconsistent with this paragraph, as fully as if those provisions were set forth in this subsection.

Whenever the Department determines that a refund should be made under this subsection to a claimant instead of issuing a
credit memorandum, the Department shall notify the State
Comptroller, who shall cause the order to be drawn for the
amount specified, and to the person named, in the notification
from the Department. The refund shall be paid by the State
Treasurer out of the tax fund referenced under paragraph (g) of
this Section.

(e) A certificate of registration issued by the State
Department of Revenue to a retailer under the Retailers'
Occupation Tax Act or under the Service Occupation Tax Act
shall permit the registrant to engage in a business that is
taxed under the tax imposed under paragraphs (b), (c), or (d)
of this Section and no additional registration shall be
required. A certificate issued under the Use Tax Act or the
Service Use Tax Act shall be applicable with regard to any tax
imposed under paragraph (c) of this Section.

(f) The results of any election authorizing a proposition
to impose a tax under this Section or effecting a change in the
rate of tax shall be certified by the proper election
authorities and filed with the Illinois Department on or before
the first day of October. In addition, an ordinance imposing,
 discontinuing, or effecting a change in the rate of tax under
this Section shall be adopted and a certified copy of the
ordinance filed with the Department on or before the first day
of October. After proper receipt of the certifications, the
Department shall proceed to administer and enforce this Section
as of the first day of January next following the adoption and
(g) The Department of Revenue shall, upon collecting any taxes and penalties as provided in this Section, pay the taxes and penalties over to the State Treasurer as trustee for the county. The taxes and penalties shall be held in a trust fund outside the State Treasury. On or before the 25th day of each calendar month, the Department of Revenue shall prepare and certify to the Comptroller of the State of Illinois the amount to be paid to the county, which shall be the balance in the fund, less any amount determined by the Department to be necessary for the payment of refunds. Within 10 days after receipt by the Comptroller of the certification of the amount to be paid to the county, the Comptroller shall cause an order to be drawn for payment for the amount in accordance with the directions contained in the certification. Amounts received from the tax imposed under this Section shall be used only for the economic development activities of the county and communities located within the county.

(h) When certifying the amount of a monthly disbursement to the county under this Section, the Department shall increase or decrease the amounts by an amount necessary to offset any miscalculation of previous disbursements. The offset amount shall be the amount erroneously disbursed within the previous 6 months from the time a miscalculation is discovered.

(h-5) In allocating or sourcing any municipal, county, special district, or other local retailers' occupation tax or
the local share of the State's retailers' occupation tax for
sales occurring in this State, the sales location for such
allocation or sourcing purposes shall be the office location
that the order for the purchase of the tangible personal
property is accepted by the retailer or its authorized
representative, except as provided in the next paragraph. In
determining the acceptance location for a sale, the office the
order is first received by the retailer or its authorized
representative shall be deemed the acceptance location, unless
clearly proven otherwise by the retailer that the final event
or activity giving rise to the retailer's acceptance of, or the
binding contract for, such sale occurred at a different office
location. In applying this subsection (h-5), if the order is
received by electronic means, including but not limited to
e-mail and facsimile transmission, and the first electronic
receipt of the order is not addressed to or otherwise
identified with a specific office location of the retailer or
its authorized representative, then the order shall be deemed
first received at the office location of the retailer or its
authorized representative to which the addressee of the
electronic order is primarily assigned or stationed, but in the
event such addressee has no identifiable office location then
the order shall be deemed first received at the office location
that first records the receipt of such electronic order. For
purposes of this subsection (h-5), the term "order" means the
request (in writing, orally or electronically) by the purchaser
to buy tangible personal property and the term "office location" means a structure, or part of a structure, held out to the public as being an office of the retailer or its authorized representative, where at least one individual performs authorized services for the retailer or its authorized representative with respect to the purchase of tangible personal property from the retailer and the services relate in some fashion to the overall order processing or sales approval process, including, but not limited to, order input, order review, credit review, credit approval, order acceptance, or order rejection. Neither the delivery location nor the location of the acceptance of the tangible personal property by the purchaser (either before or after inspection or installation) shall determine the sales location for allocation or sourcing purposes under this Section.

Notwithstanding anything to the contrary in the preceding paragraph, the sales location for the allocation or sourcing of any municipal, county, special district, or other local retailers' occupation tax or the local share of the State's retailers' occupation tax shall be as follows: (1) in the event the acceptance of the order by the retailer occurs outside of the State (whether or not the receipt of the order occurs within the State), then in those situations the sales location shall be deemed outside of the State, and no local sourcing of retailers' occupation tax applies, except when the tangible personal property which is being sold is in the inventory of
the retailer at a location within the State at the time of sale
(or is subsequently produced by the retailer at a location in
this State), then in that event such inventory location shall
be deemed the sales location, or (2) in those situations in
which the retailer sends to the purchaser a complete and
unconditional offer to sell, then the sales location shall be
the office location that the retailer or its authorized
representative first receives back the purchaser’s acceptance
of such offer, or (3) for keep full or similar requirements
contracts where the retailer agrees to supply tangible personal
property to a purchaser on a continuous basis until notified to
stop by the purchaser, then for such contracts the sales
location shall be the office location that the retailer or its
authorized representative receives the initial order under
such contract, provided that if such contract is a written
contract not requiring a separate initial order to start the
continuous supply process, then in such a situation the sales
location shall be the office location that the retailer or its
authorized representative signed the contract, or (4) for sales
accepted in Illinois under a long-term blanket or master
contract which (though definite as to price and quantity) must
be implemented by the purchaser’s placing of specific orders
when goods are wanted, the office location of the retailer or
its authorized representative with which such subsequent
specific orders are received (rather than the place where the
seller signed the master contract) will determine the sales
location with respect to such orders, or (5) in those situations where the order for the purchase of tangible personal property is received by the retailer or its authorized representative, and, prior to final acceptance of the order by the retailer or its authorized representative, the ordered tangible personal property is delivered or shipped from the inventory of the retailer at a location in this State, then the sales location shall be the retailer's or its authorized representative's office location in this State where the purchase order for such tangible personal property is first received or if such order is first received at an office location outside the State then the sales location shall be the inventory location from which the tangible personal property was shipped or delivered, or (6) in those situations where the order for the purchase of tangible personal property is first received by the retailer, or placed by the purchaser, at a retailer's retail sales location and both the immediate payment for the sale occurs at that location and the delivery or shipment of the property occurs from that location, then that retail sales location shall be deemed the sales location for that sale.

(h-6) The changes made by this amendatory Act of the 97th General Assembly shall be effective upon becoming law, and for past periods not yet closed by any applicable limitations period, a retailer may apply the changes made to this Section by this amendatory Act of the 97th General Assembly in the
allocation of its past sales but only to the extent it does not change the retailer's previous filing location for such sales.

(i) This Section may be cited as the Rock Island County Use and Occupation Tax Law.

(Source: P.A. 90-415, eff. 8-15-97.)

Section 15. The Illinois Municipal Code is amended by changing Sections 8-11-1, 8-11-1.3, and 8-11-1.6 as follows:

(65 ILCS 5/8-11-1) (from Ch. 24, par. 8-11-1)

Sec. 8-11-1. Home Rule Municipal Retailers' Occupation Tax Act. The corporate authorities of a home rule municipality may impose a tax upon all persons engaged in the business of selling tangible personal property, other than an item of tangible personal property titled or registered with an agency of this State's government, at retail in the municipality on the gross receipts from these sales made in the course of such business. If imposed, the tax shall only be imposed in 1/4% increments. On and after September 1, 1991, this additional tax may not be imposed on the sales of food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics. The tax imposed by a home rule municipality under
this Section and all civil penalties that may be assessed as an
incident of the tax shall be collected and enforced by the
State Department of Revenue. The certificate of registration
that is issued by the Department to a retailer under the
Retailers' Occupation Tax Act shall permit the retailer to
engage in a business that is taxable under any ordinance or
resolution enacted pursuant to this Section without
registering separately with the Department under such
ordinance or resolution or under this Section. The Department
shall have full power to administer and enforce this Section;
to collect all taxes and penalties due hereunder; to dispose of
taxes and penalties so collected in the manner hereinafter
provided; and to determine all rights to credit memoranda
arising on account of the erroneous payment of tax or penalty
hereunder. In the administration of, and compliance with, this
Section the Department and persons who are subject to this
Section shall have the same rights, remedies, privileges,
immunities, powers and duties, and be subject to the same
conditions, restrictions, limitations, penalties and
definitions of terms, and employ the same modes of procedure,
as are prescribed in Sections 1, 1a, 1d, 1e, 1f, 1i, 1j, 1k,
1m, 1n, 2 through 2-65 (in respect to all provisions therein
other than the State rate of tax), 2c, 3 (except as to the
disposition of taxes and penalties collected), 4, 5, 5a, 5b,
5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9,
10, 11, 12 and 13 of the Retailers' Occupation Tax Act and
Section 3-7 of the Uniform Penalty and Interest Act, as fully
as if those provisions were set forth herein.

No tax may be imposed by a home rule municipality under
this Section unless the municipality also imposes a tax at the
same rate under Section 8-11-5 of this Act.

Persons subject to any tax imposed under the authority
granted in this Section may reimburse themselves for their
seller's tax liability hereunder by separately stating that tax
as an additional charge, which charge may be stated in
combination, in a single amount, with State tax which sellers
are required to collect under the Use Tax Act, pursuant to such
bracket schedules as the Department may prescribe.

Whenever the Department determines that a refund should be
made under this Section to a claimant instead of issuing a
credit memorandum, the Department shall notify the State
Comptroller, who shall cause the order to be drawn for the
amount specified and to the person named in the notification
from the Department. The refund shall be paid by the State
Treasurer out of the home rule municipal retailers' occupation
tax fund.

The Department shall immediately pay over to the State
Treasurer, ex officio, as trustee, all taxes and penalties
collected hereunder.

As soon as possible after the first day of each month,
beginning January 1, 2011, upon certification of the Department
of Revenue, the Comptroller shall order transferred, and the
Treasurer shall transfer, to the STAR Bonds Revenue Fund the local sales tax increment, as defined in the Innovation Development and Economy Act, collected under this Section during the second preceding calendar month for sales within a STAR bond district.

After the monthly transfer to the STAR Bonds Revenue Fund, on or before the 25th day of each calendar month, the Department shall prepare and certify to the Comptroller the disbursement of stated sums of money to named municipalities, the municipalities to be those from which retailers have paid taxes or penalties hereunder to the Department during the second preceding calendar month. The amount to be paid to each municipality shall be the amount (not including credit memoranda) collected hereunder during the second preceding calendar month by the Department plus an amount the Department determines is necessary to offset any amounts that were erroneously paid to a different taxing body, and not including an amount equal to the amount of refunds made during the second preceding calendar month by the Department on behalf of such municipality, and not including any amount that the Department determines is necessary to offset any amounts that were payable to a different taxing body but were erroneously paid to the municipality, and not including any amounts that are transferred to the STAR Bonds Revenue Fund. Within 10 days after receipt by the Comptroller of the disbursement certification to the municipalities provided for in this
Section to be given to the Comptroller by the Department, the Comptroller shall cause the orders to be drawn for the respective amounts in accordance with the directions contained in the certification.

In addition to the disbursement required by the preceding paragraph and in order to mitigate delays caused by distribution procedures, an allocation shall, if requested, be made within 10 days after January 14, 1991, and in November of 1991 and each year thereafter, to each municipality that received more than $500,000 during the preceding fiscal year, (July 1 through June 30) whether collected by the municipality or disbursed by the Department as required by this Section. Within 10 days after January 14, 1991, participating municipalities shall notify the Department in writing of their intent to participate. In addition, for the initial distribution, participating municipalities shall certify to the Department the amounts collected by the municipality for each month under its home rule occupation and service occupation tax during the period July 1, 1989 through June 30, 1990. The allocation within 10 days after January 14, 1991, shall be in an amount equal to the monthly average of these amounts, excluding the 2 months of highest receipts. The monthly average for the period of July 1, 1990 through June 30, 1991 will be determined as follows: the amounts collected by the municipality under its home rule occupation and service occupation tax during the period of July 1, 1990 through
September 30, 1990, plus amounts collected by the Department and paid to such municipality through June 30, 1991, excluding the 2 months of highest receipts. The monthly average for each subsequent period of July 1 through June 30 shall be an amount equal to the monthly distribution made to each such municipality under the preceding paragraph during this period, excluding the 2 months of highest receipts. The distribution made in November 1991 and each year thereafter under this paragraph and the preceding paragraph shall be reduced by the amount allocated and disbursed under this paragraph in the preceding period of July 1 through June 30. The Department shall prepare and certify to the Comptroller for disbursement the allocations made in accordance with this paragraph.

In allocating or sourcing any municipal, county, special district, or other local retailers' occupation tax or the local share of the State's retailers' occupation tax for sales occurring in this State, the sales location for such allocation or sourcing purposes shall be the office location that the order for the purchase of the tangible personal property is accepted by the retailer or its authorized representative, except as provided in the next paragraph. In determining the acceptance location for a sale, the office the order is first received by the retailer or its authorized representative shall be deemed the acceptance location, unless clearly proven otherwise by the retailer that the final event or activity giving rise to the retailer's acceptance of, or the binding
contract for, such sale occurred at a different office location. In applying this paragraph and the next paragraph, if the order is received by electronic means, including but not limited to e-mail and facsimile transmission, and the first electronic receipt of the order is not addressed to or otherwise identified with a specific office location of the retailer or its authorized representative, then the order shall be deemed first received at the office location of the retailer or its authorized representative to which the addressee of the electronic order is primarily assigned or stationed, but in the event such addressee has no identifiable office location then the order shall be deemed first received at the office location that first records the receipt of such electronic order. For purposes of this paragraph and the next paragraph, the term "order" means the request (in writing, orally or electronically) by the purchaser to buy tangible personal property and the term "office location" means a structure, or part of a structure, held out to the public as being an office of the retailer or its authorized representative, where at least one individual performs authorized services for the retailer or its authorized representative with respect to the purchase of tangible personal property from the retailer and the services relate in some fashion to the overall order processing or sales approval process, including, but not limited to, order input, order review, credit review, credit approval, order acceptance, or order rejection. Neither the
delivery location nor the location of the acceptance of the tangible personal property by the purchaser (either before or after inspection or installation) shall determine the sales location for allocation or sourcing purposes under this Section.

Notwithstanding anything to the contrary in the preceding paragraph, the sales location for the allocation or sourcing of any municipal, county, special district, or other local retailers' occupation tax or the local share of the State's retailers' occupation tax shall be as follows: (1) in the event the acceptance of the order by the retailer occurs outside of the State (whether or not the receipt of the order occurs within the State), then in those situations the sales location shall be deemed outside of the State, and no local sourcing of retailers' occupation tax applies, except when the tangible personal property which is being sold is in the inventory of the retailer at a location within the State at the time of sale (or is subsequently produced by the retailer at a location in this State), then in that event such inventory location shall be deemed the sales location, or (2) in those situations in which the retailer sends to the purchaser a complete and unconditional offer to sell, then the sales location shall be the office location that the retailer or its authorized representative first receives back the purchaser's acceptance of such offer, or (3) for keep full or similar requirements contracts where the retailer agrees to supply tangible personal
property to a purchaser on a continuous basis until notified to
stop by the purchaser, then for such contracts the sales
location shall be the office location that the retailer or its
authorized representative receives the initial order under
such contract, provided that if such contract is a written
contract not requiring a separate initial order to start the
continuous supply process, then in such a situation the sales
location shall be the office location that the retailer or its
authorized representative signed the contract, or (4) for sales
accepted in Illinois under a long-term blanket or master
contract which (though definite as to price and quantity) must
be implemented by the purchaser's placing of specific orders
when goods are wanted, the office location of the retailer or
its authorized representative with which such subsequent
specific orders are received (rather than the place where the
seller signed the master contract) will determine the sales
location with respect to such orders, or (5) in those
situations where the order for the purchase of tangible
personal property is received by the retailer or its authorized
representative, and, prior to final acceptance of the order by
the retailer or its authorized representative, the ordered
tangible personal property is delivered or shipped from the
inventory of the retailer at a location in this State, then the
sales location shall be the retailer's or its authorized
representative's office location in this State where the
purchase order for such tangible personal property is first
received or if such order is first received at an office location outside the State then the sales location shall be the inventory location from which the tangible personal property was shipped or delivered, or (6) in those situations where the order for the purchase of tangible personal property is first received by the retailer, or placed by the purchaser, at a retailer's retail sales location and both the immediate payment for the sale occurs at that location and the delivery or shipment of the property occurs from that location, then that retail sales location shall be deemed the sales location for that sale.

Notwithstanding the preceding 2 paragraphs, for the purpose of determining the local governmental unit whose tax is applicable, a retail sale by a producer of coal or other mineral mined in Illinois is a sale at retail at the place where the coal or other mineral mined in Illinois is extracted from the earth. With respect to minerals (i) the term "extracted from the earth" means the location at which the coal or other mineral is extracted from the mouth of the mine, and (ii) a "mineral" includes not only coal, but also oil, sand, stone taken from a quarry, gravel and any other thing commonly regarded as a mineral and extracted from the earth. This paragraph does not apply to coal or other mineral when it is delivered or shipped by the seller to the purchaser at a point outside Illinois so that the sale is exempt under the United States Constitution as a sale in interstate or foreign
The changes made by this amendatory Act of the 97th General Assembly shall be effective upon becoming law, and for past periods not yet closed by any applicable limitations period, a retailer may apply the changes made to this Section by this amendatory Act of the 97th General Assembly in the allocation of its past sales but only to the extent it does not change the retailer's previous filing location for such sales.

Nothing in this Section shall be construed to authorize a municipality to impose a tax upon the privilege of engaging in any business which under the Constitution of the United States may not be made the subject of taxation by this State.

An ordinance or resolution imposing or discontinuing a tax hereunder or effecting a change in the rate thereof shall be adopted and a certified copy thereof filed with the Department on or before the first day of June, whereupon the Department shall proceed to administer and enforce this Section as of the first day of September next following the adoption and filing. Beginning January 1, 1992, an ordinance or resolution imposing or discontinuing the tax hereunder or effecting a change in the rate thereof shall be adopted and a certified copy thereof filed with the Department on or before the first day of July, whereupon the Department shall proceed to administer and enforce this Section as of the first day of October next following such adoption and filing. Beginning January 1, 1993, an ordinance or resolution imposing or discontinuing the tax
hereunder or effecting a change in the rate thereof shall be
adopted and a certified copy thereof filed with the Department
on or before the first day of October, whereupon the Department
shall proceed to administer and enforce this Section as of the
first day of January next following the adoption and filing.
However, a municipality located in a county with a population
in excess of 3,000,000 that elected to become a home rule unit
at the general primary election in 1994 may adopt an ordinance
or resolution imposing the tax under this Section and file a
certified copy of the ordinance or resolution with the
Department on or before July 1, 1994. The Department shall then
proceed to administer and enforce this Section as of October 1,
1994. Beginning April 1, 1998, an ordinance or resolution
imposing or discontinuing the tax hereunder or effecting a
change in the rate thereof shall either (i) be adopted and a
certified copy thereof filed with the Department on or before
the first day of April, whereupon the Department shall proceed
to administer and enforce this Section as of the first day of
July next following the adoption and filing; or (ii) be adopted
and a certified copy thereof filed with the Department on or
before the first day of October, whereupon the Department shall
proceed to administer and enforce this Section as of the first
day of January next following the adoption and filing.

When certifying the amount of a monthly disbursement to a
municipality under this Section, the Department shall increase
or decrease the amount by an amount necessary to offset any
misallocation of previous disbursements. The offset amount shall be the amount erroneously disbursed within the previous 6 months from the time a misallocation is discovered.

Any unobligated balance remaining in the Municipal Retailers’ Occupation Tax Fund on December 31, 1989, which fund was abolished by Public Act 85-1135, and all receipts of municipal tax as a result of audits of liability periods prior to January 1, 1990, shall be paid into the Local Government Tax Fund for distribution as provided by this Section prior to the enactment of Public Act 85-1135. All receipts of municipal tax as a result of an assessment not arising from an audit, for liability periods prior to January 1, 1990, shall be paid into the Local Government Tax Fund for distribution before July 1, 1990, as provided by this Section prior to the enactment of Public Act 85-1135; and on and after July 1, 1990, all such receipts shall be distributed as provided in Section 6z-18 of the State Finance Act.

As used in this Section, "municipal" and "municipality" means a city, village or incorporated town, including an incorporated town that has superseded a civil township.

This Section shall be known and may be cited as the Home Rule Municipal Retailers’ Occupation Tax Act.

(Source: P.A. 96-939, eff. 6-24-10.)

(65 ILCS 5/8-11-1.3) (from Ch. 24, par. 8-11-1.3)

Sec. 8-11-1.3. Non-Home Rule Municipal Retailers'
Occupation Tax Act. The corporate authorities of a non-home rule municipality may impose a tax upon all persons engaged in the business of selling tangible personal property, other than on an item of tangible personal property which is titled and registered by an agency of this State's Government, at retail in the municipality for expenditure on public infrastructure or for property tax relief or both as defined in Section 8-11-1.2 if approved by referendum as provided in Section 8-11-1.1, of the gross receipts from such sales made in the course of such business. If the tax is approved by referendum on or after July 14, 2010 (the effective date of Public Act 96-1057) this amendatory Act of the 96th General Assembly, the corporate authorities of a non-home rule municipality may, until December 31, 2015, use the proceeds of the tax for expenditure on municipal operations, in addition to or in lieu of any expenditure on public infrastructure or for property tax relief. The tax imposed may not be more than 1% and may be imposed only in 1/4% increments. The tax may not be imposed on the sale of food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics. The tax imposed by a municipality pursuant to this Section and all civil penalties that may be assessed as an incident thereof...
shall be collected and enforced by the State Department of Revenue. The certificate of registration which is issued by the Department to a retailer under the Retailers' Occupation Tax Act shall permit such retailer to engage in a business which is taxable under any ordinance or resolution enacted pursuant to this Section without registering separately with the Department under such ordinance or resolution or under this Section. The Department shall have full power to administer and enforce this Section; to collect all taxes and penalties due hereunder; to dispose of taxes and penalties so collected in the manner hereinafter provided, and to determine all rights to credit memoranda, arising on account of the erroneous payment of tax or penalty hereunder. In the administration of, and compliance with, this Section, the Department and persons who are subject to this Section shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties and definitions of terms, and employ the same modes of procedure, as are prescribed in Sections 1, 1a, 1a-1, 1d, 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all provisions therein other than the State rate of tax), 2c, 3 (except as to the disposition of taxes and penalties collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 12 and 13 of the Retailers' Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act as fully as if those provisions were set forth herein.
No municipality may impose a tax under this Section unless the municipality also imposes a tax at the same rate under Section 8-11-1.4 of this Code.

Persons subject to any tax imposed pursuant to the authority granted in this Section may reimburse themselves for their seller's tax liability hereunder by separately stating such tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax which sellers are required to collect under the Use Tax Act, pursuant to such bracket schedules as the Department may prescribe.

Whenever the Department determines that a refund should be made under this Section to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the order to be drawn for the amount specified, and to the person named, in such notification from the Department. Such refund shall be paid by the State Treasurer out of the non-home rule municipal retailers' occupation tax fund.

The Department shall forthwith pay over to the State Treasurer, ex officio, as trustee, all taxes and penalties collected hereunder.

As soon as possible after the first day of each month, beginning January 1, 2011, upon certification of the Department of Revenue, the Comptroller shall order transferred, and the Treasurer shall transfer, to the STAR Bonds Revenue Fund the local sales tax increment, as defined in the Innovation
Development and Economy Act, collected under this Section during the second preceding calendar month for sales within a STAR bond district.

After the monthly transfer to the STAR Bonds Revenue Fund, on or before the 25th day of each calendar month, the Department shall prepare and certify to the Comptroller the disbursement of stated sums of money to named municipalities, the municipalities to be those from which retailers have paid taxes or penalties hereunder to the Department during the second preceding calendar month. The amount to be paid to each municipality shall be the amount (not including credit memoranda) collected hereunder during the second preceding calendar month by the Department plus an amount the Department determines is necessary to offset any amounts which were erroneously paid to a different taxing body, and not including an amount equal to the amount of refunds made during the second preceding calendar month by the Department on behalf of such municipality, and not including any amount which the Department determines is necessary to offset any amounts which were payable to a different taxing body but were erroneously paid to the municipality, and not including any amounts that are transferred to the STAR Bonds Revenue Fund. Within 10 days after receipt, by the Comptroller, of the disbursement certification to the municipalities, provided for in this Section to be given to the Comptroller by the Department, the Comptroller shall cause the orders to be drawn for the
respective amounts in accordance with the directions contained in such certification.

In allocating or sourcing any municipal, county, special district, or other local retailers' occupation tax or the local share of the State's retailers' occupation tax for sales occurring in this State, the sales location for such allocation or sourcing purposes shall be the office location that the order for the purchase of the tangible personal property is accepted by the retailer or its authorized representative, except as provided in the next paragraph. In determining the acceptance location for a sale, the office the order is first received by the retailer or its authorized representative shall be deemed the acceptance location, unless clearly proven otherwise by the retailer that the final event or activity giving rise to the retailer's acceptance of, or the binding contract for, such sale occurred at a different office location. In applying this paragraph and the next paragraph, if the order is received by electronic means, including but not limited to e-mail and facsimile transmission, and the first electronic receipt of the order is not addressed to or otherwise identified with a specific office location of the retailer or its authorized representative, then the order shall be deemed first received at the office location of the retailer or its authorized representative to which the addressee of the electronic order is primarily assigned or stationed, but in the event such addressee has no identifiable office location then
the order shall be deemed first received at the office location that first records the receipt of such electronic order. For purposes of this paragraph and the next paragraph, the term "order" means the request (in writing, orally or electronically) by the purchaser to buy tangible personal property and the term "office location" means a structure, or part of a structure, held out to the public as being an office of the retailer or its authorized representative, where at least one individual performs authorized services for the retailer or its authorized representative with respect to the purchase of tangible personal property from the retailer and the services relate in some fashion to the overall order processing or sales approval process, including, but not limited to, order input, order review, credit review, credit approval, order acceptance, or order rejection. Neither the delivery location nor the location of the acceptance of the tangible personal property by the purchaser (either before or after inspection or installation) shall determine the sales location for allocation or sourcing purposes under this Section.

Notwithstanding anything to the contrary in the preceding paragraph, the sales location for the allocation or sourcing of any municipal, county, special district, or other local retailers' occupation tax or the local share of the State's retailers' occupation tax shall be as follows: (1) in the event the acceptance of the order by the retailer occurs outside of
the State (whether or not the receipt of the order occurs within the State), then in those situations the sales location shall be deemed outside of the State, and no local sourcing of retailers' occupation tax applies, except when the tangible personal property which is being sold is in the inventory of the retailer at a location within the State at the time of sale (or is subsequently produced by the retailer at a location in this State), then in that event such inventory location shall be deemed the sales location, or (2) in those situations in which the retailer sends to the purchaser a complete and unconditional offer to sell, then the sales location shall be the office location that the retailer or its authorized representative first receives back the purchaser's acceptance of such offer, or (3) for keep full or similar requirements contracts where the retailer agrees to supply tangible personal property to a purchaser on a continuous basis until notified to stop by the purchaser, then for such contracts the sales location shall be the office location that the retailer or its authorized representative receives the initial order under such contract, provided that if such contract is a written contract not requiring a separate initial order to start the continuous supply process, then in such a situation the sales location shall be the office location that the retailer or its authorized representative signed the contract, or (4) for sales accepted in Illinois under a long-term blanket or master contract which (though definite as to price and quantity) must
be implemented by the purchaser's placing of specific orders
when goods are wanted, the office location of the retailer or
its authorized representative with which such subsequent
specific orders are received (rather than the place where the
seller signed the master contract) will determine the sales
location with respect to such orders, or (5) in those
situations where the order for the purchase of tangible
personal property is received by the retailer or its authorized
representative, and, prior to final acceptance of the order by
the retailer or its authorized representative, the ordered
tangible personal property is delivered or shipped from the
inventory of the retailer at a location in this State, then the
sales location shall be the retailer's or its authorized
representative's office location in this State where the
purchase order for such tangible personal property is first
received or if such order is first received at an office
location outside the State then the sales location shall be the
inventory location from which the tangible personal property
was shipped or delivered, or (6) in those situations where the
order for the purchase of tangible personal property is first
received by the retailer, or placed by the purchaser, at a
retailer's retail sales location and both the immediate payment
for the sale occurs at that location and the delivery or
shipment of the property occurs from that location, then that
retail sales location shall be deemed the sales location for
that sale.
Notwithstanding the preceding 2 paragraphs, for the purpose of determining the local governmental unit whose tax is applicable, a retail sale, by a producer of coal or other mineral mined in Illinois, is a sale at retail at the place where the coal or other mineral mined in Illinois is extracted from the earth. With respect to minerals (i) the term "extracted from the earth" means the location at which the coal or other mineral is extracted from the mouth of the mine, and (ii) a "mineral" includes not only coal, but also oil, sand, stone taken from a quarry, gravel and any other thing commonly regarded as a mineral and extracted from the earth. This paragraph does not apply to coal or other mineral when it is delivered or shipped by the seller to the purchaser at a point outside Illinois so that the sale is exempt under the Federal Constitution as a sale in interstate or foreign commerce.

The changes made by this amendatory Act of the 97th General Assembly shall be effective upon becoming law, and for past periods not yet closed by any applicable limitations period, a retailer may apply the changes made to this Section by this amendatory Act of the 97th General Assembly in the allocation of its past sales but only to the extent it does not change the retailer's previous filing location for such sales.

Nothing in this Section shall be construed to authorize a municipality to impose a tax upon the privilege of engaging in any business which under the constitution of the United States may not be made the subject of taxation by this State.
When certifying the amount of a monthly disbursement to a municipality under this Section, the Department shall increase or decrease such amount by an amount necessary to offset any misallocation of previous disbursements. The offset amount shall be the amount erroneously disbursed within the previous 6 months from the time a misallocation is discovered.

The Department of Revenue shall implement this amendatory Act of the 91st General Assembly so as to collect the tax on and after January 1, 2002.

As used in this Section, "municipal" and "municipality" means a city, village or incorporated town, including an incorporated town which has superseded a civil township.

This Section shall be known and may be cited as the "Non-Home Rule Municipal Retailers' Occupation Tax Act".

(Source: P.A. 96-939, eff. 6-24-10; 96-1057, eff. 7-14-10; revised 7-22-10.)

(65 ILCS 5/8-11-1.6)

Sec. 8-11-1.6. Non-home rule municipal retailers occupation tax; municipalities between 20,000 and 25,000. The corporate authorities of a non-home rule municipality with a population of more than 20,000 but less than 25,000 that has, prior to January 1, 1987, established a Redevelopment Project Area that has been certified as a State Sales Tax Boundary and has issued bonds or otherwise incurred indebtedness to pay for costs in excess of $5,000,000, which is secured in part by a
tax increment allocation fund, in accordance with the provisions of Division 11-74.4 of this Code may, by passage of an ordinance, impose a tax upon all persons engaged in the business of selling tangible personal property, other than on an item of tangible personal property that is titled and registered by an agency of this State's Government, at retail in the municipality. This tax may not be imposed on the sales of food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes, and needles used by diabetics. If imposed, the tax shall only be imposed in .25% increments of the gross receipts from such sales made in the course of business. Any tax imposed by a municipality under this Sec. and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the State Department of Revenue. An ordinance imposing a tax hereunder or effecting a change in the rate thereof shall be adopted and a certified copy thereof filed with the Department on or before the first day of October, whereupon the Department shall proceed to administer and enforce this Section as of the first day of January next following such adoption and filing. The certificate of registration that is issued by the Department to a retailer under the Retailers' Occupation Tax Act shall permit the
retailer to engage in a business that is taxable under any ordinance or resolution enacted under this Section without registering separately with the Department under the ordinance or resolution or under this Section. The Department shall have full power to administer and enforce this Section, to collect all taxes and penalties due hereunder, to dispose of taxes and penalties so collected in the manner hereinafter provided, and to determine all rights to credit memoranda, arising on account of the erroneous payment of tax or penalty hereunder. In the administration of, and compliance with this Section, the Department and persons who are subject to this Section shall have the same rights, remedies, privileges, immunities, powers, and duties, and be subject to the same conditions, restrictions, limitations, penalties, and definitions of terms, and employ the same modes of procedure, as are prescribed in Sections 1, 1a, 1a-1, 1d, 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all provisions therein other than the State rate of tax), 2c, 3 (except as to the disposition of taxes and penalties collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 12 and 13 of the Retailers' Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act as fully as if those provisions were set forth herein.

A tax may not be imposed by a municipality under this Section unless the municipality also imposes a tax at the same rate under Section 8-11-1.7 of this Act.
Persons subject to any tax imposed under the authority granted in this Section, may reimburse themselves for their seller's tax liability hereunder by separately stating the tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax which sellers are required to collect under the Use Tax Act, pursuant to such bracket schedules as the Department may prescribe.

Whenever the Department determines that a refund should be made under this Section to a claimant, instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the order to be drawn for the amount specified, and to the person named in the notification from the Department. The refund shall be paid by the State Treasurer out of the Non-Home Rule Municipal Retailers' Occupation Tax Fund, which is hereby created.

The Department shall forthwith pay over to the State Treasurer, ex officio, as trustee, all taxes and penalties collected hereunder.

As soon as possible after the first day of each month, beginning January 1, 2011, upon certification of the Department of Revenue, the Comptroller shall order transferred, and the Treasurer shall transfer, to the STAR Bonds Revenue Fund the local sales tax increment, as defined in the Innovation Development and Economy Act, collected under this Section during the second preceding calendar month for sales within a STAR bond district.
After the monthly transfer to the STAR Bonds Revenue Fund, on or before the 25th day of each calendar month, the Department shall prepare and certify to the Comptroller the disbursement of stated sums of money to named municipalities, the municipalities to be those from which retailers have paid taxes or penalties hereunder to the Department during the second preceding calendar month. The amount to be paid to each municipality shall be the amount (not including credit memoranda) collected hereunder during the second preceding calendar month by the Department plus an amount the Department determines is necessary to offset any amounts that were erroneously paid to a different taxing body, and not including an amount equal to the amount of refunds made during the second preceding calendar month by the Department on behalf of the municipality, and not including any amount that the Department determines is necessary to offset any amounts that were payable to a different taxing body but were erroneously paid to the municipality, and not including any amounts that are transferred to the STAR Bonds Revenue Fund. Within 10 days after receipt by the Comptroller of the disbursement certification to the municipalities provided for in this Section to be given to the Comptroller by the Department, the Comptroller shall cause the orders to be drawn for the respective amounts in accordance with the directions contained in the certification.

In allocating or sourcing any municipal, county, special
district, or other local retailers' occupation tax or the local
share of the State's retailers' occupation tax for sales
occurring in this State, the sales location for such allocation
or sourcing purposes shall be the office location that the
order for the purchase of the tangible personal property is
accepted by the retailer or its authorized representative,
except as provided in the next paragraph. In determining the
acceptance location for a sale, the office the order is first
received by the retailer or its authorized representative shall
be deemed the acceptance location, unless clearly proven
otherwise by the retailer that the final event or activity
giving rise to the retailer's acceptance of, or the binding
contract for, such sale occurred at a different office
location. In applying this paragraph and the next paragraph, if
the order is received by electronic means, including but not
limited to e-mail and facsimile transmission, and the first
electronic receipt of the order is not addressed to or
otherwise identified with a specific office location of the
retailer or its authorized representative, then the order shall
be deemed first received at the office location of the retailer
or its authorized representative to which the addressee of the
electronic order is primarily assigned or stationed, but in the
event such addressee has no identifiable office location then
the order shall be deemed first received at the office location
that first records the receipt of such electronic order. For
purposes of this paragraph and the next paragraph, the term
"order" means the request (in writing, orally or electronically) by the purchaser to buy tangible personal property and the term "office location" means a structure, or part of a structure, held out to the public as being an office of the retailer or its authorized representative, where at least one individual performs authorized services for the retailer or its authorized representative with respect to the purchase of tangible personal property from the retailer and the services relate in some fashion to the overall order processing or sales approval process, including, but not limited to, order input, order review, credit review, credit approval, order acceptance, or order rejection. Neither the delivery location nor the location of the acceptance of the tangible personal property by the purchaser (either before or after inspection or installation) shall determine the sales location for allocation or sourcing purposes under this Section.

Notwithstanding anything to the contrary in the preceding paragraph, the sales location for the allocation or sourcing of any municipal, county, special district, or other local retailers' occupation tax or the local share of the State's retailers' occupation tax shall be as follows: (1) in the event the acceptance of the order by the retailer occurs outside of the State (whether or not the receipt of the order occurs within the State), then in those situations the sales location shall be deemed outside of the State, and no local sourcing of
retailers' occupation tax applies, except when the tangible personal property which is being sold is in the inventory of the retailer at a location within the State at the time of sale (or is subsequently produced by the retailer at a location in this State), then in that event such inventory location shall be deemed the sales location, or (2) in those situations in which the retailer sends to the purchaser a complete and unconditional offer to sell, then the sales location shall be the office location that the retailer or its authorized representative first receives back the purchaser's acceptance of such offer, or (3) for keep full or similar requirements contracts where the retailer agrees to supply tangible personal property to a purchaser on a continuous basis until notified to stop by the purchaser, then for such contracts the sales location shall be the office location that the retailer or its authorized representative receives the initial order under such contract, provided that if such contract is a written contract not requiring a separate initial order to start the continuous supply process, then in such a situation the sales location shall be the office location that the retailer or its authorized representative signed the contract, or (4) for sales accepted in Illinois under a long-term blanket or master contract which (though definite as to price and quantity) must be implemented by the purchaser's placing of specific orders when goods are wanted, the office location of the retailer or its authorized representative with which such subsequent
specific orders are received (rather than the place where the
seller signed the master contract) will determine the sales
location with respect to such orders, or (5) in those
situations where the order for the purchase of tangible
personal property is received by the retailer or its authorized
representative, and, prior to final acceptance of the order by
the retailer or its authorized representative, the ordered
tangible personal property is delivered or shipped from the
inventory of the retailer at a location in this State, then the
sales location shall be the retailer's or its authorized
representative's office location in this State where the
purchase order for such tangible personal property is first
received or if such order is first received at an office
location outside the State then the sales location shall be the
inventory location from which the tangible personal property
was shipped or delivered, or (6) in those situations where the
order for the purchase of tangible personal property is first
received by the retailer, or placed by the purchaser, at a
retailer's retail sales location and both the immediate payment
for the sale occurs at that location and the delivery or
shipment of the property occurs from that location, then that
retail sales location shall be deemed the sales location for
that sale.

Notwithstanding the preceding 2 paragraphs, for the
purpose of determining the local governmental unit whose tax is
applicable, a retail sale by a producer of coal or other
mineral mined in Illinois is a sale at retail at the place
where the coal or other mineral mined in Illinois is extracted
from the earth. With respect to minerals (i) the term
"extracted from the earth" means the location at which the coal
or other mineral is extracted from the mouth of the mine, and
(ii) a "mineral" includes not only coal, but also oil, sand,
stone taken from a quarry, gravel and any other thing commonly
regarded as a mineral and extracted from the earth. This
paragraph does not apply to coal or other mineral when it is
delivered or shipped by the seller to the purchaser at a point
outside Illinois so that the sale is exempt under the federal
Constitution as a sale in interstate or foreign commerce.

The changes made by this amendatory Act of the 97th General
Assembly shall be effective upon becoming law, and for past
periods not yet closed by any applicable limitations period, a
retailer may apply the changes made to this Section by this
amendatory Act of the 97th General Assembly in the allocation
of its past sales but only to the extent it does not change the
retailer's previous filing location for such sales.

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

When certifying the amount of a monthly disbursement to a
municipality under this Section, the Department shall increase
or decrease the amount by an amount necessary to offset any
misallocation of previous disbursements. The offset amount shall be the amount erroneously disbursed within the previous 6 months from the time a misallocation is discovered.

As used in this Section, "municipal" and "municipality" means a city, village, or incorporated town, including an incorporated town that has superseded a civil township.

(Source: P.A. 96-939, eff. 6-24-10.)

Section 20. The Civic Center Code is amended by changing Section 245-12 as follows:

(70 ILCS 200/245-12)
Sec. 245-12. Use and occupation taxes.
(a) The Authority may adopt a resolution that authorizes a referendum on the question of whether the Authority shall be authorized to impose a retailers' occupation tax, a service occupation tax, and a use tax in one-quarter percent increments at a rate not to exceed 1%. The Authority shall certify the question to the proper election authorities who shall submit the question to the voters of the metropolitan area at the next regularly scheduled election in accordance with the general election law. The question shall be in substantially the following form:

"Shall the Salem Civic Center Authority be authorized to impose a retailers' occupation tax, a service occupation tax, and a use tax at the rate of (rate) for the sole
purpose of obtaining funds for the support, construction, maintenance, or financing of a facility of the Authority?"

Votes shall be recorded as "yes" or "no". If a majority of all votes cast on the proposition are in favor of the proposition, the Authority is authorized to impose the tax.

(b) The Authority shall impose the retailers' occupation tax upon all persons engaged in the business of selling tangible personal property at retail in the metropolitan area, at the rate approved by referendum, on the gross receipts from the sales made in the course of such business within the metropolitan area. The tax imposed under this Section and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the Department of Revenue. The Department has full power to administer and enforce this Section; to collect all taxes and penalties so collected in the manner provided in this Section; and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty hereunder. In the administration of, and compliance with, this Section, the Department and persons who are subject to this Section shall (i) have the same rights, remedies, privileges, immunities, powers and duties, (ii) be subject to the same conditions, restrictions, limitations, penalties, exclusions, exemptions, and definitions of terms, and (iii) employ the same modes of procedure as are prescribed in Sections 1, 1a, 1a-1, 1c, 1d, 1e, 1f, 1i, 1j, 1k, 1m, 1n, 2, 2-5, 2-5.5, 2-10 (in respect to all provisions therein other
than the State rate of tax), 2-15 through 2-70, 2a, 2b, 2c, 3
(except as to the disposition of taxes and penalties collected
and provisions related to quarter monthly payments), 4, 5, 5a,
5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9,
10, 11, 11a, 12, and 13 of the Retailers' Occupation Tax Act
and Section 3-7 of the Uniform Penalty and Interest Act, as
fully as if those provisions were set forth in this subsection.

Persons subject to any tax imposed under this subsection
may reimburse themselves for their seller's tax liability by
separately stating the tax as an additional charge, which
charge may be stated in combination, in a single amount, with
State taxes that sellers are required to collect, in accordance
with such bracket schedules as the Department may prescribe.

Whenever the Department determines that a refund should be
made under this subsection to a claimant instead of issuing a
credit memorandum, the Department shall notify the State
Comptroller, who shall cause the warrant to be drawn for the
amount specified, and to the person named, in the notification
from the Department. The refund shall be paid by the State
Treasurer out of the tax fund referenced under paragraph (g) of
this Section.

If a tax is imposed under this subsection (b), a tax shall
also be imposed at the same rate under subsections (c) and (d)
of this Section.

In allocating or sourcing any municipal, county, special
district, or other local retailers' occupation tax or the local
share of the State's retailers' occupation tax for sales occurring in this State, the sales location for such allocation or sourcing purposes shall be the office location that the order for the purchase of the tangible personal property is accepted by the retailer or its authorized representative, except as provided in the next paragraph. In determining the acceptance location for a sale, the office the order is first received by the retailer or its authorized representative shall be deemed the acceptance location, unless clearly proven otherwise by the retailer that the final event or activity giving rise to the retailer's acceptance of, or the binding contract for, such sale occurred at a different office location. In applying this paragraph and the next paragraph, if the order is received by electronic means, including but not limited to e-mail and facsimile transmission, and the first electronic receipt of the order is not addressed to or otherwise identified with a specific office location of the retailer or its authorized representative, then the order shall be deemed first received at the office location of the retailer or its authorized representative to which the addressee of the electronic order is primarily assigned or stationed, but in the event such addressee has no identifiable office location then the order shall be deemed first received at the office location that first records the receipt of such electronic order. For purposes of this paragraph and the next paragraph, the term "order" means the request (in writing, orally or
electronically) by the purchaser to buy tangible personal property and the term "office location" means a structure, or part of a structure, held out to the public as being an office of the retailer or its authorized representative, where at least one individual performs authorized services for the retailer or its authorized representative with respect to the purchase of tangible personal property from the retailer and the services relate in some fashion to the overall order processing or sales approval process, including, but not limited to, order input, order review, credit review, credit approval, order acceptance, or order rejection. Neither the delivery location nor the location of the acceptance of the tangible personal property by the purchaser (either before or after inspection or installation) shall determine the sales location for allocation or sourcing purposes under this Section.

Notwithstanding anything to the contrary in the preceding paragraph, the sales location for the allocation or sourcing of any municipal, county, special district, or other local retailers' occupation tax or the local share of the State's retailers' occupation tax shall be as follows: (1) in the event the acceptance of the order by the retailer occurs outside of the State (whether or not the receipt of the order occurs within the State), then in those situations the sales location shall be deemed outside of the State, and no local sourcing of retailers' occupation tax applies, except when the tangible
personal property which is being sold is in the inventory of
the retailer at a location within the State at the time of sale
(or is subsequently produced by the retailer at a location in
this State), then in that event such inventory location shall
be deemed the sales location, or (2) in those situations in
which the retailer sends to the purchaser a complete and
unconditional offer to sell, then the sales location shall be
the office location that the retailer or its authorized
representative first receives back the purchaser's acceptance
of such offer, or (3) for keep full or similar requirements
contracts where the retailer agrees to supply tangible personal
property to a purchaser on a continuous basis until notified to
stop by the purchaser, then for such contracts the sales
location shall be the office location that the retailer or its
authorized representative receives the initial order under
such contract, provided that if such contract is a written
contract not requiring a separate initial order to start the
continuous supply process, then in such a situation the sales
location shall be the office location that the retailer or its
authorized representative signed the contract, or (4) for sales
accepted in Illinois under a long-term blanket or master
contract which (though definite as to price and quantity) must
be implemented by the purchaser's placing of specific orders
when goods are wanted, the office location of the retailer or
its authorized representative with which such subsequent
specific orders are received (rather than the place where the
seller signed the master contract) will determine the sales location with respect to such orders, or (5) in those situations where the order for the purchase of tangible personal property is received by the retailer or its authorized representative, and, prior to final acceptance of the order by the retailer or its authorized representative, the ordered tangible personal property is delivered or shipped from the inventory of the retailer at a location in this State, then the sales location shall be the retailer's or its authorized representative's office location in this State where the purchase order for such tangible personal property is first received or if such order is first received at an office location outside the State then the sales location shall be the inventory location from which the tangible personal property was shipped or delivered, or (6) in those situations where the order for the purchase of tangible personal property is first received by the retailer, or placed by the purchaser, at a retailer's retail sales location and both the immediate payment for the sale occurs at that location and the delivery or shipment of the property occurs from that location, then that retail sales location shall be deemed the sales location for that sale.

Notwithstanding the preceding 2 paragraphs, for the purpose of determining whether a tax authorized under this Section is applicable, a retail sale, by a producer of coal or other mineral mined in Illinois, is a sale at retail at the
place where the coal or other mineral mined in Illinois is
extracted from the earth. With respect to minerals (i) the term
"extracted from the earth" means the location at which the coal
or other mineral is extracted from the mouth of the mine, and
(ii) a "mineral" includes not only coal, but also oil, sand,
stone taken from a quarry, gravel and any other thing commonly
regarded as a mineral and extracted from the earth. This
paragraph does not apply to coal or other mineral when it is
delivered or shipped by the seller to the purchaser at a point
outside Illinois so that the sale is exempt under the Federal
Constitution as a sale in interstate or foreign commerce.

The changes made by this amendatory Act of the 97th General
Assembly shall be effective upon becoming law, and for past
periods not yet closed by any applicable limitations period, a
retailer may apply the changes made to this Section by this
amendatory Act of the 97th General Assembly in the allocation
of its past sales but only to the extent it does not change the
retailer's previous filing location for such sales.

Nothing in this Section shall be construed to authorize the
Authority to impose a tax upon the privilege of engaging in any
business which under the Constitution of the United States may
not be made the subject of taxation by this State.

(c) If a tax has been imposed under subsection (b), a
service occupation tax shall also be imposed at the same rate
upon all persons engaged, in the metropolitan area, in the
business of making sales of service, who, as an incident to
making those sales of service, transfer tangible personal property within the metropolitan area as an incident to a sale of service. The tax imposed under this subsection and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the Department of Revenue. The Department has full power to administer and enforce this paragraph; to collect all taxes and penalties due hereunder; to dispose of taxes and penalties so collected in the manner hereinafter provided; and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty hereunder. In the administration of, and compliance with this paragraph, the Department and persons who are subject to this paragraph shall (i) have the same rights, remedies, privileges, immunities, powers, and duties, (ii) be subject to the same conditions, restrictions, limitations, penalties, exclusions, exemptions, and definitions of terms, and (iii) employ the same modes of procedure as are prescribed in Sections 2 (except that the reference to State in the definition of supplier maintaining a place of business in this State shall mean the metropolitan area), 2a, 2b, 3 through 3-55 (in respect to all provisions therein other than the State rate of tax), 4 (except that the reference to the State shall be to the Authority), 5, 7, 8 (except that the jurisdiction to which the tax shall be a debt to the extent indicated in that Section 8 shall be the Authority), 9 (except as to the disposition of taxes and penalties collected, and except that the returned
merchandise credit for this tax may not be taken against any State tax), 11, 12 (except the reference therein to Section 2b of the Retailers' Occupation Tax Act), 13 (except that any reference to the State shall mean the Authority), 15, 16, 17, 18, 19 and 20 of the Service Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act, as fully as if those provisions were set forth herein.

Persons subject to any tax imposed under the authority granted in this subsection may reimburse themselves for their serviceman's tax liability by separately stating the tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax that servicemen are authorized to collect under the Service Use Tax Act, in accordance with such bracket schedules as the Department may prescribe.

Whenever the Department determines that a refund should be made under this subsection to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the warrant to be drawn for the amount specified, and to the person named, in the notification from the Department. The refund shall be paid by the State Treasurer out of the tax fund referenced under paragraph (g) of this Section.

Nothing in this subsection paragraph shall be construed to authorize the Authority to impose a tax upon the privilege of engaging in any business which under the Constitution of the
United States may not be made the subject of taxation by the State.

(d) If a tax has been imposed under subsection (b), a use tax shall also be imposed at the same rate upon the privilege of using, in the metropolitan area, any item of tangible personal property that is purchased outside the metropolitan area at retail from a retailer, and that is titled or registered at a location within the metropolitan area with an agency of this State's government. "Selling price" is defined as in the Use Tax Act. The tax shall be collected from persons whose Illinois address for titling or registration purposes is given as being in the metropolitan area. The tax shall be collected by the Department of Revenue for the Authority. The tax must be paid to the State, or an exemption determination must be obtained from the Department of Revenue, before the title or certificate of registration for the property may be issued. The tax or proof of exemption may be transmitted to the Department by way of the State agency with which, or the State officer with whom, the tangible personal property must be titled or registered if the Department and the State agency or State officer determine that this procedure will expedite the processing of applications for title or registration.

The Department has full power to administer and enforce this paragraph; to collect all taxes, penalties and interest due hereunder; to dispose of taxes, penalties and interest so collected in the manner hereinafter provided; and to determine
all rights to credit memoranda or refunds arising on account of
the erroneous payment of tax, penalty or interest hereunder. In
the administration of, and compliance with, this subsection,
the Department and persons who are subject to this paragraph
shall (i) have the same rights, remedies, privileges,
immunities, powers, and duties, (ii) be subject to the same
conditions, restrictions, limitations, penalties, exclusions,
exemptions, and definitions of terms, and (iii) employ the same
modes of procedure as are prescribed in Sections 2 (except the
definition of "retailer maintaining a place of business in this
State"), 3, 3-5, 3-10, 3-45, 3-55, 3-65, 3-70, 3-85, 3a, 4, 6,
7, 8 (except that the jurisdiction to which the tax shall be a
debt to the extent indicated in that Section 8 shall be the
Authority), 9 (except provisions relating to quarter monthly
payments), 10, 11, 12, 12a, 12b, 13, 14, 15, 19, 20, 21, and 22
of the Use Tax Act and Section 3-7 of the Uniform Penalty and
Interest Act, that are not inconsistent with this paragraph, as
fully as if those provisions were set forth herein.

Whenever the Department determines that a refund should be
made under this subsection to a claimant instead of issuing a
credit memorandum, the Department shall notify the State
Comptroller, who shall cause the order to be drawn for the
amount specified, and to the person named, in the notification
from the Department. The refund shall be paid by the State
Treasurer out of the tax fund referenced under paragraph (g) of
this Section.
(e) A certificate of registration issued by the State Department of Revenue to a retailer under the Retailers' Occupation Tax Act or under the Service Occupation Tax Act shall permit the registrant to engage in a business that is taxed under the tax imposed under paragraphs (b), (c), or (d) of this Section and no additional registration shall be required. A certificate issued under the Use Tax Act or the Service Use Tax Act shall be applicable with regard to any tax imposed under paragraph (c) of this Section.

(f) The results of any election authorizing a proposition to impose a tax under this Section or effecting a change in the rate of tax shall be certified by the proper election authorities and filed with the Illinois Department on or before the first day of April. In addition, an ordinance imposing, discontinuing, or effecting a change in the rate of tax under this Section shall be adopted and a certified copy thereof filed with the Department on or before the first day of April. After proper receipt of such certifications, the Department shall proceed to administer and enforce this Section as of the first day of July next following such adoption and filing.

(g) The Department of Revenue shall, upon collecting any taxes and penalties as provided in this Section, pay the taxes and penalties over to the State Treasurer as trustee for the Authority. The taxes and penalties shall be held in a trust fund outside the State Treasury. On or before the 25th day of each calendar month, the Department of Revenue shall prepare
and certify to the Comptroller of the State of Illinois the amount to be paid to the Authority, which shall be the balance in the fund, less any amount determined by the Department to be necessary for the payment of refunds. Within 10 days after receipt by the Comptroller of the certification of the amount to be paid to the Authority, the Comptroller shall cause an order to be drawn for payment for the amount in accordance with the directions contained in the certification. Amounts received from the tax imposed under this Section shall be used only for the support, construction, maintenance, or financing of a facility of the Authority.

(h) When certifying the amount of a monthly disbursement to the Authority under this Section, the Department shall increase or decrease the amounts by an amount necessary to offset any miscalculation of previous disbursements. The offset amount shall be the amount erroneously disbursed within the previous 6 months from the time a miscalculation is discovered.

(i) This Section may be cited as the Salem Civic Center Use and Occupation Tax Law.

(Source: P.A. 90-328, eff. 1-1-98.)

Section 25. The Metropolitan Pier and Exposition Authority Act is amended by changing Section 13 as follows:

(70 ILCS 210/13) (from Ch. 85, par. 1233)

Sec. 13. (a) The Authority shall not have power to levy
taxes for any purpose, except as provided in subsections (b), (c), (d), (e), and (f).

(b) By ordinance the Authority shall, as soon as practicable after the effective date of this amendatory Act of 1991, impose a Metropolitan Pier and Exposition Authority Retailers' Occupation Tax upon all persons engaged in the business of selling tangible personal property at retail within the territory described in this subsection at the rate of 1.0% of the gross receipts (i) from the sale of food, alcoholic beverages, and soft drinks sold for consumption on the premises where sold and (ii) from the sale of food, alcoholic beverages, and soft drinks sold for consumption off the premises where sold by a retailer whose principal source of gross receipts is from the sale of food, alcoholic beverages, and soft drinks prepared for immediate consumption.

The tax imposed under this subsection and all civil penalties that may be assessed as an incident to that tax shall be collected and enforced by the Illinois Department of Revenue. The Department shall have full power to administer and enforce this subsection, to collect all taxes and penalties so collected in the manner provided in this subsection, and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty under this subsection. In the administration of and compliance with this subsection, the Department and persons who are subject to this subsection shall have the same rights, remedies, privileges, immunities,
powers, and duties, shall be subject to the same conditions, restrictions, limitations, penalties, exclusions, exemptions, and definitions of terms, and shall employ the same modes of procedure applicable to this Retailers' Occupation Tax as are prescribed in Sections 1, 2 through 2-65 (in respect to all provisions of those Sections other than the State rate of taxes), 2c, 2h, 2i, 3 (except as to the disposition of taxes and penalties collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 12, 13 and, and until January 1, 1994, 13.5 of the Retailers' Occupation Tax Act, and, on and after January 1, 1994, all applicable provisions of the Uniform Penalty and Interest Act that are not inconsistent with this Act, as fully as if provisions contained in those Sections of the Retailers' Occupation Tax Act were set forth in this subsection.

Persons subject to any tax imposed under the authority granted in this subsection may reimburse themselves for their seller's tax liability under this subsection by separately stating that tax as an additional charge, which charge may be stated in combination, in a single amount, with State taxes that sellers are required to collect under the Use Tax Act, pursuant to bracket schedules as the Department may prescribe. The retailer filing the return shall, at the time of filing the return, pay to the Department the amount of tax imposed under this subsection, less a discount of 1.75%, which is allowed to reimburse the retailer for the expenses incurred in keeping
records, preparing and filing returns, remitting the tax, and supplying data to the Department on request.

Whenever the Department determines that a refund should be made under this subsection to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause a warrant to be drawn for the amount specified and to the person named in the notification from the Department. The refund shall be paid by the State Treasurer out of the Metropolitan Pier and Exposition Authority trust fund held by the State Treasurer as trustee for the Authority.

Nothing in this subsection authorizes the Authority to impose a tax upon the privilege of engaging in any business that under the Constitution of the United States may not be made the subject of taxation by this State.

The Department shall forthwith pay over to the State Treasurer, ex officio, as trustee for the Authority, all taxes and penalties collected under this subsection for deposit into a trust fund held outside of the State Treasury.

As soon as possible after the first day of each month, beginning January 1, 2011, upon certification of the Department of Revenue, the Comptroller shall order transferred, and the Treasurer shall transfer, to the STAR Bonds Revenue Fund the local sales tax increment, as defined in the Innovation Development and Economy Act, collected under this subsection during the second preceding calendar month for sales within a
STAR bond district.

After the monthly transfer to the STAR Bonds Revenue Fund, on or before the 25th day of each calendar month, the Department shall prepare and certify to the Comptroller the amounts to be paid under subsection (g) of this Section, which shall be the amounts, not including credit memoranda, collected under this subsection during the second preceding calendar month by the Department, less any amounts determined by the Department to be necessary for the payment of refunds, less 2% of such balance, which sum shall be deposited by the State Treasurer into the Tax Compliance and Administration Fund in the State Treasury from which it shall be appropriated to the Department to cover the costs of the Department in administering and enforcing the provisions of this subsection, and less any amounts that are transferred to the STAR Bonds Revenue Fund. Within 10 days after receipt by the Comptroller of the certification, the Comptroller shall cause the orders to be drawn for the remaining amounts, and the Treasurer shall administer those amounts as required in subsection (g).

A certificate of registration issued by the Illinois Department of Revenue to a retailer under the Retailers' Occupation Tax Act shall permit the registrant to engage in a business that is taxed under the tax imposed under this subsection, and no additional registration shall be required under the ordinance imposing the tax or under this subsection.

A certified copy of any ordinance imposing or discontinuing
any tax under this subsection or effecting a change in the rate
of that tax shall be filed with the Department, whereupon the
Department shall proceed to administer and enforce this
subsection on behalf of the Authority as of the first day of
the third calendar month following the date of filing.

The tax authorized to be levied under this subsection may
be levied within all or any part of the following described
portions of the metropolitan area:

(1) that portion of the City of Chicago located within
the following area: Beginning at the point of intersection
of the Cook County - DuPage County line and York Road, then
North along York Road to its intersection with Touhy
Avenue, then east along Touhy Avenue to its intersection
with the Northwest Tollway, then southeast along the
Northwest Tollway to its intersection with Lee Street, then
south along Lee Street to Higgins Road, then south and east
along Higgins Road to its intersection with Mannheim Road,
then south along Mannheim Road to its intersection with
Irving Park Road, then west along Irving Park Road to its
intersection with the Cook County - DuPage County line,
then north and west along the county line to the point of
beginning; and

(2) that portion of the City of Chicago located within
the following area: Beginning at the intersection of West
55th Street with Central Avenue, then east along West 55th
Street to its intersection with South Cicero Avenue, then
south along South Cicero Avenue to its intersection with West 63rd Street, then west along West 63rd Street to its intersection with South Central Avenue, then north along South Central Avenue to the point of beginning; and

(3) that portion of the City of Chicago located within the following area: Beginning at the point 150 feet west of the intersection of the west line of North Ashland Avenue and the north line of West Diversey Avenue, then north 150 feet, then east along a line 150 feet north of the north line of West Diversey Avenue extended to the shoreline of Lake Michigan, then following the shoreline of Lake Michigan (including Navy Pier and all other improvements fixed to land, docks, or piers) to the point where the shoreline of Lake Michigan and the Adlai E. Stevenson Expressway extended east to that shoreline intersect, then west along the Adlai E. Stevenson Expressway to a point 150 feet west of the west line of South Ashland Avenue, then north along a line 150 feet west of the west line of South and North Ashland Avenue to the point of beginning.

The tax authorized to be levied under this subsection may also be levied on food, alcoholic beverages, and soft drinks sold on boats and other watercraft departing from and returning to the shoreline of Lake Michigan (including Navy Pier and all other improvements fixed to land, docks, or piers) described in item (3).

In allocating or sourcing any municipal, county, special
district, or other local retailers' occupation tax or the local
share of the State's retailers' occupation tax for sales
occurring in this State, the sales location for such allocation
or sourcing purposes shall be the office location that the
order for the purchase of the tangible personal property is
accepted by the retailer or its authorized representative,
except as provided in the next paragraph. In determining the
acceptance location for a sale, the office the order is first
received by the retailer or its authorized representative shall
be deemed the acceptance location, unless clearly proven
otherwise by the retailer that the final event or activity
giving rise to the retailer's acceptance of, or the binding
contract for, such sale occurred at a different office
location. In applying this paragraph and the next paragraph, if
the order is received by electronic means, including but not
limited to e-mail and facsimile transmission, and the first
electronic receipt of the order is not addressed to or
otherwise identified with a specific office location of the
retailer or its authorized representative, then the order shall
be deemed first received at the office location of the retailer
or its authorized representative to which the addressee of the
electronic order is primarily assigned or stationed, but in the
event such addressee has no identifiable office location then
the order shall be deemed first received at the office location
that first records the receipt of such electronic order. For
purposes of this paragraph and the next paragraph, the term
"order" means the request (in writing, orally or electronically) by the purchaser to buy tangible personal property and the term "office location" means a structure, or part of a structure, held out to the public as being an office of the retailer or its authorized representative, where at least one individual performs authorized services for the retailer or its authorized representative with respect to the purchase of tangible personal property from the retailer and the services relate in some fashion to the overall order processing or sales approval process, including, but not limited to, order input, order review, credit review, credit approval, order acceptance, or order rejection. Neither the delivery location nor the location of the acceptance of the tangible personal property by the purchaser (either before or after inspection or installation) shall determine the sales location for allocation or sourcing purposes under this Section.

Notwithstanding anything to the contrary in the preceding paragraph, the sales location for the allocation or sourcing of any municipal, county, special district, or other local retailers' occupation tax or the local share of the State's retailers' occupation tax shall be as follows: (1) in the event the acceptance of the order by the retailer occurs outside of the State (whether or not the receipt of the order occurs within the State), then in those situations the sales location shall be deemed outside of the State, and no local sourcing of
retailers' occupation tax applies, except when the tangible personal property which is being sold is in the inventory of the retailer at a location within the State at the time of sale (or is subsequently produced by the retailer at a location in this State), then in that event such inventory location shall be deemed the sales location, or (2) in those situations in which the retailer sends to the purchaser a complete and unconditional offer to sell, then the sales location shall be the office location that the retailer or its authorized representative first receives back the purchaser's acceptance of such offer, or (3) for keep full or similar requirements contracts where the retailer agrees to supply tangible personal property to a purchaser on a continuous basis until notified to stop by the purchaser, then for such contracts the sales location shall be the office location that the retailer or its authorized representative receives the initial order under such contract, provided that if such contract is a written contract not requiring a separate initial order to start the continuous supply process, then in such a situation the sales location shall be the office location that the retailer or its authorized representative signed the contract, or (4) for sales accepted in Illinois under a long-term blanket or master contract which (though definite as to price and quantity) must be implemented by the purchaser's placing of specific orders when goods are wanted, the office location of the retailer or its authorized representative with which such subsequent
specific orders are received (rather than the place where the
seller signed the master contract) will determine the sales
location with respect to such orders, or (5) for sales to end
users by a producer of coal or other minerals mined in this
State, the sales location shall be the place where the coal or
other minerals mined in this State is extracted from the earth,
or (6) in those situations where the order for the purchase of
tangible personal property is received by the retailer or its
authorized representative, and, prior to final acceptance of
the order by the retailer or its authorized representative, the
ordered tangible personal property is delivered or shipped from
the inventory of the retailer at a location in this State, then
the sales location shall be the retailer's or its authorized
representative's office location in this State where the
purchase order for such tangible personal property is first
received or if such order is first received at an office
location outside the State then the sales location shall be the
inventory location from which the tangible personal property
was shipped or delivered, or (7) in those situations where the
order for the purchase of tangible personal property is first
received by the retailer, or placed by the purchaser, at a
retailer's retail sales location and both the immediate payment
for the sale occurs at that location and the delivery or
shipment of the property occurs from that location, then that
retail sales location shall be deemed the sales location for
that sale. With respect to minerals (i) the term "extracted
from the earth" means the location at which the coal or other mineral is extracted from the mouth of the mine, and (ii) a "mineral" includes not only coal, but also oil, sand, stone taken from a quarry, gravel and any other thing commonly regarded as a mineral and extracted from the earth.

The changes made by this amendatory Act of the 97th General Assembly shall be effective upon becoming law, and for past periods not yet closed by any applicable limitations period, a retailer may apply the changes made to this Section by this amendatory Act of the 97th General Assembly in the allocation of its past sales but only to the extent it does not change the retailer's previous filing location for such sales.

(c) By ordinance the Authority shall, as soon as practicable after the effective date of this amendatory Act of 1991, impose an occupation tax upon all persons engaged in the corporate limits of the City of Chicago in the business of renting, leasing, or letting rooms in a hotel, as defined in the Hotel Operators' Occupation Tax Act, at a rate of 2.5% of the gross rental receipts from the renting, leasing, or letting of hotel rooms within the City of Chicago, excluding, however, from gross rental receipts the proceeds of renting, leasing, or letting to permanent residents of a hotel, as defined in that Act. Gross rental receipts shall not include charges that are added on account of the liability arising from any tax imposed by the State or any governmental agency on the occupation of renting, leasing, or letting rooms in a hotel.
The tax imposed by the Authority under this subsection and all civil penalties that may be assessed as an incident to that tax shall be collected and enforced by the Illinois Department of Revenue. The certificate of registration that is issued by the Department to a lessor under the Hotel Operators' Occupation Tax Act shall permit that registrant to engage in a business that is taxable under any ordinance enacted under this subsection without registering separately with the Department under that ordinance or under this subsection. The Department shall have full power to administer and enforce this subsection, to collect all taxes and penalties due under this subsection, to dispose of taxes and penalties so collected in the manner provided in this subsection, and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty under this subsection. In the administration of and compliance with this subsection, the Department and persons who are subject to this subsection shall have the same rights, remedies, privileges, immunities, powers, and duties, shall be subject to the same conditions, restrictions, limitations, penalties, and definitions of terms, and shall employ the same modes of procedure as are prescribed in the Hotel Operators' Occupation Tax Act (except where that Act is inconsistent with this subsection), as fully as if the provisions contained in the Hotel Operators' Occupation Tax Act were set out in this subsection.

Whenever the Department determines that a refund should be
made under this subsection to a claimant instead of issuing a
credit memorandum, the Department shall notify the State
Comptroller, who shall cause a warrant to be drawn for the
amount specified and to the person named in the notification
from the Department. The refund shall be paid by the State
Treasurer out of the Metropolitan Pier and Exposition Authority
trust fund held by the State Treasurer as trustee for the
Authority.

Persons subject to any tax imposed under the authority
granted in this subsection may reimburse themselves for their
tax liability for that tax by separately stating that tax as an
additional charge, which charge may be stated in combination,
in a single amount, with State taxes imposed under the Hotel
Operators' Occupation Tax Act, the municipal tax imposed under
Section 8-3-13 of the Illinois Municipal Code, and the tax
imposed under Section 19 of the Illinois Sports Facilities
Authority Act.

The person filing the return shall, at the time of filing
the return, pay to the Department the amount of tax, less a
discount of 2.1% or $25 per calendar year, whichever is
greater, which is allowed to reimburse the operator for the
expenses incurred in keeping records, preparing and filing
returns, remitting the tax, and supplying data to the
Department on request.

The Department shall forthwith pay over to the State
Treasurer, ex officio, as trustee for the Authority, all taxes
and penalties collected under this subsection for deposit into a trust fund held outside the State Treasury. On or before the 25th day of each calendar month, the Department shall certify to the Comptroller the amounts to be paid under subsection (g) of this Section, which shall be the amounts (not including credit memoranda) collected under this subsection during the second preceding calendar month by the Department, less any amounts determined by the Department to be necessary for payment of refunds. Within 10 days after receipt by the Comptroller of the Department's certification, the Comptroller shall cause the orders to be drawn for such amounts, and the Treasurer shall administer those amounts as required in subsection (g).

A certified copy of any ordinance imposing or discontinuing a tax under this subsection or effecting a change in the rate of that tax shall be filed with the Illinois Department of Revenue, whereupon the Department shall proceed to administer and enforce this subsection on behalf of the Authority as of the first day of the third calendar month following the date of filing.

(d) By ordinance the Authority shall, as soon as practicable after the effective date of this amendatory Act of 1991, impose a tax upon all persons engaged in the business of renting automobiles in the metropolitan area at the rate of 6% of the gross receipts from that business, except that no tax shall be imposed on the business of renting automobiles for use
as taxicabs or in livery service. The tax imposed under this subsection and all civil penalties that may be assessed as an incident to that tax shall be collected and enforced by the Illinois Department of Revenue. The certificate of registration issued by the Department to a retailer under the Retailers' Occupation Tax Act or under the Automobile Renting Occupation and Use Tax Act shall permit that person to engage in a business that is taxable under any ordinance enacted under this subsection without registering separately with the Department under that ordinance or under this subsection. The Department shall have full power to administer and enforce this subsection, to collect all taxes and penalties due under this subsection, to dispose of taxes and penalties so collected in the manner provided in this subsection, and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty under this subsection. In the administration of and compliance with this subsection, the Department and persons who are subject to this subsection shall have the same rights, remedies, privileges, immunities, powers, and duties, be subject to the same conditions, restrictions, limitations, penalties, and definitions of terms, and employ the same modes of procedure as are prescribed in Sections 2 and 3 (in respect to all provisions of those Sections other than the State rate of tax; and in respect to the provisions of the Retailers' Occupation Tax Act referred to in those Sections, except as to the disposition of taxes and
penalties collected, except for the provision allowing retailers a deduction from the tax to cover certain costs, and except that credit memoranda issued under this subsection may not be used to discharge any State tax liability) of the Automobile Renting Occupation and Use Tax Act, as fully as if provisions contained in those Sections of that Act were set forth in this subsection.

Persons subject to any tax imposed under the authority granted in this subsection may reimburse themselves for their tax liability under this subsection by separately stating that tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax that sellers are required to collect under the Automobile Renting Occupation and Use Tax Act, pursuant to bracket schedules as the Department may prescribe.

Whenever the Department determines that a refund should be made under this subsection to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause a warrant to be drawn for the amount specified and to the person named in the notification from the Department. The refund shall be paid by the State Treasurer out of the Metropolitan Pier and Exposition Authority trust fund held by the State Treasurer as trustee for the Authority.

The Department shall forthwith pay over to the State Treasurer, ex officio, as trustee, all taxes and penalties
collected under this subsection for deposit into a trust fund held outside the State Treasury. On or before the 25th day of each calendar month, the Department shall certify to the Comptroller the amounts to be paid under subsection (g) of this Section (not including credit memoranda) collected under this subsection during the second preceding calendar month by the Department, less any amount determined by the Department to be necessary for payment of refunds. Within 10 days after receipt by the Comptroller of the Department's certification, the Comptroller shall cause the orders to be drawn for such amounts, and the Treasurer shall administer those amounts as required in subsection (g).

Nothing in this subsection authorizes the Authority to impose a tax upon the privilege of engaging in any business that under the Constitution of the United States may not be made the subject of taxation by this State.

A certified copy of any ordinance imposing or discontinuing a tax under this subsection or effecting a change in the rate of that tax shall be filed with the Illinois Department of Revenue, whereupon the Department shall proceed to administer and enforce this subsection on behalf of the Authority as of the first day of the third calendar month following the date of filing.

(e) By ordinance the Authority shall, as soon as practicable after the effective date of this amendatory Act of 1991, impose a tax upon the privilege of using in the
metropolitan area an automobile that is rented from a rentor outside Illinois and is titled or registered with an agency of this State's government at a rate of 6% of the rental price of that automobile, except that no tax shall be imposed on the privilege of using automobiles rented for use as taxicabs or in livery service. The tax shall be collected from persons whose Illinois address for titling or registration purposes is given as being in the metropolitan area. The tax shall be collected by the Department of Revenue for the Authority. The tax must be paid to the State or an exemption determination must be obtained from the Department of Revenue before the title or certificate of registration for the property may be issued. The tax or proof of exemption may be transmitted to the Department by way of the State agency with which or State officer with whom the tangible personal property must be titled or registered if the Department and that agency or State officer determine that this procedure will expedite the processing of applications for title or registration.

The Department shall have full power to administer and enforce this subsection, to collect all taxes, penalties, and interest due under this subsection, to dispose of taxes, penalties, and interest so collected in the manner provided in this subsection, and to determine all rights to credit memoranda or refunds arising on account of the erroneous payment of tax, penalty, or interest under this subsection. In the administration of and compliance with this subsection, the
Department and persons who are subject to this subsection shall have the same rights, remedies, privileges, immunities, powers, and duties, be subject to the same conditions, restrictions, limitations, penalties, and definitions of terms, and employ the same modes of procedure as are prescribed in Sections 2 and 4 (except provisions pertaining to the State rate of tax; and in respect to the provisions of the Use Tax Act referred to in that Section, except provisions concerning collection or refunding of the tax by retailers, except the provisions of Section 19 pertaining to claims by retailers, except the last paragraph concerning refunds, and except that credit memoranda issued under this subsection may not be used to discharge any State tax liability) of the Automobile Renting Occupation and Use Tax Act, as fully as if provisions contained in those Sections of that Act were set forth in this subsection.

Whenever the Department determines that a refund should be made under this subsection to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause a warrant to be drawn for the amount specified and to the person named in the notification from the Department. The refund shall be paid by the State Treasurer out of the Metropolitan Pier and Exposition Authority trust fund held by the State Treasurer as trustee for the Authority.

The Department shall forthwith pay over to the State...
Treasurer, ex officio, as trustee, all taxes, penalties, and interest collected under this subsection for deposit into a trust fund held outside the State Treasury. On or before the 25th day of each calendar month, the Department shall certify to the State Comptroller the amounts to be paid under subsection (g) of this Section, which shall be the amounts (not including credit memoranda) collected under this subsection during the second preceding calendar month by the Department, less any amounts determined by the Department to be necessary for payment of refunds. Within 10 days after receipt by the State Comptroller of the Department's certification, the Comptroller shall cause the orders to be drawn for such amounts, and the Treasurer shall administer those amounts as required in subsection (g).

A certified copy of any ordinance imposing or discontinuing a tax or effecting a change in the rate of that tax shall be filed with the Illinois Department of Revenue, whereupon the Department shall proceed to administer and enforce this subsection on behalf of the Authority as of the first day of the third calendar month following the date of filing.

(f) By ordinance the Authority shall, as soon as practicable after the effective date of this amendatory Act of 1991, impose an occupation tax on all persons, other than a governmental agency, engaged in the business of providing ground transportation for hire to passengers in the metropolitan area at a rate of (i) $4 per taxi or livery
vehicle departure with passengers for hire from commercial service airports in the metropolitan area, (ii) for each departure with passengers for hire from a commercial service airport in the metropolitan area in a bus or van operated by a person other than a person described in item (iii): $18 per bus or van with a capacity of 1-12 passengers, $36 per bus or van with a capacity of 13-24 passengers, and $54 per bus or van with a capacity of over 24 passengers, and (iii) for each departure with passengers for hire from a commercial service airport in the metropolitan area in a bus or van operated by a person regulated by the Interstate Commerce Commission or Illinois Commerce Commission, operating scheduled service from the airport, and charging fares on a per passenger basis: $2 per passenger for hire in each bus or van. The term "commercial service airports" means those airports receiving scheduled passenger service and enplaning more than 100,000 passengers per year.

In the ordinance imposing the tax, the Authority may provide for the administration and enforcement of the tax and the collection of the tax from persons subject to the tax as the Authority determines to be necessary or practicable for the effective administration of the tax. The Authority may enter into agreements as it deems appropriate with any governmental agency providing for that agency to act as the Authority's agent to collect the tax.

In the ordinance imposing the tax, the Authority may
designate a method or methods for persons subject to the tax to
reimburse themselves for the tax liability arising under the
ordinance (i) by separately stating the full amount of the tax
liability as an additional charge to passengers departing the
airports, (ii) by separately stating one-half of the tax
liability as an additional charge to both passengers departing
from and to passengers arriving at the airports, or (iii) by
some other method determined by the Authority.

All taxes, penalties, and interest collected under any
ordinance adopted under this subsection, less any amounts
determined to be necessary for the payment of refunds and less
the taxes, penalties, and interest attributable to any increase
in the rate of tax authorized by Public Act 96-898 this amendatory Act of the 96th General Assembly, shall be paid
forthwith to the State Treasurer, ex officio, for deposit into
a trust fund held outside the State Treasury and shall be
administered by the State Treasurer as provided in subsection
(g) of this Section. All taxes, penalties, and interest
attributable to any increase in the rate of tax authorized by
Public Act 96-898 this amendatory Act of the 96th General
Assembly shall be paid by the State Treasurer as follows: 25%
for deposit into the Convention Center Support Fund, to be used
by the Village of Rosemont for the repair, maintenance, and
improvement of the Donald E. Stephens Convention Center and for
debt service on debt instruments issued for those purposes by
the village and 75% to the Authority to be used for grants to
an organization meeting the qualifications set out in Section 5.6 of this Act, provided the Metropolitan Pier and Exposition Authority has entered into a marketing agreement with such an organization.

(g) Amounts deposited from the proceeds of taxes imposed by the Authority under subsections (b), (c), (d), (e), and (f) of this Section and amounts deposited under Section 19 of the Illinois Sports Facilities Authority Act shall be held in a trust fund outside the State Treasury and shall be administered by the Treasurer as follows:

(1) An amount necessary for the payment of refunds with respect to those taxes shall be retained in the trust fund and used for those payments.

(2) On July 20 and on the 20th of each month thereafter, provided that the amount requested in the annual certificate of the Chairman of the Authority filed under Section 8.25f of the State Finance Act has been appropriated for payment to the Authority, 1/8 of the local tax transfer amount, together with any cumulative deficiencies in the amounts transferred into the McCormick Place Expansion Project Fund under this subparagraph (2) during the fiscal year for which the certificate has been filed, shall be transferred from the trust fund into the McCormick Place Expansion Project Fund in the State treasury until 100% of the local tax transfer amount has been so transferred. "Local tax transfer amount" shall mean
the amount requested in the annual certificate, minus the reduction amount. "Reduction amount" shall mean $41.7 million in fiscal year 2011, $36.7 million in fiscal year 2012, $36.7 million in fiscal year 2013, $36.7 million in fiscal year 2014, and $31.7 million in each fiscal year thereafter until 2032, provided that the reduction amount shall be reduced by (i) the amount certified by the Authority to the State Comptroller and State Treasurer under Section 8.25 of the State Finance Act, as amended, with respect to that fiscal year and (ii) in any fiscal year in which the amounts deposited in the trust fund under this Section exceed $318.3 million, exclusive of amounts set aside for refunds and for the reserve account, one dollar for each dollar of the deposits in the trust fund above $318.3 million with respect to that year, exclusive of amounts set aside for refunds and for the reserve account.

(3) On July 20, 2010, the Comptroller shall certify to the Governor, the Treasurer, and the Chairman of the Authority the 2010 deficiency amount, which means the cumulative amount of transfers that were due from the trust fund to the McCormick Place Expansion Project Fund in fiscal years 2008, 2009, and 2010 under Section 13(g) of this Act, as it existed prior to May 27, 2010 (the effective date of Public Act 96-898) this amendatory Act of the 96th General Assembly, but not made. On July 20, 2011
and on July 20 of each year through July 20, 2014, the Treasurer shall calculate for the previous fiscal year the surplus revenues in the trust fund and pay that amount to the Authority. On July 20, 2015 and on July 20 of each year thereafter, as long as bonds and notes issued under Section 13.2 or bonds and notes issued to refund those bonds and notes are outstanding, the Treasurer shall calculate for the previous fiscal year the surplus revenues in the trust fund and pay one-half of that amount to the State Treasurer for deposit into the General Revenue Fund until the 2010 deficiency amount has been paid and shall pay the balance of the surplus revenues to the Authority. "Surplus revenues" means the amounts remaining in the trust fund on June 30 of the previous fiscal year (A) after the State Treasurer has set aside in the trust fund (i) amounts retained for refunds under subparagraph (1) and (ii) any amounts necessary to meet the reserve account amount and (B) after the State Treasurer has transferred from the trust fund to the General Revenue Fund 100% of any post-2010 deficiency amount. "Reserve account amount" means $15 million in fiscal year 2011 and $30 million in each fiscal year thereafter. The reserve account amount shall be set aside in the trust fund and used as a reserve to be transferred to the McCormick Place Expansion Project Fund in the event the proceeds of taxes imposed under this Section 13 are not sufficient to fund the transfer required
in subparagraph (2). "Post-2010 deficiency amount" means any deficiency in transfers from the trust fund to the McCormick Place Expansion Project Fund with respect to fiscal years 2011 and thereafter. It is the intention of this subparagraph (3) that no surplus revenues shall be paid to the Authority with respect to any year in which a post-2010 deficiency amount has not been satisfied by the Authority.

Moneys received by the Authority as surplus revenues may be used (i) for the purposes of paying debt service on the bonds and notes issued by the Authority, including early redemption of those bonds or notes, (ii) for the purposes of repair, replacement, and improvement of the grounds, buildings, and facilities of the Authority, and (iii) for the corporate purposes of the Authority in fiscal years 2011 through 2015 in an amount not to exceed $20,000,000 annually or $80,000,000 total, which amount shall be reduced $0.75 for each dollar of the receipts of the Authority in that year from any contract entered into with respect to naming rights at McCormick Place under Section 5(m) of this Act. When bonds and notes issued under Section 13.2, or bonds or notes issued to refund those bonds and notes, are no longer outstanding, the balance in the trust fund shall be paid to the Authority.

(h) The ordinances imposing the taxes authorized by this Section shall be repealed when bonds and notes issued under Section 13.2 or bonds and notes issued to refund those bonds
and notes are no longer outstanding.

(Source: P.A. 96-898, eff. 5-27-10; 96-939, eff. 6-24-10; revised 9-16-10.)

Section 30. The Flood Prevention District Act is amended by changing Section 25 as follows:

(70 ILCS 750/25)

Sec. 25. Flood prevention retailers' and service occupation taxes.

(a) If the Board of Commissioners of a flood prevention district determines that an emergency situation exists regarding levee repair or flood prevention, and upon an ordinance confirming the determination adopted by the affirmative vote of a majority of the members of the county board of the county in which the district is situated, the county may impose a flood prevention retailers' occupation tax upon all persons engaged in the business of selling tangible personal property at retail within the territory of the district to provide revenue to pay the costs of providing emergency levee repair and flood prevention and to secure the payment of bonds, notes, and other evidences of indebtedness issued under this Act for a period not to exceed 25 years or as required to repay the bonds, notes, and other evidences of indebtedness issued under this Act. The tax rate shall be 0.25% of the gross receipts from all taxable sales made in the course
of that business. The tax imposed under this Section and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the State Department of Revenue. The Department shall have full power to administer and enforce this Section; to collect all taxes and penalties so collected in the manner hereinafter provided; and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty hereunder.

In the administration of and compliance with this subsection, the Department and persons who are subject to this subsection (i) have the same rights, remedies, privileges, immunities, powers, and duties, (ii) are subject to the same conditions, restrictions, limitations, penalties, and definitions of terms, and (iii) shall employ the same modes of procedure as are set forth in Sections 1 through 1o, 2 through 2-70 (in respect to all provisions contained in those Sections other than the State rate of tax), 2a through 2h, 3 (except as to the disposition of taxes and penalties collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 11a, 12, and 13 of the Retailers' Occupation Tax Act and all provisions of the Uniform Penalty and Interest Act as if those provisions were set forth in this subsection.

Persons subject to any tax imposed under this Section may reimburse themselves for their seller's tax liability hereunder by separately stating the tax as an additional charge, which charge may be stated in combination in a single
amount with State taxes that sellers are required to collect under the Use Tax Act, under any bracket schedules the Department may prescribe.

If a tax is imposed under this subsection (a), a tax shall also be imposed under subsection (b) of this Section.

(b) If a tax has been imposed under subsection (a), a flood prevention service occupation tax shall also be imposed upon all persons engaged within the territory of the district in the business of making sales of service, who, as an incident to making the sales of service, transfer tangible personal property, either in the form of tangible personal property or in the form of real estate as an incident to a sale of service to provide revenue to pay the costs of providing emergency levee repair and flood prevention and to secure the payment of bonds, notes, and other evidences of indebtedness issued under this Act for a period not to exceed 25 years or as required to repay the bonds, notes, and other evidences of indebtedness. The tax rate shall be 0.25% of the selling price of all tangible personal property transferred.

The tax imposed under this subsection and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the State Department of Revenue. The Department shall have full power to administer and enforce this subsection; to collect all taxes and penalties due hereunder; to dispose of taxes and penalties collected in the manner hereinafter provided; and to determine all rights to credit
memoranda arising on account of the erroneous payment of tax or penalty hereunder.

In the administration of and compliance with this subsection, the Department and persons who are subject to this subsection shall (i) have the same rights, remedies, privileges, immunities, powers, and duties, (ii) be subject to the same conditions, restrictions, limitations, penalties, and definitions of terms, and (iii) employ the same modes of procedure as are set forth in Sections 2 (except that the reference to State in the definition of supplier maintaining a place of business in this State means the district), 2a through 2d, 3 through 3-50 (in respect to all provisions contained in those Sections other than the State rate of tax), 4 (except that the reference to the State shall be to the district), 5, 7, 8 (except that the jurisdiction to which the tax is a debt to the extent indicated in that Section 8 is the district), 9 (except as to the disposition of taxes and penalties collected), 10, 11, 12 (except the reference therein to Section 2b of the Retailers' Occupation Tax Act), 13 (except that any reference to the State means the district), Section 15, 16, 17, 18, 19, and 20 of the Service Occupation Tax Act and all provisions of the Uniform Penalty and Interest Act, as fully as if those provisions were set forth herein.

Persons subject to any tax imposed under the authority granted in this subsection may reimburse themselves for their serviceman's tax liability hereunder by separately stating the
tax as an additional charge, that charge may be stated in
combination in a single amount with State tax that servicemen
are authorized to collect under the Service Use Tax Act, under
any bracket schedules the Department may prescribe.

(c) The taxes imposed in subsections (a) and (b) may not be
imposed on personal property titled or registered with an
agency of the State; food for human consumption that is to be
consumed off the premises where it is sold (other than
alcoholic beverages, soft drinks, and food that has been
prepared for immediate consumption); prescription and
non-prescription medicines, drugs, and medical appliances;
modifications to a motor vehicle for the purpose of rendering
it usable by a disabled person; or insulin, urine testing
materials, and syringes and needles used by diabetics.

(d) Nothing in this Section shall be construed to authorize
the district to impose a tax upon the privilege of engaging in
any business that under the Constitution of the United States
may not be made the subject of taxation by the State.

(e) The certificate of registration that is issued by the
Department to a retailer under the Retailers' Occupation Tax
Act or a serviceman under the Service Occupation Tax Act
permits the retailer or serviceman to engage in a business that
is taxable without registering separately with the Department
under an ordinance or resolution under this Section.

(f) The Department shall immediately pay over to the State
Treasurer, ex officio, as trustee, all taxes and penalties
collected under this Section to be deposited into the Flood
Prevention Occupation Tax Fund, which shall be an
unappropriated trust fund held outside the State treasury.

As soon as possible after the first day of each month,
beginning January 1, 2011, upon certification of the Department
of Revenue, the Comptroller shall order transferred, and the
Treasurer shall transfer, to the STAR Bonds Revenue Fund the
local sales tax increment, as defined in the Innovation
Development and Economy Act, collected under this Section
during the second preceding calendar month for sales within a
STAR bond district. The Department shall make this
certification only if the flood prevention district imposes a
tax on real property as provided in the definition of "local
sales taxes" under the Innovation Development and Economy Act.

After the monthly transfer to the STAR Bonds Revenue Fund,
on or before the 25th day of each calendar month, the
Department shall prepare and certify to the Comptroller the
disbursement of stated sums of money to the counties from which
retailers or servicemen have paid taxes or penalties to the
Department during the second preceding calendar month. The
amount to be paid to each county is equal to the amount (not
including credit memoranda) collected from the county under
this Section during the second preceding calendar month by the
Department, (i) less 2% of that amount, which shall be
deposited into the Tax Compliance and Administration Fund and
shall be used by the Department in administering and enforcing
the provisions of this Section on behalf of the county, (ii) plus an amount that the Department determines is necessary to offset any amounts that were erroneously paid to a different taxing body; (iii) less an amount equal to the amount of refunds made during the second preceding calendar month by the Department on behalf of the county; (iv) less any amount that the Department determines is necessary to offset any amounts that were payable to a different taxing body but were erroneously paid to the county; and (v) less any amounts that are transferred to the STAR Bonds Revenue Fund. When certifying the amount of a monthly disbursement to a county under this Section, the Department shall increase or decrease the amounts by an amount necessary to offset any miscalculation of previous disbursements within the previous 6 months from the time a miscalculation is discovered.

Within 10 days after receipt by the Comptroller from the Department of the disbursement certification to the counties provided for in this Section, the Comptroller shall cause the orders to be drawn for the respective amounts in accordance with directions contained in the certification.

If the Department determines that a refund should be made under this Section to a claimant instead of issuing a credit memorandum, then the Department shall notify the Comptroller, who shall cause the order to be drawn for the amount specified and to the person named in the notification from the Department. The refund shall be paid by the Treasurer out of
the Flood Prevention Occupation Tax Fund.

(g) If a county imposes a tax under this Section, then the county board shall, by ordinance, discontinue the tax upon the payment of all indebtedness of the flood prevention district. The tax shall not be discontinued until all indebtedness of the District has been paid.

(h) Any ordinance imposing the tax under this Section, or any ordinance that discontinues the tax, must be certified by the county clerk and filed with the Illinois Department of Revenue either (i) on or before the first day of April, whereupon the Department shall proceed to administer and enforce the tax or change in the rate as of the first day of July next following the filing; or (ii) on or before the first day of October, whereupon the Department shall proceed to administer and enforce the tax or change in the rate as of the first day of January next following the filing.

(j) County Flood Prevention Occupation Tax Fund. All proceeds received by a county from a tax distribution under this Section must be maintained in a special fund known as the [name of county] flood prevention occupation tax fund. The county shall, at the direction of the flood prevention district, use moneys in the fund to pay the costs of providing emergency levee repair and flood prevention and to pay bonds, notes, and other evidences of indebtedness issued under this Act.

(j-5) In allocating or sourcing any municipal, county,
special district, or other local retailers' occupation tax or
the local share of the State's retailers' occupation tax for
sales occurring in this State, the sales location for such
allocation or sourcing purposes shall be the office location
that the order for the purchase of the tangible personal
property is accepted by the retailer or its authorized
representative, except as provided in the next paragraph. In
determining the acceptance location for a sale, the office the
order is first received by the retailer or its authorized
representative shall be deemed the acceptance location, unless
clearly proven otherwise by the retailer that the final event
or activity giving rise to the retailer's acceptance of, or the
binding contract for, such sale occurred at a different office
location. In applying this subsection (j-5), if the order is
received by electronic means, including but not limited to
e-mail and facsimile transmission, and the first electronic
receipt of the order is not addressed to or otherwise
identified with a specific office location of the retailer or
its authorized representative, then the order shall be deemed
first received at the office location of the retailer or its
authorized representative to which the addressee of the
electronic order is primarily assigned or stationed, but in the
event such addressee has no identifiable office location then
the order shall be deemed first received at the office location
that first records the receipt of such electronic order. For
purposes of this subsection (j-5), the term "order" means the
request (in writing, orally or electronically) by the purchaser to buy tangible personal property and the term "office location" means a structure, or part of a structure, held out to the public as being an office of the retailer or its authorized representative, where at least one individual performs authorized services for the retailer or its authorized representative with respect to the purchase of tangible personal property from the retailer and the services relate in some fashion to the overall order processing or sales approval process, including, but not limited to, order input, order review, credit review, credit approval, order acceptance, or order rejection. Neither the delivery location nor the location of the acceptance of the tangible personal property by the purchaser (either before or after inspection or installation) shall determine the sales location for allocation or sourcing purposes under this Section.

Notwithstanding anything to the contrary in the preceding paragraph, the sales location for the allocation or sourcing of any municipal, county, special district, or other local retailers' occupation tax or the local share of the State's retailers' occupation tax shall be as follows: (1) in the event the acceptance of the order by the retailer occurs outside of the State (whether or not the receipt of the order occurs within the State), then in those situations the sales location shall be deemed outside of the State, and no local sourcing of retailers' occupation tax applies, except when the tangible
personal property which is being sold is in the inventory of the retailer at a location within the State at the time of sale (or is subsequently produced by the retailer at a location in this State), then in that event such inventory location shall be deemed the sales location, or (2) in those situations in which the retailer sends to the purchaser a complete and unconditional offer to sell, then the sales location shall be the office location that the retailer or its authorized representative first receives back the purchaser's acceptance of such offer, or (3) for keep full or similar requirements contracts where the retailer agrees to supply tangible personal property to a purchaser on a continuous basis until notified to stop by the purchaser, then for such contracts the sales location shall be the office location that the retailer or its authorized representative receives the initial order under such contract, provided that if such contract is a written contract not requiring a separate initial order to start the continuous supply process, then in such a situation the sales location shall be the office location that the retailer or its authorized representative signed the contract, or (4) for sales accepted in Illinois under a long-term blanket or master contract which (though definite as to price and quantity) must be implemented by the purchaser's placing of specific orders when goods are wanted, the office location of the retailer or its authorized representative with which such subsequent specific orders are received (rather than the place where the
seller signed the master contract) will determine the sales location with respect to such orders, or (5) for sales to end users by a producer of coal or other minerals mined in this State, the sales location shall be the place where the coal or other minerals mined in this State is extracted from the earth, or (6) in those situations where the order for the purchase of tangible personal property is received by the retailer or its authorized representative, and, prior to final acceptance of the order by the retailer or its authorized representative, the ordered tangible personal property is delivered or shipped from the inventory of the retailer at a location in this State, then the sales location shall be the retailer's or its authorized representative's office location in this State where the purchase order for such tangible personal property is first received or if such order is first received at an office location outside the State then the sales location shall be the inventory location from which the tangible personal property was shipped or delivered, or (7) in those situations where the order for the purchase of tangible personal property is first received by the retailer, or placed by the purchaser, at a retailer's retail sales location and both the immediate payment for the sale occurs at that location and the delivery or shipment of the property occurs from that location, then that retail sales location shall be deemed the sales location for that sale. With respect to minerals (i) the term "extracted from the earth" means the location at which the coal or other
mineral is extracted from the mouth of the mine, and (ii) a "mineral" includes not only coal, but also oil, sand, stone taken from a quarry, gravel and any other thing commonly regarded as a mineral and extracted from the earth.

The changes made by this amendatory Act of the 97th General Assembly shall be effective upon becoming law, and for past periods not yet closed by any applicable limitations period, a retailer may apply this subsection in the allocation of its past sales but only to the extent it does not change the retailer's previous filing location for such sales.

(k) This Section may be cited as the Flood Prevention Occupation Tax Law.

(Source: P.A. 95-719, eff. 5-21-08; 95-723, eff. 6-23-08; 96-939, eff. 6-24-10.)

Section 35. The Metro-East Park and Recreation District Act is amended by changing Section 30 as follows:

(70 ILCS 1605/30)

Sec. 30. Taxes.

(a) The board shall impose a tax upon all persons engaged in the business of selling tangible personal property, other than personal property titled or registered with an agency of this State's government, at retail in the District on the gross receipts from the sales made in the course of business. This tax shall be imposed only at the rate of one-tenth of one per
This additional tax may not be imposed on the sales of food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food which has been prepared for immediate consumption) and prescription and non-prescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics. The tax imposed by the Board under this Section and all civil penalties that may be assessed as an incident of the tax shall be collected and enforced by the Department of Revenue. The certificate of registration that is issued by the Department to a retailer under the Retailers' Occupation Tax Act shall permit the retailer to engage in a business that is taxable without registering separately with the Department under an ordinance or resolution under this Section. The Department has full power to administer and enforce this Section, to collect all taxes and penalties due under this Section, to dispose of taxes and penalties so collected in the manner provided in this Section, and to determine all rights to credit memoranda arising on account of the erroneous payment of a tax or penalty under this Section. In the administration of and compliance with this Section, the Department and persons who are subject to this Section shall (i) have the same rights, remedies, privileges, immunities, powers, and duties, (ii) be subject to the same conditions, restrictions, limitations, penalties, and definitions of
terms, and (iii) employ the same modes of procedure as are prescribed in Sections 1, 1a, 1a-1, 1d, 1e, 1f, 1i, 1j, 1k, 1m, 1n, 2, 2-5, 2-5.5, 2-10 (in respect to all provisions contained in those Sections other than the State rate of tax), 2-15 through 2-70, 2a, 2b, 2c, 3 (except provisions relating to transaction returns and quarter monthly payments), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 11a, 12, and 13 of the Retailers' Occupation Tax Act and the Uniform Penalty and Interest Act as if those provisions were set forth in this Section.

Persons subject to any tax imposed under the authority granted in this Section may reimburse themselves for their sellers' tax liability by separately stating the tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax which sellers are required to collect under the Use Tax Act, pursuant to such bracketed schedules as the Department may prescribe.

Whenever the Department determines that a refund should be made under this Section to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the order to be drawn for the amount specified and to the person named in the notification from the Department. The refund shall be paid by the State Treasurer out of the State Metro-East Park and Recreation District Fund.

(b) If a tax has been imposed under subsection (a), a
service occupation tax shall also be imposed at the same rate upon all persons engaged, in the District, in the business of making sales of service, who, as an incident to making those sales of service, transfer tangible personal property within the District as an incident to a sale of service. This tax may not be imposed on sales of food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food prepared for immediate consumption) and prescription and non-prescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics. The tax imposed under this subsection and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the Department of Revenue. The Department has full power to administer and enforce this subsection; to collect all taxes and penalties due hereunder; to dispose of taxes and penalties so collected in the manner hereinafter provided; and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty hereunder. In the administration of, and compliance with this subsection, the Department and persons who are subject to this paragraph shall (i) have the same rights, remedies, privileges, immunities, powers, and duties, (ii) be subject to the same conditions, restrictions, limitations, penalties, exclusions, exemptions, and definitions of terms, and (iii) employ the same modes of procedure as are prescribed in Sections 2 (except that the
reference to State in the definition of supplier maintaining a
place of business in this State shall mean the District), 2a,
2b, 2c, 3 through 3-50 (in respect to all provisions therein
other than the State rate of tax), 4 (except that the reference
to the State shall be to the District), 5, 7, 8 (except that
the jurisdiction to which the tax shall be a debt to the extent
indicated in that Section 8 shall be the District), 9 (except
as to the disposition of taxes and penalties collected), 10,
11, 12 (except the reference therein to Section 2b of the
Retailers' Occupation Tax Act), 13 (except that any reference
to the State shall mean the District), Sections 15, 16, 17, 18,
19 and 20 of the Service Occupation Tax Act and the Uniform
Penalty and Interest Act, as fully as if those provisions were
set forth herein.

Persons subject to any tax imposed under the authority
granted in this subsection may reimburse themselves for their
serviceman's tax liability by separately stating the tax as an
additional charge, which charge may be stated in combination,
in a single amount, with State tax that servicemen are
authorized to collect under the Service Use Tax Act, in
accordance with such bracket schedules as the Department may
prescribe.

Whenever the Department determines that a refund should be
made under this subsection to a claimant instead of issuing a
credit memorandum, the Department shall notify the State
Comptroller, who shall cause the warrant to be drawn for the
amount specified, and to the person named, in the notification from the Department. The refund shall be paid by the State Treasurer out of the State Metro-East Park and Recreation District Fund.

Nothing in this subsection shall be construed to authorize the board to impose a tax upon the privilege of engaging in any business which under the Constitution of the United States may not be made the subject of taxation by the State.

(c) The Department shall immediately pay over to the State Treasurer, ex officio, as trustee, all taxes and penalties collected under this Section to be deposited into the State Metro-East Park and Recreation District Fund, which shall be an unappropriated trust fund held outside of the State treasury.

As soon as possible after the first day of each month, beginning January 1, 2011, upon certification of the Department of Revenue, the Comptroller shall order transferred, and the Treasurer shall transfer, to the STAR Bonds Revenue Fund the local sales tax increment, as defined in the Innovation Development and Economy Act, collected under this Section during the second preceding calendar month for sales within a STAR bond district. The Department shall make this certification only if the Metro East Park and Recreation District imposes a tax on real property as provided in the definition of "local sales taxes" under the Innovation Development and Economy Act.

After the monthly transfer to the STAR Bonds Revenue Fund,
on or before the 25th day of each calendar month, the Department shall prepare and certify to the Comptroller the disbursement of stated sums of money pursuant to Section 35 of this Act to the District from which retailers have paid taxes or penalties to the Department during the second preceding calendar month. The amount to be paid to the District shall be the amount (not including credit memoranda) collected under this Section during the second preceding calendar month by the Department plus an amount the Department determines is necessary to offset any amounts that were erroneously paid to a different taxing body, and not including (i) an amount equal to the amount of refunds made during the second preceding calendar month by the Department on behalf of the District, (ii) any amount that the Department determines is necessary to offset any amounts that were payable to a different taxing body but were erroneously paid to the District, and (iii) any amounts that are transferred to the STAR Bonds Revenue Fund. Within 10 days after receipt by the Comptroller of the disbursement certification to the District provided for in this Section to be given to the Comptroller by the Department, the Comptroller shall cause the orders to be drawn for the respective amounts in accordance with directions contained in the certification.

(c-5) In allocating or sourcing any municipal, county, special district, or other local retailers' occupation tax or the local share of the State's retailers' occupation tax for sales occurring in this State, the sales location for such
allocation or sourcing purposes shall be the office location that the order for the purchase of the tangible personal property is accepted by the retailer or its authorized representative, except as provided in the next paragraph. In determining the acceptance location for a sale, the office the order is first received by the retailer or its authorized representative shall be deemed the acceptance location, unless clearly proven otherwise by the retailer that the final event or activity giving rise to the retailer's acceptance of, or the binding contract for, such sale occurred at a different office location. In applying this subsection (c-5), if the order is received by electronic means, including but not limited to e-mail and facsimile transmission, and the first electronic receipt of the order is not addressed to or otherwise identified with a specific office location of the retailer or its authorized representative, then the order shall be deemed first received at the office location of the retailer or its authorized representative to which the addressee of the electronic order is primarily assigned or stationed, but in the event such addressee has no identifiable office location then the order shall be deemed first received at the office location that first records the receipt of such electronic order. For purposes of this subsection (c-5), the term "order" means the request (in writing, orally or electronically) by the purchaser to buy tangible personal property and the term "office location" means a structure, or part of a structure, held out
to the public as being an office of the retailer or its authorized representative, where at least one individual performs authorized services for the retailer or its authorized representative with respect to the purchase of tangible personal property from the retailer and the services relate in some fashion to the overall order processing or sales approval process, including, but not limited to, order input, order review, credit review, credit approval, order acceptance, or order rejection. Neither the delivery location nor the location of the acceptance of the tangible personal property by the purchaser (either before or after inspection or installation) shall determine the sales location for allocation or sourcing purposes under this Section.

Notwithstanding anything to the contrary in the preceding paragraph, the sales location for the allocation or sourcing of any municipal, county, special district, or other local retailers' occupation tax or the local share of the State's retailers' occupation tax shall be as follows: (1) in the event the acceptance of the order by the retailer occurs outside of the State (whether or not the receipt of the order occurs within the State), then in those situations the sales location shall be deemed outside of the State, and no local sourcing of retailers' occupation tax applies, except when the tangible personal property which is being sold is in the inventory of the retailer at a location within the State at the time of sale (or is subsequently produced by the retailer at a location in
this State), then in that event such inventory location shall be deemed the sales location, or (2) in those situations in which the retailer sends to the purchaser a complete and unconditional offer to sell, then the sales location shall be the office location that the retailer or its authorized representative first receives back the purchaser's acceptance of such offer, or (3) for keep full or similar requirements contracts where the retailer agrees to supply tangible personal property to a purchaser on a continuous basis until notified to stop by the purchaser, then for such contracts the sales location shall be the office location that the retailer or its authorized representative receives the initial order under such contract, provided that if such contract is a written contract not requiring a separate initial order to start the continuous supply process, then in such a situation the sales location shall be the office location that the retailer or its authorized representative signed the contract, or (4) for sales accepted in Illinois under a long-term blanket or master contract which (though definite as to price and quantity) must be implemented by the purchaser's placing of specific orders when goods are wanted, the office location of the retailer or its authorized representative with which such subsequent specific orders are received (rather than the place where the seller signed the master contract) will determine the sales location with respect to such orders, or (5) in those situations where the order for the purchase of tangible
personal property is received by the retailer or its authorized
representative, and, prior to final acceptance of the order by
the retailer or its authorized representative, the ordered
tangible personal property is delivered or shipped from the
inventory of the retailer at a location in this State, then the
sales location shall be the retailer's or its authorized
representative's office location in this State where the
purchase order for such tangible personal property is first
received or if such order is first received at an office
location outside the State then the sales location shall be the
inventory location from which the tangible personal property
was shipped or delivered, or (6) in those situations where the
order for the purchase of tangible personal property is first
received by the retailer, or placed by the purchaser, at a
retailer's retail sales location and both the immediate payment
for the sale occurs at that location and the delivery or
shipment of the property occurs from that location, then that
retail sales location shall be deemed the sales location for
that sale.

(c-6) The changes made by this amendatory Act of the 97th
General Assembly shall be effective upon becoming law, and for
past periods not yet closed by any applicable limitations
period, a retailer may apply the changes made to this Section
by this amendatory Act of the 97th General Assembly in the
allocation of its past sales but only to the extent it does not
change the retailer's previous filing location for such sales.
(d) Notwithstanding subsection (c-5) of this Section, for the purpose of determining whether a tax authorized under this Section is applicable, a retail sale by a producer of coal or another mineral mined in Illinois is a sale at retail at the place where the coal or other mineral mined in Illinois is extracted from the earth. With respect to minerals (i) the term "extracted from the earth" means the location at which the coal or other mineral is extracted from the mouth of the mine, and (ii) a "mineral" includes not only coal, but also oil, sand, stone taken from a quarry, gravel and any other thing commonly regarded as a mineral and extracted from the earth. This paragraph does not apply to coal or another mineral when it is delivered or shipped by the seller to the purchaser at a point outside Illinois so that the sale is exempt under the United States Constitution as a sale in interstate or foreign commerce.

(e) Nothing in this Section shall be construed to authorize the board to impose a tax upon the privilege of engaging in any business that under the Constitution of the United States may not be made the subject of taxation by this State.

(f) An ordinance imposing a tax under this Section or an ordinance extending the imposition of a tax to an additional county or counties shall be certified by the board and filed with the Department of Revenue either (i) on or before the first day of April, whereupon the Department shall proceed to administer and enforce the tax as of the first day of July next
following the filing; or (ii) on or before the first day of October, whereupon the Department shall proceed to administer and enforce the tax as of the first day of January next following the filing.

(g) When certifying the amount of a monthly disbursement to the District under this Section, the Department shall increase or decrease the amounts by an amount necessary to offset any misallocation of previous disbursements. The offset amount shall be the amount erroneously disbursed within the previous 6 months from the time a misallocation is discovered.

(Source: P.A. 96-939, eff. 6-24-10.)

Section 40. The Local Mass Transit District Act is amended by changing Section 5.01 as follows:

(70 ILCS 3610/5.01) (from Ch. 111 2/3, par. 355.01)
Sec. 5.01. Metro East Mass Transit District; use and occupation taxes.

(a) The Board of Trustees of any Metro East Mass Transit District may, by ordinance adopted with the concurrence of two-thirds of the then trustees, impose throughout the District any or all of the taxes and fees provided in this Section. All taxes and fees imposed under this Section shall be used only for public mass transportation systems, and the amount used to provide mass transit service to unserved areas of the District shall be in the same proportion to the total proceeds as the
number of persons residing in the unserved areas is to the
total population of the District. Except as otherwise provided
in this Act, taxes imposed under this Section and civil
penalties imposed incident thereto shall be collected and
enforced by the State Department of Revenue. The Department
shall have the power to administer and enforce the taxes and to
determine all rights for refunds for erroneous payments of the
taxes.

(b) The Board may impose a Metro East Mass Transit District
Retailers' Occupation Tax upon all persons engaged in the
business of selling tangible personal property at retail in the
district at a rate of 1/4 of 1%, or as authorized under
subsection (d-5) of this Section, of the gross receipts from
the sales made in the course of such business within the
district. The tax imposed under this Section and all civil
penalties that may be assessed as an incident thereof shall be
collected and enforced by the State Department of Revenue. The
Department shall have full power to administer and enforce this
Section; to collect all taxes and penalties so collected in the
manner hereinafter provided; and to determine all rights to
credit memoranda arising on account of the erroneous payment of
tax or penalty hereunder. In the administration of, and
compliance with, this Section, the Department and persons who
are subject to this Section shall have the same rights,
remedies, privileges, immunities, powers and duties, and be
subject to the same conditions, restrictions, limitations,
penalties, exclusions, exemptions and definitions of terms and
employ the same modes of procedure, as are prescribed in
Sections 1, 1a, 1a-1, 1c, 1d, 1e, 1f, 1i, 1j, 2 through 2-65
(in respect to all provisions therein other than the State rate
of tax), 2c, 3 (except as to the disposition of taxes and
penalties collected), 4, 5, 5a, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j,
5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 12, 13, and 14 of the
Retailers' Occupation Tax Act and Section 3-7 of the Uniform
Penalty and Interest Act, as fully as if those provisions were
set forth herein.

Persons subject to any tax imposed under the Section may
reimburse themselves for their seller's tax liability
hereunder by separately stating the tax as an additional
charge, which charge may be stated in combination, in a single
amount, with State taxes that sellers are required to collect
under the Use Tax Act, in accordance with such bracket
schedules as the Department may prescribe.

Whenever the Department determines that a refund should be
made under this Section to a claimant instead of issuing a
credit memorandum, the Department shall notify the State
Comptroller, who shall cause the warrant to be drawn for the
amount specified, and to the person named, in the notification
from the Department. The refund shall be paid by the State
Treasurer out of the Metro East Mass Transit District tax fund
established under paragraph (h) of this Section.

If a tax is imposed under this subsection (b), a tax shall
also be imposed under subsections (c) and (d) of this Section.

Notwithstanding subsection (i) of this Section, for the purpose of determining whether a tax authorized under this Section is applicable, a retail sale, by a producer of coal or other mineral mined in Illinois, is a sale at retail at the place where the coal or other mineral mined in Illinois is extracted from the earth. With respect to minerals (i) the term "extracted from the earth" means the location at which the coal or other mineral is extracted from the mouth of the mine, and (ii) a "mineral" includes not only coal, but also oil, sand, stone taken from a quarry, gravel and any other thing commonly regarded as a mineral and extracted from the earth. This paragraph does not apply to coal or other mineral when it is delivered or shipped by the seller to the purchaser at a point outside Illinois so that the sale is exempt under the Federal Constitution as a sale in interstate or foreign commerce.

No tax shall be imposed or collected under this subsection on the sale of a motor vehicle in this State to a resident of another state if that motor vehicle will not be titled in this State.

Nothing in this Section shall be construed to authorize the Metro East Mass Transit District to impose a tax upon the privilege of engaging in any business which under the Constitution of the United States may not be made the subject of taxation by this State.

(c) If a tax has been imposed under subsection (b), a Metro
East Mass Transit District Service Occupation Tax shall also be imposed upon all persons engaged, in the district, in the business of making sales of service, who, as an incident to making those sales of service, transfer tangible personal property within the District, either in the form of tangible personal property or in the form of real estate as an incident to a sale of service. The tax rate shall be 1/4%, or as authorized under subsection (d-5) of this Section, of the selling price of tangible personal property so transferred within the district. The tax imposed under this paragraph and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the State Department of Revenue. The Department shall have full power to administer and enforce this paragraph; to collect all taxes and penalties due hereunder; to dispose of taxes and penalties so collected in the manner hereinafter provided; and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty hereunder. In the administration of, and compliance with this paragraph, the Department and persons who are subject to this paragraph shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties, exclusions, exemptions and definitions of terms and employ the same modes of procedure as are prescribed in Sections 1a-1, 2 (except that the reference to State in the definition of supplier maintaining a place of business in this
State shall mean the Authority), 2a, 3 through 3-50 (in respect to all provisions therein other than the State rate of tax), 4 (except that the reference to the State shall be to the Authority), 5, 7, 8 (except that the jurisdiction to which the tax shall be a debt to the extent indicated in that Section 8 shall be the District), 9 (except as to the disposition of taxes and penalties collected, and except that the returned merchandise credit for this tax may not be taken against any State tax), 10, 11, 12 (except the reference therein to Section 2b of the Retailers' Occupation Tax Act), 13 (except that any reference to the State shall mean the District), the first paragraph of Section 15, 16, 17, 18, 19 and 20 of the Service Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act, as fully as if those provisions were set forth herein.

Persons subject to any tax imposed under the authority granted in this paragraph may reimburse themselves for their serviceman's tax liability hereunder by separately stating the tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax that servicemen are authorized to collect under the Service Use Tax Act, in accordance with such bracket schedules as the Department may prescribe.

Whenever the Department determines that a refund should be made under this paragraph to a claimant instead of issuing a credit memorandum, the Department shall notify the State
Comptroller, who shall cause the warrant to be drawn for the amount specified, and to the person named, in the notification from the Department. The refund shall be paid by the State Treasurer out of the Metro East Mass Transit District tax fund established under paragraph (h) of this Section.

Nothing in this subsection paragraph shall be construed to authorize the District to impose a tax upon the privilege of engaging in any business which under the Constitution of the United States may not be made the subject of taxation by the State.

(d) If a tax has been imposed under subsection (b), a Metro East Mass Transit District Use Tax shall also be imposed upon the privilege of using, in the district, any item of tangible personal property that is purchased outside the district at retail from a retailer, and that is titled or registered with an agency of this State's government, at a rate of 1/4%, or as authorized under subsection (d-5) of this Section, of the selling price of the tangible personal property within the District, as "selling price" is defined in the Use Tax Act. The tax shall be collected from persons whose Illinois address for titling or registration purposes is given as being in the District. The tax shall be collected by the Department of Revenue for the Metro East Mass Transit District. The tax must be paid to the State, or an exemption determination must be obtained from the Department of Revenue, before the title or certificate of registration for the property may be issued. The
tax or proof of exemption may be transmitted to the Department
by way of the State agency with which, or the State officer
with whom, the tangible personal property must be titled or
registered if the Department and the State agency or State
officer determine that this procedure will expedite the
processing of applications for title or registration.

The Department shall have full power to administer and
enforce this paragraph; to collect all taxes, penalties and
interest due hereunder; to dispose of taxes, penalties and
interest so collected in the manner hereinafter provided; and
to determine all rights to credit memoranda or refunds arising
on account of the erroneous payment of tax, penalty or interest
hereunder. In the administration of, and compliance with, this
paragraph, the Department and persons who are subject to this
paragraph shall have the same rights, remedies, privileges,
immunities, powers and duties, and be subject to the same
conditions, restrictions, limitations, penalties, exclusions,
exemptions and definitions of terms and employ the same modes
of procedure, as are prescribed in Sections 2 (except the
definition of "retailer maintaining a place of business in this
State"), 3 through 3-80 (except provisions pertaining to the
State rate of tax, and except provisions concerning collection
or refunding of the tax by retailers), 4, 11, 12, 12a, 14, 15,
19 (except the portions pertaining to claims by retailers and
except the last paragraph concerning refunds), 20, 21 and 22 of
the Use Tax Act and Section 3-7 of the Uniform Penalty and
Interest Act, that are not inconsistent with this paragraph, as fully as if those provisions were set forth herein.

Whenever the Department determines that a refund should be made under this paragraph to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the order to be drawn for the amount specified, and to the person named, in the notification from the Department. The refund shall be paid by the State Treasurer out of the Metro East Mass Transit District tax fund established under paragraph (h) of this Section.

(d-5) (A) The county board of any county participating in the Metro East Mass Transit District may authorize, by ordinance, a referendum on the question of whether the tax rates for the Metro East Mass Transit District Retailers' Occupation Tax, the Metro East Mass Transit District Service Occupation Tax, and the Metro East Mass Transit District Use Tax for the District should be increased from 0.25% to 0.75%. Upon adopting the ordinance, the county board shall certify the proposition to the proper election officials who shall submit the proposition to the voters of the District at the next election, in accordance with the general election law.

The proposition shall be in substantially the following form:

Shall the tax rates for the Metro East Mass Transit District Retailers' Occupation Tax, the Metro East Mass Transit District Service Occupation Tax, and the Metro East
Mass Transit District Use Tax be increased from 0.25% to 0.75%?

(B) Two thousand five hundred electors of any Metro East Mass Transit District may petition the Chief Judge of the Circuit Court, or any judge of that Circuit designated by the Chief Judge, in which that District is located to cause to be submitted to a vote of the electors the question whether the tax rates for the Metro East Mass Transit District Retailers' Occupation Tax, the Metro East Mass Transit District Service Occupation Tax, and the Metro East Mass Transit District Use Tax for the District should be increased from 0.25% to 0.75%.

Upon submission of such petition the court shall set a date not less than 10 nor more than 30 days thereafter for a hearing on the sufficiency thereof. Notice of the filing of such petition and of such date shall be given in writing to the District and the County Clerk at least 7 days before the date of such hearing.

If such petition is found sufficient, the court shall enter an order to submit that proposition at the next election, in accordance with general election law.

The form of the petition shall be in substantially the following form: To the Circuit Court of the County of (name of county):

We, the undersigned electors of the (name of transit district), respectfully petition your honor to submit to a vote of the electors of (name of transit district) the
following proposition:

Shall the tax rates for the Metro East Mass Transit District Retailers' Occupation Tax, the Metro East Mass Transit District Service Occupation Tax, and the Metro East Mass Transit District Use Tax be increased from 0.25% to 0.75%?

Name
Address, with Street and Number.

(C) The votes shall be recorded as "YES" or "NO". If a majority of all votes cast on the proposition are for the increase in the tax rates, the Metro East Mass Transit District shall begin imposing the increased rates in the District, and the Department of Revenue shall begin collecting the increased amounts, as provided under this Section. An ordinance imposing or discontinuing a tax hereunder or effecting a change in the rate thereof shall be adopted and a certified copy thereof filed with the Department on or before the first day of October, whereupon the Department shall proceed to administer and enforce this Section as of the first day of January next following the adoption and filing, or on or before the first day of April, whereupon the Department shall proceed to administer and enforce this Section as of the first day of July next following the adoption and filing.

(D) If the voters have approved a referendum under this subsection, before November 1, 1994, to increase the tax rate
under this subsection, the Metro East Mass Transit District Board of Trustees may adopt by a majority vote an ordinance at any time before January 1, 1995 that excludes from the rate increase tangible personal property that is titled or registered with an agency of this State's government. The ordinance excluding titled or registered tangible personal property from the rate increase must be filed with the Department at least 15 days before its effective date. At any time after adopting an ordinance excluding from the rate increase tangible personal property that is titled or registered with an agency of this State's government, the Metro East Mass Transit District Board of Trustees may adopt an ordinance applying the rate increase to that tangible personal property. The ordinance shall be adopted, and a certified copy of that ordinance shall be filed with the Department, on or before October 1, whereupon the Department shall proceed to administer and enforce the rate increase against tangible personal property titled or registered with an agency of this State's government as of the following January 1. After December 31, 1995, any reimposed rate increase in effect under this subsection shall no longer apply to tangible personal property titled or registered with an agency of this State's government. Beginning January 1, 1996, the Board of Trustees of any Metro East Mass Transit District may never reimpose a previously excluded tax rate increase on tangible personal property titled or registered with an agency of this State's
government. After July 1, 2004, if the voters have approved a referendum under this subsection to increase the tax rate under this subsection, the Metro East Mass Transit District Board of Trustees may adopt by a majority vote an ordinance that excludes from the rate increase tangible personal property that is titled or registered with an agency of this State's government. The ordinance excluding titled or registered tangible personal property from the rate increase shall be adopted, and a certified copy of that ordinance shall be filed with the Department on or before October 1, whereupon the Department shall administer and enforce this exclusion from the rate increase as of the following January 1, or on or before April 1, whereupon the Department shall administer and enforce this exclusion from the rate increase as of the following July 1. The Board of Trustees of any Metro East Mass Transit District may never reimpose a previously excluded tax rate increase on tangible personal property titled or registered with an agency of this State's government.

(d-6) If the Board of Trustees of any Metro East Mass Transit District has imposed a rate increase under subsection (d-5) and filed an ordinance with the Department of Revenue excluding titled property from the higher rate, then that Board may, by ordinance adopted with the concurrence of two-thirds of the then trustees, impose throughout the District a fee. The fee on the excluded property shall not exceed $20 per retail transaction or an amount equal to the amount of tax excluded,
whichever is less, on tangible personal property that is titled or registered with an agency of this State's government. Beginning July 1, 2004, the fee shall apply only to titled property that is subject to either the Metro East Mass Transit District Retailers' Occupation Tax or the Metro East Mass Transit District Service Occupation Tax. No fee shall be imposed or collected under this subsection on the sale of a motor vehicle in this State to a resident of another state if that motor vehicle will not be titled in this State.

(d-7) Until June 30, 2004, if a fee has been imposed under subsection (d-6), a fee shall also be imposed upon the privilege of using, in the district, any item of tangible personal property that is titled or registered with any agency of this State's government, in an amount equal to the amount of the fee imposed under subsection (d-6).

(d-7.1) Beginning July 1, 2004, any fee imposed by the Board of Trustees of any Metro East Mass Transit District under subsection (d-6) and all civil penalties that may be assessed as an incident of the fees shall be collected and enforced by the State Department of Revenue. Reference to "taxes" in this Section shall be construed to apply to the administration, payment, and remittance of all fees under this Section. For purposes of any fee imposed under subsection (d-6), 4% of the fee, penalty, and interest received by the Department in the first 12 months that the fee is collected and enforced by the Department and 2% of the fee, penalty, and interest following
the first 12 months shall be deposited into the Tax Compliance
and Administration Fund and shall be used by the Department,
subject to appropriation, to cover the costs of the Department.
No retailers' discount shall apply to any fee imposed under
subsection (d-6).

(d-8) No item of titled property shall be subject to both
the higher rate approved by referendum, as authorized under
subsection (d-5), and any fee imposed under subsection (d-6) or
(d-7).

(d-9) (Blank).

(d-10) (Blank).

(e) A certificate of registration issued by the State
Department of Revenue to a retailer under the Retailers'
Occupation Tax Act or under the Service Occupation Tax Act
shall permit the registrant to engage in a business that is
taxed under the tax imposed under paragraphs (b), (c) or (d) of
this Section and no additional registration shall be required
under the tax. A certificate issued under the Use Tax Act or
the Service Use Tax Act shall be applicable with regard to any
tax imposed under paragraph (c) of this Section.

(f) (Blank).

(g) Any ordinance imposing or discontinuing any tax under
this Section shall be adopted and a certified copy thereof
filed with the Department on or before June 1, whereupon the
Department of Revenue shall proceed to administer and enforce
this Section on behalf of the Metro East Mass Transit District
as of September 1 next following such adoption and filing. Beginning January 1, 1992, an ordinance or resolution imposing or discontinuing the tax hereunder shall be adopted and a certified copy thereof filed with the Department on or before the first day of July, whereupon the Department shall proceed to administer and enforce this Section as of the first day of October next following such adoption and filing. Beginning January 1, 1993, except as provided in subsection (d-5) of this Section, an ordinance or resolution imposing or discontinuing the tax hereunder shall be adopted and a certified copy thereof filed with the Department on or before the first day of October, whereupon the Department shall proceed to administer and enforce this Section as of the first day of January next following such adoption and filing, or, beginning January 1, 2004, on or before the first day of April, whereupon the Department shall proceed to administer and enforce this Section as of the first day of July next following the adoption and filing.

(h) Except as provided in subsection (d-7.1), the State Department of Revenue shall, upon collecting any taxes as provided in this Section, pay the taxes over to the State Treasurer as trustee for the District. The taxes shall be held in a trust fund outside the State Treasury.

As soon as possible after the first day of each month, beginning January 1, 2011, upon certification of the Department of Revenue, the Comptroller shall order transferred, and the
Treasurer shall transfer, to the STAR Bonds Revenue Fund the local sales tax increment, as defined in the Innovation Development and Economy Act, collected under this Section during the second preceding calendar month for sales within a STAR bond district. The Department shall make this certification only if the local mass transit district imposes a tax on real property as provided in the definition of "local sales taxes" under the Innovation Development and Economy Act.

After the monthly transfer to the STAR Bonds Revenue Fund, on or before the 25th day of each calendar month, the State Department of Revenue shall prepare and certify to the Comptroller of the State of Illinois the amount to be paid to the District, which shall be the then balance in the fund, less any amount determined by the Department to be necessary for the payment of refunds, and less any amounts that are transferred to the STAR Bonds Revenue Fund. Within 10 days after receipt by the Comptroller of the certification of the amount to be paid to the District, the Comptroller shall cause an order to be drawn for payment for the amount in accordance with the direction in the certification.

(i) In allocating or sourcing any municipal, county, special district, or other local retailers' occupation tax or the local share of the State's retailers' occupation tax for sales occurring in this State, the sales location for such allocation or sourcing purposes shall be the office location that the order for the purchase of the tangible personal
property is accepted by the retailer or its authorized representative, except as provided in the next paragraph. In determining the acceptance location for a sale, the office the order is first received by the retailer or its authorized representative shall be deemed the acceptance location, unless clearly proven otherwise by the retailer that the final event or activity giving rise to the retailer's acceptance of, or the binding contract for, such sale occurred at a different office location. In applying this subsection (i), if the order is received by electronic means, including but not limited to e-mail and facsimile transmission, and the first electronic receipt of the order is not addressed to or otherwise identified with a specific office location of the retailer or its authorized representative, then the order shall be deemed first received at the office location of the retailer or its authorized representative to which the addressee of the electronic order is primarily assigned or stationed, but in the event such addressee has no identifiable office location then the order shall be deemed first received at the office location that first records the receipt of such electronic order. For purposes of this subsection (i), the term "order" means the request (in writing, orally or electronically) by the purchaser to buy tangible personal property and the term "office location" means a structure, or part of a structure, held out to the public as being an office of the retailer or its authorized representative, where at least one individual
performs authorized services for the retailer or its authorized representative with respect to the purchase of tangible personal property from the retailer and the services relate in some fashion to the overall order processing or sales approval process, including, but not limited to, order input, order review, credit review, credit approval, order acceptance, or order rejection. Neither the delivery location nor the location of the acceptance of the tangible personal property by the purchaser (either before or after inspection or installation) shall determine the sales location for allocation or sourcing purposes under this Section.

Notwithstanding anything to the contrary in the preceding paragraph, the sales location for the allocation or sourcing of any municipal, county, special district, or other local retailers' occupation tax or the local share of the State's retailers' occupation tax shall be as follows: (1) in the event the acceptance of the order by the retailer occurs outside of the State (whether or not the receipt of the order occurs within the State), then in those situations the sales location shall be deemed outside of the State, and no local sourcing of retailers' occupation tax applies, except when the tangible personal property which is being sold is in the inventory of the retailer at a location within the State at the time of sale (or is subsequently produced by the retailer at a location in this State), then in that event such inventory location shall be deemed the sales location, or (2) in those situations in
which the retailer sends to the purchaser a complete and
unconditional offer to sell, then the sales location shall be
the office location that the retailer or its authorized
representative first receives back the purchaser's acceptance
of such offer, or (3) for keep full or similar requirements
contracts where the retailer agrees to supply tangible personal
property to a purchaser on a continuous basis until notified to
stop by the purchaser, then for such contracts the sales
location shall be the office location that the retailer or its
authorized representative receives the initial order under
such contract, provided that if such contract is a written
contract not requiring a separate initial order to start the
continuous supply process, then in such a situation the sales
location shall be the office location that the retailer or its
authorized representative signed the contract, or (4) for sales
accepted in Illinois under a long-term blanket or master
contract which (though definite as to price and quantity) must
be implemented by the purchaser's placing of specific orders
when goods are wanted, the office location of the retailer or
its authorized representative with which such subsequent
specific orders are received (rather than the place where the
seller signed the master contract) will determine the sales
location with respect to such orders, or (5) in those
situations where the order for the purchase of tangible
personal property is received by the retailer or its authorized
representative, and, prior to final acceptance of the order by
the retailer or its authorized representative, the ordered
tangible personal property is delivered or shipped from the
inventory of the retailer at a location in this State, then the
sales location shall be the retailer's or its authorized
representative's office location in this State where the
purchase order for such tangible personal property is first
received or if such order is first received at an office
location outside the State then the sales location shall be the
inventory location from which the tangible personal property
was shipped or delivered, or (6) in those situations where the
order for the purchase of tangible personal property is first
received by the retailer, or placed by the purchaser, at a
retailer's retail sales location and both the immediate payment
for the sale occurs at that location and the delivery or
shipment of the property occurs from that location, then that
retail sales location shall be deemed the sales location for
that sale.

(j) The changes made by this amendatory Act of the 97th
General Assembly shall be effective upon becoming law, and for
past periods not yet closed by any applicable limitations
period, a retailer may apply the changes made to this Section
by this amendatory Act of the 97th General Assembly in the
allocation of its past sales but only to the extent it does not
change the retailer's previous filing location for such sales.
(Source: P.A. 95-331, eff. 8-21-07; 96-328, eff. 8-11-09;
96-939, eff. 6-24-10.)
Section 45. The Regional Transportation Authority Act is amended by changing Section 4.03 as follows:

(70 ILCS 3615/4.03) (from Ch. 111 2/3, par. 704.03)

Sec. 4.03. Taxes.

(a) In order to carry out any of the powers or purposes of the Authority, the Board may by ordinance adopted with the concurrence of 12 of the then Directors, impose throughout the metropolitan region any or all of the taxes provided in this Section. Except as otherwise provided in this Act, taxes imposed under this Section and civil penalties imposed incident thereto shall be collected and enforced by the State Department of Revenue. The Department shall have the power to administer and enforce the taxes and to determine all rights for refunds for erroneous payments of the taxes. Nothing in this amendatory Act of the 95th General Assembly is intended to invalidate any taxes currently imposed by the Authority. The increased vote requirements to impose a tax shall only apply to actions taken after the effective date of this amendatory Act of the 95th General Assembly.

(b) The Board may impose a public transportation tax upon all persons engaged in the metropolitan region in the business of selling at retail motor fuel for operation of motor vehicles upon public highways. The tax shall be at a rate not to exceed 5% of the gross receipts from the sales of motor fuel in the
course of the business. As used in this Act, the term "motor fuel" shall have the same meaning as in the Motor Fuel Tax Law. The Board may provide for details of the tax. The provisions of any tax shall conform, as closely as may be practicable, to the provisions of the Municipal Retailers Occupation Tax Act, including without limitation, conformity to penalties with respect to the tax imposed and as to the powers of the State Department of Revenue to promulgate and enforce rules and regulations relating to the administration and enforcement of the provisions of the tax imposed, except that reference in the Act to any municipality shall refer to the Authority and the tax shall be imposed only with regard to receipts from sales of motor fuel in the metropolitan region, at rates as limited by this Section.

(c) In connection with the tax imposed under paragraph (b) of this Section the Board may impose a tax upon the privilege of using in the metropolitan region motor fuel for the operation of a motor vehicle upon public highways, the tax to be at a rate not in excess of the rate of tax imposed under paragraph (b) of this Section. The Board may provide for details of the tax.

(d) The Board may impose a motor vehicle parking tax upon the privilege of parking motor vehicles at off-street parking facilities in the metropolitan region at which a fee is charged, and may provide for reasonable classifications in and exemptions to the tax, for administration and enforcement
thereof and for civil penalties and refunds thereunder and may provide criminal penalties thereunder, the maximum penalties not to exceed the maximum criminal penalties provided in the Retailers' Occupation Tax Act. The Authority may collect and enforce the tax itself or by contract with any unit of local government. The State Department of Revenue shall have no responsibility for the collection and enforcement unless the Department agrees with the Authority to undertake the collection and enforcement. As used in this paragraph, the term "parking facility" means a parking area or structure having parking spaces for more than 2 vehicles at which motor vehicles are permitted to park in return for an hourly, daily, or other periodic fee, whether publicly or privately owned, but does not include parking spaces on a public street, the use of which is regulated by parking meters.

(e) The Board may impose a Regional Transportation Authority Retailers' Occupation Tax upon all persons engaged in the business of selling tangible personal property at retail in the metropolitan region. In Cook County the tax rate shall be 1.25% of the gross receipts from sales of food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics, and 1% of the gross receipts from other taxable
sales made in the course of that business. In DuPage, Kane, Lake, McHenry, and Will Counties, the tax rate shall be 0.75% of the gross receipts from all taxable sales made in the course of that business. The tax imposed under this Section and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the State Department of Revenue. The Department shall have full power to administer and enforce this Section; to collect all taxes and penalties so collected in the manner hereinafter provided; and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty hereunder. In the administration of, and compliance with this Section, the Department and persons who are subject to this Section shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties, exclusions, exemptions and definitions of terms, and employ the same modes of procedure, as are prescribed in Sections 1, 1a, 1a-1, 1c, 1d, 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all provisions therein other than the State rate of tax), 2c, 3 (except as to the disposition of taxes and penalties collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 12 and 13 of the Retailers' Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act, as fully as if those provisions were set forth herein.

Persons subject to any tax imposed under the authority
granted in this Section may reimburse themselves for their
seller's tax liability hereunder by separately stating the tax
as an additional charge, which charge may be stated in
combination in a single amount with State taxes that sellers
are required to collect under the Use Tax Act, under any
bracket schedules the Department may prescribe.

Whenever the Department determines that a refund should be
made under this Section to a claimant instead of issuing a
credit memorandum, the Department shall notify the State
Comptroller, who shall cause the warrant to be drawn for the
amount specified, and to the person named, in the notification
from the Department. The refund shall be paid by the State
Treasurer out of the Regional Transportation Authority tax fund
established under paragraph (n) of this Section.

If a tax is imposed under this subsection (e), a tax shall
also be imposed under subsections (f) and (g) of this Section.

Notwithstanding subsection (r) of this Section, for the
purpose of determining whether a tax authorized under this
Section is applicable, a retail sale by a producer of coal or
other mineral mined in Illinois, is a sale at retail at the
place where the coal or other mineral mined in Illinois is
extracted from the earth. With respect to minerals (i) the term
"extracted from the earth" means the location at which the coal
or other mineral is extracted from the mouth of the mine, and
(ii) a "mineral" includes not only coal, but also oil, sand,
stone taken from a quarry, gravel and any other thing commonly
regarded as a mineral and extracted from the earth. This paragraph does not apply to coal or other mineral when it is delivered or shipped by the seller to the purchaser at a point outside Illinois so that the sale is exempt under the Federal Constitution as a sale in interstate or foreign commerce.

No tax shall be imposed or collected under this subsection on the sale of a motor vehicle in this State to a resident of another state if that motor vehicle will not be titled in this State.

Nothing in this Section shall be construed to authorize the Regional Transportation Authority to impose a tax upon the privilege of engaging in any business that under the Constitution of the United States may not be made the subject of taxation by this State.

(f) If a tax has been imposed under paragraph (e), a Regional Transportation Authority Service Occupation Tax shall also be imposed upon all persons engaged, in the metropolitan region in the business of making sales of service, who as an incident to making the sales of service, transfer tangible personal property within the metropolitan region, either in the form of tangible personal property or in the form of real estate as an incident to a sale of service. In Cook County, the tax rate shall be: (1) 1.25% of the serviceman's cost price of food prepared for immediate consumption and transferred incident to a sale of service subject to the service occupation tax by an entity licensed under the Hospital Licensing Act, the
Nursing Home Care Act, or the MR/DD Community Care Act Act that is located in the metropolitan region; (2) 1.25% of the selling price of food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics; and (3) 1% of the selling price from other taxable sales of tangible personal property transferred. In DuPage, Kane, Lake, McHenry and Will Counties the rate shall be 0.75% of the selling price of all tangible personal property transferred.

The tax imposed under this paragraph and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the State Department of Revenue. The Department shall have full power to administer and enforce this paragraph; to collect all taxes and penalties due hereunder; to dispose of taxes and penalties collected in the manner hereinafter provided; and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty hereunder. In the administration of and compliance with this paragraph, the Department and persons who are subject to this paragraph shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties, exclusions, exemptions and definitions of terms, and employ the
same modes of procedure, as are prescribed in Sections 1a-1, 2, 2a, 3 through 3-50 (in respect to all provisions therein other than the State rate of tax), 4 (except that the reference to the State shall be to the Authority), 5, 7, 8 (except that the jurisdiction to which the tax shall be a debt to the extent indicated in that Section 8 shall be the Authority), 9 (except as to the disposition of taxes and penalties collected, and except that the returned merchandise credit for this tax may not be taken against any State tax), 10, 11, 12 (except the reference therein to Section 2b of the Retailers' Occupation Tax Act), 13 (except that any reference to the State shall mean the Authority), the first paragraph of Section 15, 16, 17, 18, 19 and 20 of the Service Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act, as fully as if those provisions were set forth herein.

Persons subject to any tax imposed under the authority granted in this paragraph may reimburse themselves for their serviceman's tax liability hereunder by separately stating the tax as an additional charge, that charge may be stated in combination in a single amount with State tax that servicemen are authorized to collect under the Service Use Tax Act, under any bracket schedules the Department may prescribe.

Whenever the Department determines that a refund should be made under this paragraph to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the warrant to be drawn for the
amount specified, and to the person named in the notification from the Department. The refund shall be paid by the State Treasurer out of the Regional Transportation Authority tax fund established under paragraph (n) of this Section.

Nothing in this paragraph shall be construed to authorize the Authority to impose a tax upon the privilege of engaging in any business that under the Constitution of the United States may not be made the subject of taxation by the State.

(g) If a tax has been imposed under paragraph (e), a tax shall also be imposed upon the privilege of using in the metropolitan region, any item of tangible personal property that is purchased outside the metropolitan region at retail from a retailer, and that is titled or registered with an agency of this State's government. In Cook County the tax rate shall be 1% of the selling price of the tangible personal property, as "selling price" is defined in the Use Tax Act. In DuPage, Kane, Lake, McHenry and Will counties the tax rate shall be 0.75% of the selling price of the tangible personal property, as "selling price" is defined in the Use Tax Act. The tax shall be collected from persons whose Illinois address for titling or registration purposes is given as being in the metropolitan region. The tax shall be collected by the Department of Revenue for the Regional Transportation Authority. The tax must be paid to the State, or an exemption determination must be obtained from the Department of Revenue, before the title or certificate of registration for the
property may be issued. The tax or proof of exemption may be transmitted to the Department by way of the State agency with which, or the State officer with whom, the tangible personal property must be titled or registered if the Department and the State agency or State officer determine that this procedure will expedite the processing of applications for title or registration.

The Department shall have full power to administer and enforce this paragraph; to collect all taxes, penalties and interest due hereunder; to dispose of taxes, penalties and interest collected in the manner hereinafter provided; and to determine all rights to credit memoranda or refunds arising on account of the erroneous payment of tax, penalty or interest hereunder. In the administration of and compliance with this paragraph, the Department and persons who are subject to this paragraph shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties, exclusions, exemptions and definitions of terms and employ the same modes of procedure, as are prescribed in Sections 2 (except the definition of "retailer maintaining a place of business in this State"), 3 through 3-80 (except provisions pertaining to the State rate of tax, and except provisions concerning collection or refunding of the tax by retailers), 4, 11, 12, 12a, 14, 15, 19 (except the portions pertaining to claims by retailers and except the last paragraph concerning refunds), 20, 21 and 22 of
the Use Tax Act, and are not inconsistent with this paragraph, as fully as if those provisions were set forth herein.

Whenever the Department determines that a refund should be made under this paragraph to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the order to be drawn for the amount specified, and to the person named in the notification from the Department. The refund shall be paid by the State Treasurer out of the Regional Transportation Authority tax fund established under paragraph (n) of this Section.

(h) The Authority may impose a replacement vehicle tax of $50 on any passenger car as defined in Section 1-157 of the Illinois Vehicle Code purchased within the metropolitan region by or on behalf of an insurance company to replace a passenger car of an insured person in settlement of a total loss claim. The tax imposed may not become effective before the first day of the month following the passage of the ordinance imposing the tax and receipt of a certified copy of the ordinance by the Department of Revenue. The Department of Revenue shall collect the tax for the Authority in accordance with Sections 3-2002 and 3-2003 of the Illinois Vehicle Code.

The Department shall immediately pay over to the State Treasurer, ex officio, as trustee, all taxes collected hereunder.

As soon as possible after the first day of each month, beginning January 1, 2011, upon certification of the Department
of Revenue, the Comptroller shall order transferred, and the Treasurer shall transfer, to the STAR Bonds Revenue Fund the local sales tax increment, as defined in the Innovation Development and Economy Act, collected under this Section during the second preceding calendar month for sales within a STAR bond district.

After the monthly transfer to the STAR Bonds Revenue Fund, on or before the 25th day of each calendar month, the Department shall prepare and certify to the Comptroller the disbursement of stated sums of money to the Authority. The amount to be paid to the Authority shall be the amount collected hereunder during the second preceding calendar month by the Department, less any amount determined by the Department to be necessary for the payment of refunds, and less any amounts that are transferred to the STAR Bonds Revenue Fund. Within 10 days after receipt by the Comptroller of the disbursement certification to the Authority provided for in this Section to be given to the Comptroller by the Department, the Comptroller shall cause the orders to be drawn for that amount in accordance with the directions contained in the certification.

(i) The Board may not impose any other taxes except as it may from time to time be authorized by law to impose.

(j) A certificate of registration issued by the State Department of Revenue to a retailer under the Retailers' Occupation Tax Act or under the Service Occupation Tax Act
shall permit the registrant to engage in a business that is
taxed under the tax imposed under paragraphs (b), (e), (f) or
(g) of this Section and no additional registration shall be
required under the tax. A certificate issued under the Use Tax
Act or the Service Use Tax Act shall be applicable with regard
to any tax imposed under paragraph (c) of this Section.

(k) The provisions of any tax imposed under paragraph (c)
of this Section shall conform as closely as may be practicable
to the provisions of the Use Tax Act, including without
limitation conformity as to penalties with respect to the tax
imposed and as to the powers of the State Department of Revenue
to promulgate and enforce rules and regulations relating to the
administration and enforcement of the provisions of the tax
imposed. The taxes shall be imposed only on use within the
metropolitan region and at rates as provided in the paragraph.

(l) The Board in imposing any tax as provided in paragraphs
(b) and (c) of this Section, shall, after seeking the advice of
the State Department of Revenue, provide means for retailers,
users or purchasers of motor fuel for purposes other than those
with regard to which the taxes may be imposed as provided in
those paragraphs to receive refunds of taxes improperly paid,
which provisions may be at variance with the refund provisions
as applicable under the Municipal Retailers Occupation Tax Act.
The State Department of Revenue may provide for certificates of
registration for users or purchasers of motor fuel for purposes
other than those with regard to which taxes may be imposed as
provided in paragraphs (b) and (c) of this Section to facilitate the reporting and nontaxability of the exempt sales or uses.

(m) Any ordinance imposing or discontinuing any tax under this Section shall be adopted and a certified copy thereof filed with the Department on or before June 1, whereupon the Department of Revenue shall proceed to administer and enforce this Section on behalf of the Regional Transportation Authority as of September 1 next following such adoption and filing. Beginning January 1, 1992, an ordinance or resolution imposing or discontinuing the tax hereunder shall be adopted and a certified copy thereof filed with the Department on or before the first day of July, whereupon the Department shall proceed to administer and enforce this Section as of the first day of October next following such adoption and filing. Beginning January 1, 1993, an ordinance or resolution imposing, increasing, decreasing, or discontinuing the tax hereunder shall be adopted and a certified copy thereof filed with the Department, whereupon the Department shall proceed to administer and enforce this Section as of the first day of the first month to occur not less than 60 days following such adoption and filing. Any ordinance or resolution of the Authority imposing a tax under this Section and in effect on August 1, 2007 shall remain in full force and effect and shall be administered by the Department of Revenue under the terms and conditions and rates of tax established by such ordinance
or resolution until the Department begins administering and
enforcing an increased tax under this Section as authorized by
this amendatory Act of the 95th General Assembly. The tax rates
authorized by this amendatory Act of the 95th General Assembly
are effective only if imposed by ordinance of the Authority.

(n) The State Department of Revenue shall, upon collecting
any taxes as provided in this Section, pay the taxes over to
the State Treasurer as trustee for the Authority. The taxes
shall be held in a trust fund outside the State Treasury. On or
before the 25th day of each calendar month, the State
Department of Revenue shall prepare and certify to the
Comptroller of the State of Illinois and to the Authority (i)
the amount of taxes collected in each County other than Cook
County in the metropolitan region, (ii) the amount of taxes
collected within the City of Chicago, and (iii) the amount
collected in that portion of Cook County outside of Chicago,
each amount less the amount necessary for the payment of
refunds to taxpayers located in those areas described in items
(i), (ii), and (iii). Within 10 days after receipt by the
Comptroller of the certification of the amounts, the
Comptroller shall cause an order to be drawn for the payment of
two-thirds of the amounts certified in item (i) of this
subsection to the Authority and one-third of the amounts
certified in item (i) of this subsection to the respective
counties other than Cook County and the amount certified in
items (ii) and (iii) of this subsection to the Authority.
In addition to the disbursement required by the preceding paragraph, an allocation shall be made in July 1991 and each year thereafter to the Regional Transportation Authority. The allocation shall be made in an amount equal to the average monthly distribution during the preceding calendar year (excluding the 2 months of lowest receipts) and the allocation shall include the amount of average monthly distribution from the Regional Transportation Authority Occupation and Use Tax Replacement Fund. The distribution made in July 1992 and each year thereafter under this paragraph and the preceding paragraph shall be reduced by the amount allocated and disbursed under this paragraph in the preceding calendar year. The Department of Revenue shall prepare and certify to the Comptroller for disbursement the allocations made in accordance with this paragraph.

(o) Failure to adopt a budget ordinance or otherwise to comply with Section 4.01 of this Act or to adopt a Five-year Capital Program or otherwise to comply with paragraph (b) of Section 2.01 of this Act shall not affect the validity of any tax imposed by the Authority otherwise in conformity with law.

(p) At no time shall a public transportation tax or motor vehicle parking tax authorized under paragraphs (b), (c) and (d) of this Section be in effect at the same time as any retailers' occupation, use or service occupation tax authorized under paragraphs (e), (f) and (g) of this Section is in effect.
Any taxes imposed under the authority provided in paragraphs (b), (c) and (d) shall remain in effect only until the time as any tax authorized by paragraphs (e), (f) or (g) of this Section are imposed and becomes effective. Once any tax authorized by paragraphs (e), (f) or (g) is imposed the Board may not reimpose taxes as authorized in paragraphs (b), (c) and (d) of the Section unless any tax authorized by paragraphs (e), (f) or (g) of this Section becomes ineffective by means other than an ordinance of the Board.

(q) Any existing rights, remedies and obligations (including enforcement by the Regional Transportation Authority) arising under any tax imposed under paragraphs (b), (c) or (d) of this Section shall not be affected by the imposition of a tax under paragraphs (e), (f) or (g) of this Section.

(r) In allocating or sourcing any municipal, county, special district, or other local retailers' occupation tax or the local share of the State's retailers' occupation tax for sales occurring in this State, the sales location for such allocation or sourcing purposes shall be the office location that the order for the purchase of the tangible personal property is accepted by the retailer or its authorized representative, except as provided in the next paragraph. In determining the acceptance location for a sale, the office the order is first received by the retailer or its authorized representative shall be deemed the acceptance location, unless
clearly proven otherwise by the retailer that the final event
or activity giving rise to the retailer's acceptance of, or the
binding contract for, such sale occurred at a different office
location. In applying this subsection (r), if the order is
received by electronic means, including but not limited to
e-mail and facsimile transmission, and the first electronic
receipt of the order is not addressed to or otherwise
identified with a specific office location of the retailer or
its authorized representative, then the order shall be deemed
first received at the office location of the retailer or its
authorized representative to which the addressee of the
electronic order is primarily assigned or stationed, but in the
event such addressee has no identifiable office location then
the order shall be deemed first received at the office location
that first records the receipt of such electronic order. For
purposes of this subsection (r), the term "order" means the
request (in writing, orally or electronically) by the purchaser
to buy tangible personal property and the term "office
location" means a structure, or part of a structure, held out
to the public as being an office of the retailer or its
authorized representative, where at least one individual
performs authorized services for the retailer or its authorized
representative with respect to the purchase of tangible
personal property from the retailer and the services relate in
some fashion to the overall order processing or sales approval
process, including, but not limited to, order input, order
review, credit review, credit approval, order acceptance, or order rejection. Neither the delivery location nor the location of the acceptance of the tangible personal property by the purchaser (either before or after inspection or installation) shall determine the sales location for allocation or sourcing purposes under this Section.

Notwithstanding anything to the contrary in the preceding paragraph, the sales location for the allocation or sourcing of any municipal, county, special district, or other local retailers' occupation tax or the local share of the State's retailers' occupation tax shall be as follows: (1) in the event the acceptance of the order by the retailer occurs outside of the State (whether or not the receipt of the order occurs within the State), then in those situations the sales location shall be deemed outside of the State, and no local sourcing of retailers' occupation tax applies, except when the tangible personal property which is being sold is in the inventory of the retailer at a location within the State at the time of sale (or is subsequently produced by the retailer at a location in this State), then in that event such inventory location shall be deemed the sales location, or (2) in those situations in which the retailer sends to the purchaser a complete and unconditional offer to sell, then the sales location shall be the office location that the retailer or its authorized representative first receives back the purchaser's acceptance of such offer, or (3) for keep full or similar requirements
contracts where the retailer agrees to supply tangible personal property to a purchaser on a continuous basis until notified to stop by the purchaser, then for such contracts the sales location shall be the office location that the retailer or its authorized representative receives the initial order under such contract, provided that if such contract is a written contract not requiring a separate initial order to start the continuous supply process, then in such a situation the sales location shall be the office location that the retailer or its authorized representative signed the contract, or (4) for sales accepted in Illinois under a long-term blanket or master contract which (though definite as to price and quantity) must be implemented by the purchaser's placing of specific orders when goods are wanted, the office location of the retailer or its authorized representative with which such subsequent specific orders are received (rather than the place where the seller signed the master contract) will determine the sales location with respect to such orders, or (5) in those situations where the order for the purchase of tangible personal property is received by the retailer or its authorized representative, and, prior to final acceptance of the order by the retailer or its authorized representative, the ordered tangible personal property is delivered or shipped from the inventory of the retailer at a location in this State, then the sales location shall be the retailer's or its authorized representative's office location in this State where the
purchase order for such tangible personal property is first received or if such order is first received at an office location outside the State then the sales location shall be the inventory location from which the tangible personal property was shipped or delivered, or (6) in those situations where the order for the purchase of tangible personal property is first received by the retailer, or placed by the purchaser, at a retailer's retail sales location and both the immediate payment for the sale occurs at that location and the delivery or shipment of the property occurs from that location, then that retail sales location shall be deemed the sales location for that sale.

(s) The changes made by this amendatory Act of the 97th General Assembly shall be effective upon becoming law, and for past periods not yet closed by any applicable limitations period, a retailer may apply the changes made to this Section by this amendatory Act of the 97th General Assembly in the allocation of its past sales but only to the extent it does not change the retailer's previous filing location for such sales.

(Source: P.A. 95-708, eff. 1-18-08; 96-339, eff. 7-1-10; 96-939, eff. 6-24-10.)

Section 50. The Water Commission Act of 1985 is amended by changing Section 4 as follows:

(70 ILCS 3720/4) (from Ch. 111 2/3, par. 254)
Sec. 4. Taxes.

(a) The board of commissioners of any county water commission may, by ordinance, impose throughout the territory of the commission any or all of the taxes provided in this Section for its corporate purposes. However, no county water commission may impose any such tax unless the commission certifies the proposition of imposing the tax to the proper election officials, who shall submit the proposition to the voters residing in the territory at an election in accordance with the general election law, and the proposition has been approved by a majority of those voting on the proposition.

The proposition shall be in the form provided in Section 5 or shall be substantially in the following form:

------------------------------------------------------------
Shall the (insert corporate name of county water commission) YES impose (state type of tax or ------------------------ taxes to be imposed) at the NO rate of 1/4%?
------------------------------------------------------------

Taxes imposed under this Section and civil penalties imposed incident thereto shall be collected and enforced by the State Department of Revenue. The Department shall have the power to administer and enforce the taxes and to determine all rights for refunds for erroneous payments of the taxes.

(b) The board of commissioners may impose a County Water
Commission Retailers' Occupation Tax upon all persons engaged in the business of selling tangible personal property at retail in the territory of the commission at a rate of 1/4% of the gross receipts from the sales made in the course of such business within the territory. The tax imposed under this paragraph and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the State Department of Revenue. The Department shall have full power to administer and enforce this paragraph; to collect all taxes and penalties due hereunder; to dispose of taxes and penalties so collected in the manner hereinafter provided; and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty hereunder. In the administration of, and compliance with, this paragraph, the Department and persons who are subject to this paragraph shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties, exclusions, exemptions and definitions of terms, and employ the same modes of procedure, as are prescribed in Sections 1, 1a, 1a-1, 1c, 1d, 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all provisions therein other than the State rate of tax except that food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicine, drugs, medical
appliances and insulin, urine testing materials, syringes, and
needles used by diabetics, for human use, shall not be subject
to tax hereunder), 2c, 3 (except as to the disposition of taxes
and penalties collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h,
5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 12 and 13 of the
Retailers' Occupation Tax Act and Section 3-7 of the Uniform
Penalty and Interest Act, as fully as if those provisions were
set forth herein.

Persons subject to any tax imposed under the authority
granted in this paragraph may reimburse themselves for their
seller's tax liability hereunder by separately stating the tax
as an additional charge, which charge may be stated in
combination, in a single amount, with State taxes that sellers
are required to collect under the Use Tax Act and under
subsection (e) of Section 4.03 of the Regional Transportation
Authority Act, in accordance with such bracket schedules as the
Department may prescribe.

Whenever the Department determines that a refund should be
made under this paragraph to a claimant instead of issuing a
credit memorandum, the Department shall notify the State
Comptroller, who shall cause the warrant to be drawn for the
amount specified, and to the person named, in the notification
from the Department. The refund shall be paid by the State
Treasurer out of a county water commission tax fund established
under paragraph (g) of this Section.

Notwithstanding subsection (g-5) of this Section, for For
the purpose of determining whether a tax authorized under this paragraph is applicable, a retail sale by a producer of coal or other mineral mined in Illinois is a sale at retail at the place where the coal or other mineral mined in Illinois is extracted from the earth. With respect to minerals (i) the term "extracted from the earth" means the location at which the coal or other mineral is extracted from the mouth of the mine, and (ii) a "mineral" includes not only coal, but also oil, sand, stone taken from a quarry, gravel and any other thing commonly regarded as a mineral and extracted from the earth. This paragraph does not apply to coal or other mineral when it is delivered or shipped by the seller to the purchaser at a point outside Illinois so that the sale is exempt under the Federal Constitution as a sale in interstate or foreign commerce.

If a tax is imposed under this subsection (b) a tax shall also be imposed under subsections (c) and (d) of this Section.

No tax shall be imposed or collected under this subsection on the sale of a motor vehicle in this State to a resident of another state if that motor vehicle will not be titled in this State.

Nothing in this paragraph shall be construed to authorize a county water commission to impose a tax upon the privilege of engaging in any business which under the Constitution of the United States may not be made the subject of taxation by this State.

(c) If a tax has been imposed under subsection (b), a
County Water Commission Service Occupation Tax shall also be imposed upon all persons engaged, in the territory of the commission, in the business of making sales of service, who, as an incident to making the sales of service, transfer tangible personal property within the territory. The tax rate shall be 1/4% of the selling price of tangible personal property so transferred within the territory. The tax imposed under this paragraph and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the State Department of Revenue. The Department shall have full power to administer and enforce this paragraph; to collect all taxes and penalties due hereunder; to dispose of taxes and penalties so collected in the manner hereinafter provided; and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty hereunder. In the administration of, and compliance with, this paragraph, the Department and persons who are subject to this paragraph shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties, exclusions, exemptions and definitions of terms, and employ the same modes of procedure, as are prescribed in Sections 1a-1, 2 (except that the reference to State in the definition of supplier maintaining a place of business in this State shall mean the territory of the commission), 2a, 3 through 3-50 (in respect to all provisions therein other than the State rate of tax except
that food for human consumption that is to be consumed off the
premises where it is sold (other than alcoholic beverages, soft
drinks, and food that has been prepared for immediate
consumption) and prescription and nonprescription medicines,
drugs, medical appliances and insulin, urine testing
materials, syringes, and needles used by diabetics, for human
use, shall not be subject to tax hereunder), 4 (except that the
reference to the State shall be to the territory of the
commission), 5, 7, 8 (except that the jurisdiction to which the
tax shall be a debt to the extent indicated in that Section 8
shall be the commission), 9 (except as to the disposition of
taxes and penalties collected and except that the returned
merchandise credit for this tax may not be taken against any
State tax), 10, 11, 12 (except the reference therein to Section
2b of the Retailers' Occupation Tax Act), 13 (except that any
reference to the State shall mean the territory of the
commission), the first paragraph of Section 15, 15.5, 16, 17,
18, 19 and 20 of the Service Occupation Tax Act as fully as if
those provisions were set forth herein.

Persons subject to any tax imposed under the authority
granted in this paragraph may reimburse themselves for their
serviceman's tax liability hereunder by separately stating the
tax as an additional charge, which charge may be stated in
combination, in a single amount, with State tax that servicemen
are authorized to collect under the Service Use Tax Act, and
any tax for which servicemen may be liable under subsection (f)
of Sec. 4.03 of the Regional Transportation Authority Act, in accordance with such bracket schedules as the Department may prescribe.

Whenever the Department determines that a refund should be made under this paragraph to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the warrant to be drawn for the amount specified, and to the person named, in the notification from the Department. The refund shall be paid by the State Treasurer out of a county water commission tax fund established under paragraph (g) of this Section.

Nothing in this paragraph shall be construed to authorize a county water commission to impose a tax upon the privilege of engaging in any business which under the Constitution of the United States may not be made the subject of taxation by the State.

(d) If a tax has been imposed under subsection (b), a tax shall also imposed upon the privilege of using, in the territory of the commission, any item of tangible personal property that is purchased outside the territory at retail from a retailer, and that is titled or registered with an agency of this State's government, at a rate of 1/4% of the selling price of the tangible personal property within the territory, as "selling price" is defined in the Use Tax Act. The tax shall be collected from persons whose Illinois address for titling or registration purposes is given as being in the territory. The
tax shall be collected by the Department of Revenue for a
county water commission. The tax must be paid to the State, or
an exemption determination must be obtained from the Department
of Revenue, before the title or certificate of registration for
the property may be issued. The tax or proof of exemption may
be transmitted to the Department by way of the State agency
with which, or the State officer with whom, the tangible
personal property must be titled or registered if the
Department and the State agency or State officer determine that
this procedure will expedite the processing of applications for
title or registration.

The Department shall have full power to administer and
enforce this paragraph; to collect all taxes, penalties and
interest due hereunder; to dispose of taxes, penalties and
interest so collected in the manner hereinafter provided; and
to determine all rights to credit memoranda or refunds arising
on account of the erroneous payment of tax, penalty or interest
hereunder. In the administration of, and compliance with this
paragraph, the Department and persons who are subject to this
paragraph shall have the same rights, remedies, privileges,
immunities, powers and duties, and be subject to the same
conditions, restrictions, limitations, penalties, exclusions,
exemptions and definitions of terms and employ the same modes
of procedure, as are prescribed in Sections 2 (except the
definition of "retailer maintaining a place of business in this
State"), 3 through 3-80 (except provisions pertaining to the
State rate of tax, and except provisions concerning collection or refunding of the tax by retailers, and except that food for
human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, shall not be subject to tax hereunder), 4, 11, 12, 12a, 14, 15, 19 (except the portions pertaining to claims by retailers and except the last paragraph concerning refunds), 20, 21 and 22 of the Use Tax Act and Section 3-7 of the Uniform Penalty and Interest Act that are not inconsistent with this paragraph, as fully as if those provisions were set forth herein.

Whenever the Department determines that a refund should be made under this paragraph to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the order to be drawn for the amount specified, and to the person named, in the notification from the Department. The refund shall be paid by the State Treasurer out of a county water commission tax fund established under paragraph (g) of this Section.

(e) A certificate of registration issued by the State Department of Revenue to a retailer under the Retailers' Occupation Tax Act or under the Service Occupation Tax Act shall permit the registrant to engage in a business that is
taxed under the tax imposed under paragraphs (b), (c) or (d) of this Section and no additional registration shall be required under the tax. A certificate issued under the Use Tax Act or the Service Use Tax Act shall be applicable with regard to any tax imposed under paragraph (c) of this Section.

(f) Any ordinance imposing or discontinuing any tax under this Section shall be adopted and a certified copy thereof filed with the Department on or before June 1, whereupon the Department of Revenue shall proceed to administer and enforce this Section on behalf of the county water commission as of September 1 next following the adoption and filing. Beginning January 1, 1992, an ordinance or resolution imposing or discontinuing the tax hereunder shall be adopted and a certified copy thereof filed with the Department on or before the first day of July, whereupon the Department shall proceed to administer and enforce this Section as of the first day of October next following such adoption and filing. Beginning January 1, 1993, an ordinance or resolution imposing or discontinuing the tax hereunder shall be adopted and a certified copy thereof filed with the Department on or before the first day of October, whereupon the Department shall proceed to administer and enforce this Section as of the first day of January next following such adoption and filing.

(g) The State Department of Revenue shall, upon collecting any taxes as provided in this Section, pay the taxes over to the State Treasurer as trustee for the commission. The taxes
shall be held in a trust fund outside the State Treasury.

As soon as possible after the first day of each month, beginning January 1, 2011, upon certification of the Department of Revenue, the Comptroller shall order transferred, and the Treasurer shall transfer, to the STAR Bonds Revenue Fund the local sales tax increment, as defined in the Innovation Development and Economy Act, collected under this Section during the second preceding calendar month for sales within a STAR bond district.

After the monthly transfer to the STAR Bonds Revenue Fund, on or before the 25th day of each calendar month, the State Department of Revenue shall prepare and certify to the Comptroller of the State of Illinois the amount to be paid to the commission, which shall be the then balance in the fund, less any amount determined by the Department to be necessary for the payment of refunds, and less any amounts that are transferred to the STAR Bonds Revenue Fund. Within 10 days after receipt by the Comptroller of the certification of the amount to be paid to the commission, the Comptroller shall cause an order to be drawn for the payment for the amount in accordance with the direction in the certification.

(g-5) In allocating or sourcing any municipal, county, special district, or other local retailers' occupation tax or the local share of the State's retailers' occupation tax for sales occurring in this State, the sales location for such allocation or sourcing purposes shall be the office location
that the order for the purchase of the tangible personal
property is accepted by the retailer or its authorized
representative, except as provided in the next paragraph. In
determining the acceptance location for a sale, the office the
order is first received by the retailer or its authorized
representative shall be deemed the acceptance location, unless
clearly proven otherwise by the retailer that the final event
or activity giving rise to the retailer's acceptance of, or the
binding contract for, such sale occurred at a different office
location. In applying this subsection (g-5), if the order is
received by electronic means, including but not limited to
e-mail and facsimile transmission, and the first electronic
receipt of the order is not addressed to or otherwise
identified with a specific office location of the retailer or
its authorized representative, then the order shall be deemed
first received at the office location of the retailer or its
authorized representative to which the addressee of the
electronic order is primarily assigned or stationed, but in the
event such addressee has no identifiable office location then
the order shall be deemed first received at the office location
that first records the receipt of such electronic order. For
purposes of this subsection (g-5), the term "order" means the
request (in writing, orally or electronically) by the purchaser
to buy tangible personal property and the term "office
location" means a structure, or part of a structure, held out
to the public as being an office of the retailer or its
authorized representative, where at least one individual
performs authorized services for the retailer or its authorized
representative with respect to the purchase of tangible
personal property from the retailer and the services relate in
some fashion to the overall order processing or sales approval
process, including, but not limited to, order input, order
review, credit review, credit approval, order acceptance, or
order rejection. Neither the delivery location nor the location
of the acceptance of the tangible personal property by the
purchaser (either before or after inspection or installation)
shall determine the sales location for allocation or sourcing
purposes under this Section.

Notwithstanding anything to the contrary in the preceding
paragraph, the sales location for the allocation or sourcing of
any municipal, county, special district, or other local
retailers' occupation tax or the local share of the State's
retailers' occupation tax shall be as follows: (1) in the event
the acceptance of the order by the retailer occurs outside of
the State (whether or not the receipt of the order occurs
within the State), then in those situations the sales location
shall be deemed outside of the State, and no local sourcing of
retailers' occupation tax applies, except when the tangible
personal property which is being sold is in the inventory of
the retailer at a location within the State at the time of sale
(or is subsequently produced by the retailer at a location in
this State), then in that event such inventory location shall
be deemed the sales location, or (2) in those situations in which the retailer sends to the purchaser a complete and unconditional offer to sell, then the sales location shall be the office location that the retailer or its authorized representative first receives back the purchaser's acceptance of such offer, or (3) for keep full or similar requirements contracts where the retailer agrees to supply tangible personal property to a purchaser on a continuous basis until notified to stop by the purchaser, then for such contracts the sales location shall be the office location that the retailer or its authorized representative receives the initial order under such contract, provided that if such contract is a written contract not requiring a separate initial order to start the continuous supply process, then in such a situation the sales location shall be the office location that the retailer or its authorized representative signed the contract, or (4) for sales accepted in Illinois under a long-term blanket or master contract which (though definite as to price and quantity) must be implemented by the purchaser's placing of specific orders when goods are wanted, the office location of the retailer or its authorized representative with which such subsequent specific orders are received (rather than the place where the seller signed the master contract) will determine the sales location with respect to such orders, or (5) in those situations where the order for the purchase of tangible personal property is received by the retailer or its authorized
representative, and, prior to final acceptance of the order by the retailer or its authorized representative, the ordered tangible personal property is delivered or shipped from the inventory of the retailer at a location in this State, then the sales location shall be the retailer's or its authorized representative's office location in this State where the purchase order for such tangible personal property is first received or if such order is first received at an office location outside the State then the sales location shall be the inventory location from which the tangible personal property was shipped or delivered, or (6) in those situations where the order for the purchase of tangible personal property is first received by the retailer, or placed by the purchaser, at a retailer's retail sales location and both the immediate payment for the sale occurs at that location and the delivery or shipment of the property occurs from that location, then that retail sales location shall be deemed the sales location for that sale.

(g-10) The changes made by this amendatory Act of the 97th General Assembly shall be effective upon becoming law, and for past periods not yet closed by any applicable limitations period, a retailer may apply the changes made to this Section by this amendatory Act of the 97th General Assembly in the allocation of its past sales but only to the extent it does not change the retailer's previous filing location for such sales.

(h) Beginning June 1, 2016, any tax imposed pursuant to
this Section may no longer be imposed or collected, unless a
continuation of the tax is approved by the voters at a
referendum as set forth in this Section.
(Source: P.A. 96-939, eff. 6-24-10; 96-1389, eff. 7-29-10;
revised 9-2-10.)

Section 95. No acceleration or delay. Where this Act makes
changes in a statute that is represented in this Act by text
that is not yet or no longer in effect (for example, a Section
represented by multiple versions), the use of that text does
not accelerate or delay the taking effect of (i) the changes
made by this Act or (ii) provisions derived from any other
Public Act.

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