

**Illinois Department of Revenue
Regulations**

**Title 86 Part 230 Section 230.101 Nature of the Home Rule County Service
Occupation Tax**

TITLE 86: REVENUE

**PART 230
HOME RULE COUNTY SERVICE OCCUPATION TAX**

Section 230.101 Nature of the Home Rule County Service Occupation Tax

a) Authority to Impose Tax

The corporate authorities of a home rule county are authorized by Section 5-1007 of the Counties Code (Ill. Rev. Stat. 1989, ch. 34, par. 5-1007) (the Act) to impose a tax on persons engaged in the business of making sales of service in such county, at the same rate of tax imposed pursuant to Section 5-1006 of the selling price of all tangible personal property transferred by such serviceman either in the form of tangible personal property or in the form of real estate as an incident to such sale of service. If imposed, such tax shall only be imposed in 1/4% increments. The tax imposed by a home rule county pursuant to the Act and this Part, and all civil penalties that may be assessed as an incident thereof, shall be collected and enforced by the Illinois Department of Revenue (Department).

b) Passing on the Tax

Servicemen are required to collect the Home Rule County Service Occupation Tax (when applicable) from purchasers of service in conformance with the requirements of the Service Occupation Tax Regulations (86 Ill. Adm. Code 140). The legal incidence of the Home Rule County Service Occupation Tax is on the serviceman. Nevertheless, the General Assembly has authorized persons subject to any tax imposed pursuant to the authority granted in the Home Rule County Service Occupation Tax Act to reimburse themselves for their serviceman's Home Rule County Service Occupation Tax liability by separately stating such tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax which servicemen are authorized to collect under the Service Use Tax Act (Ill. Rev. Stat. 1989, ch. 120, pars. 439.31 et seq.), pursuant to such bracket schedules as the Department has prescribed. (See 86 Ill. Adm. Code 150.Table A)

c) Exclusion From "Cost Prices"

Any amount added by a serviceman to the selling price of tangible personal property as an incident to service because of a Home Rule County Service Occupation Tax, or because of the Illinois Service Occupation Tax (Ill. Rev. Stat. 1989, ch. 120 par. 439.101 et seq.), the Home Rule Municipal Service Occupation Tax (Ill. Rev. Stat. 1989, ch. 24, par. 8-11-5), the Non-Home Rule Municipal Service Occupation Tax (Ill. Rev. Stat. 1989, ch. 24, par. 8-11-1.4), the Metro East Mass Transit District Service

Occupation Tax (Ill. Rev. Stat. 1989, ch. 111 2/3, par. 355.01), the Regional Transportation Authority Service Occupation Tax (Ill. Rev. Stat. 1989, ch. 111 2/3, par. 704.03) or the County Water Commission Service Occupation Tax (Ill. Rev. Stat. 1989, ch. 111 2/3, par. 254(c)), shall not be regarded as a part of the selling price which is subject to such Home Rule County Service Occupation Tax.

(Source: Amended at 15 Ill. Reg. 5796, effective April 9, 1991)