

**Illinois Department of Revenue
Regulations**

Title 86 Part 330 Section 330.101 Nature of the Regional Transportation Authority Service Occupation Tax

**TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE**

**PART 330
REGIONAL TRANSPORTATION AUTHORITY
SERVICE OCCUPATION TAX**

Section 330.101 Nature of the Regional Transportation Authority Service Occupation Tax

a) Authority to Impose Tax

The Board of Directors of the Regional Transportation Authority is authorized to impose tax on persons engaged in the business of making sales of service within the metropolitan region as defined in Section 1.03 of the Regional Transportation Authority Act [70 ILCS 3615/1.03]. The tax rate shall be: *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 [210 ILCS 85], the Nursing Home Care Act [210 ILCS 45], or the MR/DD Community Care Act [210 ILCS 47] that is located in the metropolitan region; 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 1% of the selling price from other taxable sales of tangible personal property transferred as an incident to the sale of service within the County of Cook and 0.75% of the selling price of tangible personal property transferred as an incident to the sale of service within the Counties of DuPage, Kane, Lake, McHenry and Will. The tax imposed pursuant to this subsection and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the Illinois Department of Revenue.* [70 ILCS 3615/4.03(f)]

b) Passing on the Tax

Servicemen are required to collect the Regional Transportation Authority Service Occupation Tax [70 ILCS 3615/4.03] (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 Regional Transportation Authority Service Occupation Tax is on the serviceman. Nevertheless, the General Assembly has authorized persons subject to this tax to reimburse themselves for their serviceman's Regional Transportation Authority Service Occupation Tax liability by separately stating that tax as an additional charge that may be stated in combination, in a single amount, with State tax servicemen are authorized to collect under the Service Use Tax Act [35 ILCS 110], 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 sold to a serviceman for retransfer as an incident to service because of Regional Transportation Authority Service Occupation Tax, or because of the Illinois Service Occupation Tax [35 ILCS 115], and reimbursing amounts collected pursuant to the Home Rule County Service Occupation Tax Act [55 ILCS 5/5-1007], Home Rule Municipal Service Occupation Tax Act [65 ILCS 5/8-11-5], Non-Home Rule Municipal Service Occupation Tax Act [65 ILCS 5/8-11-1.4], or any other local service occupation tax administered by the Department and collected from the purchasing serviceman, shall not be regarded as a part of the selling prices that are subject to the Regional Transportation Authority Service Occupation Tax.

(Source: Amended at 34 Ill. Reg. _____, effective July 26, 2010)