

Proposed Substitute Ordinance Amendment to File# 18-5789

Committee on Finance 10/17/2018

Sponsored by

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AN AMENDMENT TO THE COOK COUNTY PARKING LOT AND GARAGE OPERATIONS TAX

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 74 Taxation, Article XIII, Parking Lot and Garage Operations Tax, Sections 74-511 and 74-512 of the Cook County Code of Ordinances are hereby amended as follows:

Sec. 74-511. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Booking Intermediary means any person or entity that facilitates processing and fulfillment of reservations between individuals desiring parking in a parking lot or garage and an Operator or Valet Parking Operator, but does not itself own, lease or operate the parking lot or garage nor any portion thereof, for which payment is being collected or retain the consideration for the parking or storage of motor vehicles at such parking place.

Charge or fee paid for parking means the gross amount of consideration for the use or privilege of parking a motor vehicle in or upon any parking lot or garage in Cook County, collected by an operator or a valet parking operator and valued in money, whether received in money or otherwise, including cash, credits, property and services, determined without any deduction for costs or expenses whatsoever, but not including charges that are added to the charge or fee on account of the tax imposed by this Chapter or on account of any other tax imposed on the charge or fee. "Charge or fee paid for parking" shall exclude separately stated charges not for the use or privilege of parking. If any separately stated charge is not optional, it shall be presumed, unless proved otherwise, that it is part of the charge for the use or privilege of parking.

Department or Department of Revenue means the County Department of Revenue.

Motor vehicle means any vehicle that is self-propelled.

Operator means any person conducting the operation of a parking lot or garage, as defined by this Article, or receiving consideration for parking or storage of motor vehicles at a parking place within Cook County. The term does not include Booking Intermediaries.

Parking lot or garage means any building, structure, premises, enclosure or other place, whether enclosed or not, except a public way, within the County, where four or more motor vehicles are stored, housed or parked for hire, charge, fee or other valuable consideration in a condition ready for use, or where rent or

compensation is paid to the owner, manager or lessee of the premises for the housing, storing, sheltering, keeping or maintaining of such motor vehicles.

Person means any individual, corporation, Limited Liability Corporation, organization, government, governmental subdivision or agency, business trust, estate, trust, partnership, association and any other legal entity.

Valet Parking Operator means a person who employs one or more attendants for the purpose of providing a valet parking service or who contracts his own services, but not in the capacity of employee, to any business establishment, for the purpose of providing a valet parking service to such establishment located in Cook County.

Valet Parking Service means a parking service provided to accommodate patrons of any business establishment, which service is incidental to the business of the establishment and by which an attendant on behalf of the establishment takes temporary custody of the patrons' motor vehicle and moves, parks, stores or retrieves the vehicle for the patrons' convenience.

Sec. 74-512. - Tax imposed.

- (a) A tax is imposed upon the use and privilege of parking a motor vehicle in or upon any parking lot or garage in the County. The tax shall be collected by operators and valet parking operators, as described in this Article, from any person who seeks the privilege of occupying space in or upon any parking lot or garage.
- (b) Valet Parking Operators are required to collect and remit the tax imposed by this Article, for each motor vehicle parked at a Parking Lot or Garage, as described in this Article; however, if the valet parking operator has a written agreement with a parking lot or garage operator that designates an amount of consideration paid by the valet parking operator which the parking lot or garage operator remits to the Department as parking lot and garage operations tax, or proof of such tax being paid to the parking lot or garage operator, the valet parking operator may take a credit for the amount remitted by the parking lot or garage operator. The valet parking business shall have the burden of proving its entitlement to this credit with books, records and other documentary evidence.
- (c) Tax rates through August 31, 2013.
 - (1) The following tax rates imposed upon the use and privilege of parking a motor vehicle in or upon parking lots or garages, except for parking lots and garages in subsection (2), are in effect through August 31, 2013.

Parking Charge or Fee Time Period	Imposed by Operator	Tax Amount
24 hours or less	\$2.00 or less	\$0.00
24 hours or less	\$2.01 to \$4.99	0.50
24 hours or less	\$5.00 to \$11.99	0.75
24 hours or less	\$12.00 or more	1.00

Weekly	\$10.00 or less	0.00
Weekly	\$10.01 to \$24.99	2.50
Weekly	\$25.00 to \$59.99	3.75
Weekly	\$60.00 or more	5.00
Monthly	\$40.00 or less	0.00
Monthly	\$40.01 to \$99.99	10.00
Monthly	\$100.00 to \$239.99	15.00
Monthly	\$240.00 or more	20.00

- (2) The following tax rates imposed upon the use and privilege of parking a motor vehicle in or upon parking lots or garages owned by municipalities with populations of 250,000 inhabitants or less are in effect through August 31, 2013.

Parking Charge or Fee Time Period	Imposed by Operator	Tax Amount
24 hours or less	\$3.00 or less	\$0.00
24 hours or less	\$3.01 or \$4.99	0.50
24 hours or less	\$5.00 to \$11.99	0.75
24 hours or less	\$12.00 or more	1.00
Weekly	\$15.00 or less	0.00
Weekly	\$15.01 to \$24.99	2.50
Weekly	\$25.00 to \$59.99	3.75
Weekly	\$60.00 or more	5.00

Monthly	\$60.00 or less	0.00
Monthly	\$60.01 to \$99.99	10.00
Monthly	\$100.00 to \$239.99	15.00
Monthly	\$240.00 or more	20.00

(d) Tax rates effective September 1, 2013.

- (1) A tax upon the use or privilege of parking a motor vehicle in or upon parking lots or garages, except for parking lots and garages in subsection (2), is hereby imposed at the rate of six percent of the charge or fee paid for parking for a 24-hour period or less and nine percent of the charge or fee paid for parking for a weekly or monthly period. This tax shall not apply if the charge or fee paid for parking in such parking lots or garages does not exceed \$2.00 for a 24-hour period or less, \$10.00 for a weekly period or \$40.00 for a monthly period.
- (2) A tax upon the use and privilege of parking a motor vehicle in or upon parking lots or garages owned by municipalities with populations of 250,000 inhabitants or less is hereby imposed at the rate of six percent of the charge or fee paid for parking for a 24-hour period or less and nine percent of the charge or fee paid for parking for a weekly or monthly period. This tax shall not apply if the charge or fee paid for parking in such parking lots or garages does not exceed \$3.00 for a 24-hour period or less, \$15.00 for a weekly period or \$60.00 for a monthly period.
- (3) In addition to any amounts due and owing pursuant to sub-sections (1) or (2) herein, a tax upon the use and privilege of parking a motor vehicle in or upon parking lots or garages, when such use or privilege is facilitated through a Booking Intermediary, is hereby imposed at the rate of one and three-quarter percent of the charge or fee paid to such Booking Intermediary, but not remitted to an Operator.

(e) The ultimate incidence of and liability for payment of the tax is on the person who seeks the privilege of occupying space in or upon the parking lot or garage.

(f) The tax imposed by this Section shall not apply to:

- (1) Residential off-street parking of house or apartment or condominium occupants, wherein an arrangement for parking is provided in the house or apartment lease in a written agreement between the landlord and tenant;
- (2) Residential parking provided for condominium occupants pursuant to a written agreement between the condominium association and the owner, occupant or guest of a unit owner, whether the parking charge is payable to the landlord, condominium association, or to the operator of the parking lot or garage; or
- (3) To hospital and medical center employees parking at a parking lot or garage where the hospital or medical center is the employer and, as described in this Article, operator.

(g) The amount of the tax due under this Article shall be computed exclusive of any Federal, State or municipal taxes imposed.

Effective Date: This ordinance shall take effect on January 1, 2019.