

1 AMENDMENT TO SENATE BILL 449

2 AMENDMENT NO. _____. Amend Senate Bill 449, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Motor Fuel Tax Law is amended by
6 changing Sections 2 and 13a as follows:

7 (35 ILCS 505/2) (from Ch. 120, par. 418)

8 Sec. 2. A tax is imposed on the privilege of operating
9 motor vehicles upon the public highways and recreational-type
10 watercraft upon the waters of this State. Beginning on July
11 1, 2001 and through September 30, 2001, however, no tax shall
12 be imposed under this Section.

13 (a) Prior to August 1, 1989, the tax is imposed at the
14 rate of 13 cents per gallon on all motor fuel used in motor
15 vehicles operating on the public highways and recreational
16 type watercraft operating upon the waters of this State.
17 Beginning on August 1, 1989 and until January 1, 1990, the
18 rate of the tax imposed in this paragraph shall be 16 cents
19 per gallon. Beginning January 1, 1990, the rate of tax
20 imposed in this paragraph shall be 19 cents per gallon.

21 (b) The tax on the privilege of operating motor vehicles
22 which use diesel fuel shall be the rate according to

1 paragraph (a) plus an additional 2 1/2 cents per gallon.
2 "Diesel fuel" is defined as any petroleum product intended
3 for use or offered for sale as a fuel for engines in which
4 the fuel is injected into the combustion chamber and ignited
5 by pressure without electric spark.

6 (c) A tax is imposed upon the privilege of engaging in
7 the business of selling motor fuel as a retailer or reseller
8 on all motor fuel used in motor vehicles operating on the
9 public highways and recreational type watercraft operating
10 upon the waters of this State: (1) at the rate of 3 cents per
11 gallon on motor fuel owned or possessed by such retailer or
12 reseller at 12:01 a.m. on August 1, 1989; and (2) at the rate
13 of 3 cents per gallon on motor fuel owned or possessed by
14 such retailer or reseller at 12:01 A.M. on January 1, 1990.

15 Retailers and resellers who are subject to this
16 additional tax shall be required to inventory such motor fuel
17 and pay this additional tax in a manner prescribed by the
18 Department of Revenue.

19 The tax imposed in this paragraph (c) shall be in
20 addition to all other taxes imposed by the State of Illinois
21 or any unit of local government in this State.

22 (d) Except as provided in Section 2a, the collection of
23 a tax based on gallonage of gasoline used for the propulsion
24 of any aircraft is prohibited on and after October 1, 1979.

25 (e) The collection of a tax, based on gallonage of all
26 products commonly or commercially known or sold as 1-K
27 kerosene, regardless of its classification or uses, is
28 prohibited (i) on and after July 1, 1992 until December 31,
29 1999, except when the 1-K kerosene is either: (1) delivered
30 into bulk storage facilities of a bulk user, or (2) delivered
31 directly into the fuel supply tanks of motor vehicles and
32 (ii) on and after January 1, 2000. Beginning on January 1,
33 2000, the collection of a tax, based on gallonage of all
34 products commonly or commercially known or sold as 1-K

1 kerosene, regardless of its classification or uses, is
2 prohibited except when the 1-K kerosene is delivered directly
3 into a storage tank that is located at a facility that has
4 withdrawal facilities that are readily accessible to and are
5 capable of dispensing 1-K kerosene into the fuel supply tanks
6 of motor vehicles.

7 Any person who sells or uses 1-K kerosene for use in
8 motor vehicles upon which the tax imposed by this Law has not
9 been paid shall be liable for any tax due on the sales or use
10 of 1-K kerosene.

11 (Source: P.A. 91-173, eff. 1-1-00.)

12 (35 ILCS 505/13a) (from Ch. 120, par. 429a)

13 Sec. 13a. (1) A tax is hereby imposed upon the use of
14 motor fuel upon highways of this State by commercial motor
15 vehicles. The tax shall be comprised of 2 parts. Part (a)
16 shall be at the rate established by Section 2 of this Act, as
17 heretofore or hereafter amended. Part (b) shall be at the
18 rate established by subsection (2) of this Section as now or
19 hereafter amended. Beginning on July 1, 2001 and through
20 September 30, 2001, however, the tax under this Section shall
21 be comprised of only part (b).

22 (2) A rate shall be established by the Department as of
23 January 1 of each year using the average "selling price", as
24 defined in the Retailers' Occupation Tax Act, per gallon of
25 motor fuel sold in this State during the previous 12 months
26 and multiplying it by 6 1/4% to determine the cents per
27 gallon rate. For the period beginning on July 1, 2000 and
28 through December 31, 2000, the Department shall establish a
29 rate using the average "selling price", as defined in the
30 Retailers' Occupation Tax Act, per gallon of motor fuel sold
31 in this State during calendar year 1999 and multiplying it by
32 1.25% to determine the cents per gallon rate.

33 (Source: P.A. 91-872, eff. 7-1-00.)

1 Section 99. Effective date. This Act takes effect on
2 July 1, 2001."