

HB4721



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB4721

by Rep. Frank J. Mautino

SYNOPSIS AS INTRODUCED:

35 ILCS 505/13a.3

from Ch. 120, par. 429a3

Amends the Motor Fuel Tax Law. Provides that delinquent motor fuel use taxes shall bear interest at the rate established by the International Motor Fuel Tax Agreement (currently, 1% per month). Removes a requirement that certain motor carriers are required to make tax payments to the Department by certified check. Effective immediately.

LRB098 15921 HLH 50968 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning revenue.

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

4 Section 5. The Motor Fuel Tax Law is amended by changing
5 Section 13a.3 as follows:

6 (35 ILCS 505/13a.3) (from Ch. 120, par. 429a3)

7 Sec. 13a.3. Every person holding a valid unrevoked motor
8 fuel use tax license issued under Section 13a.4 of this Act
9 shall, on or before the last day of the month next succeeding
10 any calendar quarter, file with the Department a report, in
11 such form as the Department may by rule or regulation
12 prescribe, setting forth a statement of the number of miles
13 traveled in every jurisdiction and in this State during the
14 previous calendar quarter, the number of gallons and type of
15 reportable motor fuel consumed on the highways of every
16 jurisdiction and of this State, and the total number of gallons
17 and types of tax paid fuel purchased within every jurisdiction
18 during said previous calendar quarter. A motor carrier who
19 purchases motor fuel in this State who pays a tax thereon under
20 any section of the Motor Fuel Tax Law other than Sections 13a,
21 13a.1, 13a.2 and 13a.3, and who does not apply for a refund
22 under Section 13 of the Motor Fuel Tax Law, shall receive a
23 gallon for gallon credit against his liability under Sections

1 13a, 13a.1, 13a.2 and 13a.3 hereof. The rate under Section 2 of
2 this Act shall apply to each gallon of motor fuel used by such
3 motor carrier on the highways of Illinois during the previous
4 calendar quarter in excess of the motor fuel purchased in
5 Illinois during such previous calendar quarter.

6 The rate under subsection (2) of Section 13a of this Act
7 shall apply to each gallon of motor fuel used by such motor
8 carrier on the highways of Illinois during the previous
9 calendar quarter. For purposes of the preceding paragraphs
10 "used" shall be determined as provided in Section 13a.2 of this
11 Act.

12 For such motor fuel consumed during the previous calendar
13 quarter, said tax shall be payable on the last day of the month
14 next succeeding such previous calendar quarter and shall bear
15 interest until paid at the rate established by the
16 International Motor Fuel Tax Agreement, as now and hereafter
17 amended ~~of 1% per month or fraction of month until paid. Motor~~
18 ~~carriers required to file bonds under Section 13a.4 of this Act~~
19 ~~shall make tax payments to the Department by certified check.~~

20 Reports not filed by the due date shall be considered late
21 and any taxes due considered delinquent. The licensee may be
22 assessed a penalty of \$50 or 10% of the delinquent taxes,
23 whichever is greater, for failure to file a report, or for
24 filing a late report, or for underpayment of taxes due.

25 As to each gallon of motor fuel purchased in Illinois by
26 such motor carrier during the previous calendar quarter in

1 excess of the number of gallons of motor fuel used by such
2 motor carrier on the highways of Illinois during such previous
3 calendar quarter, the taxpayer may take a credit for the
4 current calendar quarter or the Department may issue a credit
5 memorandum or refund to such motor carrier for any tax imposed
6 by Part (a) of Section 13a of this Act paid on each such
7 gallon. If a credit is given, the credit memorandum shall be
8 carried over to offset liabilities of the licensee until the
9 credit is fully offset or until 8 calendar quarters pass after
10 the end of the calendar quarter in which the credit accrued,
11 whichever occurs sooner.

12 A motor carrier who purchases motor fuel in this State
13 shall be entitled to a refund under this Section or a credit
14 against all his liabilities under Sections 13a, 13a.1, 13a.2
15 and 13a.3 hereof for taxes imposed by the Use Tax Act, the
16 Retailers' Occupation Tax Act, the Municipal Retailers'
17 Occupation Tax Act and the County Retailers' Occupation Tax Act
18 on such motor fuel at a rate equal to that established by
19 subsection (2) of Section 13a of this Act, provided that such
20 taxes have been paid by the taxpayer and such taxes have been
21 charged to the motor carrier claiming the credit or refund.

22 (Source: P.A. 94-1074, eff. 12-26-06.)

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