



Rep. Jay Hoffman

Filed: 2/26/2025

10400HB1390ham002

LRB104 07494 HLH 22870 a

1 AMENDMENT TO HOUSE BILL 1390

2 AMENDMENT NO. _____. Amend House Bill 1390 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Motor Fuel Tax Law is amended by changing
5 Sections 1.2, 1.20, 3, 3d, 5, 6, 7, 11.5, 12, 12a, 13, 14a, 15,
6 and 16 as follows:

7 (35 ILCS 505/1.2) (from Ch. 120, par. 417.2)

8 Sec. 1.2. Distributor. "Distributor" means a person who
9 does any of the following:

10 (1) ~~either (i)~~ produces motor fuel in this State;

11 (2) ~~or~~ refines motor fuel in this State;

12 (3) ~~or~~ blends motor fuel in this State;

13 (4) ~~or~~ compounds motor fuel in this State;

14 (5) ~~or~~ manufactures motor fuel in this State;

15 (6) ~~or (ii)~~ transports motor fuel into this State;

16 (7) ~~or (iii)~~ exports motor fuel out of this State; or

1 (8) distributes ~~, or (iv) engages in the distribution~~
2 ~~of~~ motor fuel primarily by tank car or tank truck, or both,
3 and ~~who~~ operates an Illinois bulk plant where the person
4 ~~he or she~~ has active bulk storage capacity of not less than
5 20,000 ~~30,000~~ gallons for motor fuel ~~gasoline as defined~~
6 ~~in item (A) of Section 5 of this Law.~~

7 "Distributor" does not, however, include a person who
8 receives or transports into this State and sells or uses motor
9 fuel under such circumstances as preclude the collection of
10 the tax herein imposed, by reason of the provisions of the
11 constitution and statutes of the United States. However, a
12 person operating a motor vehicle into the State, may transport
13 motor fuel in the ordinary fuel tank attached to the motor
14 vehicle for the operation of the motor vehicle, without being
15 considered a distributor. Any railroad registered under
16 Section 18c-7201 of the Illinois Vehicle Code may deliver
17 special fuel directly into the fuel supply tank of a
18 locomotive owned, operated, or controlled by any other
19 railroad registered under Section 18c-7201 of the Illinois
20 Vehicle Code without being considered a distributor ~~or~~
21 ~~supplier.~~

22 (Source: P.A. 96-1384, eff. 7-29-10.)

23 (35 ILCS 505/1.20) (from Ch. 120, par. 417.20)

24 Sec. 1.20. Receiver. "Receiver" means a person who does
25 any of the following:

1 (1) either produces, refines, blends, compounds or
2 manufactures fuel in this State;i

3 (2) , or transports fuel into this State;i

4 (3) or receives fuel transported to him from without
5 the State;i

6 (4) or exports fuel out of this State;i or

7 (5) distributes , or who is engaged in distribution of
8 fuel primarily by tank car or tank truck, or both, and ~~who~~
9 operates an Illinois bulk plant where the person ~~he~~ has
10 active fuel bulk storage capacity of not less than 20,000
11 ~~30,000~~ gallons.

12 (Source: P.A. 86-125; 86-958.)

13 (35 ILCS 505/3) (from Ch. 120, par. 419)

14 Sec. 3. Application for distributor's license.

15 (a) No person shall act as a distributor of motor fuel
16 within this State without first securing a license to act as a
17 distributor of motor fuel from the Department. Application for
18 such license shall be made to the Department upon blanks
19 furnished by it. The application shall be signed and verified,
20 and shall contain such information as the Department deems
21 necessary. A blender shall, in addition to securing a
22 distributor's license, make application to the Department for
23 a blender's permit, setting forth in the application such
24 information as the Department deems necessary. The applicant
25 for a distributor's license shall also file with the

1 Department a bond on a form to be approved by and with a surety
2 or sureties satisfactory to the Department conditioned upon
3 such applicant paying to the State of Illinois all monies
4 becoming due by reason of the sale, export, or use of motor
5 fuel by the applicant, together with all penalties and
6 interest thereon. The Department shall fix the penalty of such
7 bond in each case taking into consideration the amount of
8 motor fuel expected to be sold, distributed, exported, and
9 used by such applicant and the penalty fixed by the Department
10 shall be such, as in its opinion, will protect the State of
11 Illinois against failure to pay the amount hereinafter
12 provided on motor fuel sold, distributed, exported, and used,
13 but the amount of the penalty fixed by the Department shall not
14 exceed twice the monthly amount that would be collectable as a
15 tax in the event of a sale on all the motor fuel sold,
16 distributed, exported, and used by the distributor inclusive
17 of tax-free sales, exports, use, or distribution. Upon receipt
18 of the application and bond in proper form, the Department
19 shall issue to the applicant a license to act as a distributor.
20 No person who is in default to the State for monies due under
21 this Act for the sale, distribution, export, or use of motor
22 fuel shall receive a license to act as a distributor.

23 (b) A license shall not be granted to any person whose
24 principal place of business is in a state other than Illinois,
25 unless such person is licensed for motor fuel distribution or
26 export in the state in which the principal place of business is

1 located and that such person is not in default to that State
2 for any monies due for the sale, distribution, export, or use
3 of motor fuel.

4 (c) On January 1, 2026, all valid and unrevoked supplier's
5 licenses and their corresponding receiver's licenses issued by
6 the Department shall be converted by the Department to
7 distributor's licenses and corresponding receiver's licenses.
8 Beginning on January 1, 2026, holders of these converted
9 distributor's licenses shall be subject to the same provisions
10 and requirements as other licensed distributors under this
11 Law.

12 (Source: P.A. 96-1384, eff. 7-29-10.)

13 (35 ILCS 505/3d)

14 Sec. 3d. Right to blend.

15 (a) A distributor who is properly licensed and permitted
16 as a blender pursuant to this Act may blend petroleum-based
17 diesel fuel with biodiesel and sell the blended or unblended
18 product on any premises owned and operated by the distributor
19 for the purpose of supporting or facilitating the retail sale
20 of motor fuel.

21 (b) A refiner or distributor ~~supplier~~ of petroleum-based
22 diesel fuel or biodiesel shall not refuse to sell or transport
23 to a distributor who is properly licensed and permitted as a
24 blender pursuant to this Act any petroleum-based diesel fuel
25 or biodiesel based on the distributor's or dealer's intent to

1 use that product for blending.

2 (Source: P.A. 102-700, eff. 4-19-22.)

3 (35 ILCS 505/5) (from Ch. 120, par. 421)

4 Sec. 5. Distributor's monthly return. Except as
5 hereinafter provided, a person holding a valid unrevoked
6 license to act as a distributor of motor fuel shall, between
7 the 1st and 20th days of each calendar month, make return to
8 the Department, showing an itemized statement of the number of
9 invoiced gallons of motor fuel of the types specified in this
10 Section which were purchased, acquired, received, or exported
11 during the preceding calendar month; the amount of such motor
12 fuel produced, refined, compounded, manufactured, blended,
13 sold, distributed, exported, and used by the licensed
14 distributor during the preceding calendar month; the amount of
15 such motor fuel lost or destroyed during the preceding
16 calendar month; the amount of such motor fuel on hand at the
17 close of business for such month; and such other reasonable
18 information as the Department may require. If a distributor's
19 only activities with respect to motor fuel are either: (1)
20 production of alcohol in quantities of less than 10,000 proof
21 gallons per year or (2) blending alcohol in quantities of less
22 than 10,000 proof gallons per year which such distributor has
23 produced, he shall file returns on an annual basis with the
24 return for a given year being due by January 20 of the
25 following year. Distributors whose total production of alcohol

1 (whether blended or not) exceeds 10,000 proof gallons per
2 year, based on production during the preceding (calendar) year
3 or as reasonably projected by the Department if one calendar
4 year's record of production cannot be established, shall file
5 returns between the 1st and 20th days of each calendar month as
6 hereinabove provided.

7 The types of motor fuel referred to in the preceding
8 paragraph are: (A) All products commonly or commercially known
9 or sold as gasoline (including casing-head and absorption or
10 natural gasoline), gasohol, motor benzol or motor benzene
11 regardless of their classification or uses; and (B) all
12 combustible gases, not including liquefied natural gas, which
13 exist in a gaseous state at 60 degrees Fahrenheit and at 14.7
14 pounds per square inch absolute including, but not limited to,
15 liquefied petroleum gases used for highway purposes; and (C)
16 special fuel. Only those quantities of combustible gases
17 (example (B) above) which are used or sold by the distributor
18 to be used to propel motor vehicles on the public highways, or
19 which are delivered into a storage tank that is located at a
20 facility that has withdrawal facilities which are readily
21 accessible to and are capable of dispensing combustible gases
22 into the fuel supply tanks of motor vehicles, shall be subject
23 to return. Distributors of liquefied natural gas are not
24 required to make returns under this Section with respect to
25 that liquefied natural gas unless (i) the liquefied natural
26 gas is dispensed into the fuel supply tank of any motor vehicle

1 or (ii) the liquefied natural gas is delivered into a storage
2 tank that is located at a facility that has withdrawal
3 facilities which are readily accessible to and are capable of
4 dispensing liquefied natural gas into the fuel supply tanks of
5 motor vehicles. For purposes of this Section, a facility is
6 considered to have withdrawal facilities that are not "readily
7 accessible to and capable of dispensing combustible gases into
8 the fuel supply tanks of motor vehicles" only if the
9 combustible gases or liquefied natural gas are delivered from:
10 (i) a dispenser hose that is short enough so that it will not
11 reach the fuel supply tank of a motor vehicle or (ii) a
12 dispenser that is enclosed by a fence or other physical
13 barrier so that a vehicle cannot pull alongside the dispenser
14 to permit fueling. For the purposes of this Act, liquefied
15 petroleum gases shall mean and include any material having a
16 vapor pressure not exceeding that allowed for commercial
17 propane composed predominantly of the following hydrocarbons,
18 either by themselves or as mixtures: Propane, Propylene,
19 Butane (normal butane or iso-butane) and Butylene (including
20 isomers).

21 In case of a sale of special fuel to someone other than a
22 licensed distributor, ~~or a licensed supplier,~~ for a use other
23 than in motor vehicles, the distributor shall show in his
24 return the amount of invoiced gallons sold and the name and
25 address of the purchaser in addition to any other information
26 the Department may require.

1 All special fuel sold or used for non-highway purposes
2 must have a dye added in accordance with Section 4d of this
3 Law.

4 In case of a tax-free sale, as provided in Section 6, of
5 motor fuel which the distributor is required by this Section
6 to include in his return to the Department, the distributor in
7 his return shall show: (1) If the sale is made to another
8 licensed distributor the amount sold and the name, address and
9 license number of the purchasing distributor; (2) if the sale
10 is made to a person where delivery is made outside of this
11 State the name and address of such purchaser and the point of
12 delivery together with the date and amount delivered; (3) if
13 the sale is made to the Federal Government or its
14 instrumentalities the amount sold; (4) if the sale is made to a
15 municipal corporation owning and operating a local
16 transportation system for public service in this State the
17 name and address of such purchaser, and the amount sold, as
18 evidenced by official forms of exemption certificates properly
19 executed and furnished by such purchaser; (5) if the sale is
20 made to a privately owned public utility owning and operating
21 2-axle vehicles designed and used for transporting more than 7
22 passengers, which vehicles are used as common carriers in
23 general transportation of passengers, are not devoted to any
24 specialized purpose and are operated entirely within the
25 territorial limits of a single municipality or of any group of
26 contiguous municipalities or in a close radius thereof, and

1 the operations of which are subject to the regulations of the
2 Illinois Commerce Commission, then the name and address of
3 such purchaser and the amount sold as evidenced by official
4 forms of exemption certificates properly executed and
5 furnished by the purchaser; ~~(6) if the product sold is special~~
6 ~~fuel and if the sale is made to a licensed supplier under~~
7 ~~conditions which qualify the sale for tax exemption under~~
8 ~~Section 6 of this Act, the amount sold and the name, address~~
9 ~~and license number of the purchaser;~~ and (6) ~~(7)~~ if a sale of
10 special fuel is made to someone other than a licensed
11 distributor, ~~or a licensed supplier,~~ for a use other than in
12 motor vehicles, by making a specific notation thereof on the
13 invoice or sales slip covering such sales and obtaining such
14 supporting documentation as may be required by the Department.

15 All special fuel sold or used for non-highway purposes
16 must have a dye added in accordance with Section 4d of this
17 Law.

18 A person whose license to act as a distributor of motor
19 fuel has been revoked shall make a return to the Department
20 covering the period from the date of the last return to the
21 date of the revocation of the license, which return shall be
22 delivered to the Department not later than 10 days from the
23 date of the revocation or termination of the license of such
24 distributor; the return shall in all other respects be subject
25 to the same provisions and conditions as returns by
26 distributors licensed under the provisions of this Act.

1 The records, waybills and supporting documents kept by
2 railroads and other common carriers in the regular course of
3 business shall be prima facie evidence of the contents and
4 receipt of cars or tanks covered by those records, waybills or
5 supporting documents.

6 If the Department has reason to believe and does believe
7 that the amount shown on the return as purchased, acquired,
8 received, exported, sold, used, lost or destroyed is
9 incorrect, or that an amount of motor fuel of the types
10 required by the second paragraph of this Section to be
11 reported to the Department has not been correctly reported the
12 Department shall fix an amount for such receipt, sales,
13 export, use, loss or destruction according to its best
14 judgment and information, which amount so fixed by the
15 Department shall be prima facie correct. All returns shall be
16 made on forms prepared and furnished by the Department, and
17 shall contain such other information as the Department may
18 reasonably require. The return must be accompanied by
19 appropriate computer-generated magnetic media supporting
20 schedule data in the format required by the Department,
21 unless, as provided by rule, the Department grants an
22 exception upon petition of a taxpayer. All licensed
23 distributors shall report all losses of motor fuel sustained
24 on account of fire, theft, spillage, spoilage, leakage, or any
25 other provable cause when filing the return for the period
26 during which the loss occurred. If the distributor reports

1 losses due to fire or theft, then the distributor must include
2 fire department or police department reports and any other
3 documentation that the Department may require. The mere making
4 of the report does not assure the allowance of the loss as a
5 reduction in tax liability. Losses of motor fuel as the result
6 of evaporation or shrinkage due to temperature variations may
7 not exceed 1% of the total gallons in storage at the beginning
8 of the month, plus the receipts of gallonage during the month,
9 minus the gallonage remaining in storage at the end of the
10 month. Any loss reported that is in excess of 1% shall be
11 subject to the tax imposed by Section 2 of this Law. On and
12 after July 1, 2001, for each 6-month period January through
13 June, net losses of motor fuel (for each category of motor fuel
14 that is required to be reported on a return) as the result of
15 evaporation or shrinkage due to temperature variations may not
16 exceed 1% of the total gallons in storage at the beginning of
17 each January, plus the receipts of gallonage each January
18 through June, minus the gallonage remaining in storage at the
19 end of each June. On and after July 1, 2001, for each 6-month
20 period July through December, net losses of motor fuel (for
21 each category of motor fuel that is required to be reported on
22 a return) as the result of evaporation or shrinkage due to
23 temperature variations may not exceed 1% of the total gallons
24 in storage at the beginning of each July, plus the receipts of
25 gallonage each July through December, minus the gallonage
26 remaining in storage at the end of each December. Any net loss

1 reported that is in excess of this amount shall be subject to
2 the tax imposed by Section 2 of this Law. For purposes of this
3 Section, "net loss" means the number of gallons gained through
4 temperature variations minus the number of gallons lost
5 through temperature variations or evaporation for each of the
6 respective 6-month periods.

7 If any payment provided for in this Section exceeds the
8 distributor's liabilities under this Act, as shown on an
9 original return, the Department may authorize the distributor
10 to credit such excess payment against liability subsequently
11 to be remitted to the Department under this Act, in accordance
12 with reasonable rules adopted by the Department. If the
13 Department subsequently determines that all or any part of the
14 credit taken was not actually due to the distributor, the
15 distributor's discount shall be reduced by an amount equal to
16 the difference between the discount as applied to the credit
17 taken and that actually due, and that distributor shall be
18 liable for penalties and interest on such difference.

19 (Source: P.A. 100-9, eff. 7-1-17; 100-1171, eff. 1-4-19.)

20 (35 ILCS 505/6) (from Ch. 120, par. 422)

21 Sec. 6. Collection of tax; distributors. A distributor who
22 sells or distributes any motor fuel, which he is required by
23 Section 5 to report to the Department when filing a return,
24 shall (except as hereinafter provided) collect at the time of
25 such sale and distribution, the amount of tax imposed under

1 this Act on all such motor fuel sold and distributed, and at
2 the time of making a return, the distributor shall pay to the
3 Department the amount so collected less a discount of 2%
4 through June 30, 2003 and 1.75% thereafter which is allowed to
5 reimburse the distributor for the expenses incurred in keeping
6 records, preparing and filing returns, collecting and
7 remitting the tax and supplying data to the Department on
8 request, and shall also pay to the Department an amount equal
9 to the amount that would be collectible as a tax in the event
10 of a sale thereof on all such motor fuel used by said
11 distributor during the period covered by the return. However,
12 no payment shall be made based upon dyed diesel fuel used by
13 the distributor for non-highway purposes. The discount shall
14 only be applicable to the amount of tax payment which
15 accompanies a return which is filed timely in accordance with
16 Section 5 of this Act. In each subsequent sale of motor fuel on
17 which the amount of tax imposed under this Act has been
18 collected as provided in this Section, the amount so collected
19 shall be added to the selling price, so that the amount of tax
20 is paid ultimately by the user of the motor fuel. However, no
21 collection or payment shall be made in the case of the sale or
22 use of any motor fuel to the extent to which such sale or use
23 of motor fuel may not, under the constitution and statutes of
24 the United States, be made the subject of taxation by this
25 State. A person whose license to act as a distributor of fuel
26 has been revoked shall, at the time of making a return, also

1 pay to the Department an amount equal to the amount that would
2 be collectible as a tax in the event of a sale thereof on all
3 motor fuel, which he is required by the second paragraph of
4 Section 5 to report to the Department in making a return, and
5 which he had on hand on the date on which the license was
6 revoked, and with respect to which no tax had been previously
7 paid under this Act.

8 A distributor may make tax free sales of motor fuel, with
9 respect to which he is otherwise required to collect the tax,
10 only as specified in the following items 1 through 7.

11 1. When the sale is made to a person holding a valid
12 unrevoked license as a distributor, by making a specific
13 notation thereof on invoices or sales slip covering each
14 sale.

15 2. When the sale is made with delivery to a purchaser
16 outside of this State.

17 3. When the sale is made to the Federal Government or
18 its instrumentalities.

19 4. When the sale is made to a municipal corporation
20 owning and operating a local transportation system for
21 public service in this State when an official certificate
22 of exemption is obtained in lieu of the tax.

23 5. When the sale is made to a privately owned public
24 utility owning and operating 2 axle vehicles designed and
25 used for transporting more than 7 passengers, which
26 vehicles are used as common carriers in general

1 transportation of passengers, are not devoted to any
2 specialized purpose and are operated entirely within the
3 territorial limits of a single municipality or of any
4 group of contiguous municipalities, or in a close radius
5 thereof, and the operations of which are subject to the
6 regulations of the Illinois Commerce Commission, when an
7 official certificate of exemption is obtained in lieu of
8 the tax.

9 6. (Blank). ~~When a sale of special fuel is made to a~~
10 ~~person holding a valid, unrevoked license as a supplier,~~
11 ~~by making a specific notation thereof on the invoice or~~
12 ~~sales slip covering each such sale.~~

13 7. When a sale of dyed diesel fuel is made by the
14 licensed distributor to the end user of the fuel who is not
15 a licensed distributor ~~or a licensed supplier~~ for
16 non-highway purposes and the fuel is (i) delivered from a
17 vehicle designed for the specific purpose of such sales
18 and delivered directly into a stationary bulk storage tank
19 that displays the notice required by Section 4f of this
20 Act, (ii) delivered from a vehicle designed for the
21 specific purpose of such sales and delivered directly into
22 the fuel supply tanks of non-highway vehicles that are not
23 required to be registered for highway use, or (iii)
24 dispensed from a dyed diesel fuel dispensing facility that
25 has withdrawal facilities that are not readily accessible
26 to and are not capable of dispensing dyed diesel fuel into

1 the fuel supply tank of a motor vehicle.

2 A specific notation is required on the invoice or
3 sales slip covering such sales, and any supporting
4 documentation that may be required by the Department must
5 be obtained by the distributor. The distributor shall
6 obtain and keep the supporting documentation in such form
7 as the Department may require by rule.

8 For purposes of this item 7, a dyed diesel fuel
9 dispensing facility is considered to have withdrawal
10 facilities that are "not readily accessible to and not
11 capable of dispensing dyed diesel fuel into the fuel
12 supply tank of a motor vehicle" only if the dyed diesel
13 fuel is delivered from: (i) a dispenser hose that is short
14 enough so that it will not reach the fuel supply tank of a
15 motor vehicle or (ii) a dispenser that is enclosed by a
16 fence or other physical barrier so that a vehicle cannot
17 pull alongside the dispenser to permit fueling.

18 8. (Blank).

19 All special fuel sold or used for non-highway purposes
20 must have a dye added in accordance with Section 4d of this
21 Law.

22 All suits or other proceedings brought for the purpose of
23 recovering any taxes, interest or penalties due the State of
24 Illinois under this Act may be maintained in the name of the
25 Department.

26 (Source: P.A. 102-1019, eff. 5-27-22.)

1 (35 ILCS 505/7) (from Ch. 120, par. 423)

2 Sec. 7. Any person who is ~~τ~~ not licensed as a receiver or ~~τ~~
3 distributor and who purchases ~~or supplier, purchasing~~ fuel or
4 motor fuel as to which there has been no charge made to him of
5 the tax imposed by Section 2 or 2a, or both, shall make payment
6 of the tax imposed by Section 2a of this Act and if the same be
7 thereafter used in the operation of a motor vehicle upon the
8 public highways, make payment of the motor fuel tax computed
9 at the rate prescribed in Section 2 of this Act on the amount
10 so used, such payment to be made to the Department not later
11 than the 20th day of the month succeeding the month in which
12 the motor fuel was so used.

13 This Section does not apply in cases of such use of motor
14 fuel which was obtained tax-free under an official certificate
15 of exemption mentioned in Sections 6 and 6a of this Act.

16 (Source: P.A. 86-125.)

17 (35 ILCS 505/11.5) (from Ch. 120, par. 427a)

18 Sec. 11.5. In the event that liability upon the bond filed
19 by a distributor, ~~supplier,~~ or receiver with the Department
20 shall be discharged or reduced, whether by judgment rendered,
21 payment made or otherwise, or if in the opinion of the
22 Department the bond of any distributor, ~~supplier,~~ or receiver
23 theretofore given shall become unsatisfactory, then the
24 distributor, ~~supplier,~~ or receiver shall forthwith, upon the

1 written demand of the Department, file a new bond in the same
2 manner and form and in an amount and with sureties
3 satisfactory to the Department, failing which the Department
4 shall forthwith revoke the license of the distributor,
5 ~~supplier,~~ or receiver.

6 If such new bond shall be furnished by the distributor,
7 ~~supplier,~~ or receiver as above provided, the Department shall
8 cancel the bond for which such new bond shall be substituted.

9 Any surety on any bond furnished by any distributor,
10 ~~supplier,~~ or receiver shall be released and discharged from
11 any and all liability to the State of Illinois accruing on such
12 bond after the expiration of 60 days from the date upon which
13 such surety shall have filed with the Department written
14 request so to be released and discharged. But such request
15 shall not operate to relieve, release or discharge such surety
16 from any liability already accrued, or which shall accrue,
17 before the expiration of said 60-day period. The Department
18 shall, promptly on receipt of such request, notify the
19 distributor,~~supplier,~~ or receiver and, unless such
20 distributor,~~supplier,~~ or receiver shall on or before the
21 expiration of such 60-day period file with the Department a
22 new bond with a surety or sureties satisfactory to the
23 Department in the amount and form hereinbefore provided, the
24 Department shall forthwith cancel the license of such
25 distributor,~~supplier,~~ or receiver. If such new bond shall be
26 furnished by said distributor,~~supplier,~~ or receiver as above

1 provided, the Department shall cancel the bond for which such
2 new bond shall be substituted.

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

4 (35 ILCS 505/12) (from Ch. 120, par. 428)

5 Sec. 12. It is the duty of every distributor and ~~receiver,~~
6 ~~and supplier~~ under this Act to keep within this
7 State or at some office outside this State for any period for
8 which the Department is authorized to issue a Notice of Tax
9 Liability to the distributor or ~~receiver,~~ ~~or supplier~~
10 records and books showing all purchases, receipts, losses
11 through any cause, sales, distribution and use of motor fuel,
12 aviation fuels, home heating oils, and kerosene, and products
13 used for the purpose of blending to produce motor fuel, which
14 records and books shall, at all times during business hours of
15 the day, be subject to inspection by the Department, or its
16 duly authorized agents and employees. For purposes of this
17 Section, "records" means all data maintained by the taxpayer
18 including data on paper, microfilm, microfiche or any type of
19 machine-sensible data compilation. The Department may, in its
20 discretion, prescribe reasonable and uniform methods for
21 keeping of records and books by licensees and that set forth
22 requirements for the form and format of records that must be
23 maintained in order to comply with any recordkeeping
24 requirement under this Act.

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

1 (35 ILCS 505/12a) (from Ch. 120, par. 428a)

2 Sec. 12a. (a) Any duly authorized agent or employee of the
3 Department shall have authority to enter in or upon the
4 premises of any manufacturer, vendor, dealer, retailer,
5 distributor, receiver, ~~supplier~~ or user of motor fuel or
6 special fuels during the regular business hours in order to
7 examine books, records, invoices, storage tanks, and any other
8 applicable equipment pertaining to motor fuel, aviation fuels,
9 home heating oils, kerosene, or special fuels, to determine
10 whether or not the taxes imposed by this Act have been paid.

11 (b) Any duly authorized agent of the Department, upon
12 presenting appropriate credentials and a written notice to the
13 person who owns, operates, or controls the place to be
14 inspected, shall have the authority to enter any place and to
15 conduct inspections in accordance with subsections (b) through
16 (g) of this Section.

17 (c) Inspections will be performed in a reasonable manner
18 and at times that are reasonable under the circumstances,
19 taking into consideration the normal business hours of the
20 place to be entered.

21 (d) Inspections may be at any place at which taxable motor
22 fuel is or may be produced or stored or at any inspection site
23 where evidence of the following activities may be discovered:

24 (1) Where any dyed diesel fuel is sold or held for sale
25 by any person for any use which the person knows or has

1 reason to know is not a nontaxable use of such fuel.

2 (2) Where any dyed diesel fuel is held for use or used
3 by any person for a use other than a nontaxable use and the
4 person knew, or had reason to know, that the fuel was dyed
5 according to Section 4d.

6 (3) Where any person willfully alters, or attempts to
7 alter, the strength or composition of any dye or marking
8 done pursuant to Section 4d of this Law.

9 The places may include, but are not limited to, the
10 following:

11 (1) Any terminal.

12 (2) Any fuel storage facility that is not a terminal.

13 (3) Any retail fuel facility.

14 (4) Any designated inspection site.

15 (e) Duly authorized agents of the Department may
16 physically inspect, examine, or otherwise search any tank,
17 reservoir, or other container that can or may be used for the
18 production, storage, or transportation of fuel, fuel dyes, or
19 fuel markers. Inspection may also be made of any equipment
20 used for, or in connection with, production, storage, or
21 transportation of fuel, fuel dyes, or fuel markers. This
22 includes any equipment used for the dyeing or marking of fuel.
23 This also includes books and records, if any, that are
24 maintained at the place of inspection and are kept to
25 determine tax liability under this Law.

26 (f) Duly authorized agents of the Department may detain

1 any motor vehicle, train, barge, ship, or vessel for the
2 purpose of inspecting its fuel tanks and storage tanks.
3 Detainment will be either on the premises under inspection or
4 at a designated inspection site. Detainment may continue for a
5 reasonable period of time as is necessary to determine the
6 amount and composition of the fuel.

7 (g) Duly authorized agents of the Department may take and
8 remove samples of fuel in quantities as are reasonably
9 necessary to determine the composition of the fuel.

10 (h) (1) Any person that refuses to allow an inspection
11 shall pay a \$1,000 penalty for each refusal. This penalty
12 is in addition to any other penalty or tax that may be
13 imposed upon that person or any other person liable for
14 tax under this Law. All penalties received under this
15 subsection shall be deposited into the Tax Compliance and
16 Administration Fund.

17 (2) In addition, any licensee who refuses to allow an
18 inspection shall be subject to license revocation as
19 provided by Section 16 of this Law.

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

21 (35 ILCS 505/13) (from Ch. 120, par. 429)

22 Sec. 13. Refund of tax paid. Any person other than a
23 distributor ~~or supplier,~~ who loses motor fuel through any
24 cause or uses motor fuel (upon which he has paid the amount
25 required to be collected under Section 2 of this Act) for any

1 purpose other than operating a motor vehicle upon the public
2 highways or waters, shall be reimbursed and repaid the amount
3 so paid.

4 Any person who purchases motor fuel in Illinois and uses
5 that motor fuel in another state and that other state imposes a
6 tax on the use of such motor fuel shall be reimbursed and
7 repaid the amount of Illinois tax paid under Section 2 of this
8 Act on the motor fuel used in such other state. Reimbursement
9 and repayment shall be made by the Department upon receipt of
10 adequate proof of taxes directly paid to another state and the
11 amount of motor fuel used in that state.

12 Claims based in whole or in part on taxes paid to another
13 state shall include (i) a certified copy of the tax return
14 filed with such other state by the claimant; (ii) a copy of
15 either the cancelled check paying the tax due on such return,
16 or a receipt acknowledging payment of the tax due on such tax
17 return; and (iii) such other information as the Department may
18 reasonably require. This paragraph shall not apply to taxes
19 paid on returns filed under Section 13a.3 of this Act.

20 Any person who purchases motor fuel use tax decals as
21 required by Section 13a.4 and pays an amount of fees for such
22 decals that exceeds the amount due shall be reimbursed and
23 repaid the amount of the decal fees that are deemed by the
24 department to be in excess of the amount due. Alternatively,
25 any person who purchases motor fuel use tax decals as required
26 by Section 13a.4 may credit any excess decal payment verified

1 by the Department against amounts subsequently due for the
2 purchase of additional decals, until such time as no excess
3 payment remains.

4 Claims for such reimbursement must be made to the
5 Department of Revenue, duly verified by the claimant (or by
6 the claimant's legal representative if the claimant has died
7 or become a person under legal disability), upon forms
8 prescribed by the Department. The claim must state such facts
9 relating to the purchase, importation, manufacture or
10 production of the motor fuel by the claimant as the Department
11 may deem necessary, and the time when, and the circumstances
12 of its loss or the specific purpose for which it was used (as
13 the case may be), together with such other information as the
14 Department may reasonably require. No claim based upon idle
15 time shall be allowed. Claims for reimbursement for
16 overpayment of decal fees shall be made to the Department of
17 Revenue, duly verified by the claimant (or by the claimant's
18 legal representative if the claimant has died or become a
19 person under legal disability), upon forms prescribed by the
20 Department. The claim shall state facts relating to the
21 overpayment of decal fees, together with such other
22 information as the Department may reasonably require. Claims
23 for reimbursement of overpayment of decal fees paid on or
24 after January 1, 2011 must be filed not later than one year
25 after the date on which the fees were paid by the claimant. If
26 it is determined that the Department should reimburse a

1 claimant for overpayment of decal fees, the Department shall
2 first apply the amount of such refund against any tax or
3 penalty or interest due by the claimant under Section 13a of
4 this Act.

5 Claims for full reimbursement for taxes paid on or before
6 December 31, 1999 must be filed not later than one year after
7 the date on which the tax was paid by the claimant. If,
8 however, a claim for such reimbursement otherwise meeting the
9 requirements of this Section is filed more than one year but
10 less than 2 years after that date, the claimant shall be
11 reimbursed at the rate of 80% of the amount to which he would
12 have been entitled if his claim had been timely filed.

13 Claims for full reimbursement for taxes paid on or after
14 January 1, 2000 must be filed not later than 2 years after the
15 date on which the tax was paid by the claimant.

16 The Department may make such investigation of the
17 correctness of the facts stated in such claims as it deems
18 necessary. When the Department has approved any such claim, it
19 shall pay to the claimant (or to the claimant's legal
20 representative, as such if the claimant has died or become a
21 person under legal disability) the reimbursement provided in
22 this Section, out of any moneys appropriated to it for that
23 purpose.

24 Any distributor ~~or supplier~~ who has paid the tax imposed
25 by Section 2 of this Act upon motor fuel lost or used by such
26 distributor ~~or supplier~~ for any purpose other than operating a

1 motor vehicle upon the public highways or waters may file a
2 claim for credit or refund to recover the amount so paid. Such
3 claims shall be filed on forms prescribed by the Department.
4 Such claims shall be made to the Department, duly verified by
5 the claimant (or by the claimant's legal representative if the
6 claimant has died or become a person under legal disability),
7 upon forms prescribed by the Department. The claim shall state
8 such facts relating to the purchase, importation, manufacture
9 or production of the motor fuel by the claimant as the
10 Department may deem necessary and the time when the loss or
11 nontaxable use occurred, and the circumstances of its loss or
12 the specific purpose for which it was used (as the case may
13 be), together with such other information as the Department
14 may reasonably require. Claims must be filed not later than
15 one year after the date on which the tax was paid by the
16 claimant.

17 The Department may make such investigation of the
18 correctness of the facts stated in such claims as it deems
19 necessary. When the Department approves a claim, the
20 Department shall issue a refund or credit memorandum as
21 requested by the taxpayer, to the distributor ~~or supplier~~ who
22 made the payment for which the refund or credit is being given
23 or, if the distributor ~~or supplier~~ has died or become
24 incompetent, to such distributor's ~~or supplier's~~ legal
25 representative, as such. The amount of such credit memorandum
26 shall be credited against any tax due or to become due under

1 this Act from the distributor ~~or supplier~~ who made the payment
2 for which credit has been given.

3 Any credit or refund that is allowed under this Section
4 shall bear interest at the rate and in the manner specified in
5 the Uniform Penalty and Interest Act.

6 In case the distributor ~~or supplier~~ requests and the
7 Department determines that the claimant is entitled to a
8 refund, such refund shall be made only from such appropriation
9 as may be available for that purpose. If it appears unlikely
10 that the amount appropriated would permit everyone having a
11 claim allowed during the period covered by such appropriation
12 to elect to receive a cash refund, the Department, by rule or
13 regulation, shall provide for the payment of refunds in
14 hardship cases and shall define what types of cases qualify as
15 hardship cases.

16 In any case in which there has been an erroneous refund of
17 tax or fees payable under this Section, a notice of tax
18 liability may be issued at any time within 3 years from the
19 making of that refund, or within 5 years from the making of
20 that refund if it appears that any part of the refund was
21 induced by fraud or the misrepresentation of material fact.
22 The amount of any proposed assessment set forth by the
23 Department shall be limited to the amount of the erroneous
24 refund.

25 If no tax is due and no proceeding is pending to determine
26 whether such distributor ~~or supplier~~ is indebted to the

1 Department for tax, the credit memorandum so issued may be
2 assigned and set over by the lawful holder thereof, subject to
3 reasonable rules of the Department, to any other licensed
4 distributor ~~or supplier~~ who is subject to this Act, and the
5 amount thereof applied by the Department against any tax due
6 or to become due under this Act from such assignee.

7 If the payment for which the distributor's ~~or supplier's~~
8 claim is filed is held in the protest fund of the State
9 Treasury during the pendency of the claim for credit
10 proceedings pursuant to the order of the court in accordance
11 with Section 2a of the State Officers and Employees Money
12 Disposition Act and if it is determined by the Department or by
13 the final order of a reviewing court under the Administrative
14 Review Law that the claimant is entitled to all or a part of
15 the credit claimed, the claimant, instead of receiving a
16 credit memorandum from the Department, shall receive a cash
17 refund from the protest fund as provided for in Section 2a of
18 the State Officers and Employees Money Disposition Act.

19 If any person ceases to be licensed as a distributor ~~or~~
20 ~~supplier~~ while still holding an unused credit memorandum
21 issued under this Act, such person may, at his election
22 (instead of assigning the credit memorandum to a licensed
23 distributor ~~or licensed supplier~~ under this Act), surrender
24 such unused credit memorandum to the Department and receive a
25 refund of the amount to which such person is entitled.

26 For claims based upon taxes paid on or before December 31,

1 2000, a claim based upon the use of undyed diesel fuel shall
2 not be allowed except (i) if allowed under the following
3 paragraph or (ii) for undyed diesel fuel used by a commercial
4 vehicle, as that term is defined in Section 1-111.8 of the
5 Illinois Vehicle Code, for any purpose other than operating
6 the commercial vehicle upon the public highways and unlicensed
7 commercial vehicles operating on private property. Claims
8 shall be limited to commercial vehicles that are operated for
9 both highway purposes and any purposes other than operating
10 such vehicles upon the public highways.

11 For claims based upon taxes paid on or after January 1,
12 2000, a claim based upon the use of undyed diesel fuel shall
13 not be allowed except (i) if allowed under the preceding
14 paragraph or (ii) for claims for the following:

15 (1) Undyed diesel fuel used (i) in a manufacturing
16 process, as defined in Section 2-45 of the Retailers'
17 Occupation Tax Act, wherein the undyed diesel fuel becomes
18 a component part of a product or by-product, other than
19 fuel or motor fuel, when the use of dyed diesel fuel in
20 that manufacturing process results in a product that is
21 unsuitable for its intended use or (ii) for testing
22 machinery and equipment in a manufacturing process, as
23 defined in Section 2-45 of the Retailers' Occupation Tax
24 Act, wherein the testing takes place on private property.

25 (2) Undyed diesel fuel used by a manufacturer on
26 private property in the research and development, as

1 defined in Section 1.29, of machinery or equipment
2 intended for manufacture.

3 (3) Undyed diesel fuel used by a single unit
4 self-propelled agricultural fertilizer implement,
5 designed for on and off road use, equipped with flotation
6 tires and specially adapted for the application of plant
7 food materials or agricultural chemicals.

8 (4) Undyed diesel fuel used by a commercial motor
9 vehicle for any purpose other than operating the
10 commercial motor vehicle upon the public highways. Claims
11 shall be limited to commercial motor vehicles that are
12 operated for both highway purposes and any purposes other
13 than operating such vehicles upon the public highways.

14 (5) Undyed diesel fuel used by a unit of local
15 government in its operation of an airport if the undyed
16 diesel fuel is used directly in airport operations on
17 airport property.

18 (6) Undyed diesel fuel used by refrigeration units
19 that are permanently mounted to a semitrailer, as defined
20 in Section 1.28 of this Law, wherein the refrigeration
21 units have a fuel supply system dedicated solely for the
22 operation of the refrigeration units.

23 (7) Undyed diesel fuel used by power take-off
24 equipment as defined in Section 1.27 of this Law.

25 (8) Beginning on the effective date of this amendatory
26 Act of the 94th General Assembly, undyed diesel fuel used

1 by tugs and spotter equipment to shift vehicles or parcels
2 on both private and airport property. Any claim under this
3 item (8) may be made only by a claimant that owns tugs and
4 spotter equipment and operates that equipment on both
5 private and airport property. The aggregate of all credits
6 or refunds resulting from claims filed under this item (8)
7 by a claimant in any calendar year may not exceed
8 \$100,000. A claim may not be made under this item (8) by
9 the same claimant more often than once each quarter. For
10 the purposes of this item (8), "tug" means a vehicle
11 designed for use on airport property that shifts
12 custom-designed containers of parcels from loading docks
13 to aircraft, and "spotter equipment" means a vehicle
14 designed for use on both private and airport property that
15 shifts trailers containing parcels between staging areas
16 and loading docks.

17 Any person who has paid the tax imposed by Section 2 of
18 this Law upon undyed diesel fuel that is unintentionally mixed
19 with dyed diesel fuel and who owns or controls the mixture of
20 undyed diesel fuel and dyed diesel fuel may file a claim for
21 refund to recover the amount paid. The amount of undyed diesel
22 fuel unintentionally mixed must equal 500 gallons or more. Any
23 claim for refund of unintentionally mixed undyed diesel fuel
24 and dyed diesel fuel shall be supported by documentation
25 showing the date and location of the unintentional mixing, the
26 number of gallons involved, the disposition of the mixed

1 diesel fuel, and any other information that the Department may
2 reasonably require. Any unintentional mixture of undyed diesel
3 fuel and dyed diesel fuel shall be sold or used only for
4 non-highway purposes.

5 The Department shall promulgate regulations establishing
6 specific limits on the amount of undyed diesel fuel that may be
7 claimed for refund.

8 For purposes of claims for refund, "loss" means the
9 reduction of motor fuel resulting from fire, theft, spillage,
10 spoilage, leakage, or any other provable cause, but does not
11 include a reduction resulting from evaporation, or shrinkage
12 due to temperature variations. In the case of losses due to
13 fire or theft, the claimant must include fire department or
14 police department reports and any other documentation that the
15 Department may require.

16 (Source: P.A. 100-1171, eff. 1-4-19.)

17 (35 ILCS 505/14a) (from Ch. 120, par. 430.1)

18 Sec. 14a. The Department of Revenue may enter into
19 reciprocal agreements with the appropriate officials of any
20 other state under which the Department may waive all or any
21 part of the requirements imposed by the laws of this State upon
22 those who use or consume motor fuel in Illinois upon which a
23 tax has been paid to such other state, provided that the
24 officials of such other state grant equivalent privileges with
25 respect to motor fuel used in such other state but upon which

1 the tax has been paid to Illinois.

2 The Department may enter the International Fuel Tax
3 Agreement or other cooperative compacts or agreements with
4 other states or jurisdictions to permit base state or base
5 jurisdiction licensing of persons using motor fuel in this
6 State. Those agreements may provide for the cooperation and
7 assistance among member states in the administration and
8 collection of motor fuel tax, including, but not limited to,
9 exchanges of information, auditing and assessing of interstate
10 carriers ~~and suppliers~~, and any other activities necessary to
11 further uniformity.

12 Pursuant to federal mandate, upon membership in the
13 International Fuel Tax Agreement ("Agreement"), the motor fuel
14 use tax imposed upon Commercial Motor Vehicles required to be
15 registered under the terms of the Agreement shall be
16 administered according to the terms of the Agreement, as now
17 and hereafter amended. Illinois shall not establish, maintain,
18 or enforce any law or regulation that has fuel use tax
19 reporting requirements or that provides for the payment of a
20 fuel use tax, unless that law or regulation is in conformity
21 with the Agreement.

22 The Department shall adopt rules and regulations to
23 implement the provisions of the Agreement.

24 (Source: P.A. 88-480.)

1 Sec. 15. 1. Any person who knowingly acts as a distributor
2 of motor fuel ~~or supplier of special fuel~~, or receiver of fuel
3 without having a license so to do, or who knowingly fails or
4 refuses to file a return with the Department as provided in
5 Section 2b, Section 5, or Section 5a of this Act, or who
6 knowingly fails or refuses to make payment to the Department
7 as provided either in Section 2b, Section 6, Section 6a, or
8 Section 7 of this Act, shall be guilty of a Class 3 felony.
9 Each day any person knowingly acts as a distributor of motor
10 fuel, ~~supplier of special fuel~~, or receiver of fuel without
11 having a license so to do or after such a license has been
12 revoked, constitutes a separate offense.

13 2. Any person who acts as a motor carrier without having a
14 valid motor fuel use tax license, issued by the Department or
15 by a member jurisdiction under the provisions of the
16 International Fuel Tax Agreement, or a valid single trip
17 permit is guilty of a Class A misdemeanor for a first offense
18 and is guilty of a Class 4 felony for each subsequent offense.
19 Any person (i) who fails or refuses to make payment to the
20 Department as provided in Section 13a.1 of this Act or in the
21 International Fuel Tax Agreement referenced in Section 14a, or
22 (ii) who fails or refuses to make the quarterly return as
23 provided in Section 13a.3 is guilty of a Class 4 felony; and
24 for each subsequent offense, such person is guilty of a Class 3
25 felony.

26 3. In case such person acting as a distributor, receiver,

1 ~~supplier,~~ or motor carrier is a corporation, then the officer
2 or officers, agent or agents, employee or employees, of such
3 corporation responsible for any act of such corporation, or
4 failure of such corporation to act, which acts or failure to
5 act constitutes a violation of any of the provisions of this
6 Act as enumerated in paragraphs 1 and 2 of this Section, shall
7 be punished by such fine or imprisonment, or by both such fine
8 and imprisonment as provided in those paragraphs.

9 3.5. Any person who knowingly enters false information on
10 any supporting documentation required to be kept by Section 6
11 or 6a of this Act is guilty of a Class 3 felony.

12 3.7. Any person who knowingly attempts in any manner to
13 evade or defeat any tax imposed by this Act or the payment of
14 any tax imposed by this Act is guilty of a Class 2 felony.

15 4. Any person who refuses, upon demand, to submit for
16 inspection, books and records, or who fails or refuses to keep
17 books and records in violation of Section 12 of this Act, or
18 any distributor or ~~receiver, or supplier~~ who violates any
19 reasonable rule or regulation adopted by the Department for
20 the enforcement of this Act is guilty of a Class A misdemeanor.
21 Any person who acts as a blender in violation of Section 3 of
22 this Act is guilty of a Class 4 felony.

23 5. Any person licensed under Section 13a.4, 13a.5, or the
24 International Fuel Tax Agreement who: (a) fails or refuses to
25 keep records and books, as provided in Section 13a.2 or as
26 required by the terms of the International Fuel Tax Agreement,

1 (b) refuses upon demand by the Department to submit for
2 inspection and examination the records required by Section
3 13a.2 of this Act or by the terms of the International Fuel Tax
4 Agreement, or (c) violates any reasonable rule or regulation
5 adopted by the Department for the enforcement of this Act, is
6 guilty of a Class A misdemeanor.

7 6. Any person who makes any false return or report to the
8 Department as to any material fact required by Sections 2b, 5,
9 5a, 7, 13, or 13a.3 of this Act or by the International Fuel
10 Tax Agreement is guilty of a Class 2 felony.

11 7. A prosecution for any violation of this Section may be
12 commenced anytime within 5 years of the commission of that
13 violation. A prosecution for tax evasion as set forth in
14 paragraph 3.7 of this Section may be prosecuted any time
15 within 5 years of the commission of the last act in furtherance
16 of evasion. The running of the period of limitations under
17 this Section shall be suspended while any proceeding or appeal
18 from any proceeding relating to the quashing or enforcement of
19 any grand jury or administrative subpoena issued in connection
20 with an investigation of the violation of any provision of
21 this Act is pending.

22 8. Any person who provides false documentation required by
23 any Section of this Act is guilty of a Class 4 felony.

24 9. Any person filing a fraudulent application or order
25 form under any provision of this Act is guilty of a Class A
26 misdemeanor. For each subsequent offense, the person is guilty

1 of a Class 4 felony.

2 10. Any person who acts as a motor carrier and who fails to
3 carry a manifest as provided in Section 5.5 is guilty of a
4 Class A misdemeanor. For each subsequent offense, the person
5 is guilty of a Class 4 felony.

6 11. Any person who knowingly sells or attempts to sell
7 dyed diesel fuel for highway use or for use by
8 recreational-type watercraft on the waters of this State is
9 guilty of a Class 4 felony. For each subsequent offense, the
10 person is guilty of a Class 2 felony.

11 12. Any person who knowingly possesses dyed diesel fuel
12 for highway use or for use by recreational-type watercraft on
13 the waters of this State is guilty of a Class A misdemeanor.
14 For each subsequent offense, the person is guilty of a Class 4
15 felony.

16 13. Any person who sells or transports dyed diesel fuel
17 without the notice required by Section 4e shall pay the
18 following penalty:

19 First occurrence \$ 500

20 Second and each occurrence thereafter \$1,000

21 14. Any person who owns, operates, or controls any
22 container, storage tank, or facility used to store or
23 distribute dyed diesel fuel without the notice required by
24 Section 4f shall pay the following penalty:

25 First occurrence \$ 500

26 Second and each occurrence thereafter \$1,000

1 15. If a motor vehicle required to be registered for
2 highway purposes is found to have dyed diesel fuel within the
3 ordinary fuel tanks attached to the motor vehicle or if a
4 recreational-type watercraft on the waters of this State is
5 found to have dyed diesel fuel within the ordinary fuel tanks
6 attached to the watercraft, the operator shall pay the
7 following penalty:

8 First occurrence \$1,000

9 Second and each occurrence thereafter..... \$5,000

10 16. Any licensed motor fuel distributor ~~or licensed~~
11 ~~supplier~~ who sells or attempts to sell dyed diesel fuel for
12 highway use or for use by recreational-type watercraft on the
13 waters of this State shall pay the following penalty:

14 First occurrence \$1,000

15 Second and each occurrence thereafter..... \$5,000

16 17. Any person who knowingly sells or distributes dyed
17 diesel fuel without the notice required by Section 4e is
18 guilty of a petty offense. For each subsequent offense, the
19 person is guilty of a Class A misdemeanor.

20 18. Any person who knowingly owns, operates, or controls
21 any container, storage tank, or facility used to store or
22 distribute dyed diesel fuel without the notice required by
23 Section 4f is guilty of a petty offense. For each subsequent
24 offense the person is guilty of a Class A misdemeanor.

25 For purposes of this Section, dyed diesel fuel means any
26 dyed diesel fuel whether or not dyed pursuant to Section 4d of

1 this Law.

2 Any person aggrieved by any action of the Department under
3 item 13, 14, 15, or 16 of this Section may protest the action
4 by making a written request for a hearing within 60 days of the
5 original action. If the hearing is not requested in writing
6 within 60 days, the original action is final.

7 All penalties received under items 13, 14, 15, and 16 of
8 this Section shall be deposited into the Tax Compliance and
9 Administration Fund.

10 (Source: P.A. 102-851, eff. 1-1-23.)

11 (35 ILCS 505/16) (from Ch. 120, par. 432)

12 Sec. 16. The Department may, after 5 days' notice, revoke
13 the distributor's or ~~receiver's, or supplier's~~ license or
14 permit of any person (1) who does not operate as a distributor
15 or ~~receiver, supplier~~ (a) under Sections 1.2, ~~1.14~~, or 1.20,
16 (2) who violates any provision of this Act or any rule or
17 regulation promulgated by the Department under Section 14 of
18 this Act, or (3) who refuses to allow any inspection or test
19 authorized by this Law.

20 Any person whose returns for 2 or more consecutive months
21 do not show sufficient taxable sales to indicate an active
22 business as a distributor or ~~receiver, or supplier~~ shall be
23 deemed to not be operating as a distributor or ~~receiver, or~~
24 ~~supplier~~ as defined in Sections 1.2, 1.14 or 1.20.

25 The Department may, after 5 days notice, revoke any

1 distributor's or ~~7~~ receiver's, ~~or supplier's~~ license of a
2 person who is registered as a reseller of motor fuel pursuant
3 to Section 2a or 2c of the Retailers' Occupation Tax Act and
4 who fails to collect such prepaid tax on invoiced gallons of
5 motor fuel sold or who fails to deliver a statement of tax paid
6 to the purchaser or to the Department as required by Sections
7 2d and 2e of the Retailers' Occupation Tax Act.

8 The Department may, on notice given by registered mail,
9 cancel a Blender's Permit for any violation of any provisions
10 of this Act or for noncompliance with any rule or regulation
11 made by the Department under Section 14 of this Act.

12 The Department, upon complaint filed in the circuit court,
13 may, by injunction, restrain any person who fails or refuses
14 to comply with the provisions of this Act from acting as a
15 blender or distributor of motor fuel, ~~supplier of special~~
16 ~~fuel,~~ or as a receiver of fuel in this State.

17 The Department may revoke the motor fuel use tax license
18 of a motor carrier registered under Section 13a.4, or that is
19 required to be registered under the terms of the International
20 Fuel Tax Agreement, that violates any provision of this Act or
21 any rule promulgated by the Department under Sections 14 or
22 14a of this Act. Motor fuel use tax licenses that have been
23 revoked are subject to a \$100 reinstatement fee.

24 Licensees registered or required to be registered under
25 Section 13a.4, or persons required to obtain single trip
26 permits under Section 13a.5, may protest any action or audit

1 finding made by the Department by making a written request for
2 a hearing within 30 days after service of the notice of the
3 original action or finding. If the hearing is not requested
4 within 30 days in writing, the original finding or action is
5 final. Once a hearing has been properly requested, the
6 Department shall give at least 20 days written notice of the
7 time and place of the hearing.

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

9 (35 ILCS 505/1.14 rep.)

10 (35 ILCS 505/3a rep.)

11 (35 ILCS 505/5a rep.)

12 (35 ILCS 505/6a rep.)

13 Section 10. The Motor Fuel Tax Law is amended by repealing
14 Sections 1.14, 3a, 5a, and 6a.

15 Section 99. Effective date. This Act takes effect January
16 1, 2026."