

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 15 as follows:

6 (35 ILCS 505/15) (from Ch. 120, par. 431)

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

19 2. Any person who acts as a motor carrier without having a
20 valid motor fuel use tax license, issued by the Department or
21 by a member jurisdiction under the provisions of the
22 International Fuel Tax Agreement, or a valid single trip
23 permit is guilty of a Class A misdemeanor for a first offense

1 and is guilty of a Class 4 felony for each subsequent offense.
2 Any person (i) who fails or refuses to make payment to the
3 Department as provided in Section 13a.1 of this Act or in the
4 International Fuel Tax Agreement referenced in Section 14a, or
5 (ii) who fails or refuses to make the quarterly return as
6 provided in Section 13a.3 is guilty of a Class 4 felony; and
7 for each subsequent offense, such person is guilty of a Class 3
8 felony.

9 3. In case such person acting as a distributor, receiver,
10 supplier, or motor carrier is a corporation, then the officer
11 or officers, agent or agents, employee or employees, of such
12 corporation responsible for any act of such corporation, or
13 failure of such corporation to act, which acts or failure to
14 act constitutes a violation of any of the provisions of this
15 Act as enumerated in paragraphs 1 and 2 of this Section, shall
16 be punished by such fine or imprisonment, or by both such fine
17 and imprisonment as provided in those paragraphs.

18 3.5. Any person who knowingly enters false information on
19 any supporting documentation required to be kept by Section 6
20 or 6a of this Act is guilty of a Class 3 felony.

21 3.7. Any person who knowingly attempts in any manner to
22 evade or defeat any tax imposed by this Act or the payment of
23 any tax imposed by this Act is guilty of a Class 2 felony.

24 4. Any person who refuses, upon demand, to submit for
25 inspection, books and records, or who fails or refuses to keep
26 books and records in violation of Section 12 of this Act, or

1 any distributor, receiver, or supplier who violates any
2 reasonable rule or regulation adopted by the Department for
3 the enforcement of this Act is guilty of a Class A misdemeanor.
4 Any person who acts as a blender in violation of Section 3 of
5 this Act ~~or who having transported reportable motor fuel~~
6 ~~within Section 7b of this Act fails to make the return required~~
7 ~~by that Section,~~ is guilty of a Class 4 felony.

8 5. Any person licensed under Section 13a.4, 13a.5, or the
9 International Fuel Tax Agreement who: (a) fails or refuses to
10 keep records and books, as provided in Section 13a.2 or as
11 required by the terms of the International Fuel Tax Agreement,
12 (b) refuses upon demand by the Department to submit for
13 inspection and examination the records required by Section
14 13a.2 of this Act or by the terms of the International Fuel Tax
15 Agreement, or (c) violates any reasonable rule or regulation
16 adopted by the Department for the enforcement of this Act, is
17 guilty of a Class A misdemeanor.

18 6. Any person who makes any false return or report to the
19 Department as to any material fact required by Sections 2b, 5,
20 5a, 7, 13, or 13a.3 of this Act or by the International Fuel
21 Tax Agreement is guilty of a Class 2 felony.

22 7. A prosecution for any violation of this Section may be
23 commenced anytime within 5 years of the commission of that
24 violation. A prosecution for tax evasion as set forth in
25 paragraph 3.7 of this Section may be prosecuted any time
26 within 5 years of the commission of the last act in furtherance

1 of evasion. The running of the period of limitations under
2 this Section shall be suspended while any proceeding or appeal
3 from any proceeding relating to the quashing or enforcement of
4 any grand jury or administrative subpoena issued in connection
5 with an investigation of the violation of any provision of
6 this Act is pending.

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

9 9. Any person filing a fraudulent application or order
10 form under any provision of this Act is guilty of a Class A
11 misdemeanor. For each subsequent offense, the person is guilty
12 of a Class 4 felony.

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

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

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

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

- 4 First occurrence \$ 500
- 5 Second and each occurrence thereafter \$1,000

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

- 10 First occurrence \$ 500
- 11 Second and each occurrence thereafter \$1,000

12 15. If a motor vehicle required to be registered for
 13 highway purposes is found to have dyed diesel fuel within the
 14 ordinary fuel tanks attached to the motor vehicle or if a
 15 recreational-type watercraft on the waters of this State is
 16 found to have dyed diesel fuel within the ordinary fuel tanks
 17 attached to the watercraft, the operator shall pay the
 18 following penalty:

- 19 First occurrence \$1,000
- 20 Second and each occurrence thereafter \$5,000

21 16. Any licensed motor fuel distributor or licensed
 22 supplier who sells or attempts to sell dyed diesel fuel for
 23 highway use or for use by recreational-type watercraft on the
 24 waters of this State shall pay the following penalty:

- 25 First occurrence \$1,000
- 26 Second and each occurrence thereafter \$5,000

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

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

10 For purposes of this Section, dyed diesel fuel means any
11 dyed diesel fuel whether or not dyed pursuant to Section 4d of
12 this Law.

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

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

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

22 (35 ILCS 505/7b rep.)

23 Section 10. The Motor Fuel Tax Law is amended by repealing
24 Section 7b.