



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4689

by Rep. Jack D. Franks

SYNOPSIS AS INTRODUCED:

35 ILCS 105/3b new
35 ILCS 110/3-8 new
35 ILCS 115/3-8 new
35 ILCS 120/2-75 new

Amends the Use Tax Act, the Service Use Tax, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act. Provides that no tax is imposed under the Acts upon the use or purchase of firearms, ammunition, or hunting supplies during the holiday period. Defines the holiday period as the first consecutive Friday through Sunday in September of 2010 and each year thereafter. Sets forth criteria for transactions to qualify for the exemption. Effective immediately.

LRB096 15761 HLH 31001 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 Use Tax Act is amended by adding Section 3b
5 as follows:

6 (35 ILCS 105/3b new)

7 Sec. 3b. Tax holiday; firearms; hunting equipment.

8 (a) No tax is imposed under this Act upon the privilege of
9 using firearms, ammunition, or hunting supplies during the
10 holiday period.

11 (b) For the purpose of this Section:

12 "Holiday period" means the first consecutive Friday
13 through Sunday in September of 2010 and each year thereafter.

14 "Hunting supplies" means tangible personal property used
15 for hunting, including, but not limited to, firearm and archery
16 equipment and accessories, off-road vehicles and vessels,
17 animal feed, apparel, shoes, bags, float tubes, binoculars,
18 tools, firearm and archery cases, range finders, knives,
19 decoys, treestands, blinds, chairs, optics, hearing protection
20 and enhancements, holsters, belts, slings, and miscellaneous
21 gear.

22 "Firearm" means a shotgun, rifle, pistol, revolver, or
23 other handgun.

1 (c) The provisions of this Section apply if:

2 (1) title to or possession of firearms, ammunition, or
3 hunting supplies are transferred from a selling dealer to a
4 purchaser during the holiday period;

5 (2) during the holiday period, a customer selects an
6 eligible item from the selling dealer's inventory for
7 layaway and that item is physically set aside in the
8 selling dealer's inventory for future delivery to the
9 customer;

10 (3) during the holiday period, the customer makes final
11 payment and withdraws an item from layaway that was placed
12 in layaway before the holiday period; or

13 (4) during the holiday period, the customer orders and
14 pays for an eligible item and the selling dealer accepts
15 the order for immediate shipment.

16 (d) If, during the holiday period, a customer uses a rain
17 check to purchase an item that qualifies for an exemption under
18 this Section, that purchase qualifies for an exemption under
19 this Section regardless of when the rain check was issued.
20 However, an item that is purchased with a rain check that is
21 issued during the holiday period does not qualify for an
22 exemption under this Section if the item is not purchased
23 during the holiday period.

24 (e) Each unit of local government that imposes a use tax
25 may, by resolution or ordinance, declare a tax holiday with
26 respect to its use tax for the same items, during the same

1 periods, and under the same conditions and is encouraged to do
2 so.

3 Section 10. The Service Use Tax Act is amended by adding
4 Section 3-8 as follows:

5 (35 ILCS 110/3-8 new)

6 Sec. 3-8. Tax holiday; firearms; hunting equipment.

7 (a) No tax is imposed under this Act upon the privilege of
8 using firearms, ammunition, or hunting supplies during the
9 holiday period.

10 (b) For the purpose of this Section:

11 "Holiday period" means the first consecutive Friday
12 through Sunday in September of 2010 and each year thereafter.

13 "Hunting supplies" means tangible personal property used
14 for hunting, including, but not limited to, firearm and archery
15 equipment and accessories, off-road vehicles and vessels,
16 animal feed, apparel, shoes, bags, float tubes, binoculars,
17 tools, firearm and archery cases, range finders, knives,
18 decoys, treestands, blinds, chairs, optics, hearing protection
19 and enhancements, holsters, belts, slings, and miscellaneous
20 gear.

21 "Firearm" means a shotgun, rifle, pistol, revolver, or
22 other handgun.

23 (c) The provisions of this Section apply if:

24 (1) title to or possession of firearms, ammunition, or

1 hunting supplies are transferred from a selling dealer to a
2 purchaser during the holiday period;

3 (2) during the holiday period, a customer selects an
4 eligible item from the selling dealer's inventory for
5 layaway and that item is physically set aside in the
6 selling dealer's inventory for future delivery to the
7 customer;

8 (3) during the holiday period, the customer makes final
9 payment and withdraws an item from layaway that was placed
10 in layaway before the holiday period; or

11 (4) during the holiday period, the customer orders and
12 pays for an eligible item and the selling dealer accepts
13 the order for immediate shipment.

14 (d) If, during the holiday period, a customer uses a rain
15 check to purchase an item that qualifies for an exemption under
16 this Section, that purchase qualifies for an exemption under
17 this Section regardless of when the rain check was issued.
18 However, an item that is purchased with a rain check that is
19 issued during the holiday period does not qualify for an
20 exemption under this Section if the item is not purchased
21 during the holiday period.

22 (e) Each unit of local government that imposes a use tax
23 may, by resolution or ordinance, declare a tax holiday with
24 respect to its use tax for the same items, during the same
25 periods, and under the same conditions and is encouraged to do
26 so.

1 Section 15. The Service Occupation Tax Act is amended by
2 adding Section 3-8 as follows:

3 (35 ILCS 115/3-8 new)

4 Sec. 3-8. Tax holiday; firearms; hunting equipment.

5 (a) No tax is imposed under this Act upon the retail sale
6 of firearms, ammunition, and hunting supplies if the firearms,
7 ammunition, or hunting supplies are purchased during the
8 holiday period.

9 (b) For the purpose of this Section:

10 "Holiday period" means the first consecutive Friday
11 through Sunday in September of 2010 and each year thereafter.

12 "Hunting supplies" means tangible personal property used
13 for hunting, including, but not limited to, firearm and archery
14 equipment and accessories, off-road vehicles and vessels,
15 animal feed, apparel, shoes, bags, float tubes, binoculars,
16 tools, firearm and archery cases, range finders, knives,
17 decoys, treestands, blinds, chairs, optics, hearing protection
18 and enhancements, holsters, belts, slings, and miscellaneous
19 gear.

20 "Firearm" means a shotgun, rifle, pistol, revolver, or
21 other handgun.

22 (c) The provisions of this Section apply if:

23 (1) title to or possession of firearms, ammunition, or
24 hunting supplies are transferred from a selling dealer to a

1 purchaser during the holiday period;

2 (2) during the holiday period, a customer selects an
3 eligible item from the selling dealer's inventory for
4 layaway and that item is physically set aside in the
5 selling dealer's inventory for future delivery to the
6 customer;

7 (3) during the holiday period, the customer makes final
8 payment and withdraws an item from layaway that was placed
9 in layaway before the holiday period; or

10 (4) during the holiday period, the customer orders and
11 pays for an eligible item and the selling dealer accepts
12 the order for immediate shipment.

13 (d) If a customer uses a rain check to purchase an item
14 that qualifies for an exemption under this Section during the
15 holiday period, that purchase qualifies for an exemption under
16 this Section regardless of when the rain check was issued.
17 However, an item that is purchased with a rain check that is
18 issued during the holiday period does not qualify for an
19 exemption under this Section if the item is not purchased
20 during the holiday period.

21 (e) Each unit of local government that imposes a retailers'
22 occupation tax may, by resolution or ordinance, declare a tax
23 holiday with respect to its use tax for the same items, during
24 the same periods, and under the same conditions and is
25 encouraged to do so.

1 Section 20. The Retailers' Occupation Tax Act is amended by
2 adding Section 2-75 as follows:

3 (35 ILCS 120/2-75 new)

4 Sec. 2-75. Tax holiday; firearms; hunting equipment.

5 (a) No tax is imposed under this Act upon the retail sale
6 of firearms, ammunition, and hunting supplies if the firearms,
7 ammunition, or hunting supplies are purchased during the
8 holiday period.

9 (b) For the purpose of this Section:

10 "Holiday period" means the first consecutive Friday
11 through Sunday in September of 2010 and each year thereafter.

12 "Hunting supplies" means tangible personal property used
13 for hunting, including, but not limited to, firearm and archery
14 equipment and accessories, off-road vehicles and vessels,
15 animal feed, apparel, shoes, bags, float tubes, binoculars,
16 tools, firearm and archery cases, range finders, knives,
17 decoys, treestands, blinds, chairs, optics, hearing protection
18 and enhancements, holsters, belts, slings, and miscellaneous
19 gear.

20 "Firearm" means a shotgun, rifle, pistol, revolver, or
21 other handgun.

22 (c) The provisions of this Section apply if:

23 (1) title to or possession of firearms, ammunition, or
24 hunting supplies are transferred from a selling dealer to a
25 purchaser during the holiday period;

1 (2) during the holiday period, a customer selects an
2 eligible item from the selling dealer's inventory for
3 layaway and that item is physically set aside in the
4 selling dealer's inventory for future delivery to the
5 customer;

6 (3) during the holiday period, the customer makes final
7 payment and withdraws an item from layaway that was placed
8 in layaway before the holiday period; or

9 (4) during the holiday period, the customer orders and
10 pays for an eligible item and the selling dealer accepts
11 the order for immediate shipment.

12 (d) If a customer uses a rain check to purchase an item
13 that qualifies for an exemption under this Section during the
14 holiday period, that purchase qualifies for an exemption under
15 this Section regardless of when the rain check was issued.
16 However, an item that is purchased with a rain check that is
17 issued during the holiday period does not qualify for an
18 exemption under this Section if the item is not purchased
19 during the holiday period.

20 (e) Each unit of local government that imposes a retailers'
21 occupation tax may, by resolution or ordinance, declare a tax
22 holiday with respect to its use tax for the same items, during
23 the same periods, and under the same conditions and is
24 encouraged to do so.

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.