



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB3574

Introduced 2/14/2014, by Sen. Martin A. Sandoval

SYNOPSIS AS INTRODUCED:

35 ILCS 5/201	from Ch. 120, par. 2-201
35 ILCS 505/13a.3	from Ch. 120, par. 429a3
625 ILCS 5/15-111	from Ch. 95 1/2, par. 15-111

Amends the Illinois Income Tax Act. Provides that persons that purchase a new motor vehicle with a gross vehicle weight rating of 33,000 pounds or more that uses natural gas as a motor fuel are entitled to an income tax credit equal to the lesser of \$18,000 or half the difference between the purchase price of the natural gas vehicle and a similarly equipped gasoline or diesel vehicle of the same make and model. Amends the Motor Fuel Tax Law. Provides that motor carriers that employ natural gas vehicles are entitled to a refund on taxes paid under the Motor Fuel Tax Law equal to 12% of the taxes paid on the purchase of natural gas. Amends the Illinois Vehicle Code. Provides that the weight limitations on motor vehicles are increased by 2,000 pounds for vehicles that use natural gas as a motor fuel.

LRB098 18847 MLW 53992 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Income Tax Act is amended by
5 changing Section 201 as follows:

6 (35 ILCS 5/201) (from Ch. 120, par. 2-201)

7 Sec. 201. Tax Imposed.

8 (a) In general. A tax measured by net income is hereby
9 imposed on every individual, corporation, trust and estate for
10 each taxable year ending after July 31, 1969 on the privilege
11 of earning or receiving income in or as a resident of this
12 State. Such tax shall be in addition to all other occupation or
13 privilege taxes imposed by this State or by any municipal
14 corporation or political subdivision thereof.

15 (b) Rates. The tax imposed by subsection (a) of this
16 Section shall be determined as follows, except as adjusted by
17 subsection (d-1):

18 (1) In the case of an individual, trust or estate, for
19 taxable years ending prior to July 1, 1989, an amount equal
20 to 2 1/2% of the taxpayer's net income for the taxable
21 year.

22 (2) In the case of an individual, trust or estate, for
23 taxable years beginning prior to July 1, 1989 and ending

1 after June 30, 1989, an amount equal to the sum of (i) 2
2 1/2% of the taxpayer's net income for the period prior to
3 July 1, 1989, as calculated under Section 202.3, and (ii)
4 3% of the taxpayer's net income for the period after June
5 30, 1989, as calculated under Section 202.3.

6 (3) In the case of an individual, trust or estate, for
7 taxable years beginning after June 30, 1989, and ending
8 prior to January 1, 2011, an amount equal to 3% of the
9 taxpayer's net income for the taxable year.

10 (4) In the case of an individual, trust, or estate, for
11 taxable years beginning prior to January 1, 2011, and
12 ending after December 31, 2010, an amount equal to the sum
13 of (i) 3% of the taxpayer's net income for the period prior
14 to January 1, 2011, as calculated under Section 202.5, and
15 (ii) 5% of the taxpayer's net income for the period after
16 December 31, 2010, as calculated under Section 202.5.

17 (5) In the case of an individual, trust, or estate, for
18 taxable years beginning on or after January 1, 2011, and
19 ending prior to January 1, 2015, an amount equal to 5% of
20 the taxpayer's net income for the taxable year.

21 (5.1) In the case of an individual, trust, or estate,
22 for taxable years beginning prior to January 1, 2015, and
23 ending after December 31, 2014, an amount equal to the sum
24 of (i) 5% of the taxpayer's net income for the period prior
25 to January 1, 2015, as calculated under Section 202.5, and
26 (ii) 3.75% of the taxpayer's net income for the period

1 after December 31, 2014, as calculated under Section 202.5.

2 (5.2) In the case of an individual, trust, or estate,
3 for taxable years beginning on or after January 1, 2015,
4 and ending prior to January 1, 2025, an amount equal to
5 3.75% of the taxpayer's net income for the taxable year.

6 (5.3) In the case of an individual, trust, or estate,
7 for taxable years beginning prior to January 1, 2025, and
8 ending after December 31, 2024, an amount equal to the sum
9 of (i) 3.75% of the taxpayer's net income for the period
10 prior to January 1, 2025, as calculated under Section
11 202.5, and (ii) 3.25% of the taxpayer's net income for the
12 period after December 31, 2024, as calculated under Section
13 202.5.

14 (5.4) In the case of an individual, trust, or estate,
15 for taxable years beginning on or after January 1, 2025, an
16 amount equal to 3.25% of the taxpayer's net income for the
17 taxable year.

18 (6) In the case of a corporation, for taxable years
19 ending prior to July 1, 1989, an amount equal to 4% of the
20 taxpayer's net income for the taxable year.

21 (7) In the case of a corporation, for taxable years
22 beginning prior to July 1, 1989 and ending after June 30,
23 1989, an amount equal to the sum of (i) 4% of the
24 taxpayer's net income for the period prior to July 1, 1989,
25 as calculated under Section 202.3, and (ii) 4.8% of the
26 taxpayer's net income for the period after June 30, 1989,

1 as calculated under Section 202.3.

2 (8) In the case of a corporation, for taxable years
3 beginning after June 30, 1989, and ending prior to January
4 1, 2011, an amount equal to 4.8% of the taxpayer's net
5 income for the taxable year.

6 (9) In the case of a corporation, for taxable years
7 beginning prior to January 1, 2011, and ending after
8 December 31, 2010, an amount equal to the sum of (i) 4.8%
9 of the taxpayer's net income for the period prior to
10 January 1, 2011, as calculated under Section 202.5, and
11 (ii) 7% of the taxpayer's net income for the period after
12 December 31, 2010, as calculated under Section 202.5.

13 (10) In the case of a corporation, for taxable years
14 beginning on or after January 1, 2011, and ending prior to
15 January 1, 2015, an amount equal to 7% of the taxpayer's
16 net income for the taxable year.

17 (11) In the case of a corporation, for taxable years
18 beginning prior to January 1, 2015, and ending after
19 December 31, 2014, an amount equal to the sum of (i) 7% of
20 the taxpayer's net income for the period prior to January
21 1, 2015, as calculated under Section 202.5, and (ii) 5.25%
22 of the taxpayer's net income for the period after December
23 31, 2014, as calculated under Section 202.5.

24 (12) In the case of a corporation, for taxable years
25 beginning on or after January 1, 2015, and ending prior to
26 January 1, 2025, an amount equal to 5.25% of the taxpayer's

1 net income for the taxable year.

2 (13) In the case of a corporation, for taxable years
3 beginning prior to January 1, 2025, and ending after
4 December 31, 2024, an amount equal to the sum of (i) 5.25%
5 of the taxpayer's net income for the period prior to
6 January 1, 2025, as calculated under Section 202.5, and
7 (ii) 4.8% of the taxpayer's net income for the period after
8 December 31, 2024, as calculated under Section 202.5.

9 (14) In the case of a corporation, for taxable years
10 beginning on or after January 1, 2025, an amount equal to
11 4.8% of the taxpayer's net income for the taxable year.

12 The rates under this subsection (b) are subject to the
13 provisions of Section 201.5.

14 (c) Personal Property Tax Replacement Income Tax.
15 Beginning on July 1, 1979 and thereafter, in addition to such
16 income tax, there is also hereby imposed the Personal Property
17 Tax Replacement Income Tax measured by net income on every
18 corporation (including Subchapter S corporations), partnership
19 and trust, for each taxable year ending after June 30, 1979.
20 Such taxes are imposed on the privilege of earning or receiving
21 income in or as a resident of this State. The Personal Property
22 Tax Replacement Income Tax shall be in addition to the income
23 tax imposed by subsections (a) and (b) of this Section and in
24 addition to all other occupation or privilege taxes imposed by
25 this State or by any municipal corporation or political
26 subdivision thereof.

1 (d) Additional Personal Property Tax Replacement Income
2 Tax Rates. The personal property tax replacement income tax
3 imposed by this subsection and subsection (c) of this Section
4 in the case of a corporation, other than a Subchapter S
5 corporation and except as adjusted by subsection (d-1), shall
6 be an additional amount equal to 2.85% of such taxpayer's net
7 income for the taxable year, except that beginning on January
8 1, 1981, and thereafter, the rate of 2.85% specified in this
9 subsection shall be reduced to 2.5%, and in the case of a
10 partnership, trust or a Subchapter S corporation shall be an
11 additional amount equal to 1.5% of such taxpayer's net income
12 for the taxable year.

13 (d-1) Rate reduction for certain foreign insurers. In the
14 case of a foreign insurer, as defined by Section 35A-5 of the
15 Illinois Insurance Code, whose state or country of domicile
16 imposes on insurers domiciled in Illinois a retaliatory tax
17 (excluding any insurer whose premiums from reinsurance assumed
18 are 50% or more of its total insurance premiums as determined
19 under paragraph (2) of subsection (b) of Section 304, except
20 that for purposes of this determination premiums from
21 reinsurance do not include premiums from inter-affiliate
22 reinsurance arrangements), beginning with taxable years ending
23 on or after December 31, 1999, the sum of the rates of tax
24 imposed by subsections (b) and (d) shall be reduced (but not
25 increased) to the rate at which the total amount of tax imposed
26 under this Act, net of all credits allowed under this Act,

1 shall equal (i) the total amount of tax that would be imposed
2 on the foreign insurer's net income allocable to Illinois for
3 the taxable year by such foreign insurer's state or country of
4 domicile if that net income were subject to all income taxes
5 and taxes measured by net income imposed by such foreign
6 insurer's state or country of domicile, net of all credits
7 allowed or (ii) a rate of zero if no such tax is imposed on such
8 income by the foreign insurer's state of domicile. For the
9 purposes of this subsection (d-1), an inter-affiliate includes
10 a mutual insurer under common management.

11 (1) For the purposes of subsection (d-1), in no event
12 shall the sum of the rates of tax imposed by subsections
13 (b) and (d) be reduced below the rate at which the sum of:

14 (A) the total amount of tax imposed on such foreign
15 insurer under this Act for a taxable year, net of all
16 credits allowed under this Act, plus

17 (B) the privilege tax imposed by Section 409 of the
18 Illinois Insurance Code, the fire insurance company
19 tax imposed by Section 12 of the Fire Investigation
20 Act, and the fire department taxes imposed under
21 Section 11-10-1 of the Illinois Municipal Code,

22 equals 1.25% for taxable years ending prior to December 31,
23 2003, or 1.75% for taxable years ending on or after
24 December 31, 2003, of the net taxable premiums written for
25 the taxable year, as described by subsection (1) of Section
26 409 of the Illinois Insurance Code. This paragraph will in

1 no event increase the rates imposed under subsections (b)
2 and (d).

3 (2) Any reduction in the rates of tax imposed by this
4 subsection shall be applied first against the rates imposed
5 by subsection (b) and only after the tax imposed by
6 subsection (a) net of all credits allowed under this
7 Section other than the credit allowed under subsection (i)
8 has been reduced to zero, against the rates imposed by
9 subsection (d).

10 This subsection (d-1) is exempt from the provisions of
11 Section 250.

12 (e) Investment credit. A taxpayer shall be allowed a credit
13 against the Personal Property Tax Replacement Income Tax for
14 investment in qualified property.

15 (1) A taxpayer shall be allowed a credit equal to .5%
16 of the basis of qualified property placed in service during
17 the taxable year, provided such property is placed in
18 service on or after July 1, 1984. There shall be allowed an
19 additional credit equal to .5% of the basis of qualified
20 property placed in service during the taxable year,
21 provided such property is placed in service on or after
22 July 1, 1986, and the taxpayer's base employment within
23 Illinois has increased by 1% or more over the preceding
24 year as determined by the taxpayer's employment records
25 filed with the Illinois Department of Employment Security.
26 Taxpayers who are new to Illinois shall be deemed to have

1 met the 1% growth in base employment for the first year in
2 which they file employment records with the Illinois
3 Department of Employment Security. The provisions added to
4 this Section by Public Act 85-1200 (and restored by Public
5 Act 87-895) shall be construed as declaratory of existing
6 law and not as a new enactment. If, in any year, the
7 increase in base employment within Illinois over the
8 preceding year is less than 1%, the additional credit shall
9 be limited to that percentage times a fraction, the
10 numerator of which is .5% and the denominator of which is
11 1%, but shall not exceed .5%. The investment credit shall
12 not be allowed to the extent that it would reduce a
13 taxpayer's liability in any tax year below zero, nor may
14 any credit for qualified property be allowed for any year
15 other than the year in which the property was placed in
16 service in Illinois. For tax years ending on or after
17 December 31, 1987, and on or before December 31, 1988, the
18 credit shall be allowed for the tax year in which the
19 property is placed in service, or, if the amount of the
20 credit exceeds the tax liability for that year, whether it
21 exceeds the original liability or the liability as later
22 amended, such excess may be carried forward and applied to
23 the tax liability of the 5 taxable years following the
24 excess credit years if the taxpayer (i) makes investments
25 which cause the creation of a minimum of 2,000 full-time
26 equivalent jobs in Illinois, (ii) is located in an

1 enterprise zone established pursuant to the Illinois
2 Enterprise Zone Act and (iii) is certified by the
3 Department of Commerce and Community Affairs (now
4 Department of Commerce and Economic Opportunity) as
5 complying with the requirements specified in clause (i) and
6 (ii) by July 1, 1986. The Department of Commerce and
7 Community Affairs (now Department of Commerce and Economic
8 Opportunity) shall notify the Department of Revenue of all
9 such certifications immediately. For tax years ending
10 after December 31, 1988, the credit shall be allowed for
11 the tax year in which the property is placed in service,
12 or, if the amount of the credit exceeds the tax liability
13 for that year, whether it exceeds the original liability or
14 the liability as later amended, such excess may be carried
15 forward and applied to the tax liability of the 5 taxable
16 years following the excess credit years. The credit shall
17 be applied to the earliest year for which there is a
18 liability. If there is credit from more than one tax year
19 that is available to offset a liability, earlier credit
20 shall be applied first.

21 (2) The term "qualified property" means property
22 which:

23 (A) is tangible, whether new or used, including
24 buildings and structural components of buildings and
25 signs that are real property, but not including land or
26 improvements to real property that are not a structural

1 component of a building such as landscaping, sewer
2 lines, local access roads, fencing, parking lots, and
3 other appurtenances;

4 (B) is depreciable pursuant to Section 167 of the
5 Internal Revenue Code, except that "3-year property"
6 as defined in Section 168(c)(2)(A) of that Code is not
7 eligible for the credit provided by this subsection
8 (e);

9 (C) is acquired by purchase as defined in Section
10 179(d) of the Internal Revenue Code;

11 (D) is used in Illinois by a taxpayer who is
12 primarily engaged in manufacturing, or in mining coal
13 or fluorite, or in retailing, or was placed in service
14 on or after July 1, 2006 in a River Edge Redevelopment
15 Zone established pursuant to the River Edge
16 Redevelopment Zone Act; and

17 (E) has not previously been used in Illinois in
18 such a manner and by such a person as would qualify for
19 the credit provided by this subsection (e) or
20 subsection (f).

21 (3) For purposes of this subsection (e),
22 "manufacturing" means the material staging and production
23 of tangible personal property by procedures commonly
24 regarded as manufacturing, processing, fabrication, or
25 assembling which changes some existing material into new
26 shapes, new qualities, or new combinations. For purposes of

1 this subsection (e) the term "mining" shall have the same
2 meaning as the term "mining" in Section 613(c) of the
3 Internal Revenue Code. For purposes of this subsection (e),
4 the term "retailing" means the sale of tangible personal
5 property for use or consumption and not for resale, or
6 services rendered in conjunction with the sale of tangible
7 personal property for use or consumption and not for
8 resale. For purposes of this subsection (e), "tangible
9 personal property" has the same meaning as when that term
10 is used in the Retailers' Occupation Tax Act, and, for
11 taxable years ending after December 31, 2008, does not
12 include the generation, transmission, or distribution of
13 electricity.

14 (4) The basis of qualified property shall be the basis
15 used to compute the depreciation deduction for federal
16 income tax purposes.

17 (5) If the basis of the property for federal income tax
18 depreciation purposes is increased after it has been placed
19 in service in Illinois by the taxpayer, the amount of such
20 increase shall be deemed property placed in service on the
21 date of such increase in basis.

22 (6) The term "placed in service" shall have the same
23 meaning as under Section 46 of the Internal Revenue Code.

24 (7) If during any taxable year, any property ceases to
25 be qualified property in the hands of the taxpayer within
26 48 months after being placed in service, or the situs of

1 any qualified property is moved outside Illinois within 48
2 months after being placed in service, the Personal Property
3 Tax Replacement Income Tax for such taxable year shall be
4 increased. Such increase shall be determined by (i)
5 recomputing the investment credit which would have been
6 allowed for the year in which credit for such property was
7 originally allowed by eliminating such property from such
8 computation and, (ii) subtracting such recomputed credit
9 from the amount of credit previously allowed. For the
10 purposes of this paragraph (7), a reduction of the basis of
11 qualified property resulting from a redetermination of the
12 purchase price shall be deemed a disposition of qualified
13 property to the extent of such reduction.

14 (8) Unless the investment credit is extended by law,
15 the basis of qualified property shall not include costs
16 incurred after December 31, 2018, except for costs incurred
17 pursuant to a binding contract entered into on or before
18 December 31, 2018.

19 (9) Each taxable year ending before December 31, 2000,
20 a partnership may elect to pass through to its partners the
21 credits to which the partnership is entitled under this
22 subsection (e) for the taxable year. A partner may use the
23 credit allocated to him or her under this paragraph only
24 against the tax imposed in subsections (c) and (d) of this
25 Section. If the partnership makes that election, those
26 credits shall be allocated among the partners in the

1 partnership in accordance with the rules set forth in
2 Section 704(b) of the Internal Revenue Code, and the rules
3 promulgated under that Section, and the allocated amount of
4 the credits shall be allowed to the partners for that
5 taxable year. The partnership shall make this election on
6 its Personal Property Tax Replacement Income Tax return for
7 that taxable year. The election to pass through the credits
8 shall be irrevocable.

9 For taxable years ending on or after December 31, 2000,
10 a partner that qualifies its partnership for a subtraction
11 under subparagraph (I) of paragraph (2) of subsection (d)
12 of Section 203 or a shareholder that qualifies a Subchapter
13 S corporation for a subtraction under subparagraph (S) of
14 paragraph (2) of subsection (b) of Section 203 shall be
15 allowed a credit under this subsection (e) equal to its
16 share of the credit earned under this subsection (e) during
17 the taxable year by the partnership or Subchapter S
18 corporation, determined in accordance with the
19 determination of income and distributive share of income
20 under Sections 702 and 704 and Subchapter S of the Internal
21 Revenue Code. This paragraph is exempt from the provisions
22 of Section 250.

23 (f) Investment credit; Enterprise Zone; River Edge
24 Redevelopment Zone.

25 (1) A taxpayer shall be allowed a credit against the
26 tax imposed by subsections (a) and (b) of this Section for

1 investment in qualified property which is placed in service
2 in an Enterprise Zone created pursuant to the Illinois
3 Enterprise Zone Act or, for property placed in service on
4 or after July 1, 2006, a River Edge Redevelopment Zone
5 established pursuant to the River Edge Redevelopment Zone
6 Act. For partners, shareholders of Subchapter S
7 corporations, and owners of limited liability companies,
8 if the liability company is treated as a partnership for
9 purposes of federal and State income taxation, there shall
10 be allowed a credit under this subsection (f) to be
11 determined in accordance with the determination of income
12 and distributive share of income under Sections 702 and 704
13 and Subchapter S of the Internal Revenue Code. The credit
14 shall be .5% of the basis for such property. The credit
15 shall be available only in the taxable year in which the
16 property is placed in service in the Enterprise Zone or
17 River Edge Redevelopment Zone and shall not be allowed to
18 the extent that it would reduce a taxpayer's liability for
19 the tax imposed by subsections (a) and (b) of this Section
20 to below zero. For tax years ending on or after December
21 31, 1985, the credit shall be allowed for the tax year in
22 which the property is placed in service, or, if the amount
23 of the credit exceeds the tax liability for that year,
24 whether it exceeds the original liability or the liability
25 as later amended, such excess may be carried forward and
26 applied to the tax liability of the 5 taxable years

1 following the excess credit year. The credit shall be
2 applied to the earliest year for which there is a
3 liability. If there is credit from more than one tax year
4 that is available to offset a liability, the credit
5 accruing first in time shall be applied first.

6 (2) The term qualified property means property which:

7 (A) is tangible, whether new or used, including
8 buildings and structural components of buildings;

9 (B) is depreciable pursuant to Section 167 of the
10 Internal Revenue Code, except that "3-year property"
11 as defined in Section 168(c)(2)(A) of that Code is not
12 eligible for the credit provided by this subsection
13 (f);

14 (C) is acquired by purchase as defined in Section
15 179(d) of the Internal Revenue Code;

16 (D) is used in the Enterprise Zone or River Edge
17 Redevelopment Zone by the taxpayer; and

18 (E) has not been previously used in Illinois in
19 such a manner and by such a person as would qualify for
20 the credit provided by this subsection (f) or
21 subsection (e).

22 (3) The basis of qualified property shall be the basis
23 used to compute the depreciation deduction for federal
24 income tax purposes.

25 (4) If the basis of the property for federal income tax
26 depreciation purposes is increased after it has been placed

1 in service in the Enterprise Zone or River Edge
2 Redevelopment Zone by the taxpayer, the amount of such
3 increase shall be deemed property placed in service on the
4 date of such increase in basis.

5 (5) The term "placed in service" shall have the same
6 meaning as under Section 46 of the Internal Revenue Code.

7 (6) If during any taxable year, any property ceases to
8 be qualified property in the hands of the taxpayer within
9 48 months after being placed in service, or the situs of
10 any qualified property is moved outside the Enterprise Zone
11 or River Edge Redevelopment Zone within 48 months after
12 being placed in service, the tax imposed under subsections
13 (a) and (b) of this Section for such taxable year shall be
14 increased. Such increase shall be determined by (i)
15 recomputing the investment credit which would have been
16 allowed for the year in which credit for such property was
17 originally allowed by eliminating such property from such
18 computation, and (ii) subtracting such recomputed credit
19 from the amount of credit previously allowed. For the
20 purposes of this paragraph (6), a reduction of the basis of
21 qualified property resulting from a redetermination of the
22 purchase price shall be deemed a disposition of qualified
23 property to the extent of such reduction.

24 (7) There shall be allowed an additional credit equal
25 to 0.5% of the basis of qualified property placed in
26 service during the taxable year in a River Edge

1 Redevelopment Zone, provided such property is placed in
2 service on or after July 1, 2006, and the taxpayer's base
3 employment within Illinois has increased by 1% or more over
4 the preceding year as determined by the taxpayer's
5 employment records filed with the Illinois Department of
6 Employment Security. Taxpayers who are new to Illinois
7 shall be deemed to have met the 1% growth in base
8 employment for the first year in which they file employment
9 records with the Illinois Department of Employment
10 Security. If, in any year, the increase in base employment
11 within Illinois over the preceding year is less than 1%,
12 the additional credit shall be limited to that percentage
13 times a fraction, the numerator of which is 0.5% and the
14 denominator of which is 1%, but shall not exceed 0.5%.

15 (g) (Blank).

16 (h) Investment credit; High Impact Business.

17 (1) Subject to subsections (b) and (b-5) of Section 5.5
18 of the Illinois Enterprise Zone Act, a taxpayer shall be
19 allowed a credit against the tax imposed by subsections (a)
20 and (b) of this Section for investment in qualified
21 property which is placed in service by a Department of
22 Commerce and Economic Opportunity designated High Impact
23 Business. The credit shall be .5% of the basis for such
24 property. The credit shall not be available (i) until the
25 minimum investments in qualified property set forth in
26 subdivision (a)(3)(A) of Section 5.5 of the Illinois

1 Enterprise Zone Act have been satisfied or (ii) until the
2 time authorized in subsection (b-5) of the Illinois
3 Enterprise Zone Act for entities designated as High Impact
4 Businesses under subdivisions (a)(3)(B), (a)(3)(C), and
5 (a)(3)(D) of Section 5.5 of the Illinois Enterprise Zone
6 Act, and shall not be allowed to the extent that it would
7 reduce a taxpayer's liability for the tax imposed by
8 subsections (a) and (b) of this Section to below zero. The
9 credit applicable to such investments shall be taken in the
10 taxable year in which such investments have been completed.
11 The credit for additional investments beyond the minimum
12 investment by a designated high impact business authorized
13 under subdivision (a)(3)(A) of Section 5.5 of the Illinois
14 Enterprise Zone Act shall be available only in the taxable
15 year in which the property is placed in service and shall
16 not be allowed to the extent that it would reduce a
17 taxpayer's liability for the tax imposed by subsections (a)
18 and (b) of this Section to below zero. For tax years ending
19 on or after December 31, 1987, the credit shall be allowed
20 for the tax year in which the property is placed in
21 service, or, if the amount of the credit exceeds the tax
22 liability for that year, whether it exceeds the original
23 liability or the liability as later amended, such excess
24 may be carried forward and applied to the tax liability of
25 the 5 taxable years following the excess credit year. The
26 credit shall be applied to the earliest year for which

1 there is a liability. If there is credit from more than one
2 tax year that is available to offset a liability, the
3 credit accruing first in time shall be applied first.

4 Changes made in this subdivision (h) (1) by Public Act
5 88-670 restore changes made by Public Act 85-1182 and
6 reflect existing law.

7 (2) The term qualified property means property which:

8 (A) is tangible, whether new or used, including
9 buildings and structural components of buildings;

10 (B) is depreciable pursuant to Section 167 of the
11 Internal Revenue Code, except that "3-year property"
12 as defined in Section 168(c) (2) (A) of that Code is not
13 eligible for the credit provided by this subsection
14 (h);

15 (C) is acquired by purchase as defined in Section
16 179(d) of the Internal Revenue Code; and

17 (D) is not eligible for the Enterprise Zone
18 Investment Credit provided by subsection (f) of this
19 Section.

20 (3) The basis of qualified property shall be the basis
21 used to compute the depreciation deduction for federal
22 income tax purposes.

23 (4) If the basis of the property for federal income tax
24 depreciation purposes is increased after it has been placed
25 in service in a federally designated Foreign Trade Zone or
26 Sub-Zone located in Illinois by the taxpayer, the amount of

1 such increase shall be deemed property placed in service on
2 the date of such increase in basis.

3 (5) The term "placed in service" shall have the same
4 meaning as under Section 46 of the Internal Revenue Code.

5 (6) If during any taxable year ending on or before
6 December 31, 1996, any property ceases to be qualified
7 property in the hands of the taxpayer within 48 months
8 after being placed in service, or the situs of any
9 qualified property is moved outside Illinois within 48
10 months after being placed in service, the tax imposed under
11 subsections (a) and (b) of this Section for such taxable
12 year shall be increased. Such increase shall be determined
13 by (i) recomputing the investment credit which would have
14 been allowed for the year in which credit for such property
15 was originally allowed by eliminating such property from
16 such computation, and (ii) subtracting such recomputed
17 credit from the amount of credit previously allowed. For
18 the purposes of this paragraph (6), a reduction of the
19 basis of qualified property resulting from a
20 redetermination of the purchase price shall be deemed a
21 disposition of qualified property to the extent of such
22 reduction.

23 (7) Beginning with tax years ending after December 31,
24 1996, if a taxpayer qualifies for the credit under this
25 subsection (h) and thereby is granted a tax abatement and
26 the taxpayer relocates its entire facility in violation of

1 the explicit terms and length of the contract under Section
2 18-183 of the Property Tax Code, the tax imposed under
3 subsections (a) and (b) of this Section shall be increased
4 for the taxable year in which the taxpayer relocated its
5 facility by an amount equal to the amount of credit
6 received by the taxpayer under this subsection (h).

7 (i) Credit for Personal Property Tax Replacement Income
8 Tax. For tax years ending prior to December 31, 2003, a credit
9 shall be allowed against the tax imposed by subsections (a) and
10 (b) of this Section for the tax imposed by subsections (c) and
11 (d) of this Section. This credit shall be computed by
12 multiplying the tax imposed by subsections (c) and (d) of this
13 Section by a fraction, the numerator of which is base income
14 allocable to Illinois and the denominator of which is Illinois
15 base income, and further multiplying the product by the tax
16 rate imposed by subsections (a) and (b) of this Section.

17 Any credit earned on or after December 31, 1986 under this
18 subsection which is unused in the year the credit is computed
19 because it exceeds the tax liability imposed by subsections (a)
20 and (b) for that year (whether it exceeds the original
21 liability or the liability as later amended) may be carried
22 forward and applied to the tax liability imposed by subsections
23 (a) and (b) of the 5 taxable years following the excess credit
24 year, provided that no credit may be carried forward to any
25 year ending on or after December 31, 2003. This credit shall be
26 applied first to the earliest year for which there is a

1 liability. If there is a credit under this subsection from more
2 than one tax year that is available to offset a liability the
3 earliest credit arising under this subsection shall be applied
4 first.

5 If, during any taxable year ending on or after December 31,
6 1986, the tax imposed by subsections (c) and (d) of this
7 Section for which a taxpayer has claimed a credit under this
8 subsection (i) is reduced, the amount of credit for such tax
9 shall also be reduced. Such reduction shall be determined by
10 recomputing the credit to take into account the reduced tax
11 imposed by subsections (c) and (d). If any portion of the
12 reduced amount of credit has been carried to a different
13 taxable year, an amended return shall be filed for such taxable
14 year to reduce the amount of credit claimed.

15 (j) Training expense credit. Beginning with tax years
16 ending on or after December 31, 1986 and prior to December 31,
17 2003, a taxpayer shall be allowed a credit against the tax
18 imposed by subsections (a) and (b) under this Section for all
19 amounts paid or accrued, on behalf of all persons employed by
20 the taxpayer in Illinois or Illinois residents employed outside
21 of Illinois by a taxpayer, for educational or vocational
22 training in semi-technical or technical fields or semi-skilled
23 or skilled fields, which were deducted from gross income in the
24 computation of taxable income. The credit against the tax
25 imposed by subsections (a) and (b) shall be 1.6% of such
26 training expenses. For partners, shareholders of subchapter S

1 corporations, and owners of limited liability companies, if the
2 liability company is treated as a partnership for purposes of
3 federal and State income taxation, there shall be allowed a
4 credit under this subsection (j) to be determined in accordance
5 with the determination of income and distributive share of
6 income under Sections 702 and 704 and subchapter S of the
7 Internal Revenue Code.

8 Any credit allowed under this subsection which is unused in
9 the year the credit is earned may be carried forward to each of
10 the 5 taxable years following the year for which the credit is
11 first computed until it is used. This credit shall be applied
12 first to the earliest year for which there is a liability. If
13 there is a credit under this subsection from more than one tax
14 year that is available to offset a liability the earliest
15 credit arising under this subsection shall be applied first. No
16 carryforward credit may be claimed in any tax year ending on or
17 after December 31, 2003.

18 (k) Research and development credit. For tax years ending
19 after July 1, 1990 and prior to December 31, 2003, and
20 beginning again for tax years ending on or after December 31,
21 2004, and ending prior to January 1, 2016, a taxpayer shall be
22 allowed a credit against the tax imposed by subsections (a) and
23 (b) of this Section for increasing research activities in this
24 State. The credit allowed against the tax imposed by
25 subsections (a) and (b) shall be equal to 6 1/2% of the
26 qualifying expenditures for increasing research activities in

1 this State. For partners, shareholders of subchapter S
2 corporations, and owners of limited liability companies, if the
3 liability company is treated as a partnership for purposes of
4 federal and State income taxation, there shall be allowed a
5 credit under this subsection to be determined in accordance
6 with the determination of income and distributive share of
7 income under Sections 702 and 704 and subchapter S of the
8 Internal Revenue Code.

9 For purposes of this subsection, "qualifying expenditures"
10 means the qualifying expenditures as defined for the federal
11 credit for increasing research activities which would be
12 allowable under Section 41 of the Internal Revenue Code and
13 which are conducted in this State, "qualifying expenditures for
14 increasing research activities in this State" means the excess
15 of qualifying expenditures for the taxable year in which
16 incurred over qualifying expenditures for the base period,
17 "qualifying expenditures for the base period" means the average
18 of the qualifying expenditures for each year in the base
19 period, and "base period" means the 3 taxable years immediately
20 preceding the taxable year for which the determination is being
21 made.

22 Any credit in excess of the tax liability for the taxable
23 year may be carried forward. A taxpayer may elect to have the
24 unused credit shown on its final completed return carried over
25 as a credit against the tax liability for the following 5
26 taxable years or until it has been fully used, whichever occurs

1 first; provided that no credit earned in a tax year ending
2 prior to December 31, 2003 may be carried forward to any year
3 ending on or after December 31, 2003.

4 If an unused credit is carried forward to a given year from
5 2 or more earlier years, that credit arising in the earliest
6 year will be applied first against the tax liability for the
7 given year. If a tax liability for the given year still
8 remains, the credit from the next earliest year will then be
9 applied, and so on, until all credits have been used or no tax
10 liability for the given year remains. Any remaining unused
11 credit or credits then will be carried forward to the next
12 following year in which a tax liability is incurred, except
13 that no credit can be carried forward to a year which is more
14 than 5 years after the year in which the expense for which the
15 credit is given was incurred.

16 No inference shall be drawn from this amendatory Act of the
17 91st General Assembly in construing this Section for taxable
18 years beginning before January 1, 1999.

19 (1) Environmental Remediation Tax Credit.

20 (i) For tax years ending after December 31, 1997 and on
21 or before December 31, 2001, a taxpayer shall be allowed a
22 credit against the tax imposed by subsections (a) and (b)
23 of this Section for certain amounts paid for unreimbursed
24 eligible remediation costs, as specified in this
25 subsection. For purposes of this Section, "unreimbursed
26 eligible remediation costs" means costs approved by the

1 Illinois Environmental Protection Agency ("Agency") under
2 Section 58.14 of the Environmental Protection Act that were
3 paid in performing environmental remediation at a site for
4 which a No Further Remediation Letter was issued by the
5 Agency and recorded under Section 58.10 of the
6 Environmental Protection Act. The credit must be claimed
7 for the taxable year in which Agency approval of the
8 eligible remediation costs is granted. The credit is not
9 available to any taxpayer if the taxpayer or any related
10 party caused or contributed to, in any material respect, a
11 release of regulated substances on, in, or under the site
12 that was identified and addressed by the remedial action
13 pursuant to the Site Remediation Program of the
14 Environmental Protection Act. After the Pollution Control
15 Board rules are adopted pursuant to the Illinois
16 Administrative Procedure Act for the administration and
17 enforcement of Section 58.9 of the Environmental
18 Protection Act, determinations as to credit availability
19 for purposes of this Section shall be made consistent with
20 those rules. For purposes of this Section, "taxpayer"
21 includes a person whose tax attributes the taxpayer has
22 succeeded to under Section 381 of the Internal Revenue Code
23 and "related party" includes the persons disallowed a
24 deduction for losses by paragraphs (b), (c), and (f)(1) of
25 Section 267 of the Internal Revenue Code by virtue of being
26 a related taxpayer, as well as any of its partners. The

1 credit allowed against the tax imposed by subsections (a)
2 and (b) shall be equal to 25% of the unreimbursed eligible
3 remediation costs in excess of \$100,000 per site, except
4 that the \$100,000 threshold shall not apply to any site
5 contained in an enterprise zone as determined by the
6 Department of Commerce and Community Affairs (now
7 Department of Commerce and Economic Opportunity). The
8 total credit allowed shall not exceed \$40,000 per year with
9 a maximum total of \$150,000 per site. For partners and
10 shareholders of subchapter S corporations, there shall be
11 allowed a credit under this subsection to be determined in
12 accordance with the determination of income and
13 distributive share of income under Sections 702 and 704 and
14 subchapter S of the Internal Revenue Code.

15 (ii) A credit allowed under this subsection that is
16 unused in the year the credit is earned may be carried
17 forward to each of the 5 taxable years following the year
18 for which the credit is first earned until it is used. The
19 term "unused credit" does not include any amounts of
20 unreimbursed eligible remediation costs in excess of the
21 maximum credit per site authorized under paragraph (i).
22 This credit shall be applied first to the earliest year for
23 which there is a liability. If there is a credit under this
24 subsection from more than one tax year that is available to
25 offset a liability, the earliest credit arising under this
26 subsection shall be applied first. A credit allowed under

1 this subsection may be sold to a buyer as part of a sale of
2 all or part of the remediation site for which the credit
3 was granted. The purchaser of a remediation site and the
4 tax credit shall succeed to the unused credit and remaining
5 carry-forward period of the seller. To perfect the
6 transfer, the assignor shall record the transfer in the
7 chain of title for the site and provide written notice to
8 the Director of the Illinois Department of Revenue of the
9 assignor's intent to sell the remediation site and the
10 amount of the tax credit to be transferred as a portion of
11 the sale. In no event may a credit be transferred to any
12 taxpayer if the taxpayer or a related party would not be
13 eligible under the provisions of subsection (i).

14 (iii) For purposes of this Section, the term "site"
15 shall have the same meaning as under Section 58.2 of the
16 Environmental Protection Act.

17 (m) Education expense credit. Beginning with tax years
18 ending after December 31, 1999, a taxpayer who is the custodian
19 of one or more qualifying pupils shall be allowed a credit
20 against the tax imposed by subsections (a) and (b) of this
21 Section for qualified education expenses incurred on behalf of
22 the qualifying pupils. The credit shall be equal to 25% of
23 qualified education expenses, but in no event may the total
24 credit under this subsection claimed by a family that is the
25 custodian of qualifying pupils exceed \$500. In no event shall a
26 credit under this subsection reduce the taxpayer's liability

1 under this Act to less than zero. This subsection is exempt
2 from the provisions of Section 250 of this Act.

3 For purposes of this subsection:

4 "Qualifying pupils" means individuals who (i) are
5 residents of the State of Illinois, (ii) are under the age of
6 21 at the close of the school year for which a credit is
7 sought, and (iii) during the school year for which a credit is
8 sought were full-time pupils enrolled in a kindergarten through
9 twelfth grade education program at any school, as defined in
10 this subsection.

11 "Qualified education expense" means the amount incurred on
12 behalf of a qualifying pupil in excess of \$250 for tuition,
13 book fees, and lab fees at the school in which the pupil is
14 enrolled during the regular school year.

15 "School" means any public or nonpublic elementary or
16 secondary school in Illinois that is in compliance with Title
17 VI of the Civil Rights Act of 1964 and attendance at which
18 satisfies the requirements of Section 26-1 of the School Code,
19 except that nothing shall be construed to require a child to
20 attend any particular public or nonpublic school to qualify for
21 the credit under this Section.

22 "Custodian" means, with respect to qualifying pupils, an
23 Illinois resident who is a parent, the parents, a legal
24 guardian, or the legal guardians of the qualifying pupils.

25 (n) River Edge Redevelopment Zone site remediation tax
26 credit.

1 (i) For tax years ending on or after December 31, 2006,
2 a taxpayer shall be allowed a credit against the tax
3 imposed by subsections (a) and (b) of this Section for
4 certain amounts paid for unreimbursed eligible remediation
5 costs, as specified in this subsection. For purposes of
6 this Section, "unreimbursed eligible remediation costs"
7 means costs approved by the Illinois Environmental
8 Protection Agency ("Agency") under Section 58.14a of the
9 Environmental Protection Act that were paid in performing
10 environmental remediation at a site within a River Edge
11 Redevelopment Zone for which a No Further Remediation
12 Letter was issued by the Agency and recorded under Section
13 58.10 of the Environmental Protection Act. The credit must
14 be claimed for the taxable year in which Agency approval of
15 the eligible remediation costs is granted. The credit is
16 not available to any taxpayer if the taxpayer or any
17 related party caused or contributed to, in any material
18 respect, a release of regulated substances on, in, or under
19 the site that was identified and addressed by the remedial
20 action pursuant to the Site Remediation Program of the
21 Environmental Protection Act. Determinations as to credit
22 availability for purposes of this Section shall be made
23 consistent with rules adopted by the Pollution Control
24 Board pursuant to the Illinois Administrative Procedure
25 Act for the administration and enforcement of Section 58.9
26 of the Environmental Protection Act. For purposes of this

1 Section, "taxpayer" includes a person whose tax attributes
2 the taxpayer has succeeded to under Section 381 of the
3 Internal Revenue Code and "related party" includes the
4 persons disallowed a deduction for losses by paragraphs
5 (b), (c), and (f) (1) of Section 267 of the Internal Revenue
6 Code by virtue of being a related taxpayer, as well as any
7 of its partners. The credit allowed against the tax imposed
8 by subsections (a) and (b) shall be equal to 25% of the
9 unreimbursed eligible remediation costs in excess of
10 \$100,000 per site.

11 (ii) A credit allowed under this subsection that is
12 unused in the year the credit is earned may be carried
13 forward to each of the 5 taxable years following the year
14 for which the credit is first earned until it is used. This
15 credit shall be applied first to the earliest year for
16 which there is a liability. If there is a credit under this
17 subsection from more than one tax year that is available to
18 offset a liability, the earliest credit arising under this
19 subsection shall be applied first. A credit allowed under
20 this subsection may be sold to a buyer as part of a sale of
21 all or part of the remediation site for which the credit
22 was granted. The purchaser of a remediation site and the
23 tax credit shall succeed to the unused credit and remaining
24 carry-forward period of the seller. To perfect the
25 transfer, the assignor shall record the transfer in the
26 chain of title for the site and provide written notice to

1 the Director of the Illinois Department of Revenue of the
2 assignor's intent to sell the remediation site and the
3 amount of the tax credit to be transferred as a portion of
4 the sale. In no event may a credit be transferred to any
5 taxpayer if the taxpayer or a related party would not be
6 eligible under the provisions of subsection (i).

7 (iii) For purposes of this Section, the term "site"
8 shall have the same meaning as under Section 58.2 of the
9 Environmental Protection Act.

10 (o) For each of taxable years during the Compassionate Use
11 of Medical Cannabis Pilot Program, a surcharge is imposed on
12 all taxpayers on income arising from the sale or exchange of
13 capital assets, depreciable business property, real property
14 used in the trade or business, and Section 197 intangibles of
15 an organization registrant under the Compassionate Use of
16 Medical Cannabis Pilot Program Act. The amount of the surcharge
17 is equal to the amount of federal income tax liability for the
18 taxable year attributable to those sales and exchanges. The
19 surcharge imposed does not apply if:

20 (1) the medical cannabis cultivation center
21 registration, medical cannabis dispensary registration, or
22 the property of a registration is transferred as a result
23 of any of the following:

24 (A) bankruptcy, a receivership, or a debt
25 adjustment initiated by or against the initial
26 registration or the substantial owners of the initial

1 registration;

2 (B) cancellation, revocation, or termination of
3 any registration by the Illinois Department of Public
4 Health;

5 (C) a determination by the Illinois Department of
6 Public Health that transfer of the registration is in
7 the best interests of Illinois qualifying patients as
8 defined by the Compassionate Use of Medical Cannabis
9 Pilot Program Act;

10 (D) the death of an owner of the equity interest in
11 a registrant;

12 (E) the acquisition of a controlling interest in
13 the stock or substantially all of the assets of a
14 publicly traded company;

15 (F) a transfer by a parent company to a wholly
16 owned subsidiary; or

17 (G) the transfer or sale to or by one person to
18 another person where both persons were initial owners
19 of the registration when the registration was issued;

20 or

21 (2) the cannabis cultivation center registration,
22 medical cannabis dispensary registration, or the
23 controlling interest in a registrant's property is
24 transferred in a transaction to lineal descendants in which
25 no gain or loss is recognized or as a result of a
26 transaction in accordance with Section 351 of the Internal

1 Revenue Code in which no gain or loss is recognized.

2 (p) Credit for natural gas vehicle purchase. A credit shall
3 be allowed against the tax imposed by subsections (a) and (b)
4 of this Section for the purchase of a new motor vehicle if that
5 vehicle (A) has a gross vehicle weight rating of 33,000 pounds
6 or more; and (B) uses natural gas as a motor fuel. The amount
7 of the credit that may be claimed shall be calculated as
8 follows:

9 (1) STEP ONE: Determine the difference between the
10 price of the purchased motor vehicle and the price of a
11 similarly equipped motor vehicle of the same make and model
12 that is powered by a gasoline or diesel engine;

13 (2) STEP TWO: Multiply the result of STEP ONE by 50%;
14 and

15 (3) STEP THREE: Determine the lesser of the result of
16 STEP TWO and \$18,000.

17 (Source: P.A. 97-2, eff. 5-6-11; 97-636, eff. 6-1-12; 97-905,
18 eff. 8-7-12; 98-109, eff. 7-25-13; 98-122, eff. 1-1-14; revised
19 8-9-13.)

20 Section 10. The Motor Fuel Tax Law is amended by changing
21 Section 13a.3 as follows:

22 (35 ILCS 505/13a.3) (from Ch. 120, par. 429a3)

23 Sec. 13a.3. Every person holding a valid unrevoked motor
24 fuel use tax license issued under Section 13a.4 of this Act

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

21 The rate under subsection (2) of Section 13a of this Act
22 shall apply to each gallon of motor fuel used by such motor
23 carrier on the highways of Illinois during the previous
24 calendar quarter. For purposes of the preceding paragraphs
25 "used" shall be determined as provided in Section 13a.2 of this
26 Act.

1 For such motor fuel consumed during the previous calendar
2 quarter, said tax shall be payable on the last day of the month
3 next succeeding such previous calendar quarter and shall bear
4 interest at the rate of 1% per month or fraction of month until
5 paid. Motor carriers required to file bonds under Section 13a.4
6 of this Act shall make tax payments to the Department by
7 certified check.

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

13 As to each gallon of motor fuel purchased in Illinois by
14 such motor carrier during the previous calendar quarter in
15 excess of the number of gallons of motor fuel used by such
16 motor carrier on the highways of Illinois during such previous
17 calendar quarter, the taxpayer may take a credit for the
18 current calendar quarter or the Department may issue a credit
19 memorandum or refund to such motor carrier for any tax imposed
20 by Part (a) of Section 13a of this Act paid on each such
21 gallon. If a credit is given, the credit memorandum shall be
22 carried over to offset liabilities of the licensee until the
23 credit is fully offset or until 8 calendar quarters pass after
24 the end of the calendar quarter in which the credit accrued,
25 whichever occurs sooner.

26 A motor carrier who purchases motor fuel in this State

1 shall be entitled to a refund under this Section or a credit
2 against all his liabilities under Sections 13a, 13a.1, 13a.2
3 and 13a.3 hereof for taxes imposed by the Use Tax Act, the
4 Retailers' Occupation Tax Act, the Municipal Retailers'
5 Occupation Tax Act and the County Retailers' Occupation Tax Act
6 on such motor fuel at a rate equal to that established by
7 subsection (2) of Section 13a of this Act, provided that such
8 taxes have been paid by the taxpayer and such taxes have been
9 charged to the motor carrier claiming the credit or refund.

10 A motor carrier who purchases motor fuel in this State
11 shall be entitled to a refund under this Section equal to 12%
12 of the taxes imposed under Section 13a of this Act on the motor
13 carrier's consumption of compressed natural gas in the previous
14 fiscal year.

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

16 Section 15. The Illinois Vehicle Code is amended by
17 changing Section 15-111 as follows:

18 (625 ILCS 5/15-111) (from Ch. 95 1/2, par. 15-111)

19 Sec. 15-111. Wheel and axle loads and gross weights.

20 (a) No vehicle or combination of vehicles with pneumatic
21 tires may be operated, unladen or with load, when the total
22 weight on the road surface exceeds the following: 20,000 pounds
23 on a single axle; 34,000 pounds on a tandem axle with no axle
24 within the tandem exceeding 20,000 pounds; 80,000 pounds gross

1 weight for vehicle combinations of 5 or more axles; or a total
 2 weight on a group of 2 or more consecutive axles in excess of
 3 that weight produced by the application of the following
 4 formula: $W = 500 \text{ times the sum of } (LN \text{ divided by } N-1) + 12N +$
 5 36 , where "W" equals overall total weight on any group of 2 or
 6 more consecutive axles to the nearest 500 pounds, "L" equals
 7 the distance measured to the nearest foot between extremes of
 8 any group of 2 or more consecutive axles, and "N" equals the
 9 number of axles in the group under consideration.

10 The above formula when expressed in tabular form results in
 11 allowable loads as follows:

12	Distance measured					
13	to the nearest					
14	foot between the					
15	extremes of any		Maximum weight in pounds			
16	group of 2 or		of any group of			
17	more consecutive		2 or more consecutive axles			
18	axles					
19	feet	2 axles	3 axles	4 axles	5 axles	6 axles
20	4	34,000				
21	5	34,000				
22	6	34,000				
23	7	34,000				
24	8	38,000*	42,000			
25	9	39,000	42,500			

1	10	40,000	43,500			
2	11		44,000			
3	12		45,000	50,000		
4	13		45,500	50,500		
5	14		46,500	51,500		
6	15		47,000	52,000		
7	16		48,000	52,500	58,000	
8	17		48,500	53,500	58,500	
9	18		49,500	54,000	59,000	
10	19		50,000	54,500	60,000	
11	20		51,000	55,500	60,500	66,000
12	21		51,500	56,000	61,000	66,500
13	22		52,500	56,500	61,500	67,000
14	23		53,000	57,500	62,500	68,000
15	24		54,000	58,000	63,000	68,500
16	25		54,500	58,500	63,500	69,000
17	26		55,500	59,500	64,000	69,500
18	27		56,000	60,000	65,000	70,000
19	28		57,000	60,500	65,500	71,000
20	29		57,500	61,500	66,000	71,500
21	30		58,500	62,000	66,500	72,000
22	31		59,000	62,500	67,500	72,500
23	32		60,000	63,500	68,000	73,000
24	33			64,000	68,500	74,000
25	34			64,500	69,000	74,500
26	35			65,500	70,000	75,000

1	36	66,000	70,500	75,500
2	37	66,500	71,000	76,000
3	38	67,500	72,000	77,000
4	39	68,000	72,500	77,500
5	40	68,500	73,000	78,000
6	41	69,500	73,500	78,500
7	42	70,000	74,000	79,000
8	43	70,500	75,000	80,000
9	44	71,500	75,500	
10	45	72,000	76,000	
11	46	72,500	76,500	
12	47	73,500	77,500	
13	48	74,000	78,000	
14	49	74,500	78,500	
15	50	75,500	79,000	
16	51	76,000	80,000	
17	52	76,500		
18	53	77,500		
19	54	78,000		
20	55	78,500		
21	56	79,500		
22	57	80,000		

23 *If the distance between 2 axles is 96 inches or less, the 2
24 axles are tandem axles and the maximum total weight may not
25 exceed 34,000 pounds, notwithstanding the higher limit
26 resulting from the application of the formula.

1 Vehicles not in a combination having more than 4 axles may
2 not exceed the weight in the table in this subsection (a) for 4
3 axles measured between the extreme axles of the vehicle.

4 Vehicles in a combination having more than 6 axles may not
5 exceed the weight in the table in this subsection (a) for 6
6 axles measured between the extreme axles of the combination.

7 Local authorities, with respect to streets and highways
8 under their jurisdiction, without additional fees, may also by
9 ordinance or resolution allow the weight limitations of this
10 subsection, provided the maximum gross weight on any one axle
11 shall not exceed 20,000 pounds and the maximum total weight on
12 any tandem axle shall not exceed 34,000 pounds, on designated
13 highways when appropriate regulatory signs giving notice are
14 erected upon the street or highway or portion of any street or
15 highway affected by the ordinance or resolution.

16 The following are exceptions to the above formula:

17 (1) Vehicles for which a different limit is established
18 and posted in accordance with Section 15-316 of this Code.

19 (2) Vehicles for which the Department of
20 Transportation and local authorities issue overweight
21 permits under authority of Section 15-301 of this Code.
22 These vehicles are not subject to the bridge formula.

23 (3) Cities having a population of more than 50,000 may
24 permit by ordinance axle loads on 2 axle motor vehicles 33
25 1/2% above those provided for herein, but the increase
26 shall not become effective until the city has officially

1 notified the Department of the passage of the ordinance and
2 shall not apply to those vehicles when outside of the
3 limits of the city, nor shall the gross weight of any 2
4 axle motor vehicle operating over any street of the city
5 exceed 40,000 pounds.

6 (4) Weight limitations shall not apply to vehicles
7 (including loads) operated by a public utility when
8 transporting equipment required for emergency repair of
9 public utility facilities or properties or water wells.

10 (5) Two consecutive sets of tandem axles may carry a
11 total weight of 34,000 pounds each if the overall distance
12 between the first and last axles of the consecutive sets of
13 tandem axles is 36 feet or more, notwithstanding the lower
14 limit resulting from the application of the above formula.

15 (6) A truck, not in combination and used exclusively
16 for the collection of rendering materials, may, when laden,
17 transmit upon the road surface, except when on part of the
18 National System of Interstate and Defense Highways, the
19 following maximum weights: 22,000 pounds on a single axle;
20 40,000 pounds on a tandem axle.

21 (7) A truck not in combination, equipped with a self
22 compactor or an industrial roll-off hoist and roll-off
23 container, used exclusively for garbage, refuse, or
24 recycling operations, may, when laden, transmit upon the
25 road surface, except when on part of the National System of
26 Interstate and Defense Highways, the following maximum

1 weights: 22,000 pounds on a single axle; 40,000 pounds on a
2 tandem axle; 40,000 pounds gross weight on a 2-axle
3 vehicle; 54,000 pounds gross weight on a 3-axle vehicle.
4 This vehicle is not subject to the bridge formula.

5 (7.5) A 3-axle rear discharge truck mixer registered as
6 a Special Hauling Vehicle, used exclusively for the mixing
7 and transportation of concrete in the plastic state, may,
8 when laden, transmit upon the road surface, except when on
9 part of the National System of Interstate and Defense
10 Highways, the following maximum weights: 22,000 pounds on
11 single axle; 40,000 pounds on a tandem axle; 54,000 pounds
12 gross weight on a 3-axle vehicle. This vehicle is not
13 subject to the bridge formula.

14 (8) Except as provided in paragraph (7.5) of this
15 subsection (a), tandem axles on a 3-axle truck registered
16 as a Special Hauling Vehicle, manufactured prior to or in
17 the model year of 2024 and first registered in Illinois
18 prior to January 1, 2025, with a distance greater than 72
19 inches but not more than 96 inches between any series of 2
20 axles, is allowed a combined weight on the series not to
21 exceed 36,000 pounds and neither axle of the series may
22 exceed 20,000 pounds. Any vehicle of this type manufactured
23 after the model year of 2024 or first registered in
24 Illinois after December 31, 2024 may not exceed a combined
25 weight of 34,000 pounds through the series of 2 axles and
26 neither axle of the series may exceed 20,000 pounds.

1 A 3-axle combination sewer cleaning jetting vacuum
2 truck registered as a Special Hauling Vehicle, used
3 exclusively for the transportation of non-hazardous solid
4 waste, manufactured before or in the model year of 2014,
5 first registered in Illinois before January 1, 2015, may,
6 when laden, transmit upon the road surface, except when on
7 part of the National System of Interstate and Defense
8 Highways, the following maximum weights: 22,000 pounds on a
9 single axle; 40,000 pounds on a tandem axle; 54,000 pounds
10 gross weight on a 3-axle vehicle. This vehicle is not
11 subject to the bridge formula.

12 (9) A 4-axle truck mixer registered as a Special
13 Hauling Vehicle, used exclusively for the mixing and
14 transportation of concrete in the plastic state, ~~2024-2025~~
15 and not operated on a highway that is part of the National
16 System of Interstate Highways, is allowed the following
17 maximum weights: 20,000 pounds on any single axle; 36,000
18 pounds on a series of axles greater than 72 inches but not
19 more than 96 inches; and 34,000 pounds on any series of 2
20 axles greater than 40 inches but not more than 72 inches.
21 The gross weight of this vehicle may not exceed the weights
22 allowed by the bridge formula for 4 axles. The bridge
23 formula does not apply to any series of 3 axles while the
24 vehicle is transporting concrete in the plastic state, but
25 no axle or tandem axle of the series may exceed the maximum
26 weight permitted under this paragraph (9) of subsection

1 (a).

2 (10) Combinations of vehicles, registered as Special
3 Hauling Vehicles that include a semitrailer manufactured
4 prior to or in the model year of 2024, and registered in
5 Illinois prior to January 1, 2025, having 5 axles with a
6 distance of 42 feet or less between extreme axles, may not
7 exceed the following maximum weights: 20,000 pounds on a
8 single axle; 34,000 pounds on a tandem axle; and 72,000
9 pounds gross weight. This combination of vehicles is not
10 subject to the bridge formula. For all those combinations
11 of vehicles that include a semitrailer manufactured after
12 the effective date of P.A. 92-0417, the overall distance
13 between the first and last axles of the 2 sets of tandems
14 must be 18 feet 6 inches or more. Any combination of
15 vehicles that has had its cargo container replaced in its
16 entirety after December 31, 2024 may not exceed the weights
17 allowed by the bridge formula.

18 (11) The maximum weight allowed on a vehicle with
19 crawler type tracks is 40,000 pounds.

20 (12) A combination of vehicles, including a tow truck
21 and a disabled vehicle or disabled combination of vehicles,
22 that exceeds the weight restriction imposed by this Code,
23 may be operated on a public highway in this State provided
24 that neither the disabled vehicle nor any vehicle being
25 towed nor the tow truck itself shall exceed the weight
26 limitations permitted under this Chapter. During the

1 towing operation, neither the tow truck nor the vehicle
2 combination shall exceed 24,000 pounds on a single rear
3 axle and 44,000 pounds on a tandem rear axle, provided the
4 towing vehicle:

5 (i) is specifically designed as a tow truck having
6 a gross vehicle weight rating of at least 18,000 pounds
7 and is equipped with air brakes, provided that air
8 brakes are required only if the towing vehicle is
9 towing a vehicle, semitrailer, or tractor-trailer
10 combination that is equipped with air brakes;

11 (ii) is equipped with flashing, rotating, or
12 oscillating amber lights, visible for at least 500 feet
13 in all directions;

14 (iii) is capable of utilizing the lighting and
15 braking systems of the disabled vehicle or combination
16 of vehicles; and

17 (iv) does not engage in a tow exceeding 20 miles
18 from the initial point of wreck or disablement. Any
19 additional movement of the vehicles may occur only upon
20 issuance of authorization for that movement under the
21 provisions of Sections 15-301 through 15-319 of this
22 Code. The towing vehicle, however, may tow any disabled
23 vehicle to a point where repairs are actually to occur.
24 This movement shall be valid only on State routes. The
25 tower must abide by posted bridge weight limits.

26 Gross weight limits shall not apply to the combination of

1 the tow truck and vehicles being towed. The tow truck license
2 plate must cover the operating empty weight of the tow truck
3 only. The weight of each vehicle being towed shall be covered
4 by a valid license plate issued to the owner or operator of the
5 vehicle being towed and displayed on that vehicle. If no valid
6 plate issued to the owner or operator of that vehicle is
7 displayed on that vehicle, or the plate displayed on that
8 vehicle does not cover the weight of the vehicle, the weight of
9 the vehicle shall be covered by the third tow truck plate
10 issued to the owner or operator of the tow truck and
11 temporarily affixed to the vehicle being towed. If a roll-back
12 carrier is registered and being used as a tow truck, however,
13 the license plate or plates for the tow truck must cover the
14 gross vehicle weight, including any load carried on the bed of
15 the roll-back carrier.

16 The Department may by rule or regulation prescribe
17 additional requirements. However, nothing in this Code shall
18 prohibit a tow truck under instructions of a police officer
19 from legally clearing a disabled vehicle, that may be in
20 violation of weight limitations of this Chapter, from the
21 roadway to the berm or shoulder of the highway. If in the
22 opinion of the police officer that location is unsafe, the
23 officer is authorized to have the disabled vehicle towed to the
24 nearest place of safety.

25 For the purpose of this subsection, gross vehicle weight
26 rating, or GVWR, means the value specified by the manufacturer

1 as the loaded weight of the tow truck.

2 (b) As used in this Section, "recycling haul" or "recycling
3 operation" means the hauling of non-hazardous, non-special,
4 non-putrescible materials, such as paper, glass, cans, or
5 plastic, for subsequent use in the secondary materials market.

6 (c) No vehicle or combination of vehicles equipped with
7 pneumatic tires shall be operated, unladen or with load, upon
8 the highways of this State in violation of the provisions of
9 any permit issued under the provisions of Sections 15-301
10 through 15-319 of this Chapter.

11 (d) No vehicle or combination of vehicles equipped with
12 other than pneumatic tires may be operated, unladen or with
13 load, upon the highways of this State when the gross weight on
14 the road surface through any wheel exceeds 800 pounds per inch
15 width of tire tread or when the gross weight on the road
16 surface through any axle exceeds 16,000 pounds.

17 (e) No person shall operate a vehicle or combination of
18 vehicles over a bridge or other elevated structure constituting
19 part of a highway with a gross weight that is greater than the
20 maximum weight permitted by the Department, when the structure
21 is sign posted as provided in this Section.

22 (f) The Department upon request from any local authority
23 shall, or upon its own initiative may, conduct an investigation
24 of any bridge or other elevated structure constituting a part
25 of a highway, and if it finds that the structure cannot with
26 safety to itself withstand the weight of vehicles otherwise

1 permissible under this Code the Department shall determine and
2 declare the maximum weight of vehicles that the structures can
3 withstand, and shall cause or permit suitable signs stating
4 maximum weight to be erected and maintained before each end of
5 the structure. No person shall operate a vehicle or combination
6 of vehicles over any structure with a gross weight that is
7 greater than the posted maximum weight.

8 (g) Upon the trial of any person charged with a violation
9 of subsection (e) or (f) of this Section, proof of the
10 determination of the maximum allowable weight by the Department
11 and the existence of the signs, constitutes conclusive evidence
12 of the maximum weight that can be maintained with safety to the
13 bridge or structure.

14 (h) The weight limitations of this Section are increased by
15 2,000 pounds for vehicles that use natural gas as a motor fuel.

16 (Source: P.A. 97-201, eff. 1-1-12; 98-409, eff. 1-1-14; 98-410,
17 eff. 8-16-13; revised 9-19-13.)