

HB1090



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB1090

Introduced 02/04/11, by Rep. Thomas Holbrook

SYNOPSIS AS INTRODUCED:

35 ILCS 157/10-15

Amends the Aircraft Use Tax Law. Provides that the tax does not apply to an aircraft that is not eligible to receive a certificate of airworthiness from the Federal Aviation Administration because the aircraft is not in a condition for safe operation.

LRB097 06439 HLH 46521 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 Aircraft Use Tax Law is amended by changing
5 Section 10-15 as follows:

6 (35 ILCS 157/10-15)

7 Sec. 10-15. Tax imposed. A tax is hereby imposed on the
8 privilege of using, in this State, any aircraft as defined in
9 Section 3 of the Illinois Aeronautics Act acquired by gift,
10 transfer, or purchase after June 30, 2003. This tax does not
11 apply (i) if the use of the aircraft is otherwise taxed under
12 the Use Tax Act; (ii) if the aircraft is bought and used by a
13 governmental agency or a society, association, foundation, or
14 institution organized and operated exclusively for charitable,
15 religious, or educational purposes; (iii) if the use of the
16 aircraft is not subject to the Use Tax Act by reason of
17 subsection (a), (b), (c), (d), or (e) of Section 3-55 of that
18 Act dealing with the prevention of actual or likely multistate
19 taxation; ~~or~~ (iv) if the transfer is a gift to a beneficiary in
20 the administration of an estate and the beneficiary is a
21 surviving spouse; or (v) if the aircraft is not eligible to
22 receive a certificate of airworthiness from the Federal
23 Aviation Administration because it is not in a condition for

1 safe operation. The rate of tax shall be 6.25% of the selling
2 price for each purchase of aircraft that qualifies under this
3 Law. For purposes of calculating the tax due under this Law
4 when an aircraft is acquired by gift or transfer, the tax shall
5 be imposed on the fair market value of the aircraft on the date
6 the aircraft is acquired or the date the aircraft is brought
7 into the State, whichever is later. Tax shall be imposed on the
8 selling price of an aircraft acquired through purchase.
9 However, the selling price shall not be less than the fair
10 market value of the aircraft on the date the aircraft is
11 purchased or the date the aircraft is brought into the State,
12 whichever is later.

13 (Source: P.A. 93-24, eff. 6-20-03.)