



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 2/4/2004, by David Luechtefeld, Dan Rutherford,
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SYNOPSIS AS INTRODUCED:

35 ILCS 105/3-61
35 ILCS 110/3-51
35 ILCS 115/2d
35 ILCS 120/2-51

Amends the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act. Provides that "use as rolling stock moving in interstate commerce" means that term as it was defined prior to the changes made by Public Act 92-23. Effective immediately.

LRB093 20392 SJM 46164 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning taxes.

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 changing Section
5 3-61 as follows:

6 (35 ILCS 105/3-61)

7 Sec. 3-61. Motor vehicles; use as rolling stock definition.
8 Through June 30, 2003 and beginning again on the effective date
9 of this amendatory Act of the 93rd General Assembly, "use as
10 rolling stock moving in interstate commerce" in subsections (b)
11 and (c) of Section 3-55 means for motor vehicles, as defined in
12 Section 1-146 of the Illinois Vehicle Code, and trailers, as
13 defined in Section 1-209 of the Illinois Vehicle Code, when on
14 15 or more occasions in a 12-month period the motor vehicle and
15 trailer has carried persons or property for hire in interstate
16 commerce, even just between points in Illinois, if the motor
17 vehicle and trailer transports persons whose journeys or
18 property whose shipments originate or terminate outside
19 Illinois. This definition applies to all property purchased for
20 the purpose of being attached to those motor vehicles or
21 trailers as a part thereof.

22 On and after July 1, 2003 and through the day before the
23 effective date of this amendatory Act of the 93rd General
24 Assembly, "use as rolling stock moving in interstate commerce"
25 in paragraphs (b) and (c) of Section 3-55 occurs for motor
26 vehicles, as defined in Section 1-146 of the Illinois Vehicle
27 Code, when during a 12-month period the rolling stock has
28 carried persons or property for hire in interstate commerce for
29 51% of its total trips and transports persons whose journeys or
30 property whose shipments originate or terminate outside
31 Illinois. On and after July 1, 2003 and through the day before
32 the effective date of this amendatory Act of the 93rd General

1 Assembly, trips that are only between points in Illinois shall
2 not be counted as interstate trips when calculating whether the
3 tangible personal property qualifies for the exemption but such
4 trips shall be included in total trips taken.

5 (Source: P.A. 93-23, eff. 6-20-03.)

6 Section 10. The Service Use Tax Act is amended by changing
7 Section 3-51 as follows:

8 (35 ILCS 110/3-51)

9 Sec. 3-51. Motor vehicles; use as rolling stock definition.
10 Through June 30, 2003 and beginning again on the effective date
11 of this amendatory Act of the 93rd General Assembly, "use as
12 rolling stock moving in interstate commerce" in subsection (b)
13 of Section 3-45 means for motor vehicles, as defined in Section
14 1-46 of the Illinois Vehicle Code, and trailers, as defined in
15 Section 1-209 of the Illinois Vehicle Code, when on 15 or more
16 occasions in a 12-month period the motor vehicle and trailer
17 has carried persons or property for hire in interstate
18 commerce, even just between points in Illinois, if the motor
19 vehicle and trailer transports persons whose journeys or
20 property whose shipments originate or terminate outside
21 Illinois. This definition applies to all property purchased for
22 the purpose of being attached to those motor vehicles or
23 trailers as a part thereof.

24 On and after July 1, 2003 and through the day before the
25 effective date of this amendatory Act of the 93rd General
26 Assembly, "use as rolling stock moving in interstate commerce"
27 in paragraphs (4) and (4a) of the definition of "sale of
28 service" in Section 2 and subsection (b) of Section 3-45 occurs
29 for motor vehicles, as defined in Section 1-146 of the Illinois
30 Vehicle Code, when during a 12-month period the rolling stock
31 has carried persons or property for hire in interstate commerce
32 for 51% of its total trips and transports persons whose
33 journeys or property whose shipments originate or terminate
34 outside Illinois. On and after July 1, 2003 and through the day

1 before the effective date of this amendatory Act of the 93rd
2 General Assembly, trips that are only between points in
3 Illinois shall not be counted as interstate trips when
4 calculating whether the tangible personal property qualifies
5 for the exemption but such trips shall be included in total
6 trips taken.

7 (Source: P.A. 93-23, eff. 6-20-03.)

8 Section 15. The Service Occupation Tax Act is amended by
9 changing Section 2d as follows:

10 (35 ILCS 115/2d)

11 Sec. 2d. Motor vehicles; use as rolling stock definition.
12 Through June 30, 2003 and beginning again on the effective date
13 of this amendatory Act of the 93rd General Assembly, "use as
14 rolling stock moving in interstate commerce" in subsections (d)
15 and (d-1) of the definition of "sale of service" in Section 2
16 means for motor vehicles, as defined in Section 1-146 of the
17 Illinois Vehicle Code, and trailers, as defined in Section
18 1-209 of the Illinois Vehicle Code, when on 15 or more
19 occasions in a 12-month period the motor vehicle and trailer
20 has carried persons or property for hire in interstate
21 commerce, even just between points in Illinois, if the motor
22 vehicle and trailer transports persons whose journeys or
23 property whose shipments originate or terminate outside
24 Illinois. This definition applies to all property purchased for
25 the purpose of being attached to those motor vehicles or
26 trailers as a part thereof.

27 On and after July 1, 2003 and through the day before the
28 effective date of this amendatory Act of the 93rd General
29 Assembly, "use as rolling stock moving in interstate commerce"
30 in paragraphs (d) and (d-1) of the definition of "sale of
31 service" in Section 2 occurs for motor vehicles, as defined in
32 Section 1-146 of the Illinois Vehicle Code, when during a
33 12-month period the rolling stock has carried persons or
34 property for hire in interstate commerce for 51% of its total

1 trips and transports persons whose journeys or property whose
2 shipments originate or terminate outside Illinois. On and after
3 July 1, 2003 and through the day before the effective date of
4 this amendatory Act of the 93rd General Assembly, trips that
5 are only between points in Illinois will not be counted as
6 interstate trips when calculating whether the tangible
7 personal property qualifies for the exemption but such trips
8 will be included in total trips taken.

9 (Source: P.A. 93-23, eff. 6-20-03.)

10 Section 20. The Retailers' Occupation Tax Act is amended by
11 changing Section 2-51 as follows:

12 (35 ILCS 120/2-51)

13 Sec. 2-51. Motor vehicles; use as rolling stock definition.
14 Through June 30, 2003 and beginning again on the effective date
15 of this amendatory Act of the 93rd General Assembly, "use as
16 rolling stock moving in interstate commerce" in paragraphs (12)
17 and (13) of Section 2-5 means for motor vehicles, as defined in
18 Section 1-146 of the Illinois Vehicle Code, and trailers, as
19 defined in Section 1-209 of the Illinois Vehicle Code, when on
20 15 or more occasions in a 12-month period the motor vehicle and
21 trailer has carried persons or property for hire in interstate
22 commerce, even just between points in Illinois, if the motor
23 vehicle and trailer transports persons whose journeys or
24 property whose shipments originate or terminate outside
25 Illinois. This definition applies to all property purchased for
26 the purpose of being attached to those motor vehicles or
27 trailers as a part thereof.

28 On and after July 1, 2003 and through the day before the
29 effective date of this amendatory Act of the 93rd General
30 Assembly, "use as rolling stock moving in interstate commerce"
31 in paragraphs (12) and (13) of Section 2-5 occurs for motor
32 vehicles, as defined in Section 1-146 of the Illinois Vehicle
33 Code, when during a 12-month period the rolling stock has
34 carried persons or property for hire in interstate commerce for

1 51% of its total trips and transports persons whose journeys or
2 property whose shipments originate or terminate outside
3 Illinois. On and after July 1, 2003 and through the day before
4 the effective date of this amendatory Act of the 93rd General
5 Assembly, trips that are only between points in Illinois shall
6 not be counted as interstate trips when calculating whether the
7 tangible personal property qualifies for the exemption but such
8 trips shall be included in total trips taken.

9 (Source: P.A. 93-23, eff. 6-20-03.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.