

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 changing Section  
5 3-61 as follows:

6 (35 ILCS 105/3-61)

7 Sec. 3-61. Motor vehicles; trailers; use as rolling stock  
8 definition.

9 (a) Through June 30, 2003, "use as rolling stock moving in  
10 interstate commerce" in subsections (b) and (c) of Section 3-55  
11 means for motor vehicles, as defined in Section 1-146 of the  
12 Illinois Vehicle Code, and trailers, as defined in Section  
13 1-209 of the Illinois Vehicle Code, when on 15 or more  
14 occasions in a 12-month period the motor vehicle and trailer  
15 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 (b) On and after July 1, 2003 and through June 30, 2004,  
23 "use as rolling stock moving in interstate commerce" in

1 paragraphs (b) and (c) of Section 3-55 occurs for motor  
2 vehicles, as defined in Section 1-146 of the Illinois Vehicle  
3 Code, when during a 12-month period the rolling stock has  
4 carried persons or property for hire in interstate commerce for  
5 51% of its total trips and transports persons whose journeys or  
6 property whose shipments originate or terminate outside  
7 Illinois. Trips that are only between points in Illinois shall  
8 not be counted as interstate trips when calculating whether the  
9 tangible personal property qualifies for the exemption but such  
10 trips shall be included in total trips taken.

11 (c) Beginning July 1, 2004, "use as rolling stock moving in  
12 interstate commerce" in paragraphs (b) and (c) of Section 3-55  
13 occurs for motor vehicles, as defined in Section 1-146 of the  
14 Illinois Vehicle Code, when during a 12-month period the  
15 rolling stock has carried persons or property for hire in  
16 interstate commerce for greater than 50% of its total trips for  
17 that period or for greater than 50% of its total miles for that  
18 period. The person claiming the exemption shall make an  
19 election at the time of purchase to use either the trips or  
20 mileage method. Persons who purchased motor vehicles prior to  
21 July 1, 2004 shall make an election to use either the trips or  
22 mileage method and document that election in their books and  
23 records. If no election is made under this subsection to use  
24 the trips or mileage method, the person shall be deemed to have  
25 chosen the mileage method. Any election to use either the trips  
26 or mileage method will remain in effect for that motor vehicle

1 for any period for which the Department may issue a notice of  
2 tax liability under this Act.

3 For purposes of determining qualifying trips or miles,  
4 motor vehicles that carry persons or property for hire, even  
5 just between points in Illinois, will be considered used for  
6 hire in interstate commerce if the motor vehicle transports  
7 persons whose journeys or property whose shipments originate or  
8 terminate outside Illinois. ~~The exemption for motor vehicles~~  
9 ~~used as rolling stock moving in interstate commerce may be~~  
10 ~~claimed only for motor vehicles whose gross vehicle weight~~  
11 ~~rating exceeds 16,000 pounds.~~ This definition applies to all  
12 property purchased for the purpose of being attached to those  
13 motor vehicles as a part thereof.

14 (d) Beginning July 1, 2004, "use as rolling stock moving in  
15 interstate commerce" in paragraphs (b) and (c) of Section 3-55  
16 occurs for trailers, as defined in Section 1-209 of the  
17 Illinois Vehicle Code, semitrailers as defined in Section 1-187  
18 of the Illinois Vehicle Code, and pole trailers as defined in  
19 Section 1-161 of the Illinois Vehicle Code, when during a  
20 12-month period the rolling stock has carried persons or  
21 property for hire in interstate commerce for greater than 50%  
22 of its total trips for that period or for greater than 50% of  
23 its total miles for that period. The person claiming the  
24 exemption for a trailer or trailers that will not be dedicated  
25 to a motor vehicle or group of motor vehicles shall make an  
26 election at the time of purchase to use either the trips or

1 mileage method. Persons who purchased trailers prior to July 1,  
2 2004 that are not dedicated to a motor vehicle or group of  
3 motor vehicles shall make an election to use either the trips  
4 or mileage method and document that election in their books and  
5 records. If no election is made under this subsection to use  
6 the trips or mileage method, the person shall be deemed to have  
7 chosen the mileage method. Any election to use either the trips  
8 or mileage method will remain in effect for that trailer for  
9 any period for which the Department may issue a notice of tax  
10 liability under this Act.

11 For purposes of determining qualifying trips or miles,  
12 trailers, semitrailers, or pole trailers that carry property  
13 for hire, even just between points in Illinois, will be  
14 considered used for hire in interstate commerce if the  
15 trailers, semitrailers, or pole trailers transport property  
16 whose shipments originate or terminate outside Illinois. This  
17 definition applies to all property purchased for the purpose of  
18 being attached to those trailers, semitrailers, or pole  
19 trailers as a part thereof. In lieu of a person providing  
20 documentation regarding the qualifying use of each individual  
21 trailer, semitrailer, or pole trailer, that person may document  
22 such qualifying use by providing documentation of the  
23 following:

24 (1) If a trailer, semitrailer, or pole trailer is  
25 dedicated to a motor vehicle that qualifies as rolling  
26 stock moving in interstate commerce under subsection (c) of

1           this Section, then that trailer, semitrailer, or pole  
2           trailer qualifies as rolling stock moving in interstate  
3           commerce under this subsection.

4           (2) If a trailer, semitrailer, or pole trailer is  
5           dedicated to a group of motor vehicles that all qualify as  
6           rolling stock moving in interstate commerce under  
7           subsection (c) of this Section, then that trailer,  
8           semitrailer, or pole trailer qualifies as rolling stock  
9           moving in interstate commerce under this subsection.

10          (3) If one or more trailers, semitrailers, or pole  
11          trailers are dedicated to a group of motor vehicles and not  
12          all of those motor vehicles in that group qualify as  
13          rolling stock moving in interstate commerce under  
14          subsection (c) of this Section, then the percentage of  
15          those trailers, semitrailers, or pole trailers that  
16          qualifies as rolling stock moving in interstate commerce  
17          under this subsection is equal to the percentage of those  
18          motor vehicles in that group that qualify as rolling stock  
19          moving in interstate commerce under subsection (c) of this  
20          Section to which those trailers, semitrailers, or pole  
21          trailers are dedicated. However, to determine the  
22          qualification for the exemption provided under this item  
23          (3), the mathematical application of the qualifying  
24          percentage to one or more trailers, semitrailers, or pole  
25          trailers under this subpart shall not be allowed as to any  
26          fraction of a trailer, semitrailer, or pole trailer.

1 (Source: P.A. 93-23, eff. 6-20-03; 93-1033, eff. 9-3-04.)

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

4 (35 ILCS 110/3-51)

5 Sec. 3-51. Motor vehicles; trailers; use as rolling stock  
6 definition.

7 (a) Through June 30, 2003, "use as rolling stock moving in  
8 interstate commerce" in subsection (b) of Section 3-45 means  
9 for motor vehicles, as defined in Section 1-46 of the Illinois  
10 Vehicle Code, and trailers, as defined in Section 1-209 of the  
11 Illinois Vehicle Code, when on 15 or more occasions in a  
12 12-month period the motor vehicle and trailer has carried  
13 persons or property for hire in interstate commerce, even just  
14 between points in Illinois, if the motor vehicle and trailer  
15 transports persons whose journeys or property whose shipments  
16 originate or terminate outside Illinois. This definition  
17 applies to all property purchased for the purpose of being  
18 attached to those motor vehicles or trailers as a part thereof.

19 (b) On and after July 1, 2003 and through June 30, 2004,  
20 "use as rolling stock moving in interstate commerce" in  
21 paragraphs (4) and (4a) of the definition of "sale of service"  
22 in Section 2 and subsection (b) of Section 3-45 occurs for  
23 motor vehicles, as defined in Section 1-146 of the Illinois  
24 Vehicle Code, when during a 12-month period the rolling stock

1 has carried persons or property for hire in interstate commerce  
2 for 51% of its total trips and transports persons whose  
3 journeys or property whose shipments originate or terminate  
4 outside Illinois. Trips that are only between points in  
5 Illinois shall not be counted as interstate trips when  
6 calculating whether the tangible personal property qualifies  
7 for the exemption but such trips shall be included in total  
8 trips taken.

9 (c) Beginning July 1, 2004, "use as rolling stock moving in  
10 interstate commerce" in paragraphs (4) and (4a) of the  
11 definition of "sale of service" in Section 2 and subsection (b)  
12 of Section 3-45 occurs for motor vehicles, as defined in  
13 Section 1-146 of the Illinois Vehicle Code, when during a  
14 12-month period the rolling stock has carried persons or  
15 property for hire in interstate commerce for greater than 50%  
16 of its total trips for that period or for greater than 50% of  
17 its total miles for that period. The person claiming the  
18 exemption shall make an election at the time of purchase to use  
19 either the trips or mileage method. Persons who purchased motor  
20 vehicles prior to July 1, 2004 shall make an election to use  
21 either the trips or mileage method and document that election  
22 in their books and records. If no election is made under this  
23 subsection to use the trips or mileage method, the person shall  
24 be deemed to have chosen the mileage method. Any election to  
25 use either the trips or mileage method will remain in effect  
26 for that motor vehicle for any period for which the Department

1 may issue a notice of tax liability under this Act.

2 For purposes of determining qualifying trips or miles,  
3 motor vehicles that carry persons or property for hire, even  
4 just between points in Illinois, will be considered used for  
5 hire in interstate commerce if the motor vehicle transports  
6 persons whose journeys or property whose shipments originate or  
7 terminate outside Illinois. ~~The exemption for motor vehicles~~  
8 ~~used as rolling stock moving in interstate commerce may be~~  
9 ~~claimed only for motor vehicles whose gross vehicle weight~~  
10 ~~rating exceeds 16,000 pounds.~~ This definition applies to all  
11 property purchased for the purpose of being attached to those  
12 motor vehicles as a part thereof.

13 (d) Beginning July 1, 2004, "use as rolling stock moving in  
14 interstate commerce" in paragraphs (4) and (4a) of the  
15 definition of "sale of service" in Section 2 and subsection (b)  
16 of Section 3-45 occurs for trailers, as defined in Section  
17 1-209 of the Illinois Vehicle Code, semitrailers as defined in  
18 Section 1-187 of the Illinois Vehicle Code, and pole trailers  
19 as defined in Section 1-161 of the Illinois Vehicle Code, when  
20 during a 12-month period the rolling stock has carried persons  
21 or property for hire in interstate commerce for greater than  
22 50% of its total trips for that period or for greater than 50%  
23 of its total miles for that period. The person claiming the  
24 exemption for a trailer or trailers that will not be dedicated  
25 to a motor vehicle or group of motor vehicles shall make an  
26 election at the time of purchase to use either the trips or

1 mileage method. Persons who purchased trailers prior to July 1,  
2 2004 that are not dedicated to a motor vehicle or group of  
3 motor vehicles shall make an election to use either the trips  
4 or mileage method and document that election in their books and  
5 records. If no election is made under this subsection to use  
6 the trips or mileage method, the person shall be deemed to have  
7 chosen the mileage method. Any election to use either the trips  
8 or mileage method will remain in effect for that trailer for  
9 any period for which the Department may issue a notice of tax  
10 liability under this Act.

11 For purposes of determining qualifying trips or miles,  
12 trailers, semitrailers, or pole trailers that carry property  
13 for hire, even just between points in Illinois, will be  
14 considered used for hire in interstate commerce if the  
15 trailers, semitrailers, or pole trailers transport property  
16 whose shipments originate or terminate outside Illinois. This  
17 definition applies to all property purchased for the purpose of  
18 being attached to those trailers, semitrailers, or pole  
19 trailers as a part thereof. In lieu of a person providing  
20 documentation regarding the qualifying use of each individual  
21 trailer, semitrailer, or pole trailer, that person may document  
22 such qualifying use by providing documentation of the  
23 following:

24 (1) If a trailer, semitrailer, or pole trailer is  
25 dedicated to a motor vehicle that qualifies as rolling  
26 stock moving in interstate commerce under subsection (c) of

1           this Section, then that trailer, semitrailer, or pole  
2           trailer qualifies as rolling stock moving in interstate  
3           commerce under this subsection.

4           (2) If a trailer, semitrailer, or pole trailer is  
5           dedicated to a group of motor vehicles that all qualify as  
6           rolling stock moving in interstate commerce under  
7           subsection (c) of this Section, then that trailer,  
8           semitrailer, or pole trailer qualifies as rolling stock  
9           moving in interstate commerce under this subsection.

10          (3) If one or more trailers, semitrailers, or pole  
11          trailers are dedicated to a group of motor vehicles and not  
12          all of those motor vehicles in that group qualify as  
13          rolling stock moving in interstate commerce under  
14          subsection (c) of this Section, then the percentage of  
15          those trailers, semitrailers, or pole trailers that  
16          qualifies as rolling stock moving in interstate commerce  
17          under this subsection is equal to the percentage of those  
18          motor vehicles in that group that qualify as rolling stock  
19          moving in interstate commerce under subsection (c) of this  
20          Section to which those trailers, semitrailers, or pole  
21          trailers are dedicated. However, to determine the  
22          qualification for the exemption provided under this item  
23          (3), the mathematical application of the qualifying  
24          percentage to one or more trailers, semitrailers, or pole  
25          trailers under this subpart shall not be allowed as to any  
26          fraction of a trailer, semitrailer, or pole trailer.

1 (Source: P.A. 93-23, eff. 6-20-03; 93-1033, eff. 9-3-04.)

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

4 (35 ILCS 115/2d)

5 Sec. 2d. Motor vehicles; trailers; use as rolling stock  
6 definition.

7 (a) Through June 30, 2003, "use as rolling stock moving in  
8 interstate commerce" in subsections (d) and (d-1) of the  
9 definition of "sale of service" in Section 2 means for motor  
10 vehicles, as defined in Section 1-146 of the Illinois Vehicle  
11 Code, and trailers, as defined in Section 1-209 of the Illinois  
12 Vehicle Code, when on 15 or more occasions in a 12-month period  
13 the motor vehicle and trailer has carried persons or property  
14 for hire in interstate commerce, even just between points in  
15 Illinois, if the motor vehicle and trailer transports persons  
16 whose journeys or property whose shipments originate or  
17 terminate outside Illinois. This definition applies to all  
18 property purchased for the purpose of being attached to those  
19 motor vehicles or trailers as a part thereof.

20 (b) On and after July 1, 2003 and through June 30, 2004,  
21 "use as rolling stock moving in interstate commerce" in  
22 paragraphs (d) and (d-1) of the definition of "sale of service"  
23 in Section 2 occurs for motor vehicles, as defined in Section  
24 1-146 of the Illinois Vehicle Code, when during a 12-month

1 period the rolling stock has carried persons or property for  
2 hire in interstate commerce for 51% of its total trips and  
3 transports persons whose journeys or property whose shipments  
4 originate or terminate outside Illinois. Trips that are only  
5 between points in Illinois will not be counted as interstate  
6 trips when calculating whether the tangible personal property  
7 qualifies for the exemption but such trips will be included in  
8 total trips taken.

9 (c) Beginning July 1, 2004, "use as rolling stock moving in  
10 interstate commerce" in paragraphs (d) and (d-1) of the  
11 definition of "sale of service" in Section 2 occurs for motor  
12 vehicles, as defined in Section 1-146 of the Illinois Vehicle  
13 Code, when during a 12-month period the rolling stock has  
14 carried persons or property for hire in interstate commerce for  
15 greater than 50% of its total trips for that period or for  
16 greater than 50% of its total miles for that period. The person  
17 claiming the exemption shall make an election at the time of  
18 purchase to use either the trips or mileage method. Persons who  
19 purchased motor vehicles prior to July 1, 2004 shall make an  
20 election to use either the trips or mileage method and document  
21 that election in their books and records. If no election is  
22 made under this subsection to use the trips or mileage method,  
23 the person shall be deemed to have chosen the mileage method.  
24 Any election to use either the trips or mileage method will  
25 remain in effect for that motor vehicle for any period for  
26 which the Department may issue a notice of tax liability under

1 this Act.

2 For purposes of determining qualifying trips or miles,  
3 motor vehicles that carry persons or property for hire, even  
4 just between points in Illinois, will be considered used for  
5 hire in interstate commerce if the motor vehicle transports  
6 persons whose journeys or property whose shipments originate or  
7 terminate outside Illinois. ~~The exemption for motor vehicles~~  
8 ~~used as rolling stock moving in interstate commerce may be~~  
9 ~~claimed only for motor vehicles whose gross vehicle weight~~  
10 ~~rating exceeds 16,000 pounds.~~ This definition applies to all  
11 property purchased for the purpose of being attached to those  
12 motor vehicles as a part thereof.

13 (d) Beginning July 1, 2004, "use as rolling stock moving in  
14 interstate commerce" in paragraphs (d) and (d-1) of the  
15 definition of "sale of service" in Section 2 occurs for  
16 trailers, as defined in Section 1-209 of the Illinois Vehicle  
17 Code, semitrailers as defined in Section 1-187 of the Illinois  
18 Vehicle Code, and pole trailers as defined in Section 1-161 of  
19 the Illinois Vehicle Code, when during a 12-month period the  
20 rolling stock has carried persons or property for hire in  
21 interstate commerce for greater than 50% of its total trips for  
22 that period or for greater than 50% of its total miles for that  
23 period. The person claiming the exemption for a trailer or  
24 trailers that will not be dedicated to a motor vehicle or group  
25 of motor vehicles shall make an election at the time of  
26 purchase to use either the trips or mileage method. Persons who

1 purchased trailers prior to July 1, 2004 that are not dedicated  
2 to a motor vehicle or group of motor vehicles shall make an  
3 election to use either the trips or mileage method and document  
4 that election in their books and records. If no election is  
5 made under this subsection to use the trips or mileage method,  
6 the person shall be deemed to have chosen the mileage method.  
7 Any election to use either the trips or mileage method will  
8 remain in effect for that trailer for any period for which the  
9 Department may issue a notice of tax liability under this Act.

10 For purposes of determining qualifying trips or miles,  
11 trailers, semitrailers, or pole trailers that carry property  
12 for hire, even just between points in Illinois, will be  
13 considered used for hire in interstate commerce if the  
14 trailers, semitrailers, or pole trailers transport property  
15 whose shipments originate or terminate outside Illinois. This  
16 definition applies to all property purchased for the purpose of  
17 being attached to those trailers, semitrailers, or pole  
18 trailers as a part thereof. In lieu of a person providing  
19 documentation regarding the qualifying use of each individual  
20 trailer, semitrailer, or pole trailer, that person may document  
21 such qualifying use by providing documentation of the  
22 following:

23 (1) If a trailer, semitrailer, or pole trailer is  
24 dedicated to a motor vehicle that qualifies as rolling  
25 stock moving in interstate commerce under subsection (c) of  
26 this Section, then that trailer, semitrailer, or pole

1 trailer qualifies as rolling stock moving in interstate  
2 commerce under this subsection.

3 (2) If a trailer, semitrailer, or pole trailer is  
4 dedicated to a group of motor vehicles that all qualify as  
5 rolling stock moving in interstate commerce under  
6 subsection (c) of this Section, then that trailer,  
7 semitrailer, or pole trailer qualifies as rolling stock  
8 moving in interstate commerce under this subsection.

9 (3) If one or more trailers, semitrailers, or pole  
10 trailers are dedicated to a group of motor vehicles and not  
11 all of those motor vehicles in that group qualify as  
12 rolling stock moving in interstate commerce under  
13 subsection (c) of this Section, then the percentage of  
14 those trailers, semitrailers, or pole trailers that  
15 qualifies as rolling stock moving in interstate commerce  
16 under this subsection is equal to the percentage of those  
17 motor vehicles in that group that qualify as rolling stock  
18 moving in interstate commerce under subsection (c) of this  
19 Section to which those trailers, semitrailers, or pole  
20 trailers are dedicated. However, to determine the  
21 qualification for the exemption provided under this item  
22 (3), the mathematical application of the qualifying  
23 percentage to one or more trailers, semitrailers, or pole  
24 trailers under this subpart shall not be allowed as to any  
25 fraction of a trailer, semitrailer, or pole trailer.

26 (Source: P.A. 93-23, eff. 6-20-03; 93-1033, eff. 9-3-04.)

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

3           (35 ILCS 120/2-51)

4           Sec. 2-51. Motor vehicles; trailers; use as rolling stock  
5 definition.

6           (a) Through June 30, 2003, "use as rolling stock moving in  
7 interstate commerce" in paragraphs (12) and (13) of Section 2-5  
8 means for motor vehicles, as defined in Section 1-146 of the  
9 Illinois Vehicle Code, and trailers, as defined in Section  
10 1-209 of the Illinois Vehicle Code, when on 15 or more  
11 occasions in a 12-month period the motor vehicle and trailer  
12 has carried persons or property for hire in interstate  
13 commerce, even just between points in Illinois, if the motor  
14 vehicle and trailer transports persons whose journeys or  
15 property whose shipments originate or terminate outside  
16 Illinois. This definition applies to all property purchased for  
17 the purpose of being attached to those motor vehicles or  
18 trailers as a part thereof.

19           (b) On and after July 1, 2003 and through June 30, 2004,  
20 "use as rolling stock moving in interstate commerce" in  
21 paragraphs (12) and (13) of Section 2-5 occurs for motor  
22 vehicles, as defined in Section 1-146 of the Illinois Vehicle  
23 Code, when during a 12-month period the rolling stock has  
24 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. Trips that are only between points in Illinois shall  
4 not be counted as interstate trips when calculating whether the  
5 tangible personal property qualifies for the exemption but such  
6 trips shall be included in total trips taken.

7 (c) Beginning July 1, 2004, "use as rolling stock moving in  
8 interstate commerce" in paragraphs (12) and (13) of Section 2-5  
9 occurs for motor vehicles, as defined in Section 1-146 of the  
10 Illinois Vehicle Code, when during a 12-month period the  
11 rolling stock has carried persons or property for hire in  
12 interstate commerce for greater than 50% of its total trips for  
13 that period or for greater than 50% of its total miles for that  
14 period. The person claiming the exemption shall make an  
15 election at the time of purchase to use either the trips or  
16 mileage method. Persons who purchased motor vehicles prior to  
17 July 1, 2004 shall make an election to use either the trips or  
18 mileage method and document that election in their books and  
19 records. If no election is made under this subsection to use  
20 the trips or mileage method, the person shall be deemed to have  
21 chosen the mileage method. Any election to use either the trips  
22 or mileage method will remain in effect for that motor vehicle  
23 for any period for which the Department may issue a notice of  
24 tax liability under this Act.

25 For purposes of determining qualifying trips or miles,  
26 motor vehicles that carry persons or property for hire, even

1 just between points in Illinois, will be considered used for  
2 hire in interstate commerce if the motor vehicle transports  
3 persons whose journeys or property whose shipments originate or  
4 terminate outside Illinois. ~~The exemption for motor vehicles~~  
5 ~~used as rolling stock moving in interstate commerce may be~~  
6 ~~claimed only for motor vehicles whose gross vehicle weight~~  
7 ~~rating exceeds 16,000 pounds.~~ This definition applies to all  
8 property purchased for the purpose of being attached to those  
9 motor vehicles as a part thereof.

10 (d) Beginning July 1, 2004, "use as rolling stock moving in  
11 interstate commerce" in paragraphs (12) and (13) of Section 2-5  
12 occurs for trailers, as defined in Section 1-209 of the  
13 Illinois Vehicle Code, semitrailers as defined in Section 1-187  
14 of the Illinois Vehicle Code, and pole trailers as defined in  
15 Section 1-161 of the Illinois Vehicle Code, when during a  
16 12-month period the rolling stock has carried persons or  
17 property for hire in interstate commerce for greater than 50%  
18 of its total trips for that period or for greater than 50% of  
19 its total miles for that period. The person claiming the  
20 exemption for a trailer or trailers that will not be dedicated  
21 to a motor vehicle or group of motor vehicles shall make an  
22 election at the time of purchase to use either the trips or  
23 mileage method. Persons who purchased trailers prior to July 1,  
24 2004 that are not dedicated to a motor vehicle or group of  
25 motor vehicles shall make an election to use either the trips  
26 or mileage method and document that election in their books and

1 records. If no election is made under this subsection to use  
2 the trips or mileage method, the person shall be deemed to have  
3 chosen the mileage method. Any election to use either the trips  
4 or mileage method will remain in effect for that trailer for  
5 any period for which the Department may issue a notice of tax  
6 liability under this Act.

7 For purposes of determining qualifying trips or miles,  
8 trailers, semitrailers, or pole trailers that carry property  
9 for hire, even just between points in Illinois, will be  
10 considered used for hire in interstate commerce if the  
11 trailers, semitrailers, or pole trailers transport property  
12 whose shipments originate or terminate outside Illinois. This  
13 definition applies to all property purchased for the purpose of  
14 being attached to those trailers, semitrailers, or pole  
15 trailers as a part thereof. In lieu of a person providing  
16 documentation regarding the qualifying use of each individual  
17 trailer, semitrailer, or pole trailer, that person may document  
18 such qualifying use by providing documentation of the  
19 following:

20 (1) If a trailer, semitrailer, or pole trailer is  
21 dedicated to a motor vehicle that qualifies as rolling  
22 stock moving in interstate commerce under subsection (c) of  
23 this Section, then that trailer, semitrailer, or pole  
24 trailer qualifies as rolling stock moving in interstate  
25 commerce under this subsection.

26 (2) If a trailer, semitrailer, or pole trailer is

1 dedicated to a group of motor vehicles that all qualify as  
2 rolling stock moving in interstate commerce under  
3 subsection (c) of this Section, then that trailer,  
4 semitrailer, or pole trailer qualifies as rolling stock  
5 moving in interstate commerce under this subsection.

6 (3) If one or more trailers, semitrailers, or pole  
7 trailers are dedicated to a group of motor vehicles and not  
8 all of those motor vehicles in that group qualify as  
9 rolling stock moving in interstate commerce under  
10 subsection (c) of this Section, then the percentage of  
11 those trailers, semitrailers, or pole trailers that  
12 qualifies as rolling stock moving in interstate commerce  
13 under this subsection is equal to the percentage of those  
14 motor vehicles in that group that qualify as rolling stock  
15 moving in interstate commerce under subsection (c) of this  
16 Section to which those trailers, semitrailers, or pole  
17 trailers are dedicated. However, to determine the  
18 qualification for the exemption provided under this item  
19 (3), the mathematical application of the qualifying  
20 percentage to one or more trailers, semitrailers, or pole  
21 trailers under this subpart shall not be allowed as to any  
22 fraction of a trailer, semitrailer, or pole trailer.

23 (Source: P.A. 93-23, eff. 6-20-03; 93-1033, eff. 9-3-04.)

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