



Sen. Mattie Hunter

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09500SB1433sam001

LRB095 04684 BDD 31821 a

1 AMENDMENT TO SENATE BILL 1433

2 AMENDMENT NO. _____. Amend Senate Bill 1433 on page 4,
3 immediately below line 20, by inserting the following:

4 "Section 10. The Cigarette Use Tax Act is amended by
5 changing Section 1 as follows:

6 (35 ILCS 135/1) (from Ch. 120, par. 453.31)

7 Sec. 1. For the purpose of this Act, unless otherwise
8 required by the context:

9 "Use" means the exercise by any person of any right or
10 power over cigarettes incident to the ownership or possession
11 thereof, other than the making of a sale thereof in the course
12 of engaging in a business of selling cigarettes and shall
13 include the keeping or retention of cigarettes for use.

14 "Cigarette" means any roll for smoking made wholly or in
15 part of tobacco irrespective of size or shape and whether or
16 not such tobacco is flavored, adulterated or mixed with any

1 other ingredient, and the wrapper or cover of which is made of
2 paper or any other substance or material except tobacco.

3 "Person" means any natural individual, firm, partnership,
4 association, joint stock company, joint adventure, public or
5 private corporation, however formed, limited liability
6 company, or a receiver, executor, administrator, trustee,
7 guardian or other representative appointed by order of any
8 court.

9 "Department" means the Department of Revenue.

10 "Sale" means any transfer, exchange or barter in any manner
11 or by any means whatsoever for a consideration, and includes
12 and means all sales made by any person.

13 "Original Package" means the individual packet, box or
14 other container whatsoever used to contain and to convey
15 cigarettes to the consumer.

16 "Distributor" means any and each of the following:

17 a. Any person engaged in the business of selling
18 cigarettes in this State who brings or causes to be brought
19 into this State from without this State any original
20 packages of cigarettes, on which original packages there is
21 no authorized evidence underneath a sealed transparent
22 wrapper showing that the tax liability imposed by this Act
23 has been paid or assumed by the out-of-State seller of such
24 cigarettes, for sale in the course of such business.

25 b. Any person who makes, manufactures or fabricates
26 cigarettes in this State for sale, except a person who

1 makes, manufactures or fabricates cigarettes for sale to
2 residents incarcerated in penal institutions or resident
3 patients or a State-operated mental health facility.

4 c. Any person who makes, manufactures or fabricates
5 cigarettes outside this State, which cigarettes are placed
6 in original packages contained in sealed transparent
7 wrappers, for delivery or shipment into this State, and who
8 elects to qualify and is accepted by the Department as a
9 distributor under Section 7 of this Act.

10 "Distributor" does not include any person who transfers
11 cigarettes to a not-for-profit research institution that
12 conducts tests concerning the health effects of tobacco
13 products and who does not offer the cigarettes for resale.

14 "Distributor maintaining a place of business in this
15 State", or any like term, means any distributor having or
16 maintaining within this State, directly or by a subsidiary, an
17 office, distribution house, sales house, warehouse or other
18 place of business, or any agent operating within this State
19 under the authority of the distributor or its subsidiary,
20 irrespective of whether such place of business or agent is
21 located here permanently or temporarily, or whether such
22 distributor or subsidiary is licensed to transact business
23 within this State.

24 "Business" means any trade, occupation, activity or
25 enterprise engaged in or conducted in this State for the
26 purpose of selling cigarettes.

1 "Prior Continuous Compliance Taxpayer" means any person
2 who is licensed under this Act and who, having been a licensee
3 for a continuous period of 5 years, is determined by the
4 Department not to have been either delinquent or deficient in
5 the payment of tax liability during that period or otherwise in
6 violation of this Act. Also, any taxpayer who has, as verified
7 by the Department, continuously complied with the condition of
8 his bond or other security under provisions of this Act of a
9 period of 5 consecutive years shall be considered to be a
10 "prior continuous compliance taxpayer". In calculating the
11 consecutive period of time described herein for qualification
12 as a "prior continuous compliance taxpayer", a consecutive
13 period of time of qualifying compliance immediately prior to
14 the effective date of this amendatory Act of 1987 shall be
15 credited to any licensee who became licensed on or before the
16 effective date of this amendatory Act of 1987.
17 (Source: P.A. 88-480.)".