



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB3875

Introduced 2/26/2009, by Rep. Michael J. Zalewski

SYNOPSIS AS INTRODUCED:

35 ILCS 105/3b new
35 ILCS 120/2-75 new

Amends the Use Tax Act and the Retailers' Occupation Tax Act. Provides that, notwithstanding any other provision to the contrary, no tax shall be imposed under those Acts upon the privilege of using in this State (for the Use Tax Act) or persons engaged in the business of selling at retail (for the Retailers' Occupation Tax Act) certain household appliances that (i) qualify as an "Energy Star" product under the federal Energy Star Program; and (ii) are purchased from 12:01 a.m. on April 22 of 2009 or 2010 through 11:59 p.m. of April 28 of that same year. Authorizes and encourages units of local government that impose use and occupation taxes to declare a similar tax holiday. Effective immediately.

LRB096 11741 HLH 22493 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 Use Tax Act is amended by adding Section 3b
5 as follows:

6 (35 ILCS 105/3b new)

7 Sec. 3b. Tax holiday for "Energy Star" appliances.

8 (a) Notwithstanding any other provision to the contrary, no
9 tax shall be imposed under this Act upon the privilege of using
10 for nonbusiness purposes in this State a clothes washer,
11 dehumidifier, dishwasher, refrigerator, freezer, room air
12 conditioner, ceiling fan, programmable thermostat, ventilating
13 fan, compact fluorescent bulb, or residential light fixture
14 purchased if the item:

15 (i) qualifies as an "Energy Star" product under the
16 Energy Star Program administered by the United States
17 Environmental Protection Agency; and

18 (ii) is purchased during the tax holiday period, which
19 is from 12:01 a.m. on April 22 of 2009 or 2010 through
20 11:59 p.m. of April 28 of that same year.

21 (b) Any discount, coupon, or other credit offered either by
22 the retailer or by a vendor of the retailer to reduce the final
23 price to the customer shall be taken into account in

1 determining the selling price of the item for purposes of this
2 holiday. For purpose of this Section, a "purchase" occurs
3 during the tax holiday if the buyer places an order and pays
4 the purchase price by cash or credit during the tax holiday
5 period regardless of whether the delivery of the item occurs
6 after the tax holiday period.

7 (c) Each unit of local government that imposes a use tax
8 may, by resolution or ordinance, declare a tax holiday with
9 respect to its use tax for the same items, during the same
10 periods, and under the same conditions and is encouraged to do
11 so.

12 Section 10. The Retailers' Occupation Tax Act is amended by
13 adding Section 2-75 as follows:

14 (35 ILCS 120/2-75 new)

15 Sec. 2-75. Tax holiday for "Energy Star" appliances.

16 (a) Notwithstanding any other provision to the contrary, no
17 tax shall be imposed under this Act upon persons engaged in the
18 business of selling at retail, for nonbusiness use, a clothes
19 washer, dehumidifier, dishwasher, refrigerator, freezer, room
20 air conditioner, ceiling fan, programmable thermostat,
21 ventilating fan, compact fluorescent bulb, or residential
22 light fixture purchased if the item:

23 (i) qualifies as an "Energy Star" product under the
24 Energy Star Program administered by the United States

1 Environmental Protection Agency; and

2 (ii) is purchased during the tax holiday period, which
3 is from 12:01 a.m. on April 22 of 2009 or 2010 through
4 11:59 p.m. of April 28 of that same year.

5 (b) Any discount, coupon, or other credit offered either by
6 the retailer or by a vendor of the retailer to reduce the final
7 price to the customer shall be taken into account in
8 determining the selling price of the item for purposes of this
9 holiday. For purpose of this Section, a "purchase" occurs
10 during the tax holiday if the buyer places an order and pays
11 the purchase price by cash or credit during the tax holiday
12 period regardless of whether the delivery of the item occurs
13 after the tax holiday period.

14 (c) Each unit of local government that imposes a retailers'
15 occupation tax may, by resolution or ordinance, declare a tax
16 holiday with respect to its retailers' occupation tax for the
17 same items, during the same periods, and under the same
18 conditions and is encouraged to do so.

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.