



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB6145

Introduced 2/11/2010, by Rep. Richard P. Myers

#### SYNOPSIS AS INTRODUCED:

35 ILCS 200/31-10

Amends the Property Tax Code. Provides that a Section imposing a real estate transfer tax does not apply to the transfer of an easement to a public utility, an affiliate of a public utility, or a telecommunications carrier.

LRB096 18609 HLH 33991 b

FISCAL NOTE ACT  
MAY APPLY

HOUSING  
AFFORDABILITY  
IMPACT NOTE ACT  
MAY APPLY

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 Property Tax Code is amended by changing  
5 Section 31-10 as follows:

6 (35 ILCS 200/31-10)

7 Sec. 31-10. Imposition of tax. A tax is imposed on the  
8 privilege of transferring title to real estate located in  
9 Illinois, on the privilege of transferring a beneficial  
10 interest in real property located in Illinois, and on the  
11 privilege of transferring a controlling interest in a real  
12 estate entity owning property located in Illinois, at the rate  
13 of 50¢ for each \$500 of value or fraction of \$500 stated in the  
14 declaration required by Section 31-25. The tax imposed by this  
15 Section shall not apply to the transfer of an easement to (i) a  
16 public utility or an affiliate of a public utility, as that  
17 term is defined in Section 3-105 of the Public Utilities Act,  
18 or (ii) a telecommunications carrier, as that term is defined  
19 in Section 13-202 of the Public Utilities Act. If, however, the  
20 transferring document states that the real estate, beneficial  
21 interest, or controlling interest is transferred subject to a  
22 mortgage, the amount of the mortgage remaining outstanding at  
23 the time of transfer shall not be included in the basis of

1 computing the tax. The tax is due if the transfer is made by  
2 one or more related transactions or involves one or more  
3 persons or entities and whether or not a document is recorded.  
4 (Source: P.A. 93-657, eff. 6-1-04; 93-1099, eff. 6-1-05.)