

HB3840



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB3840

Introduced 10/19/2011, by Rep. Michael W. Tryon

SYNOPSIS AS INTRODUCED:

415 ILCS 135/60

Amends the Drycleaner Environmental Response Trust Fund Act. Provides that the Department of Revenue may accept payment of the license fee required under the Act by credit card only if the Department is not required to pay a discount fee charged by the credit card issuer. Effective immediately.

LRB097 13937 HLH 58532 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 Drycleaner Environmental Response Trust
5 Fund Act is amended by changing Section 60 as follows:

6 (415 ILCS 135/60)

7 (Section scheduled to be repealed on January 1, 2020)

8 Sec. 60. Drycleaning facility license.

9 (a) On and after January 1, 1998, no person shall operate a
10 drycleaning facility in this State without a license issued by
11 the Council.

12 (b) The Council shall issue an initial or renewal license
13 to a drycleaning facility on submission by an applicant of a
14 completed form prescribed by the Council, proof of payment of
15 the required fee to the Department of Revenue, and, if the
16 drycleaning facility has previously received or is currently
17 receiving reimbursement for the costs of a remedial action, as
18 defined in this Act, proof of compliance with subsection (j) of
19 Section 40.

20 (c) On or after January 1, 2004, the annual fees for
21 licensure are as follows:

22 (1) \$500 for a facility that uses (i) 50 gallons or
23 less of chlorine-based or green drycleaning solvents

1 annually, (ii) 250 or less gallons annually of
2 hydrocarbon-based drycleaning solvents in a drycleaning
3 machine equipped with a solvent reclaimer, or (iii) 500
4 gallons or less annually of hydrocarbon-based drycleaning
5 solvents in a drycleaning machine without a solvent
6 reclaimer.

7 (2) \$500 for a facility that uses (i) more than 50
8 gallons but not more than 100 gallons of chlorine-based or
9 green drycleaning solvents annually, (ii) more than 250
10 gallons but not more 500 gallons annually of
11 hydrocarbon-based solvents in a drycleaning machine
12 equipped with a solvent reclaimer, or (iii) more than 500
13 gallons but not more than 1,000 gallons annually of
14 hydrocarbon-based drycleaning solvents in a drycleaning
15 machine without a solvent reclaimer.

16 (3) \$500 for a facility that uses (i) more than 100
17 gallons but not more than 150 gallons of chlorine-based or
18 green drycleaning solvents annually, (ii) more than 500
19 gallons but not more than 750 gallons annually of
20 hydrocarbon-based solvents in a drycleaning machine
21 equipped with a solvent reclaimer, or (iii) more than 1,000
22 gallons but not more than 1,500 gallons annually of
23 hydrocarbon-based drycleaning solvents in a drycleaning
24 machine without a solvent reclaimer.

25 (4) \$1,000 for a facility that uses (i) more than 150
26 gallons but not more than 200 gallons of chlorine-based or

1 green drycleaning solvents annually, (ii) more than 750
2 gallons but not more than 1,000 gallons annually of
3 hydrocarbon-based solvents in a drycleaning machine
4 equipped with a solvent reclaimer, or (iii) more than 1,500
5 gallons but not more than 2,000 gallons annually of
6 hydrocarbon-based drycleaning solvents in a drycleaning
7 machine without a solvent reclaimer.

8 (5) \$1,000 for a facility that uses (i) more than 200
9 gallons but not more than 250 gallons of chlorine-based or
10 green drycleaning solvents annually, (ii) more than 1,000
11 gallons but not more than 1,250 gallons annually of
12 hydrocarbon-based solvents in a drycleaning machine
13 equipped with a solvent reclaimer, or (iii) more than 2,000
14 gallons but not more than 2,500 gallons annually of
15 hydrocarbon-based drycleaning solvents in a drycleaning
16 machine without a solvent reclaimer.

17 (6) \$1,000 for a facility that uses (i) more than 250
18 gallons but not more than 300 gallons of chlorine-based or
19 green drycleaning solvents annually, (ii) more than 1,250
20 gallons but not more than 1,500 gallons annually of
21 hydrocarbon-based solvents in a drycleaning machine
22 equipped with a solvent reclaimer, or (iii) more than 2,500
23 gallons but not more than 3,000 gallons annually of
24 hydrocarbon-based drycleaning solvents in a drycleaning
25 machine without a solvent reclaimer.

26 (7) \$1,000 for a facility that uses (i) more than 300

1 gallons but not more than 350 gallons of chlorine-based or
2 green drycleaning solvents annually, (ii) more than 1,500
3 gallons but not more than 1,750 gallons annually of
4 hydrocarbon-based solvents in a drycleaning machine
5 equipped with a solvent reclaimer, or (iii) more than 3,000
6 gallons but not more than 3,500 gallons annually of
7 hydrocarbon-based drycleaning solvents in a drycleaning
8 machine without a solvent reclaimer.

9 (8) \$1,500 for a facility that uses (i) more than 350
10 gallons but not more than 400 gallons of chlorine-based or
11 green drycleaning solvents annually, (ii) more than 1,750
12 gallons but not more than 2,000 gallons annually of
13 hydrocarbon-based solvents in a drycleaning machine
14 equipped with a solvent reclaimer, or (iii) more than 3,500
15 gallons but not more than 4,000 gallons annually of
16 hydrocarbon-based drycleaning solvents in a drycleaning
17 machine without a solvent reclaimer.

18 (9) \$1,500 for a facility that uses (i) more than 400
19 gallons but not more than 450 gallons of chlorine-based or
20 green drycleaning solvents annually, (ii) more than 2,000
21 gallons but not more than 2,250 gallons annually of
22 hydrocarbon-based solvents in a drycleaning machine
23 equipped with a solvent reclaimer, or (iii) more than 4,000
24 gallons but not more than 4,500 gallons annually of
25 hydrocarbon-based drycleaning solvents in a drycleaning
26 machine without a solvent reclaimer.

1 (10) \$1,500 for a facility that uses (i) more than 450
2 gallons but not more than 500 gallons of chlorine-based or
3 green drycleaning solvents annually, (ii) more than 2,250
4 gallons but not more than 2,500 gallons annually of
5 hydrocarbon-based solvents used in a drycleaning machine
6 equipped with a solvent reclaimer, or (iii) more than 4,500
7 gallons but not more than 5,000 gallons annually of
8 hydrocarbon-based drycleaning solvents in a drycleaning
9 machine without a solvent reclaimer.

10 (11) \$1,500 for a facility that uses (i) more than 500
11 gallons but not more than 550 gallons of chlorine-based or
12 green drycleaning solvents annually, (ii) more than 2,500
13 gallons but not more than 2,750 gallons annually of
14 hydrocarbon-based solvents in a drycleaning machine
15 equipped with a solvent reclaimer, or (iii) more than 5,000
16 gallons but not more than 5,500 gallons annually of
17 hydrocarbon-based drycleaning solvents in a drycleaning
18 machine without a solvent reclaimer.

19 (12) \$1,500 for a facility that uses (i) more than 550
20 gallons but not more than 600 gallons of chlorine-based or
21 green drycleaning solvents annually, (ii) more than 2,750
22 gallons but not more than 3,000 gallons annually of
23 hydrocarbon-based solvents in a drycleaning machine
24 equipped with a solvent reclaimer, or (iii) more than 5,500
25 gallons but not more than 6,000 gallons annually of
26 hydrocarbon-based drycleaning solvents in a drycleaning

1 machine without a solvent reclaimer.

2 (13) \$1,500 for a facility that uses (i) more than 600
3 gallons of chlorine-based or green drycleaning solvents
4 annually, (ii) more than 3,000 gallons but not more than
5 3,250 gallons annually of hydrocarbon-based solvents in a
6 drycleaning machine equipped with a solvent reclaimer, or
7 (iii) more than 6,000 gallons of hydrocarbon-based
8 drycleaning solvents annually in a drycleaning machine
9 equipped without a solvent reclaimer.

10 (14) \$1,500 for a facility that uses more than 3,250
11 gallons but not more than 3,500 gallons annually of
12 hydrocarbon-based solvents in a drycleaning machine
13 equipped with a solvent reclaimer.

14 (15) \$1,500 for a facility that uses more than 3,500
15 gallons but not more than 3,750 gallons annually of
16 hydrocarbon-based solvents used in a drycleaning machine
17 equipped with a solvent reclaimer.

18 (16) \$1,500 for a facility that uses more than 3,750
19 gallons but not more than 4,000 gallons annually of
20 hydrocarbon-based solvents in a drycleaning machine
21 equipped with a solvent reclaimer.

22 (17) \$1,500 for a facility that uses more than 4,000
23 gallons annually of hydrocarbon-based solvents in a
24 drycleaning machine equipped with a solvent reclaimer.

25 For purpose of this subsection, the quantity of drycleaning
26 solvents used annually shall be determined as follows:

1 (1) in the case of an initial applicant, the quantity
2 of drycleaning solvents that the applicant estimates will
3 be used during his or her initial license year. A fee
4 assessed under this subdivision is subject to audited
5 adjustment for that year; or

6 (2) in the case of a renewal applicant, the quantity of
7 drycleaning solvents actually purchased in the preceding
8 license year.

9 The Council may adjust licensing fees annually based on the
10 published Consumer Price Index - All Urban Consumers ("CPI-U")
11 or as otherwise determined by the Council.

12 (d) A license issued under this Section shall expire one
13 year after the date of issuance and may be renewed on
14 reapplication to the Council and submission of proof of payment
15 of the appropriate fee to the Department of Revenue in
16 accordance with subsections (c) and (e). At least 30 days
17 before payment of a renewal licensing fee is due, the Council
18 shall attempt to:

19 (1) notify the operator of each licensed drycleaning
20 facility concerning the requirements of this Section; and

21 (2) submit a license fee payment form to the licensed
22 operator of each drycleaning facility.

23 (e) An operator of a drycleaning facility shall submit the
24 appropriate application form provided by the Council with the
25 license fee in the form of cash, credit card, business check,
26 or guaranteed remittance, ~~or credit card~~ to the Department of

1 Revenue. The Department may accept payment of the license fee
2 under this Section by credit card only if the Department is not
3 required to pay a discount fee charged by the credit card
4 issuer. The license fee payment form and the actual license fee
5 payment shall be administered by the Department of Revenue
6 under rules adopted by that Department.

7 (f) The Department of Revenue shall issue a proof of
8 payment receipt to each operator of a drycleaning facility who
9 has paid the appropriate fee in cash or by guaranteed
10 remittance, ~~or~~ credit card, or business check. However, the
11 Department of Revenue shall not issue a proof of payment
12 receipt to a drycleaning facility that is liable to the
13 Department of Revenue for a tax imposed under this Act. The
14 original receipt shall be presented to the Council by the
15 operator of a drycleaning facility.

16 (g) (Blank).

17 (h) The Council and the Department of Revenue may adopt
18 rules as necessary to administer the licensing requirements of
19 this Act.

20 (Source: P.A. 96-774, eff. 1-1-10; 97-332, eff. 8-12-11;
21 97-377, eff. 1-1-12; revised 10-4-11.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.