



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5896

Introduced 2/16/2012, by Rep. Roger L. Eddy

SYNOPSIS AS INTRODUCED:

35 ILCS 5/223 new
415 ILCS 120/45
815 ILCS 365/5 new

Amends the Motor Fuel Sales Act. Requires that, no later than December 31, 2016, there must be installed, at each gasoline station or service station, one or more new flex fuel dispensing pumps. Provides that the Department of Revenue shall impose a civil penalty of \$100 per day upon the owner of any gasoline station or service station that does not comply with this requirement. Amends the Illinois Income Tax Act. Creates a tax credit, for taxable years ending on or after December 31, 2012 and on or before December 30, 2021, for taxpayers who install a new flex fuel dispensing pump at a gasoline station or service station in Illinois during the taxable year in the amount equal to the cost of that installation. Provides that the credit: (i) may not exceed \$80,000 per pump; (ii) may not be claimed in any one taxable year in an amount exceeding \$20,000 per pump, but any excess amount may be carried forward; and (iii) may not be claimed with respect to the installation of more than one flex fuel dispensing pump at any one station. Provides that the credit may be carried forward for 4 years. Effective immediately.

LRB097 17552 HLH 62757 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning motor fuel.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Income Tax Act is amended by adding
5 Section 223 as follows:

6 (35 ILCS 5/223 new)

7 Sec. 223. Tax credit for installing flex fuel dispensing
8 pumps.

9 (a) If, during a taxable year ending on or after December
10 31, 2012 and ending on or before December 30, 2021, a taxpayer
11 installs a new flex fuel dispensing pump at his or her gasoline
12 station or service station in Illinois, then, subject to the
13 limitations set forth in this Section, the taxpayer is entitled
14 to a credit against the tax imposed by subsections (a) and (b)
15 of Section 201 in an amount equal to the cost of that
16 installation, but not to exceed \$80,000 per pump.

17 (b) The credit under this Section:

18 (1) may not be claimed in any one taxable year in an
19 amount exceeding \$20,000 per pump; however, an amount
20 exceeding \$20,000 per pump, but not exceeding \$80,000 per
21 pump, may be carried forward under subsection (e); and

22 (2) may not be claimed with respect to the installation
23 of more than one flex fuel dispensing pump at any one

1 gasoline station or service station.

2 (c) For purposes of this Section "flex fuel dispensing
3 pump" means a blender pump that dispenses a variety of ethanol
4 fuel blends, including, but not limited to, E10, E20, E30, and
5 E85.

6 (d) For partners, shareholders of Subchapter S
7 corporations, and owners of limited liability companies, if the
8 limited liability company is treated as a partnership for
9 purposes of federal and State income taxation, there is allowed
10 a credit under this Section to be determined in accordance with
11 the determination of income and distributive share of income
12 under Sections 702 and 704 and Subchapter S of the Internal
13 Revenue Code of 1986.

14 (e) The credit may not be carried back. If the amount of
15 the credit in any taxable year exceeds the lesser of (i)
16 \$20,000 or (ii) the tax liability for the year, then the excess
17 credit amounts may be carried forward and applied to the tax
18 liability of the 4 taxable years following the excess credit
19 year. The tax credit must be applied to the earliest year for
20 which there is a tax liability. If there are credits for more
21 than one year that are available to offset a liability, the
22 earlier credit must be applied first.

23 Section 10. The Alternate Fuels Act is amended by changing
24 Section 45 as follows:

1 (415 ILCS 120/45)

2 Sec. 45. Alternate Fuels Fund; creation; deposit of user
3 fees. A separate fund in the State Treasury called the
4 Alternate Fuels Fund is created, into which shall be
5 transferred the user fees as provided in Section 35 and any
6 other revenues, penalties, deposits, State appropriations,
7 contributions, grants, gifts, bequests, legacies of money and
8 securities, or transfers as provided by law from, without
9 limitation, governmental entities, private sources,
10 foundations, trade associations, industry organizations, and
11 not-for-profit organizations.

12 (Source: P.A. 92-858, eff. 1-3-03.)

13 Section 15. The Motor Fuel Sales Act is amended by adding
14 Section 5 as follows:

15 (815 ILCS 365/5 new)

16 Sec. 5. Flex fuel pump required. No later than December 31,
17 2016, there must be installed, at each gasoline station or
18 service station to which this Act applies, one or more new flex
19 fuel dispensing pumps. For purposes of this Section "flex fuel
20 dispensing pump" means a blender pump that dispenses a variety
21 of ethanol fuel blends, including, but not limited to, E10,
22 E20, E30, and E85. The Department of Revenue shall impose a
23 civil penalty of \$100 per day upon the owner of any gasoline
24 station or service station that is not in compliance with this

1 Section. The Attorney General may bring an action in the
2 circuit court to enforce the collection of a monetary penalty
3 imposed under this Section. Moneys collected from the civil
4 penalty imposed under this Section shall be deposited into the
5 Alternate Fuels Fund.

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.