



Rep. Michael J. Zalewski

**Filed: 4/1/2014**

09800HB3879ham001

LRB098 15449 HLH 57835 a

1 AMENDMENT TO HOUSE BILL 3879

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3879 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Motor Fuel Tax Law is amended by changing  
5 Section 6 as follows:

6 (35 ILCS 505/6) (from Ch. 120, par. 422)

7 Sec. 6. Collection of tax; distributors. A distributor who  
8 sells or distributes any motor fuel, which he is required by  
9 Section 5 to report to the Department when filing a return,  
10 shall (except as hereinafter provided) collect at the time of  
11 such sale and distribution, the amount of tax imposed under  
12 this Act on all such motor fuel sold and distributed, and at  
13 the time of making a return, the distributor shall pay to the  
14 Department the amount so collected less a discount of 2%  
15 through June 30, 2003 and 1.75% thereafter which is allowed to  
16 reimburse the distributor for the expenses incurred in keeping

1 records, preparing and filing returns, collecting and  
2 remitting the tax and supplying data to the Department on  
3 request, and shall also pay to the Department an amount equal  
4 to the amount that would be collectible as a tax in the event  
5 of a sale thereof on all such motor fuel used by said  
6 distributor during the period covered by the return. However,  
7 no payment shall be made based upon dyed diesel fuel used by  
8 the distributor for non-highway purposes. The discount shall  
9 only be applicable to the amount of tax payment which  
10 accompanies a return which is filed timely in accordance with  
11 Section 5 of this Act. In each subsequent sale of motor fuel on  
12 which the amount of tax imposed under this Act has been  
13 collected as provided in this Section, the amount so collected  
14 shall be added to the selling price, so that the amount of tax  
15 is paid ultimately by the user of the motor fuel. However, no  
16 collection or payment shall be made in the case of the sale or  
17 use of any motor fuel to the extent to which such sale or use of  
18 motor fuel may not, under the constitution and statutes of the  
19 United States, be made the subject of taxation by this State. A  
20 person whose license to act as a distributor of fuel has been  
21 revoked shall, at the time of making a return, also pay to the  
22 Department an amount equal to the amount that would be  
23 collectible as a tax in the event of a sale thereof on all  
24 motor fuel, which he is required by the second paragraph of  
25 Section 5 to report to the Department in making a return, and  
26 which he had on hand on the date on which the license was

1     revoked, and with respect to which no tax had been previously  
2     paid under this Act.

3             A distributor may make tax free sales of motor fuel, with  
4     respect to which he is otherwise required to collect the tax,  
5     only as specified in the following items 1 through 9 7.

6             1. When the sale is made to a person holding a valid  
7     unrevoked license as a distributor, by making a specific  
8     notation thereof on invoices or sales slip covering each  
9     sale.

10            2. When the sale is made with delivery to a purchaser  
11     outside of this State.

12            3. When the sale is made to the Federal Government or  
13     its instrumentalities.

14            4. When the sale is made to a municipal corporation  
15     owning and operating a local transportation system for  
16     public service in this State when an official certificate  
17     of exemption is obtained in lieu of the tax.

18            5. When the sale is made to a privately owned public  
19     utility owning and operating 2 axle vehicles designed and  
20     used for transporting more than 7 passengers, which  
21     vehicles are used as common carriers in general  
22     transportation of passengers, are not devoted to any  
23     specialized purpose and are operated entirely within the  
24     territorial limits of a single municipality or of any group  
25     of contiguous municipalities, or in a close radius thereof,  
26     and the operations of which are subject to the regulations

1 of the Illinois Commerce Commission, when an official  
2 certificate of exemption is obtained in lieu of the tax.

3 6. When a sale of special fuel is made to a person  
4 holding a valid, unrevoked license as a supplier, by making  
5 a specific notation thereof on the invoice or sales slip  
6 covering each such sale.

7 7. When a sale of dyed diesel fuel is made to someone  
8 other than a licensed distributor or a licensed supplier  
9 for non-highway purposes and the fuel is (i) delivered from  
10 a vehicle designed for the specific purpose of such sales  
11 and delivered directly into a stationary bulk storage tank  
12 that displays the notice required by Section 4f of this  
13 Act, (ii) delivered from a vehicle designed for the  
14 specific purpose of such sales and delivered directly into  
15 the fuel supply tanks of non-highway vehicles that are not  
16 required to be registered for highway use, or (iii)  
17 dispensed from a dyed diesel fuel dispensing facility that  
18 has withdrawal facilities that are not readily accessible  
19 to and are not capable of dispensing dyed diesel fuel into  
20 the fuel supply tank of a motor vehicle.

21 A specific notation is required on the invoice or sales  
22 slip covering such sales, and any supporting documentation  
23 that may be required by the Department must be obtained by  
24 the distributor. The distributor shall obtain and keep the  
25 supporting documentation in such form as the Department may  
26 require by rule.

1           For purposes of this item 7, a dyed diesel fuel  
2 dispensing facility is considered to have withdrawal  
3 facilities that are "not readily accessible to and not  
4 capable of dispensing dyed diesel fuel into the fuel supply  
5 tank of a motor vehicle" only if the dyed diesel fuel is  
6 delivered from: (i) a dispenser hose that is short enough  
7 so that it will not reach the fuel supply tank of a motor  
8 vehicle or (ii) a dispenser that is enclosed by a fence or  
9 other physical barrier so that a vehicle cannot pull  
10 alongside the dispenser to permit fueling.

11           8. (Blank).

12           9. When the sale is made to a ground ambulance service  
13 provider for a vehicle that is licensed as an ambulance by  
14 the Illinois Department of Public Health pursuant to the  
15 Emergency Medical Services (EMS) Systems Act. For the  
16 purposes of this paragraph 9, a ground ambulance service  
17 provider is a vehicle service provider as described in the  
18 Emergency Medical Services (EMS) Systems Act that operates  
19 licensed ambulances for the purpose of providing emergency  
20 ambulance services, non-emergency ambulance services, or  
21 both, and includes both ambulance providers and ambulance  
22 suppliers as described by the Centers for Medicare and  
23 Medicaid Services in Chapter 15 of the Medicare Claims  
24 Processing Manual published on September 20, 2013.

25           All special fuel sold or used for non-highway purposes must  
26 have a dye added in accordance with Section 4d of this Law.

1           All suits or other proceedings brought for the purpose of  
2 recovering any taxes, interest or penalties due the State of  
3 Illinois under this Act may be maintained in the name of the  
4 Department.

5           (Source: P.A. 96-1384, eff. 7-29-10.)".