

HB3429



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3429

by Rep. Keith R. Wheeler

SYNOPSIS AS INTRODUCED:

430 ILCS 65/13.1

from Ch. 38, par. 83-13.1

Amends the Firearm Owners Identification Card Act. Provides that a unit of local government, including a home rule unit, may not impose a tax, fee, on a firearm, firearm attachment, or firearm ammunition or other assessment other than the normal sales tax rate for goods. Provides that the provisions of any ordinance or resolution enacted before, on, or after the effective date of the bill by any municipal or county government that imposes a tax, fee, or other assessment other than the normal sales tax rate for goods on a firearm, firearm attachment, or firearm ammunition are invalid and all those existing ordinances and resolutions are void. Defines "sales tax". Effective immediately.

LRB100 09807 SLF 19977 b

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

A BILL FOR

1 AN ACT concerning safety.

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

4 Section 5. The Firearm Owners Identification Card Act is
5 amended by changing Section 13.1 as follows:

6 (430 ILCS 65/13.1) (from Ch. 38, par. 83-13.1)

7 Sec. 13.1. Preemption.

8 (a) Except as otherwise provided in the Firearm Concealed
9 Carry Act and subsections (b) and (c) of this Section, the
10 provisions of any ordinance enacted by any municipality which
11 requires registration or imposes greater restrictions or
12 limitations on the acquisition, possession and transfer of
13 firearms than are imposed by this Act, are not invalidated or
14 affected by this Act.

15 (b) Notwithstanding subsection (a) of this Section, the
16 regulation, licensing, possession, and registration of
17 handguns and ammunition for a handgun, and the transportation
18 of any firearm and ammunition by a holder of a valid Firearm
19 Owner's Identification Card issued by the Department of State
20 Police under this Act are exclusive powers and functions of
21 this State. Any ordinance or regulation, or portion of that
22 ordinance or regulation, enacted on or before the effective
23 date of this amendatory Act of the 98th General Assembly that

1 purports to impose regulations or restrictions on a holder of a
2 valid Firearm Owner's Identification Card issued by the
3 Department of State Police under this Act in a manner that is
4 inconsistent with this Act, on the effective date of this
5 amendatory Act of the 98th General Assembly, shall be invalid
6 in its application to a holder of a valid Firearm Owner's
7 Identification Card issued by the Department of State Police
8 under this Act.

9 (c) Notwithstanding subsection (a) of this Section, the
10 regulation of the possession or ownership of assault weapons
11 are exclusive powers and functions of this State. Any ordinance
12 or regulation, or portion of that ordinance or regulation, that
13 purports to regulate the possession or ownership of assault
14 weapons in a manner that is inconsistent with this Act, shall
15 be invalid unless the ordinance or regulation is enacted on,
16 before, or within 10 days after the effective date of this
17 amendatory Act of the 98th General Assembly. Any ordinance or
18 regulation described in this subsection (c) enacted more than
19 10 days after the effective date of this amendatory Act of the
20 98th General Assembly is invalid. An ordinance enacted on,
21 before, or within 10 days after the effective date of this
22 amendatory Act of the 98th General Assembly may be amended. The
23 enactment or amendment of ordinances under this subsection (c)
24 are subject to the submission requirements of Section 13.3. For
25 the purposes of this subsection, "assault weapons" means
26 firearms designated by either make or model or by a test or

1 list of cosmetic features that cumulatively would place the
2 firearm into a definition of "assault weapon" under the
3 ordinance.

4 (c-5) A unit of local government, including a home rule
5 unit, may not impose a tax, fee, or other assessment on a
6 firearm, firearm attachment, or firearm ammunition, other than
7 the normal sales tax rate for those goods. The provisions of
8 any ordinance or resolution enacted before, on, or after the
9 effective date of this amendatory Act of the 100th General
10 Assembly by a municipal or county government that imposes a
11 tax, fee, or other assessment other than the normal sales tax
12 rate for goods on a firearm, firearm attachment, or firearm
13 ammunition prohibited by this subsection (c-5) are invalid and
14 all those existing ordinances and resolutions are void.

15 (d) For the purposes of this Section:

16 "Handgun" , ~~"handgun"~~ has the meaning ascribed to it in
17 Section 5 of the Firearm Concealed Carry Act.

18 "Sales tax" means the tax levied under the Service
19 Occupation Tax Act or the Retailers' Occupation Tax Act.

20 "Sales tax" also means any local sales tax levied under the
21 Home Rule Municipal Retailers' Occupation Tax Act, the
22 Non-Home Rule Municipal Retailers' Occupation Tax Act, the
23 Non-Home Rule Municipal Service Occupation Tax Act, the
24 Home Rule Municipal Service Occupation Tax Act, or the Home
25 Rule County Retailers' Occupation Tax Law or any use tax
26 levied under the Use Tax Act or the Service Use Tax Act or

1 any local use tax levied under the Home Rule Municipal Use
2 Tax Act.

3 (e) This Section is a denial and limitation of home rule
4 powers and functions under subsection (h) of Section 6 of
5 Article VII of the Illinois Constitution.

6 (Source: P.A. 98-63, eff. 7-9-13.)

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