

SB2784



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2784

Introduced 1/17/2024, by Sen. Rachel Ventura

SYNOPSIS AS INTRODUCED:

New Act
30 ILCS 105/5.1015 new

Creates the Cargo Transportation Fee Act. Provides that a fee is imposed upon each entity that is an interstate carrier or an intrastate carrier and that (i) transports by common carrier tangible personal property into the State, (ii) transports that tangible personal property for the purpose of selling that tangible personal property at retail, and (iii) receives tangible personal property directly from an intermodal facility that is located in the State and is located on more than 3,500 acres. Sets forth the amount of the fee. Provides that 95% of the proceeds from the fee shall be deposited into the Cargo Transportation Fee Fund and 5% of the proceeds shall be deposited into the State Police Services Fund. Amends the State Finance Act to create the Cargo Transportation Fee Fund and sets forth the uses for that Fund.

LRB103 35951 HLH 67182 b

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 1. Short title. This Act may be cited as the Cargo
5 Transportation Fee Act.

6 Section 5. Definitions. As used in this Act:

7 "Department" means the Department of Revenue.

8 "Commercial motor vehicle" has the meaning given to that
9 term in Section 18b-101 of the Illinois Vehicle Code.

10 "Intermodal facility" means a facility that provides for
11 the transfer of freight from one mode of transportation to
12 another.

13 "Interstate carrier" has the meaning given to that term in
14 Section 18c-1104 of the Illinois Vehicle Code.

15 "Intrastate carrier" has the meaning given to that term in
16 Section 18c-1104 of the Illinois Vehicle Code.

17 "Secretary" means the Secretary of State.

18 Section 10. Fee imposed. On and after January 1, 2025, a
19 fee is imposed upon each entity that is an interstate carrier
20 or an intrastate carrier and that (i) transports by common
21 carrier tangible personal property into the State, (ii)
22 transports that tangible personal property for the purpose of

1 selling that tangible personal property at retail, and (iii)
2 receives tangible personal property directly from an
3 intermodal facility that is located in the State and is
4 located on more than 3,500 acres. The fee shall be imposed each
5 time a commercial motor vehicle owned by a qualified
6 interstate carrier or a qualified intrastate carrier receives
7 tangible personal property directly from an intermodal
8 facility that is located in the State and is located on more
9 than 3,500 acres. The fee is imposed in the following amounts:

10 (1) \$0.50 for each such commercial motor vehicle with
11 a gross weight vehicle and load of 12,000 pounds or less;

12 (2) \$1 for each such commercial motor vehicle with a
13 gross weight vehicle and load of 12,001 to 16,000 pounds;

14 (3) \$1.50 for each such commercial motor vehicle with
15 a gross weight vehicle and load of 16,001 to 20,000
16 pounds;

17 (4) \$2 for each such commercial motor vehicle with a
18 gross weight vehicle and load of 20,001 to 24,000 pounds;

19 (5) \$2.50 for each such commercial motor vehicle with
20 a gross weight vehicle and load of 24,001 to 28,000
21 pounds;

22 (6) \$3 for each such commercial motor vehicle with a
23 gross weight vehicle and load of 28,001 to 32,000 pounds;

24 (7) \$3.50 for each such commercial motor vehicle with
25 a gross weight vehicle and load of 32,001 to 36,000
26 pounds;

1 (8) \$4 for each such commercial motor vehicle with a
2 gross weight vehicle and load of 36,001 to 40,000 pounds;

3 (9) \$4.50 for each such commercial motor vehicle with
4 a gross weight vehicle and load of 40,001 to 45,000
5 pounds;

6 (10) \$5 for each such commercial motor vehicle with a
7 gross weight vehicle and load of 45,001 to 54,999 pounds;

8 (11) \$5.50 for each such commercial motor vehicle with
9 a gross weight vehicle and load of 55,000 to 59,500
10 pounds;

11 (12) \$6 for each such commercial motor vehicle with a
12 gross weight vehicle and load of 59,501 to 64,000 pounds;

13 (13) \$6.50 for each such commercial motor vehicle with
14 a gross weight vehicle and load of 64,001 to 73,280
15 pounds;

16 (14) \$7 for each such commercial motor vehicle with a
17 gross weight vehicle and load of 73,281 to 77,000 pounds;

18 (15) \$7.50 for each such commercial motor vehicle with
19 a gross weight vehicle and load of 77,001 to 80,000
20 pounds; and

21 (16) \$8 for each such commercial motor vehicle with a
22 gross weight vehicle and load of 80,001 pounds or more.

23 Section 15. Returns.

24 (a) Except as otherwise provided in this Section, on or
25 before the 15th day of each month, each interstate or

1 intrastate carrier that is liable for the payment of the fee
2 under this Act shall make a return to the Department for the
3 preceding calendar month stating:

4 (1) the name of the interstate or intrastate carrier;

5 (2) the address of the carrier's principal place of
6 business;

7 (3) the amount of the fee imposed under this Act; and

8 (4) such other reasonable information as the
9 Department may require.

10 (b) Any person required to make payments under this Act
11 may make the payments by electronic funds transfer. The
12 Department shall adopt rules necessary to effectuate a program
13 of electronic funds transfer.

14 (c) If the person's average monthly liability to the
15 Department under this Act does not exceed \$100, the Department
16 may authorize the person's returns to be filed on a quarter
17 annual basis, with the return for January, February, and March
18 of a given year being due by April 30 of that year; with the
19 return for April, May, and June of a given year being due by
20 July 31 of that year; with the return for July, August, and
21 September of a given year being due by October 31 of that year,
22 and with the return for October, November, and December of a
23 given year being due by January 31 of the following year.

24 (d) If the person's average monthly liability to the
25 Department under this Act does not exceed \$20, the Department
26 may authorize the person's returns to be filed on an annual

1 basis, with the return for a given year being due by January 31
2 of the following year.

3 (e) The interstate or intrastate carrier making the return
4 provided for in this Section shall, at the time of making that
5 return, pay to the Department the amount of the fee imposed by
6 this Act.

7 Section 20. Incorporation of Retailers' Occupation Tax
8 Act. All of the provisions of Sections 4, 5, 5a, 5b, 5c, 5d,
9 5e, 5f, 5g, 5i, 5j, 6b, and 6c of the Retailers' Occupation Tax
10 Act that are not inconsistent with this Act, and Section 3-7 of
11 the Uniform Penalty and Interest Act shall apply, as far as
12 practicable, to the subject matter of this Act to the same
13 extent as if such provisions were included in this Act.
14 References in those incorporated Sections of the Retailers'
15 Occupation Tax Act to retailers, to sellers, or to persons
16 engaged in the business of selling tangible personal property
17 mean interstate carriers or intrastate carriers for the
18 purpose of this Act.

19 Section 25. Distribution of proceeds. Ninety-five percent
20 of the proceeds from the fee imposed by this Act shall be
21 deposited into the Cargo Transportation Fee Fund, a special
22 fund created in the State treasury. Moneys in the Fund shall be
23 used by the Secretary for road projects in areas of the State
24 with heightened levels of traffic as a result of the

1 transportation of tangible personal property in counties that
2 contain, in whole or in part, an intermodal facility located
3 on more than 3,500 acres. Five percent of the proceeds from the
4 fee imposed by this Act shall be deposited into the State
5 Police Services Fund to be used by the Illinois State Police to
6 enforce weight systems located within 20 miles of an
7 intermodal facility located on more than 3,500 acres.

8 Section 30. Rules. The Department shall adopt rules to
9 implement and administer this Act.

10 Section 900. The State Finance Act is amended by adding
11 Section 5.1015 as follows:

12 (30 ILCS 105/5.1015 new)

13 Sec. 5.1015. The Cargo Transportation Fee Fund.