



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB0820

by Rep. Michael J. Zalewski

SYNOPSIS AS INTRODUCED:

See Index

Amends the State Finance Act to create the Sales and Excise Tax Refund Fund. Provides that moneys in the Fund shall be used by the Department of Revenue to pay refunds under various tax Acts. Amends the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act to provide that 0.18% of 80% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property shall be deposited each month into the Sales and Excise Tax Refund Fund. Amends the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, the Retailers' Occupation Tax Act, the Cigarette Machine Operators' Occupation Tax Act, the Cigarette Tax Act, the Cigarette Use Tax Act, the Coin-Operated Amusement Device and Redemption Machine Tax Act, the Messages Tax Act, the Gas Revenue Tax Act, the Public Utilities Revenue Act, the Water Company Invested Capital Tax Act, the Telecommunications Excise Tax Act, and the Liquor Control Act of 1934 to provide that refunds shall be made under those Acts from the Sales and Excise Tax Refund Fund (instead of from appropriations made available for that purpose). Effective July 1, 2017.

LRB100 06028 HLH 16059 b

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 State Finance Act is amended by adding
5 Sections 5.875 and 6z-101 as follows:

6 (30 ILCS 105/5.875 new)

7 Sec. 5.875. The Sales and Excise Tax Refund Fund.

8 (30 ILCS 105/6z-101 new)

9 Sec. 6z-101. The Sales and Excise Tax Refund Fund.

10 (a) The Sales and Excise Tax Refund Fund is hereby created
11 as a special fund in the State Treasury. Moneys in the Fund
12 shall be used by the Department of Revenue to pay refunds as
13 provided in Section 19 of the Use Tax Act, Section 17 of the
14 Service Use Tax Act, Section 17 of the Service Occupation Tax
15 Act, Section 6 of the Retailers' Occupation Tax Act, Section
16 1-55 of the Cigarette Machine Operators' Occupation Tax Act,
17 Section 9d of the Cigarette Tax Act, Section 14a of the
18 Cigarette Use Tax Act, Section 2 of the Coin-Operated Amusement
19 Device and Redemption Machine Tax Act, Section 6 of the
20 Messages Tax Act, Section 6 of the Gas Revenue Tax Act, Section
21 6 of the Public Utilities Revenue Act, Section 6 of the Water
22 Company Invested Capital Tax Act, Section 10 of the

1 Telecommunications Excise Tax Act, Section 8-3 of the Liquor
2 Control Act, and any other Act that authorizes, either directly
3 or by incorporation of provisions of another Act, payment of
4 refunds out of the Fund, as well as to pay to the State
5 Treasurer the amount of any credit memorandums or refunds under
6 the Acts covered by this Section that qualify as unclaimed
7 property under the Uniform Disposition of Unclaimed Property
8 Act.

9 (b) Moneys in the Sales and Excise Tax Refund Fund shall be
10 expended exclusively for the purpose of paying refunds, paying
11 unclaimed property, and making transfers, all pursuant to this
12 Section.

13 (c) The Director of Revenue shall order payment of refunds
14 under this Section from the Sales and Excise Tax Refund Fund
15 only to the extent that amounts collected pursuant to Section 3
16 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax
17 Act, Section 9 of the Service Occupation Tax Act, and Section 9
18 of the Service Use Tax Act have been deposited and retained in
19 the Fund.

20 As soon as possible after the end of each fiscal year, the
21 Director of Revenue shall order transferred and the State
22 Treasurer and State Comptroller shall transfer from the Sales
23 and Excise Tax Refund Fund to the General Revenue Fund any
24 surplus remaining in the Sales and Excise Tax Refund Fund as of
25 the end of such fiscal year.

26 This Section shall constitute an irrevocable and

1 continuing appropriation from the Sales and Excise Tax Refund
2 Fund for the purpose of paying refunds and unclaimed property
3 upon the order of the Director in accordance with the
4 provisions of this Section.

5 Section 10. The Use Tax Act is amended by changing Sections
6 9 and 19 as follows:

7 (35 ILCS 105/9) (from Ch. 120, par. 439.9)

8 Sec. 9. Except as to motor vehicles, watercraft, aircraft,
9 and trailers that are required to be registered with an agency
10 of this State, each retailer required or authorized to collect
11 the tax imposed by this Act shall pay to the Department the
12 amount of such tax (except as otherwise provided) at the time
13 when he is required to file his return for the period during
14 which such tax was collected, less a discount of 2.1% prior to
15 January 1, 1990, and 1.75% on and after January 1, 1990, or \$5
16 per calendar year, whichever is greater, which is allowed to
17 reimburse the retailer for expenses incurred in collecting the
18 tax, keeping records, preparing and filing returns, remitting
19 the tax and supplying data to the Department on request. In the
20 case of retailers who report and pay the tax on a transaction
21 by transaction basis, as provided in this Section, such
22 discount shall be taken with each such tax remittance instead
23 of when such retailer files his periodic return. The Department
24 may disallow the discount for retailers whose certificate of

1 registration is revoked at the time the return is filed, but
2 only if the Department's decision to revoke the certificate of
3 registration has become final. A retailer need not remit that
4 part of any tax collected by him to the extent that he is
5 required to remit and does remit the tax imposed by the
6 Retailers' Occupation Tax Act, with respect to the sale of the
7 same property.

8 Where such tangible personal property is sold under a
9 conditional sales contract, or under any other form of sale
10 wherein the payment of the principal sum, or a part thereof, is
11 extended beyond the close of the period for which the return is
12 filed, the retailer, in collecting the tax (except as to motor
13 vehicles, watercraft, aircraft, and trailers that are required
14 to be registered with an agency of this State), may collect for
15 each tax return period, only the tax applicable to that part of
16 the selling price actually received during such tax return
17 period.

18 Except as provided in this Section, on or before the
19 twentieth day of each calendar month, such retailer shall file
20 a return for the preceding calendar month. Such return shall be
21 filed on forms prescribed by the Department and shall furnish
22 such information as the Department may reasonably require.

23 The Department may require returns to be filed on a
24 quarterly basis. If so required, a return for each calendar
25 quarter shall be filed on or before the twentieth day of the
26 calendar month following the end of such calendar quarter. The

1 taxpayer shall also file a return with the Department for each
2 of the first two months of each calendar quarter, on or before
3 the twentieth day of the following calendar month, stating:

4 1. The name of the seller;

5 2. The address of the principal place of business from
6 which he engages in the business of selling tangible
7 personal property at retail in this State;

8 3. The total amount of taxable receipts received by him
9 during the preceding calendar month from sales of tangible
10 personal property by him during such preceding calendar
11 month, including receipts from charge and time sales, but
12 less all deductions allowed by law;

13 4. The amount of credit provided in Section 2d of this
14 Act;

15 5. The amount of tax due;

16 5-5. The signature of the taxpayer; and

17 6. Such other reasonable information as the Department
18 may require.

19 If a taxpayer fails to sign a return within 30 days after
20 the proper notice and demand for signature by the Department,
21 the return shall be considered valid and any amount shown to be
22 due on the return shall be deemed assessed.

23 Beginning October 1, 1993, a taxpayer who has an average
24 monthly tax liability of \$150,000 or more shall make all
25 payments required by rules of the Department by electronic
26 funds transfer. Beginning October 1, 1994, a taxpayer who has

1 an average monthly tax liability of \$100,000 or more shall make
2 all payments required by rules of the Department by electronic
3 funds transfer. Beginning October 1, 1995, a taxpayer who has
4 an average monthly tax liability of \$50,000 or more shall make
5 all payments required by rules of the Department by electronic
6 funds transfer. Beginning October 1, 2000, a taxpayer who has
7 an annual tax liability of \$200,000 or more shall make all
8 payments required by rules of the Department by electronic
9 funds transfer. The term "annual tax liability" shall be the
10 sum of the taxpayer's liabilities under this Act, and under all
11 other State and local occupation and use tax laws administered
12 by the Department, for the immediately preceding calendar year.
13 The term "average monthly tax liability" means the sum of the
14 taxpayer's liabilities under this Act, and under all other
15 State and local occupation and use tax laws administered by the
16 Department, for the immediately preceding calendar year
17 divided by 12. Beginning on October 1, 2002, a taxpayer who has
18 a tax liability in the amount set forth in subsection (b) of
19 Section 2505-210 of the Department of Revenue Law shall make
20 all payments required by rules of the Department by electronic
21 funds transfer.

22 Before August 1 of each year beginning in 1993, the
23 Department shall notify all taxpayers required to make payments
24 by electronic funds transfer. All taxpayers required to make
25 payments by electronic funds transfer shall make those payments
26 for a minimum of one year beginning on October 1.

1 Any taxpayer not required to make payments by electronic
2 funds transfer may make payments by electronic funds transfer
3 with the permission of the Department.

4 All taxpayers required to make payment by electronic funds
5 transfer and any taxpayers authorized to voluntarily make
6 payments by electronic funds transfer shall make those payments
7 in the manner authorized by the Department.

8 The Department shall adopt such rules as are necessary to
9 effectuate a program of electronic funds transfer and the
10 requirements of this Section.

11 Before October 1, 2000, if the taxpayer's average monthly
12 tax liability to the Department under this Act, the Retailers'
13 Occupation Tax Act, the Service Occupation Tax Act, the Service
14 Use Tax Act was \$10,000 or more during the preceding 4 complete
15 calendar quarters, he shall file a return with the Department
16 each month by the 20th day of the month next following the
17 month during which such tax liability is incurred and shall
18 make payments to the Department on or before the 7th, 15th,
19 22nd and last day of the month during which such liability is
20 incurred. On and after October 1, 2000, if the taxpayer's
21 average monthly tax liability to the Department under this Act,
22 the Retailers' Occupation Tax Act, the Service Occupation Tax
23 Act, and the Service Use Tax Act was \$20,000 or more during the
24 preceding 4 complete calendar quarters, he shall file a return
25 with the Department each month by the 20th day of the month
26 next following the month during which such tax liability is

1 incurred and shall make payment to the Department on or before
2 the 7th, 15th, 22nd and last day of the month during which such
3 liability is incurred. If the month during which such tax
4 liability is incurred began prior to January 1, 1985, each
5 payment shall be in an amount equal to 1/4 of the taxpayer's
6 actual liability for the month or an amount set by the
7 Department not to exceed 1/4 of the average monthly liability
8 of the taxpayer to the Department for the preceding 4 complete
9 calendar quarters (excluding the month of highest liability and
10 the month of lowest liability in such 4 quarter period). If the
11 month during which such tax liability is incurred begins on or
12 after January 1, 1985, and prior to January 1, 1987, each
13 payment shall be in an amount equal to 22.5% of the taxpayer's
14 actual liability for the month or 27.5% of the taxpayer's
15 liability for the same calendar month of the preceding year. If
16 the month during which such tax liability is incurred begins on
17 or after January 1, 1987, and prior to January 1, 1988, each
18 payment shall be in an amount equal to 22.5% of the taxpayer's
19 actual liability for the month or 26.25% of the taxpayer's
20 liability for the same calendar month of the preceding year. If
21 the month during which such tax liability is incurred begins on
22 or after January 1, 1988, and prior to January 1, 1989, or
23 begins on or after January 1, 1996, each payment shall be in an
24 amount equal to 22.5% of the taxpayer's actual liability for
25 the month or 25% of the taxpayer's liability for the same
26 calendar month of the preceding year. If the month during which

1 such tax liability is incurred begins on or after January 1,
2 1989, and prior to January 1, 1996, each payment shall be in an
3 amount equal to 22.5% of the taxpayer's actual liability for
4 the month or 25% of the taxpayer's liability for the same
5 calendar month of the preceding year or 100% of the taxpayer's
6 actual liability for the quarter monthly reporting period. The
7 amount of such quarter monthly payments shall be credited
8 against the final tax liability of the taxpayer's return for
9 that month. Before October 1, 2000, once applicable, the
10 requirement of the making of quarter monthly payments to the
11 Department shall continue until such taxpayer's average
12 monthly liability to the Department during the preceding 4
13 complete calendar quarters (excluding the month of highest
14 liability and the month of lowest liability) is less than
15 \$9,000, or until such taxpayer's average monthly liability to
16 the Department as computed for each calendar quarter of the 4
17 preceding complete calendar quarter period is less than
18 \$10,000. However, if a taxpayer can show the Department that a
19 substantial change in the taxpayer's business has occurred
20 which causes the taxpayer to anticipate that his average
21 monthly tax liability for the reasonably foreseeable future
22 will fall below the \$10,000 threshold stated above, then such
23 taxpayer may petition the Department for change in such
24 taxpayer's reporting status. On and after October 1, 2000, once
25 applicable, the requirement of the making of quarter monthly
26 payments to the Department shall continue until such taxpayer's

1 average monthly liability to the Department during the
2 preceding 4 complete calendar quarters (excluding the month of
3 highest liability and the month of lowest liability) is less
4 than \$19,000 or until such taxpayer's average monthly liability
5 to the Department as computed for each calendar quarter of the
6 4 preceding complete calendar quarter period is less than
7 \$20,000. However, if a taxpayer can show the Department that a
8 substantial change in the taxpayer's business has occurred
9 which causes the taxpayer to anticipate that his average
10 monthly tax liability for the reasonably foreseeable future
11 will fall below the \$20,000 threshold stated above, then such
12 taxpayer may petition the Department for a change in such
13 taxpayer's reporting status. The Department shall change such
14 taxpayer's reporting status unless it finds that such change is
15 seasonal in nature and not likely to be long term. If any such
16 quarter monthly payment is not paid at the time or in the
17 amount required by this Section, then the taxpayer shall be
18 liable for penalties and interest on the difference between the
19 minimum amount due and the amount of such quarter monthly
20 payment actually and timely paid, except insofar as the
21 taxpayer has previously made payments for that month to the
22 Department in excess of the minimum payments previously due as
23 provided in this Section. The Department shall make reasonable
24 rules and regulations to govern the quarter monthly payment
25 amount and quarter monthly payment dates for taxpayers who file
26 on other than a calendar monthly basis.

1 If any such payment provided for in this Section exceeds
2 the taxpayer's liabilities under this Act, the Retailers'
3 Occupation Tax Act, the Service Occupation Tax Act and the
4 Service Use Tax Act, as shown by an original monthly return,
5 the Department shall issue to the taxpayer a credit memorandum
6 no later than 30 days after the date of payment, which
7 memorandum may be submitted by the taxpayer to the Department
8 in payment of tax liability subsequently to be remitted by the
9 taxpayer to the Department or be assigned by the taxpayer to a
10 similar taxpayer under this Act, the Retailers' Occupation Tax
11 Act, the Service Occupation Tax Act or the Service Use Tax Act,
12 in accordance with reasonable rules and regulations to be
13 prescribed by the Department, except that if such excess
14 payment is shown on an original monthly return and is made
15 after December 31, 1986, no credit memorandum shall be issued,
16 unless requested by the taxpayer. If no such request is made,
17 the taxpayer may credit such excess payment against tax
18 liability subsequently to be remitted by the taxpayer to the
19 Department under this Act, the Retailers' Occupation Tax Act,
20 the Service Occupation Tax Act or the Service Use Tax Act, in
21 accordance with reasonable rules and regulations prescribed by
22 the Department. If the Department subsequently determines that
23 all or any part of the credit taken was not actually due to the
24 taxpayer, the taxpayer's 2.1% or 1.75% vendor's discount shall
25 be reduced by 2.1% or 1.75% of the difference between the
26 credit taken and that actually due, and the taxpayer shall be

1 liable for penalties and interest on such difference.

2 If the retailer is otherwise required to file a monthly
3 return and if the retailer's average monthly tax liability to
4 the Department does not exceed \$200, the Department may
5 authorize his returns to be filed on a quarter annual basis,
6 with the return for January, February, and March of a given
7 year being due by April 20 of such year; with the return for
8 April, May and June of a given year being due by July 20 of such
9 year; with the return for July, August and September of a given
10 year being due by October 20 of such year, and with the return
11 for October, November and December of a given year being due by
12 January 20 of the following year.

13 If the retailer is otherwise required to file a monthly or
14 quarterly return and if the retailer's average monthly tax
15 liability to the Department does not exceed \$50, the Department
16 may authorize his returns to be filed on an annual basis, with
17 the return for a given year being due by January 20 of the
18 following year.

19 Such quarter annual and annual returns, as to form and
20 substance, shall be subject to the same requirements as monthly
21 returns.

22 Notwithstanding any other provision in this Act concerning
23 the time within which a retailer may file his return, in the
24 case of any retailer who ceases to engage in a kind of business
25 which makes him responsible for filing returns under this Act,
26 such retailer shall file a final return under this Act with the

1 Department not more than one month after discontinuing such
2 business.

3 In addition, with respect to motor vehicles, watercraft,
4 aircraft, and trailers that are required to be registered with
5 an agency of this State, every retailer selling this kind of
6 tangible personal property shall file, with the Department,
7 upon a form to be prescribed and supplied by the Department, a
8 separate return for each such item of tangible personal
9 property which the retailer sells, except that if, in the same
10 transaction, (i) a retailer of aircraft, watercraft, motor
11 vehicles or trailers transfers more than one aircraft,
12 watercraft, motor vehicle or trailer to another aircraft,
13 watercraft, motor vehicle or trailer retailer for the purpose
14 of resale or (ii) a retailer of aircraft, watercraft, motor
15 vehicles, or trailers transfers more than one aircraft,
16 watercraft, motor vehicle, or trailer to a purchaser for use as
17 a qualifying rolling stock as provided in Section 3-55 of this
18 Act, then that seller may report the transfer of all the
19 aircraft, watercraft, motor vehicles or trailers involved in
20 that transaction to the Department on the same uniform
21 invoice-transaction reporting return form. For purposes of
22 this Section, "watercraft" means a Class 2, Class 3, or Class 4
23 watercraft as defined in Section 3-2 of the Boat Registration
24 and Safety Act, a personal watercraft, or any boat equipped
25 with an inboard motor.

26 The transaction reporting return in the case of motor

1 vehicles or trailers that are required to be registered with an
2 agency of this State, shall be the same document as the Uniform
3 Invoice referred to in Section 5-402 of the Illinois Vehicle
4 Code and must show the name and address of the seller; the name
5 and address of the purchaser; the amount of the selling price
6 including the amount allowed by the retailer for traded-in
7 property, if any; the amount allowed by the retailer for the
8 traded-in tangible personal property, if any, to the extent to
9 which Section 2 of this Act allows an exemption for the value
10 of traded-in property; the balance payable after deducting such
11 trade-in allowance from the total selling price; the amount of
12 tax due from the retailer with respect to such transaction; the
13 amount of tax collected from the purchaser by the retailer on
14 such transaction (or satisfactory evidence that such tax is not
15 due in that particular instance, if that is claimed to be the
16 fact); the place and date of the sale; a sufficient
17 identification of the property sold; such other information as
18 is required in Section 5-402 of the Illinois Vehicle Code, and
19 such other information as the Department may reasonably
20 require.

21 The transaction reporting return in the case of watercraft
22 and aircraft must show the name and address of the seller; the
23 name and address of the purchaser; the amount of the selling
24 price including the amount allowed by the retailer for
25 traded-in property, if any; the amount allowed by the retailer
26 for the traded-in tangible personal property, if any, to the

1 extent to which Section 2 of this Act allows an exemption for
2 the value of traded-in property; the balance payable after
3 deducting such trade-in allowance from the total selling price;
4 the amount of tax due from the retailer with respect to such
5 transaction; the amount of tax collected from the purchaser by
6 the retailer on such transaction (or satisfactory evidence that
7 such tax is not due in that particular instance, if that is
8 claimed to be the fact); the place and date of the sale, a
9 sufficient identification of the property sold, and such other
10 information as the Department may reasonably require.

11 Such transaction reporting return shall be filed not later
12 than 20 days after the date of delivery of the item that is
13 being sold, but may be filed by the retailer at any time sooner
14 than that if he chooses to do so. The transaction reporting
15 return and tax remittance or proof of exemption from the tax
16 that is imposed by this Act may be transmitted to the
17 Department by way of the State agency with which, or State
18 officer with whom, the tangible personal property must be
19 titled or registered (if titling or registration is required)
20 if the Department and such agency or State officer determine
21 that this procedure will expedite the processing of
22 applications for title or registration.

23 With each such transaction reporting return, the retailer
24 shall remit the proper amount of tax due (or shall submit
25 satisfactory evidence that the sale is not taxable if that is
26 the case), to the Department or its agents, whereupon the

1 Department shall issue, in the purchaser's name, a tax receipt
2 (or a certificate of exemption if the Department is satisfied
3 that the particular sale is tax exempt) which such purchaser
4 may submit to the agency with which, or State officer with
5 whom, he must title or register the tangible personal property
6 that is involved (if titling or registration is required) in
7 support of such purchaser's application for an Illinois
8 certificate or other evidence of title or registration to such
9 tangible personal property.

10 No retailer's failure or refusal to remit tax under this
11 Act precludes a user, who has paid the proper tax to the
12 retailer, from obtaining his certificate of title or other
13 evidence of title or registration (if titling or registration
14 is required) upon satisfying the Department that such user has
15 paid the proper tax (if tax is due) to the retailer. The
16 Department shall adopt appropriate rules to carry out the
17 mandate of this paragraph.

18 If the user who would otherwise pay tax to the retailer
19 wants the transaction reporting return filed and the payment of
20 tax or proof of exemption made to the Department before the
21 retailer is willing to take these actions and such user has not
22 paid the tax to the retailer, such user may certify to the fact
23 of such delay by the retailer, and may (upon the Department
24 being satisfied of the truth of such certification) transmit
25 the information required by the transaction reporting return
26 and the remittance for tax or proof of exemption directly to

1 the Department and obtain his tax receipt or exemption
2 determination, in which event the transaction reporting return
3 and tax remittance (if a tax payment was required) shall be
4 credited by the Department to the proper retailer's account
5 with the Department, but without the 2.1% or 1.75% discount
6 provided for in this Section being allowed. When the user pays
7 the tax directly to the Department, he shall pay the tax in the
8 same amount and in the same form in which it would be remitted
9 if the tax had been remitted to the Department by the retailer.

10 Where a retailer collects the tax with respect to the
11 selling price of tangible personal property which he sells and
12 the purchaser thereafter returns such tangible personal
13 property and the retailer refunds the selling price thereof to
14 the purchaser, such retailer shall also refund, to the
15 purchaser, the tax so collected from the purchaser. When filing
16 his return for the period in which he refunds such tax to the
17 purchaser, the retailer may deduct the amount of the tax so
18 refunded by him to the purchaser from any other use tax which
19 such retailer may be required to pay or remit to the
20 Department, as shown by such return, if the amount of the tax
21 to be deducted was previously remitted to the Department by
22 such retailer. If the retailer has not previously remitted the
23 amount of such tax to the Department, he is entitled to no
24 deduction under this Act upon refunding such tax to the
25 purchaser.

26 Any retailer filing a return under this Section shall also

1 include (for the purpose of paying tax thereon) the total tax
2 covered by such return upon the selling price of tangible
3 personal property purchased by him at retail from a retailer,
4 but as to which the tax imposed by this Act was not collected
5 from the retailer filing such return, and such retailer shall
6 remit the amount of such tax to the Department when filing such
7 return.

8 If experience indicates such action to be practicable, the
9 Department may prescribe and furnish a combination or joint
10 return which will enable retailers, who are required to file
11 returns hereunder and also under the Retailers' Occupation Tax
12 Act, to furnish all the return information required by both
13 Acts on the one form.

14 Where the retailer has more than one business registered
15 with the Department under separate registration under this Act,
16 such retailer may not file each return that is due as a single
17 return covering all such registered businesses, but shall file
18 separate returns for each such registered business.

19 Beginning January 1, 1990, each month the Department shall
20 pay into the State and Local Sales Tax Reform Fund, a special
21 fund in the State Treasury which is hereby created, the net
22 revenue realized for the preceding month from the 1% tax on
23 sales of food for human consumption which is to be consumed off
24 the premises where it is sold (other than alcoholic beverages,
25 soft drinks and food which has been prepared for immediate
26 consumption) and prescription and nonprescription medicines,

1 drugs, medical appliances and insulin, urine testing
2 materials, syringes and needles used by diabetics.

3 Beginning January 1, 1990, each month the Department shall
4 pay into the County and Mass Transit District Fund 4% of the
5 net revenue realized for the preceding month from the 6.25%
6 general rate on the selling price of tangible personal property
7 which is purchased outside Illinois at retail from a retailer
8 and which is titled or registered by an agency of this State's
9 government.

10 Beginning January 1, 1990, each month the Department shall
11 pay into the State and Local Sales Tax Reform Fund, a special
12 fund in the State Treasury, 20% of the net revenue realized for
13 the preceding month from the 6.25% general rate on the selling
14 price of tangible personal property, other than tangible
15 personal property which is purchased outside Illinois at retail
16 from a retailer and which is titled or registered by an agency
17 of this State's government.

18 Beginning August 1, 2000, each month the Department shall
19 pay into the State and Local Sales Tax Reform Fund 100% of the
20 net revenue realized for the preceding month from the 1.25%
21 rate on the selling price of motor fuel and gasohol. Beginning
22 September 1, 2010, each month the Department shall pay into the
23 State and Local Sales Tax Reform Fund 100% of the net revenue
24 realized for the preceding month from the 1.25% rate on the
25 selling price of sales tax holiday items.

26 Beginning January 1, 1990, each month the Department shall

1 pay into the Local Government Tax Fund 16% of the net revenue
2 realized for the preceding month from the 6.25% general rate on
3 the selling price of tangible personal property which is
4 purchased outside Illinois at retail from a retailer and which
5 is titled or registered by an agency of this State's
6 government.

7 Beginning October 1, 2009, each month the Department shall
8 pay into the Capital Projects Fund an amount that is equal to
9 an amount estimated by the Department to represent 80% of the
10 net revenue realized for the preceding month from the sale of
11 candy, grooming and hygiene products, and soft drinks that had
12 been taxed at a rate of 1% prior to September 1, 2009 but that
13 are now taxed at 6.25%.

14 Beginning July 1, 2011, each month the Department shall pay
15 into the Clean Air Act (CAA) Permit Fund 80% of the net revenue
16 realized for the preceding month from the 6.25% general rate on
17 the selling price of sorbents used in Illinois in the process
18 of sorbent injection as used to comply with the Environmental
19 Protection Act or the federal Clean Air Act, but the total
20 payment into the Clean Air Act (CAA) Permit Fund under this Act
21 and the Retailers' Occupation Tax Act shall not exceed
22 \$2,000,000 in any fiscal year.

23 Beginning July 1, 2013, each month the Department shall pay
24 into the Underground Storage Tank Fund from the proceeds
25 collected under this Act, the Service Use Tax Act, the Service
26 Occupation Tax Act, and the Retailers' Occupation Tax Act an

1 amount equal to the average monthly deficit in the Underground
2 Storage Tank Fund during the prior year, as certified annually
3 by the Illinois Environmental Protection Agency, but the total
4 payment into the Underground Storage Tank Fund under this Act,
5 the Service Use Tax Act, the Service Occupation Tax Act, and
6 the Retailers' Occupation Tax Act shall not exceed \$18,000,000
7 in any State fiscal year. As used in this paragraph, the
8 "average monthly deficit" shall be equal to the difference
9 between the average monthly claims for payment by the fund and
10 the average monthly revenues deposited into the fund, excluding
11 payments made pursuant to this paragraph.

12 Beginning July 1, 2015, of the remainder of the moneys
13 received by the Department under this Act, the Service Use Tax
14 Act, the Service Occupation Tax Act, and the Retailers'
15 Occupation Tax Act, each month the Department shall deposit
16 \$500,000 into the State Crime Laboratory Fund.

17 Of the remainder of the moneys received by the Department
18 pursuant to this Act, (a) 1.75% thereof shall be paid into the
19 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on
20 and after July 1, 1989, 3.8% thereof shall be paid into the
21 Build Illinois Fund; provided, however, that if in any fiscal
22 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case
23 may be, of the moneys received by the Department and required
24 to be paid into the Build Illinois Fund pursuant to Section 3
25 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax
26 Act, Section 9 of the Service Use Tax Act, and Section 9 of the

1 Service Occupation Tax Act, such Acts being hereinafter called
2 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case
3 may be, of moneys being hereinafter called the "Tax Act
4 Amount", and (2) the amount transferred to the Build Illinois
5 Fund from the State and Local Sales Tax Reform Fund shall be
6 less than the Annual Specified Amount (as defined in Section 3
7 of the Retailers' Occupation Tax Act), an amount equal to the
8 difference shall be immediately paid into the Build Illinois
9 Fund from other moneys received by the Department pursuant to
10 the Tax Acts; and further provided, that if on the last
11 business day of any month the sum of (1) the Tax Act Amount
12 required to be deposited into the Build Illinois Bond Account
13 in the Build Illinois Fund during such month and (2) the amount
14 transferred during such month to the Build Illinois Fund from
15 the State and Local Sales Tax Reform Fund shall have been less
16 than 1/12 of the Annual Specified Amount, an amount equal to
17 the difference shall be immediately paid into the Build
18 Illinois Fund from other moneys received by the Department
19 pursuant to the Tax Acts; and, further provided, that in no
20 event shall the payments required under the preceding proviso
21 result in aggregate payments into the Build Illinois Fund
22 pursuant to this clause (b) for any fiscal year in excess of
23 the greater of (i) the Tax Act Amount or (ii) the Annual
24 Specified Amount for such fiscal year; and, further provided,
25 that the amounts payable into the Build Illinois Fund under
26 this clause (b) shall be payable only until such time as the

1 aggregate amount on deposit under each trust indenture securing
2 Bonds issued and outstanding pursuant to the Build Illinois
3 Bond Act is sufficient, taking into account any future
4 investment income, to fully provide, in accordance with such
5 indenture, for the defeasance of or the payment of the
6 principal of, premium, if any, and interest on the Bonds
7 secured by such indenture and on any Bonds expected to be
8 issued thereafter and all fees and costs payable with respect
9 thereto, all as certified by the Director of the Bureau of the
10 Budget (now Governor's Office of Management and Budget). If on
11 the last business day of any month in which Bonds are
12 outstanding pursuant to the Build Illinois Bond Act, the
13 aggregate of the moneys deposited in the Build Illinois Bond
14 Account in the Build Illinois Fund in such month shall be less
15 than the amount required to be transferred in such month from
16 the Build Illinois Bond Account to the Build Illinois Bond
17 Retirement and Interest Fund pursuant to Section 13 of the
18 Build Illinois Bond Act, an amount equal to such deficiency
19 shall be immediately paid from other moneys received by the
20 Department pursuant to the Tax Acts to the Build Illinois Fund;
21 provided, however, that any amounts paid to the Build Illinois
22 Fund in any fiscal year pursuant to this sentence shall be
23 deemed to constitute payments pursuant to clause (b) of the
24 preceding sentence and shall reduce the amount otherwise
25 payable for such fiscal year pursuant to clause (b) of the
26 preceding sentence. The moneys received by the Department

1 pursuant to this Act and required to be deposited into the
2 Build Illinois Fund are subject to the pledge, claim and charge
3 set forth in Section 12 of the Build Illinois Bond Act.

4 Subject to payment of amounts into the Build Illinois Fund
5 as provided in the preceding paragraph or in any amendment
6 thereto hereafter enacted, the following specified monthly
7 installment of the amount requested in the certificate of the
8 Chairman of the Metropolitan Pier and Exposition Authority
9 provided under Section 8.25f of the State Finance Act, but not
10 in excess of the sums designated as "Total Deposit", shall be
11 deposited in the aggregate from collections under Section 9 of
12 the Use Tax Act, Section 9 of the Service Use Tax Act, Section
13 9 of the Service Occupation Tax Act, and Section 3 of the
14 Retailers' Occupation Tax Act into the McCormick Place
15 Expansion Project Fund in the specified fiscal years.

16	Fiscal Year	Total Deposit
17	1993	\$0
18	1994	53,000,000
19	1995	58,000,000
20	1996	61,000,000
21	1997	64,000,000
22	1998	68,000,000
23	1999	71,000,000
24	2000	75,000,000
25	2001	80,000,000
26	2002	93,000,000

1	2003	99,000,000
2	2004	103,000,000
3	2005	108,000,000
4	2006	113,000,000
5	2007	119,000,000
6	2008	126,000,000
7	2009	132,000,000
8	2010	139,000,000
9	2011	146,000,000
10	2012	153,000,000
11	2013	161,000,000
12	2014	170,000,000
13	2015	179,000,000
14	2016	189,000,000
15	2017	199,000,000
16	2018	210,000,000
17	2019	221,000,000
18	2020	233,000,000
19	2021	246,000,000
20	2022	260,000,000
21	2023	275,000,000
22	2024	275,000,000
23	2025	275,000,000
24	2026	279,000,000
25	2027	292,000,000
26	2028	307,000,000

1	2029	322,000,000
2	2030	338,000,000
3	2031	350,000,000
4	2032	350,000,000

5 and

6 each fiscal year

7 thereafter that bonds

8 are outstanding under

9 Section 13.2 of the

10 Metropolitan Pier and

11 Exposition Authority Act,

12 but not after fiscal year 2060.

13 Beginning July 20, 1993 and in each month of each fiscal
14 year thereafter, one-eighth of the amount requested in the
15 certificate of the Chairman of the Metropolitan Pier and
16 Exposition Authority for that fiscal year, less the amount
17 deposited into the McCormick Place Expansion Project Fund by
18 the State Treasurer in the respective month under subsection
19 (g) of Section 13 of the Metropolitan Pier and Exposition
20 Authority Act, plus cumulative deficiencies in the deposits
21 required under this Section for previous months and years,
22 shall be deposited into the McCormick Place Expansion Project
23 Fund, until the full amount requested for the fiscal year, but
24 not in excess of the amount specified above as "Total Deposit",
25 has been deposited.

26 Beginning on July 1, 2017, subject to payment of amounts

1 into the Capital Projects Fund, the Clean Air Act (CAA) Permit
2 Fund, the Build Illinois Fund, and the McCormick Place
3 Expansion Project Fund pursuant to the preceding paragraphs or
4 in any amendments thereto hereafter enacted, the Department
5 shall each month deposit into the Sales and Excise Tax Refund
6 Fund 0.18% of 80% of the net revenue realized for the preceding
7 month from the 6.25% general rate on the selling price of
8 tangible personal property.

9 Subject to payment of amounts into the Build Illinois Fund
10 and the McCormick Place Expansion Project Fund pursuant to the
11 preceding paragraphs or in any amendments thereto hereafter
12 enacted, beginning July 1, 1993 and ending on September 30,
13 2013, the Department shall each month pay into the Illinois Tax
14 Increment Fund 0.27% of 80% of the net revenue realized for the
15 preceding month from the 6.25% general rate on the selling
16 price of tangible personal property.

17 Subject to payment of amounts into the Build Illinois Fund
18 and the McCormick Place Expansion Project Fund pursuant to the
19 preceding paragraphs or in any amendments thereto hereafter
20 enacted, beginning with the receipt of the first report of
21 taxes paid by an eligible business and continuing for a 25-year
22 period, the Department shall each month pay into the Energy
23 Infrastructure Fund 80% of the net revenue realized from the
24 6.25% general rate on the selling price of Illinois-mined coal
25 that was sold to an eligible business. For purposes of this
26 paragraph, the term "eligible business" means a new electric

1 generating facility certified pursuant to Section 605-332 of
2 the Department of Commerce and Economic Opportunity Law of the
3 Civil Administrative Code of Illinois.

4 Subject to payment of amounts into the Build Illinois Fund,
5 the McCormick Place Expansion Project Fund, the Illinois Tax
6 Increment Fund, and the Energy Infrastructure Fund pursuant to
7 the preceding paragraphs or in any amendments to this Section
8 hereafter enacted, beginning on the first day of the first
9 calendar month to occur on or after the effective date of this
10 amendatory Act of the 98th General Assembly, each month, from
11 the collections made under Section 9 of the Use Tax Act,
12 Section 9 of the Service Use Tax Act, Section 9 of the Service
13 Occupation Tax Act, and Section 3 of the Retailers' Occupation
14 Tax Act, the Department shall pay into the Tax Compliance and
15 Administration Fund, to be used, subject to appropriation, to
16 fund additional auditors and compliance personnel at the
17 Department of Revenue, an amount equal to $\frac{1}{12}$ of 5% of 80% of
18 the cash receipts collected during the preceding fiscal year by
19 the Audit Bureau of the Department under the Use Tax Act, the
20 Service Use Tax Act, the Service Occupation Tax Act, the
21 Retailers' Occupation Tax Act, and associated local occupation
22 and use taxes administered by the Department.

23 Of the remainder of the moneys received by the Department
24 pursuant to this Act, 75% thereof shall be paid into the State
25 Treasury and 25% shall be reserved in a special account and
26 used only for the transfer to the Common School Fund as part of

1 the monthly transfer from the General Revenue Fund in
2 accordance with Section 8a of the State Finance Act.

3 As soon as possible after the first day of each month, upon
4 certification of the Department of Revenue, the Comptroller
5 shall order transferred and the Treasurer shall transfer from
6 the General Revenue Fund to the Motor Fuel Tax Fund an amount
7 equal to 1.7% of 80% of the net revenue realized under this Act
8 for the second preceding month. Beginning April 1, 2000, this
9 transfer is no longer required and shall not be made.

10 Net revenue realized for a month shall be the revenue
11 collected by the State pursuant to this Act, less the amount
12 paid out during that month as refunds to taxpayers for
13 overpayment of liability.

14 For greater simplicity of administration, manufacturers,
15 importers and wholesalers whose products are sold at retail in
16 Illinois by numerous retailers, and who wish to do so, may
17 assume the responsibility for accounting and paying to the
18 Department all tax accruing under this Act with respect to such
19 sales, if the retailers who are affected do not make written
20 objection to the Department to this arrangement.

21 (Source: P.A. 98-24, eff. 6-19-13; 98-109, eff. 7-25-13;
22 98-496, eff. 1-1-14; 98-756, eff. 7-16-14; 98-1098, eff.
23 8-26-14; 99-352, eff. 8-12-15.)

24 (35 ILCS 105/19) (from Ch. 120, par. 439.19)

25 Sec. 19. If it shall appear that an amount of tax or

1 penalty or interest has been paid in error hereunder to the
2 Department by a purchaser, as distinguished from the retailer,
3 whether such amount be paid through a mistake of fact or an
4 error of law, such purchaser may file a claim for credit or
5 refund with the Department in accordance with Sections 6, 6a,
6 6b, 6c, and 6d of the Retailers' Occupation Tax Act. If it
7 shall appear that an amount of tax or penalty or interest has
8 been paid in error to the Department hereunder by a retailer
9 who is required or authorized to collect and remit the use tax,
10 whether such amount be paid through a mistake of fact or an
11 error of law, such retailer may file a claim for credit or
12 refund with the Department in accordance with Sections 6, 6a,
13 6b, 6c, and 6d of the Retailers' Occupation Tax Act, provided
14 that no credit or refund shall be allowed for any amount paid
15 by any such retailer unless it shall appear that he bore the
16 burden of such amount and did not shift the burden thereof to
17 anyone else (as in the case of a duplicated tax payment which
18 the retailer made to the Department and did not collect from
19 anyone else), or unless it shall appear that he or she or his
20 or her legal representative has unconditionally repaid such
21 amount to his vendee (1) who bore the burden thereof and has
22 not shifted such burden directly or indirectly in any manner
23 whatsoever; (2) who, if he has shifted such burden, has repaid
24 unconditionally such amount to his or her own vendee, and (3)
25 who is not entitled to receive any reimbursement therefor from
26 any other source than from his vendor, nor to be relieved of

1 such burden in any other manner whatsoever. If it shall appear
2 that an amount of tax has been paid in error hereunder by the
3 purchaser to a retailer, who retained such tax as reimbursement
4 for his or her tax liability on the same sale under the
5 Retailers' Occupation Tax Act, and who remitted the amount
6 involved to the Department under the Retailers' Occupation Tax
7 Act, whether such amount be paid through a mistake of fact or
8 an error of law, the procedure for recovering such tax shall be
9 that prescribed in Sections 6, 6a, 6b and 6c of the Retailers'
10 Occupation Tax Act.

11 Any credit or refund that is allowed under this Section
12 shall bear interest at the rate and in the manner specified in
13 the Uniform Penalty and Interest Act.

14 Any claim filed hereunder shall be filed upon a form
15 prescribed and furnished by the Department. The claim shall be
16 signed by the claimant (or by the claimant's legal
17 representative if the claimant shall have died or become a
18 person under legal disability), or by a duly authorized agent
19 of the claimant or his or her legal representative.

20 A claim for credit or refund shall be considered to have
21 been filed with the Department on the date upon which it is
22 received by the Department. Upon receipt of any claim for
23 credit or refund filed under this Act, any officer or employee
24 of the Department, authorized in writing by the Director of
25 Revenue to acknowledge receipt of such claims on behalf of the
26 Department, shall execute on behalf of the Department, and

1 shall deliver or mail to the claimant or his duly authorized
2 agent, a written receipt, acknowledging that the claim has been
3 filed with the Department, describing the claim in sufficient
4 detail to identify it and stating the date upon which the claim
5 was received by the Department. Such written receipt shall be
6 prima facie evidence that the Department received the claim
7 described in such receipt and shall be prima facie evidence of
8 the date when such claim was received by the Department. In the
9 absence of such a written receipt, the records of the
10 Department as to when the claim was received by the Department,
11 or as to whether or not the claim was received at all by the
12 Department, shall be deemed to be prima facie correct upon
13 these questions in the event of any dispute between the
14 claimant (or his or her legal representative) and the
15 Department concerning these questions.

16 In case the Department determines that the claimant is
17 entitled to a refund, such refund shall be made only from the
18 Sales and Excise Tax Refund Fund ~~such appropriation~~ as may be
19 available for that purpose. If it appears unlikely that the
20 amount available ~~appropriated~~ would permit everyone having a
21 claim allowed ~~during the period covered by such appropriation~~
22 to elect to receive a cash refund, the Department, by rule or
23 regulation, shall provide for the payment of refunds in
24 hardship cases and shall define what types of cases qualify as
25 hardship cases.

26 If a retailer who has failed to pay use tax on gross

1 receipts from retail sales is required by the Department to pay
2 such tax, such retailer, without filing any formal claim with
3 the Department, shall be allowed to take credit against such
4 use tax liability to the extent, if any, to which such retailer
5 has paid an amount equivalent to retailers' occupation tax or
6 has paid use tax in error to his or her vendor or vendors of the
7 same tangible personal property which such retailer bought for
8 resale and did not first use before selling it, and no penalty
9 or interest shall be charged to such retailer on the amount of
10 such credit. However, when such credit is allowed to the
11 retailer by the Department, the vendor is precluded from
12 refunding any of that tax to the retailer and filing a claim
13 for credit or refund with respect thereto with the Department.
14 The provisions of this amendatory Act shall be applied
15 retroactively, regardless of the date of the transaction.

16 (Source: P.A. 99-217, eff. 7-31-15.)

17 Section 15. The Service Use Tax Act is amended by changing
18 Sections 9 and 17 as follows:

19 (35 ILCS 110/9) (from Ch. 120, par. 439.39)

20 Sec. 9. Each serviceman required or authorized to collect
21 the tax herein imposed shall pay to the Department the amount
22 of such tax (except as otherwise provided) at the time when he
23 is required to file his return for the period during which such
24 tax was collected, less a discount of 2.1% prior to January 1,

1 1990 and 1.75% on and after January 1, 1990, or \$5 per calendar
2 year, whichever is greater, which is allowed to reimburse the
3 serviceman for expenses incurred in collecting the tax, keeping
4 records, preparing and filing returns, remitting the tax and
5 supplying data to the Department on request. The Department may
6 disallow the discount for servicemen whose certificate of
7 registration is revoked at the time the return is filed, but
8 only if the Department's decision to revoke the certificate of
9 registration has become final. A serviceman need not remit that
10 part of any tax collected by him to the extent that he is
11 required to pay and does pay the tax imposed by the Service
12 Occupation Tax Act with respect to his sale of service
13 involving the incidental transfer by him of the same property.

14 Except as provided hereinafter in this Section, on or
15 before the twentieth day of each calendar month, such
16 serviceman shall file a return for the preceding calendar month
17 in accordance with reasonable Rules and Regulations to be
18 promulgated by the Department. Such return shall be filed on a
19 form prescribed by the Department and shall contain such
20 information as the Department may reasonably require.

21 The Department may require returns to be filed on a
22 quarterly basis. If so required, a return for each calendar
23 quarter shall be filed on or before the twentieth day of the
24 calendar month following the end of such calendar quarter. The
25 taxpayer shall also file a return with the Department for each
26 of the first two months of each calendar quarter, on or before

1 the twentieth day of the following calendar month, stating:

2 1. The name of the seller;

3 2. The address of the principal place of business from
4 which he engages in business as a serviceman in this State;

5 3. The total amount of taxable receipts received by him
6 during the preceding calendar month, including receipts
7 from charge and time sales, but less all deductions allowed
8 by law;

9 4. The amount of credit provided in Section 2d of this
10 Act;

11 5. The amount of tax due;

12 5-5. The signature of the taxpayer; and

13 6. Such other reasonable information as the Department
14 may require.

15 If a taxpayer fails to sign a return within 30 days after
16 the proper notice and demand for signature by the Department,
17 the return shall be considered valid and any amount shown to be
18 due on the return shall be deemed assessed.

19 Beginning October 1, 1993, a taxpayer who has an average
20 monthly tax liability of \$150,000 or more shall make all
21 payments required by rules of the Department by electronic
22 funds transfer. Beginning October 1, 1994, a taxpayer who has
23 an average monthly tax liability of \$100,000 or more shall make
24 all payments required by rules of the Department by electronic
25 funds transfer. Beginning October 1, 1995, a taxpayer who has
26 an average monthly tax liability of \$50,000 or more shall make

1 all payments required by rules of the Department by electronic
2 funds transfer. Beginning October 1, 2000, a taxpayer who has
3 an annual tax liability of \$200,000 or more shall make all
4 payments required by rules of the Department by electronic
5 funds transfer. The term "annual tax liability" shall be the
6 sum of the taxpayer's liabilities under this Act, and under all
7 other State and local occupation and use tax laws administered
8 by the Department, for the immediately preceding calendar year.
9 The term "average monthly tax liability" means the sum of the
10 taxpayer's liabilities under this Act, and under all other
11 State and local occupation and use tax laws administered by the
12 Department, for the immediately preceding calendar year
13 divided by 12. Beginning on October 1, 2002, a taxpayer who has
14 a tax liability in the amount set forth in subsection (b) of
15 Section 2505-210 of the Department of Revenue Law shall make
16 all payments required by rules of the Department by electronic
17 funds transfer.

18 Before August 1 of each year beginning in 1993, the
19 Department shall notify all taxpayers required to make payments
20 by electronic funds transfer. All taxpayers required to make
21 payments by electronic funds transfer shall make those payments
22 for a minimum of one year beginning on October 1.

23 Any taxpayer not required to make payments by electronic
24 funds transfer may make payments by electronic funds transfer
25 with the permission of the Department.

26 All taxpayers required to make payment by electronic funds

1 transfer and any taxpayers authorized to voluntarily make
2 payments by electronic funds transfer shall make those payments
3 in the manner authorized by the Department.

4 The Department shall adopt such rules as are necessary to
5 effectuate a program of electronic funds transfer and the
6 requirements of this Section.

7 If the serviceman is otherwise required to file a monthly
8 return and if the serviceman's average monthly tax liability to
9 the Department does not exceed \$200, the Department may
10 authorize his returns to be filed on a quarter annual basis,
11 with the return for January, February and March of a given year
12 being due by April 20 of such year; with the return for April,
13 May and June of a given year being due by July 20 of such year;
14 with the return for July, August and September of a given year
15 being due by October 20 of such year, and with the return for
16 October, November and December of a given year being due by
17 January 20 of the following year.

18 If the serviceman is otherwise required to file a monthly
19 or quarterly return and if the serviceman's average monthly tax
20 liability to the Department does not exceed \$50, the Department
21 may authorize his returns to be filed on an annual basis, with
22 the return for a given year being due by January 20 of the
23 following year.

24 Such quarter annual and annual returns, as to form and
25 substance, shall be subject to the same requirements as monthly
26 returns.

1 Notwithstanding any other provision in this Act concerning
2 the time within which a serviceman may file his return, in the
3 case of any serviceman who ceases to engage in a kind of
4 business which makes him responsible for filing returns under
5 this Act, such serviceman shall file a final return under this
6 Act with the Department not more than 1 month after
7 discontinuing such business.

8 Where a serviceman collects the tax with respect to the
9 selling price of property which he sells and the purchaser
10 thereafter returns such property and the serviceman refunds the
11 selling price thereof to the purchaser, such serviceman shall
12 also refund, to the purchaser, the tax so collected from the
13 purchaser. When filing his return for the period in which he
14 refunds such tax to the purchaser, the serviceman may deduct
15 the amount of the tax so refunded by him to the purchaser from
16 any other Service Use Tax, Service Occupation Tax, retailers'
17 occupation tax or use tax which such serviceman may be required
18 to pay or remit to the Department, as shown by such return,
19 provided that the amount of the tax to be deducted shall
20 previously have been remitted to the Department by such
21 serviceman. If the serviceman shall not previously have
22 remitted the amount of such tax to the Department, he shall be
23 entitled to no deduction hereunder upon refunding such tax to
24 the purchaser.

25 Any serviceman filing a return hereunder shall also include
26 the total tax upon the selling price of tangible personal

1 property purchased for use by him as an incident to a sale of
2 service, and such serviceman shall remit the amount of such tax
3 to the Department when filing such return.

4 If experience indicates such action to be practicable, the
5 Department may prescribe and furnish a combination or joint
6 return which will enable servicemen, who are required to file
7 returns hereunder and also under the Service Occupation Tax
8 Act, to furnish all the return information required by both
9 Acts on the one form.

10 Where the serviceman has more than one business registered
11 with the Department under separate registration hereunder,
12 such serviceman shall not file each return that is due as a
13 single return covering all such registered businesses, but
14 shall file separate returns for each such registered business.

15 Beginning January 1, 1990, each month the Department shall
16 pay into the State and Local Tax Reform Fund, a special fund in
17 the State Treasury, the net revenue realized for the preceding
18 month from the 1% tax on sales of food for human consumption
19 which is to be consumed off the premises where it is sold
20 (other than alcoholic beverages, soft drinks and food which has
21 been prepared for immediate consumption) and prescription and
22 nonprescription medicines, drugs, medical appliances and
23 insulin, urine testing materials, syringes and needles used by
24 diabetics.

25 Beginning January 1, 1990, each month the Department shall
26 pay into the State and Local Sales Tax Reform Fund 20% of the

1 net revenue realized for the preceding month from the 6.25%
2 general rate on transfers of tangible personal property, other
3 than tangible personal property which is purchased outside
4 Illinois at retail from a retailer and which is titled or
5 registered by an agency of this State's government.

6 Beginning August 1, 2000, each month the Department shall
7 pay into the State and Local Sales Tax Reform Fund 100% of the
8 net revenue realized for the preceding month from the 1.25%
9 rate on the selling price of motor fuel and gasohol.

10 Beginning October 1, 2009, each month the Department shall
11 pay into the Capital Projects Fund an amount that is equal to
12 an amount estimated by the Department to represent 80% of the
13 net revenue realized for the preceding month from the sale of
14 candy, grooming and hygiene products, and soft drinks that had
15 been taxed at a rate of 1% prior to September 1, 2009 but that
16 are now taxed at 6.25%.

17 Beginning July 1, 2013, each month the Department shall pay
18 into the Underground Storage Tank Fund from the proceeds
19 collected under this Act, the Use Tax Act, the Service
20 Occupation Tax Act, and the Retailers' Occupation Tax Act an
21 amount equal to the average monthly deficit in the Underground
22 Storage Tank Fund during the prior year, as certified annually
23 by the Illinois Environmental Protection Agency, but the total
24 payment into the Underground Storage Tank Fund under this Act,
25 the Use Tax Act, the Service Occupation Tax Act, and the
26 Retailers' Occupation Tax Act shall not exceed \$18,000,000 in

1 any State fiscal year. As used in this paragraph, the "average
2 monthly deficit" shall be equal to the difference between the
3 average monthly claims for payment by the fund and the average
4 monthly revenues deposited into the fund, excluding payments
5 made pursuant to this paragraph.

6 Beginning July 1, 2015, of the remainder of the moneys
7 received by the Department under the Use Tax Act, this Act, the
8 Service Occupation Tax Act, and the Retailers' Occupation Tax
9 Act, each month the Department shall deposit \$500,000 into the
10 State Crime Laboratory Fund.

11 Of the remainder of the moneys received by the Department
12 pursuant to this Act, (a) 1.75% thereof shall be paid into the
13 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on
14 and after July 1, 1989, 3.8% thereof shall be paid into the
15 Build Illinois Fund; provided, however, that if in any fiscal
16 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case
17 may be, of the moneys received by the Department and required
18 to be paid into the Build Illinois Fund pursuant to Section 3
19 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax
20 Act, Section 9 of the Service Use Tax Act, and Section 9 of the
21 Service Occupation Tax Act, such Acts being hereinafter called
22 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case
23 may be, of moneys being hereinafter called the "Tax Act
24 Amount", and (2) the amount transferred to the Build Illinois
25 Fund from the State and Local Sales Tax Reform Fund shall be
26 less than the Annual Specified Amount (as defined in Section 3

1 of the Retailers' Occupation Tax Act), an amount equal to the
2 difference shall be immediately paid into the Build Illinois
3 Fund from other moneys received by the Department pursuant to
4 the Tax Acts; and further provided, that if on the last
5 business day of any month the sum of (1) the Tax Act Amount
6 required to be deposited into the Build Illinois Bond Account
7 in the Build Illinois Fund during such month and (2) the amount
8 transferred during such month to the Build Illinois Fund from
9 the State and Local Sales Tax Reform Fund shall have been less
10 than 1/12 of the Annual Specified Amount, an amount equal to
11 the difference shall be immediately paid into the Build
12 Illinois Fund from other moneys received by the Department
13 pursuant to the Tax Acts; and, further provided, that in no
14 event shall the payments required under the preceding proviso
15 result in aggregate payments into the Build Illinois Fund
16 pursuant to this clause (b) for any fiscal year in excess of
17 the greater of (i) the Tax Act Amount or (ii) the Annual
18 Specified Amount for such fiscal year; and, further provided,
19 that the amounts payable into the Build Illinois Fund under
20 this clause (b) shall be payable only until such time as the
21 aggregate amount on deposit under each trust indenture securing
22 Bonds issued and outstanding pursuant to the Build Illinois
23 Bond Act is sufficient, taking into account any future
24 investment income, to fully provide, in accordance with such
25 indenture, for the defeasance of or the payment of the
26 principal of, premium, if any, and interest on the Bonds

1 secured by such indenture and on any Bonds expected to be
2 issued thereafter and all fees and costs payable with respect
3 thereto, all as certified by the Director of the Bureau of the
4 Budget (now Governor's Office of Management and Budget). If on
5 the last business day of any month in which Bonds are
6 outstanding pursuant to the Build Illinois Bond Act, the
7 aggregate of the moneys deposited in the Build Illinois Bond
8 Account in the Build Illinois Fund in such month shall be less
9 than the amount required to be transferred in such month from
10 the Build Illinois Bond Account to the Build Illinois Bond
11 Retirement and Interest Fund pursuant to Section 13 of the
12 Build Illinois Bond Act, an amount equal to such deficiency
13 shall be immediately paid from other moneys received by the
14 Department pursuant to the Tax Acts to the Build Illinois Fund;
15 provided, however, that any amounts paid to the Build Illinois
16 Fund in any fiscal year pursuant to this sentence shall be
17 deemed to constitute payments pursuant to clause (b) of the
18 preceding sentence and shall reduce the amount otherwise
19 payable for such fiscal year pursuant to clause (b) of the
20 preceding sentence. The moneys received by the Department
21 pursuant to this Act and required to be deposited into the
22 Build Illinois Fund are subject to the pledge, claim and charge
23 set forth in Section 12 of the Build Illinois Bond Act.

24 Subject to payment of amounts into the Build Illinois Fund
25 as provided in the preceding paragraph or in any amendment
26 thereto hereafter enacted, the following specified monthly

1 installment of the amount requested in the certificate of the
2 Chairman of the Metropolitan Pier and Exposition Authority
3 provided under Section 8.25f of the State Finance Act, but not
4 in excess of the sums designated as "Total Deposit", shall be
5 deposited in the aggregate from collections under Section 9 of
6 the Use Tax Act, Section 9 of the Service Use Tax Act, Section
7 9 of the Service Occupation Tax Act, and Section 3 of the
8 Retailers' Occupation Tax Act into the McCormick Place
9 Expansion Project Fund in the specified fiscal years.

	Fiscal Year	Total Deposit
10		
11	1993	\$0
12	1994	53,000,000
13	1995	58,000,000
14	1996	61,000,000
15	1997	64,000,000
16	1998	68,000,000
17	1999	71,000,000
18	2000	75,000,000
19	2001	80,000,000
20	2002	93,000,000
21	2003	99,000,000
22	2004	103,000,000
23	2005	108,000,000
24	2006	113,000,000
25	2007	119,000,000

1	2008	126,000,000
2	2009	132,000,000
3	2010	139,000,000
4	2011	146,000,000
5	2012	153,000,000
6	2013	161,000,000
7	2014	170,000,000
8	2015	179,000,000
9	2016	189,000,000
10	2017	199,000,000
11	2018	210,000,000
12	2019	221,000,000
13	2020	233,000,000
14	2021	246,000,000
15	2022	260,000,000
16	2023	275,000,000
17	2024	275,000,000
18	2025	275,000,000
19	2026	279,000,000
20	2027	292,000,000
21	2028	307,000,000
22	2029	322,000,000
23	2030	338,000,000
24	2031	350,000,000
25	2032	350,000,000
26	and	

1 each fiscal year
2 thereafter that bonds
3 are outstanding under
4 Section 13.2 of the
5 Metropolitan Pier and
6 Exposition Authority Act,
7 but not after fiscal year 2060.

8 Beginning July 20, 1993 and in each month of each fiscal
9 year thereafter, one-eighth of the amount requested in the
10 certificate of the Chairman of the Metropolitan Pier and
11 Exposition Authority for that fiscal year, less the amount
12 deposited into the McCormick Place Expansion Project Fund by
13 the State Treasurer in the respective month under subsection
14 (g) of Section 13 of the Metropolitan Pier and Exposition
15 Authority Act, plus cumulative deficiencies in the deposits
16 required under this Section for previous months and years,
17 shall be deposited into the McCormick Place Expansion Project
18 Fund, until the full amount requested for the fiscal year, but
19 not in excess of the amount specified above as "Total Deposit",
20 has been deposited.

21 Beginning on July 1, 2017, subject to payment of amounts
22 into the Capital Projects Fund, the Build Illinois Fund, and
23 the McCormick Place Expansion Project Fund pursuant to the
24 preceding paragraphs or in any amendments thereto hereafter
25 enacted, the Department shall each month deposit into the Sales
26 and Excise Tax Refund Fund 0.18% of 80% of the net revenue

1 realized for the preceding month from the 6.25% general rate on
2 the selling price of tangible personal property.

3 Subject to payment of amounts into the Build Illinois Fund
4 and the McCormick Place Expansion Project Fund pursuant to the
5 preceding paragraphs or in any amendments thereto hereafter
6 enacted, beginning July 1, 1993 and ending on September 30,
7 2013, the Department shall each month pay into the Illinois Tax
8 Increment Fund 0.27% of 80% of the net revenue realized for the
9 preceding month from the 6.25% general rate on the selling
10 price of tangible personal property.

11 Subject to payment of amounts into the Build Illinois Fund
12 and the McCormick Place Expansion Project Fund pursuant to the
13 preceding paragraphs or in any amendments thereto hereafter
14 enacted, beginning with the receipt of the first report of
15 taxes paid by an eligible business and continuing for a 25-year
16 period, the Department shall each month pay into the Energy
17 Infrastructure Fund 80% of the net revenue realized from the
18 6.25% general rate on the selling price of Illinois-mined coal
19 that was sold to an eligible business. For purposes of this
20 paragraph, the term "eligible business" means a new electric
21 generating facility certified pursuant to Section 605-332 of
22 the Department of Commerce and Economic Opportunity Law of the
23 Civil Administrative Code of Illinois.

24 Subject to payment of amounts into the Build Illinois Fund,
25 the McCormick Place Expansion Project Fund, the Illinois Tax
26 Increment Fund, and the Energy Infrastructure Fund pursuant to

1 the preceding paragraphs or in any amendments to this Section
2 hereafter enacted, beginning on the first day of the first
3 calendar month to occur on or after the effective date of this
4 amendatory Act of the 98th General Assembly, each month, from
5 the collections made under Section 9 of the Use Tax Act,
6 Section 9 of the Service Use Tax Act, Section 9 of the Service
7 Occupation Tax Act, and Section 3 of the Retailers' Occupation
8 Tax Act, the Department shall pay into the Tax Compliance and
9 Administration Fund, to be used, subject to appropriation, to
10 fund additional auditors and compliance personnel at the
11 Department of Revenue, an amount equal to 1/12 of 5% of 80% of
12 the cash receipts collected during the preceding fiscal year by
13 the Audit Bureau of the Department under the Use Tax Act, the
14 Service Use Tax Act, the Service Occupation Tax Act, the
15 Retailers' Occupation Tax Act, and associated local occupation
16 and use taxes administered by the Department.

17 Of the remainder of the moneys received by the Department
18 pursuant to this Act, 75% thereof shall be paid into the
19 General Revenue Fund of the State Treasury and 25% shall be
20 reserved in a special account and used only for the transfer to
21 the Common School Fund as part of the monthly transfer from the
22 General Revenue Fund in accordance with Section 8a of the State
23 Finance Act.

24 As soon as possible after the first day of each month, upon
25 certification of the Department of Revenue, the Comptroller
26 shall order transferred and the Treasurer shall transfer from

1 the General Revenue Fund to the Motor Fuel Tax Fund an amount
2 equal to 1.7% of 80% of the net revenue realized under this Act
3 for the second preceding month. Beginning April 1, 2000, this
4 transfer is no longer required and shall not be made.

5 Net revenue realized for a month shall be the revenue
6 collected by the State pursuant to this Act, less the amount
7 paid out during that month as refunds to taxpayers for
8 overpayment of liability.

9 (Source: P.A. 98-24, eff. 6-19-13; 98-109, eff. 7-25-13;
10 98-298, eff. 8-9-13; 98-496, eff. 1-1-14; 98-756, eff. 7-16-14;
11 98-1098, eff. 8-26-14; 99-352, eff. 8-12-15.)

12 (35 ILCS 110/17) (from Ch. 120, par. 439.47)

13 Sec. 17. If it shall appear that an amount of tax or
14 penalty or interest has been paid in error hereunder to the
15 Department by a purchaser, as distinguished from the
16 serviceman, whether such amount be paid through a mistake of
17 fact or an error of law, such purchaser may file a claim for
18 credit or refund with the Department. If it shall appear that
19 an amount of tax or penalty or interest has been paid in error
20 to the Department hereunder by a serviceman who is required or
21 authorized to collect and remit the Service Use Tax, whether
22 such amount be paid through a mistake of fact or an error of
23 law, such serviceman may file a claim for credit or refund with
24 the Department, provided that no credit shall be allowed or
25 refund made for any amount paid by any such serviceman unless

1 it shall appear that he bore the burden of such amount and did
2 not shift the burden thereof to anyone else (as in the case of
3 a duplicated tax payment which the serviceman made to the
4 Department and did not collect from anyone else), or unless it
5 shall appear that he or his legal representative has
6 unconditionally repaid such amount to his vendee (1) who bore
7 the burden thereof and has not shifted such burden directly or
8 indirectly in any manner whatsoever; (2) who, if he has shifted
9 such burden, has repaid unconditionally such amount to his own
10 vendee, and (3) who is not entitled to receive any
11 reimbursement therefor from any other source than from his
12 vendor, nor to be relieved of such burden in any other manner
13 whatsoever. If it shall appear that an amount of tax has been
14 paid in error hereunder by the purchaser to a serviceman, who
15 retained such tax as reimbursement for his tax liability on the
16 same sale of service under the Service Occupation Tax Act, and
17 who paid such tax as required by the Service Occupation Tax
18 Act, whether such amount be paid through a mistake of fact or
19 an error of law, the procedure for recovering such tax shall be
20 that prescribed in Sections 17, 18, 19 and 20 of the Service
21 Occupation Tax Act.

22 Any credit or refund that is allowed under this Section
23 shall bear interest at the rate and in the manner specified in
24 the Uniform Penalty and Interest Act.

25 Any claim filed hereunder shall be filed upon a form
26 prescribed and furnished by the Department. The claim shall be

1 signed by the claimant (or by the claimant's legal
2 representative if the claimant shall have died or become a
3 person under legal disability), or by a duly authorized agent
4 of the claimant or his or her legal representative.

5 A claim for credit or refund shall be considered to have
6 been filed with the Department on the date upon which it is
7 received by the Department. Upon receipt of any claim for
8 credit or refund filed under this Act, any officer or employee
9 of the Department, authorized in writing by the Director of
10 Revenue to acknowledge receipt of such claims on behalf of the
11 Department, shall execute on behalf of the Department, and
12 shall deliver or mail to the claimant or his duly authorized
13 agent, a written receipt, acknowledging that the claim has been
14 filed with the Department, describing the claim in sufficient
15 detail to identify it and stating the date upon which the claim
16 was received by the Department. Such written receipt shall be
17 prima facie evidence that the Department received the claim
18 described in such receipt and shall be prima facie evidence of
19 the date when such claim was received by the Department. In the
20 absence of such a written receipt, the records of the
21 Department as to when the claim was received by the Department,
22 or as to whether or not the claim was received at all by the
23 Department, shall be deemed to be prima facie correct upon
24 these questions in the event of any dispute between the
25 claimant (or his or her legal representative) and the
26 Department concerning these questions.

1 In case the Department determines that the claimant is
2 entitled to a refund, such refund shall be made only from the
3 Sales and Excise Tax Refund Fund ~~such appropriation~~ as may be
4 available for that purpose. If it appears unlikely that the
5 amount available ~~appropriated~~ would permit everyone having a
6 claim allowed ~~during the period covered by such appropriation~~
7 to elect to receive a cash refund, the Department, by rule or
8 regulation, shall provide for the payment of refunds in
9 hardship cases and shall define what types of cases qualify as
10 hardship cases.

11 (Source: P.A. 87-205.)

12 Section 20. The Service Occupation Tax Act is amended by
13 changing Sections 9 and 17 as follows:

14 (35 ILCS 115/9) (from Ch. 120, par. 439.109)

15 Sec. 9. Each serviceman required or authorized to collect
16 the tax herein imposed shall pay to the Department the amount
17 of such tax at the time when he is required to file his return
18 for the period during which such tax was collectible, less a
19 discount of 2.1% prior to January 1, 1990, and 1.75% on and
20 after January 1, 1990, or \$5 per calendar year, whichever is
21 greater, which is allowed to reimburse the serviceman for
22 expenses incurred in collecting the tax, keeping records,
23 preparing and filing returns, remitting the tax and supplying
24 data to the Department on request. The Department may disallow

1 the discount for servicemen whose certificate of registration
2 is revoked at the time the return is filed, but only if the
3 Department's decision to revoke the certificate of
4 registration has become final.

5 Where such tangible personal property is sold under a
6 conditional sales contract, or under any other form of sale
7 wherein the payment of the principal sum, or a part thereof, is
8 extended beyond the close of the period for which the return is
9 filed, the serviceman, in collecting the tax may collect, for
10 each tax return period, only the tax applicable to the part of
11 the selling price actually received during such tax return
12 period.

13 Except as provided hereinafter in this Section, on or
14 before the twentieth day of each calendar month, such
15 serviceman shall file a return for the preceding calendar month
16 in accordance with reasonable rules and regulations to be
17 promulgated by the Department of Revenue. Such return shall be
18 filed on a form prescribed by the Department and shall contain
19 such information as the Department may reasonably require.

20 The Department may require returns to be filed on a
21 quarterly basis. If so required, a return for each calendar
22 quarter shall be filed on or before the twentieth day of the
23 calendar month following the end of such calendar quarter. The
24 taxpayer shall also file a return with the Department for each
25 of the first two months of each calendar quarter, on or before
26 the twentieth day of the following calendar month, stating:

- 1 1. The name of the seller;
- 2 2. The address of the principal place of business from
3 which he engages in business as a serviceman in this State;
- 4 3. The total amount of taxable receipts received by him
5 during the preceding calendar month, including receipts
6 from charge and time sales, but less all deductions allowed
7 by law;
- 8 4. The amount of credit provided in Section 2d of this
9 Act;
- 10 5. The amount of tax due;
- 11 5-5. The signature of the taxpayer; and
- 12 6. Such other reasonable information as the Department
13 may require.

14 If a taxpayer fails to sign a return within 30 days after
15 the proper notice and demand for signature by the Department,
16 the return shall be considered valid and any amount shown to be
17 due on the return shall be deemed assessed.

18 Prior to October 1, 2003, and on and after September 1,
19 2004 a serviceman may accept a Manufacturer's Purchase Credit
20 certification from a purchaser in satisfaction of Service Use
21 Tax as provided in Section 3-70 of the Service Use Tax Act if
22 the purchaser provides the appropriate documentation as
23 required by Section 3-70 of the Service Use Tax Act. A
24 Manufacturer's Purchase Credit certification, accepted prior
25 to October 1, 2003 or on or after September 1, 2004 by a
26 serviceman as provided in Section 3-70 of the Service Use Tax

1 Act, may be used by that serviceman to satisfy Service
2 Occupation Tax liability in the amount claimed in the
3 certification, not to exceed 6.25% of the receipts subject to
4 tax from a qualifying purchase. A Manufacturer's Purchase
5 Credit reported on any original or amended return filed under
6 this Act after October 20, 2003 for reporting periods prior to
7 September 1, 2004 shall be disallowed. Manufacturer's Purchase
8 Credit reported on annual returns due on or after January 1,
9 2005 will be disallowed for periods prior to September 1, 2004.
10 No Manufacturer's Purchase Credit may be used after September
11 30, 2003 through August 31, 2004 to satisfy any tax liability
12 imposed under this Act, including any audit liability.

13 If the serviceman's average monthly tax liability to the
14 Department does not exceed \$200, the Department may authorize
15 his returns to be filed on a quarter annual basis, with the
16 return for January, February and March of a given year being
17 due by April 20 of such year; with the return for April, May
18 and June of a given year being due by July 20 of such year; with
19 the return for July, August and September of a given year being
20 due by October 20 of such year, and with the return for
21 October, November and December of a given year being due by
22 January 20 of the following year.

23 If the serviceman's average monthly tax liability to the
24 Department does not exceed \$50, the Department may authorize
25 his returns to be filed on an annual basis, with the return for
26 a given year being due by January 20 of the following year.

1 Such quarter annual and annual returns, as to form and
2 substance, shall be subject to the same requirements as monthly
3 returns.

4 Notwithstanding any other provision in this Act concerning
5 the time within which a serviceman may file his return, in the
6 case of any serviceman who ceases to engage in a kind of
7 business which makes him responsible for filing returns under
8 this Act, such serviceman shall file a final return under this
9 Act with the Department not more than 1 month after
10 discontinuing such business.

11 Beginning October 1, 1993, a taxpayer who has an average
12 monthly tax liability of \$150,000 or more shall make all
13 payments required by rules of the Department by electronic
14 funds transfer. Beginning October 1, 1994, a taxpayer who has
15 an average monthly tax liability of \$100,000 or more shall make
16 all payments required by rules of the Department by electronic
17 funds transfer. Beginning October 1, 1995, a taxpayer who has
18 an average monthly tax liability of \$50,000 or more shall make
19 all payments required by rules of the Department by electronic
20 funds transfer. Beginning October 1, 2000, a taxpayer who has
21 an annual tax liability of \$200,000 or more shall make all
22 payments required by rules of the Department by electronic
23 funds transfer. The term "annual tax liability" shall be the
24 sum of the taxpayer's liabilities under this Act, and under all
25 other State and local occupation and use tax laws administered
26 by the Department, for the immediately preceding calendar year.

1 The term "average monthly tax liability" means the sum of the
2 taxpayer's liabilities under this Act, and under all other
3 State and local occupation and use tax laws administered by the
4 Department, for the immediately preceding calendar year
5 divided by 12. Beginning on October 1, 2002, a taxpayer who has
6 a tax liability in the amount set forth in subsection (b) of
7 Section 2505-210 of the Department of Revenue Law shall make
8 all payments required by rules of the Department by electronic
9 funds transfer.

10 Before August 1 of each year beginning in 1993, the
11 Department shall notify all taxpayers required to make payments
12 by electronic funds transfer. All taxpayers required to make
13 payments by electronic funds transfer shall make those payments
14 for a minimum of one year beginning on October 1.

15 Any taxpayer not required to make payments by electronic
16 funds transfer may make payments by electronic funds transfer
17 with the permission of the Department.

18 All taxpayers required to make payment by electronic funds
19 transfer and any taxpayers authorized to voluntarily make
20 payments by electronic funds transfer shall make those payments
21 in the manner authorized by the Department.

22 The Department shall adopt such rules as are necessary to
23 effectuate a program of electronic funds transfer and the
24 requirements of this Section.

25 Where a serviceman collects the tax with respect to the
26 selling price of tangible personal property which he sells and

1 the purchaser thereafter returns such tangible personal
2 property and the serviceman refunds the selling price thereof
3 to the purchaser, such serviceman shall also refund, to the
4 purchaser, the tax so collected from the purchaser. When filing
5 his return for the period in which he refunds such tax to the
6 purchaser, the serviceman may deduct the amount of the tax so
7 refunded by him to the purchaser from any other Service
8 Occupation Tax, Service Use Tax, Retailers' Occupation Tax or
9 Use Tax which such serviceman may be required to pay or remit
10 to the Department, as shown by such return, provided that the
11 amount of the tax to be deducted shall previously have been
12 remitted to the Department by such serviceman. If the
13 serviceman shall not previously have remitted the amount of
14 such tax to the Department, he shall be entitled to no
15 deduction hereunder upon refunding such tax to the purchaser.

16 If experience indicates such action to be practicable, the
17 Department may prescribe and furnish a combination or joint
18 return which will enable servicemen, who are required to file
19 returns hereunder and also under the Retailers' Occupation Tax
20 Act, the Use Tax Act or the Service Use Tax Act, to furnish all
21 the return information required by all said Acts on the one
22 form.

23 Where the serviceman has more than one business registered
24 with the Department under separate registrations hereunder,
25 such serviceman shall file separate returns for each registered
26 business.

1 Beginning January 1, 1990, each month the Department shall
2 pay into the Local Government Tax Fund the revenue realized for
3 the preceding month from the 1% tax on sales of food for human
4 consumption which is to be consumed off the premises where it
5 is sold (other than alcoholic beverages, soft drinks and food
6 which has been prepared for immediate consumption) and
7 prescription and nonprescription medicines, drugs, medical
8 appliances and insulin, urine testing materials, syringes and
9 needles used by diabetics.

10 Beginning January 1, 1990, each month the Department shall
11 pay into the County and Mass Transit District Fund 4% of the
12 revenue realized for the preceding month from the 6.25% general
13 rate.

14 Beginning August 1, 2000, each month the Department shall
15 pay into the County and Mass Transit District Fund 20% of the
16 net revenue realized for the preceding month from the 1.25%
17 rate on the selling price of motor fuel and gasohol.

18 Beginning January 1, 1990, each month the Department shall
19 pay into the Local Government Tax Fund 16% of the revenue
20 realized for the preceding month from the 6.25% general rate on
21 transfers of tangible personal property.

22 Beginning August 1, 2000, each month the Department shall
23 pay into the Local Government Tax Fund 80% of the net revenue
24 realized for the preceding month from the 1.25% rate on the
25 selling price of motor fuel and gasohol.

26 Beginning October 1, 2009, each month the Department shall

1 pay into the Capital Projects Fund an amount that is equal to
2 an amount estimated by the Department to represent 80% of the
3 net revenue realized for the preceding month from the sale of
4 candy, grooming and hygiene products, and soft drinks that had
5 been taxed at a rate of 1% prior to September 1, 2009 but that
6 are now taxed at 6.25%.

7 Beginning July 1, 2013, each month the Department shall pay
8 into the Underground Storage Tank Fund from the proceeds
9 collected under this Act, the Use Tax Act, the Service Use Tax
10 Act, and the Retailers' Occupation Tax Act an amount equal to
11 the average monthly deficit in the Underground Storage Tank
12 Fund during the prior year, as certified annually by the
13 Illinois Environmental Protection Agency, but the total
14 payment into the Underground Storage Tank Fund under this Act,
15 the Use Tax Act, the Service Use Tax Act, and the Retailers'
16 Occupation Tax Act shall not exceed \$18,000,000 in any State
17 fiscal year. As used in this paragraph, the "average monthly
18 deficit" shall be equal to the difference between the average
19 monthly claims for payment by the fund and the average monthly
20 revenues deposited into the fund, excluding payments made
21 pursuant to this paragraph.

22 Beginning July 1, 2015, of the remainder of the moneys
23 received by the Department under the Use Tax Act, the Service
24 Use Tax Act, this Act, and the Retailers' Occupation Tax Act,
25 each month the Department shall deposit \$500,000 into the State
26 Crime Laboratory Fund.

1 Of the remainder of the moneys received by the Department
2 pursuant to this Act, (a) 1.75% thereof shall be paid into the
3 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on
4 and after July 1, 1989, 3.8% thereof shall be paid into the
5 Build Illinois Fund; provided, however, that if in any fiscal
6 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case
7 may be, of the moneys received by the Department and required
8 to be paid into the Build Illinois Fund pursuant to Section 3
9 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax
10 Act, Section 9 of the Service Use Tax Act, and Section 9 of the
11 Service Occupation Tax Act, such Acts being hereinafter called
12 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case
13 may be, of moneys being hereinafter called the "Tax Act
14 Amount", and (2) the amount transferred to the Build Illinois
15 Fund from the State and Local Sales Tax Reform Fund shall be
16 less than the Annual Specified Amount (as defined in Section 3
17 of the Retailers' Occupation Tax Act), an amount equal to the
18 difference shall be immediately paid into the Build Illinois
19 Fund from other moneys received by the Department pursuant to
20 the Tax Acts; and further provided, that if on the last
21 business day of any month the sum of (1) the Tax Act Amount
22 required to be deposited into the Build Illinois Account in the
23 Build Illinois Fund during such month and (2) the amount
24 transferred during such month to the Build Illinois Fund from
25 the State and Local Sales Tax Reform Fund shall have been less
26 than 1/12 of the Annual Specified Amount, an amount equal to

1 the difference shall be immediately paid into the Build
2 Illinois Fund from other moneys received by the Department
3 pursuant to the Tax Acts; and, further provided, that in no
4 event shall the payments required under the preceding proviso
5 result in aggregate payments into the Build Illinois Fund
6 pursuant to this clause (b) for any fiscal year in excess of
7 the greater of (i) the Tax Act Amount or (ii) the Annual
8 Specified Amount for such fiscal year; and, further provided,
9 that the amounts payable into the Build Illinois Fund under
10 this clause (b) shall be payable only until such time as the
11 aggregate amount on deposit under each trust indenture securing
12 Bonds issued and outstanding pursuant to the Build Illinois
13 Bond Act is sufficient, taking into account any future
14 investment income, to fully provide, in accordance with such
15 indenture, for the defeasance of or the payment of the
16 principal of, premium, if any, and interest on the Bonds
17 secured by such indenture and on any Bonds expected to be
18 issued thereafter and all fees and costs payable with respect
19 thereto, all as certified by the Director of the Bureau of the
20 Budget (now Governor's Office of Management and Budget). If on
21 the last business day of any month in which Bonds are
22 outstanding pursuant to the Build Illinois Bond Act, the
23 aggregate of the moneys deposited in the Build Illinois Bond
24 Account in the Build Illinois Fund in such month shall be less
25 than the amount required to be transferred in such month from
26 the Build Illinois Bond Account to the Build Illinois Bond

1 Retirement and Interest Fund pursuant to Section 13 of the
2 Build Illinois Bond Act, an amount equal to such deficiency
3 shall be immediately paid from other moneys received by the
4 Department pursuant to the Tax Acts to the Build Illinois Fund;
5 provided, however, that any amounts paid to the Build Illinois
6 Fund in any fiscal year pursuant to this sentence shall be
7 deemed to constitute payments pursuant to clause (b) of the
8 preceding sentence and shall reduce the amount otherwise
9 payable for such fiscal year pursuant to clause (b) of the
10 preceding sentence. The moneys received by the Department
11 pursuant to this Act and required to be deposited into the
12 Build Illinois Fund are subject to the pledge, claim and charge
13 set forth in Section 12 of the Build Illinois Bond Act.

14 Subject to payment of amounts into the Build Illinois Fund
15 as provided in the preceding paragraph or in any amendment
16 thereto hereafter enacted, the following specified monthly
17 installment of the amount requested in the certificate of the
18 Chairman of the Metropolitan Pier and Exposition Authority
19 provided under Section 8.25f of the State Finance Act, but not
20 in excess of the sums designated as "Total Deposit", shall be
21 deposited in the aggregate from collections under Section 9 of
22 the Use Tax Act, Section 9 of the Service Use Tax Act, Section
23 9 of the Service Occupation Tax Act, and Section 3 of the
24 Retailers' Occupation Tax Act into the McCormick Place
25 Expansion Project Fund in the specified fiscal years.

		Total
	Fiscal Year	Deposit
1		
2	1993	\$0
3	1994	53,000,000
4	1995	58,000,000
5	1996	61,000,000
6	1997	64,000,000
7	1998	68,000,000
8	1999	71,000,000
9	2000	75,000,000
10	2001	80,000,000
11	2002	93,000,000
12	2003	99,000,000
13	2004	103,000,000
14	2005	108,000,000
15	2006	113,000,000
16	2007	119,000,000
17	2008	126,000,000
18	2009	132,000,000
19	2010	139,000,000
20	2011	146,000,000
21	2012	153,000,000
22	2013	161,000,000
23	2014	170,000,000
24	2015	179,000,000
25	2016	189,000,000

1	2017	199,000,000
2	2018	210,000,000
3	2019	221,000,000
4	2020	233,000,000
5	2021	246,000,000
6	2022	260,000,000
7	2023	275,000,000
8	2024	275,000,000
9	2025	275,000,000
10	2026	279,000,000
11	2027	292,000,000
12	2028	307,000,000
13	2029	322,000,000
14	2030	338,000,000
15	2031	350,000,000
16	2032	350,000,000

17 and
18 each fiscal year
19 thereafter that bonds
20 are outstanding under
21 Section 13.2 of the
22 Metropolitan Pier and
23 Exposition Authority Act,
24 but not after fiscal year 2060.

25 Beginning July 20, 1993 and in each month of each fiscal
26 year thereafter, one-eighth of the amount requested in the

1 certificate of the Chairman of the Metropolitan Pier and
2 Exposition Authority for that fiscal year, less the amount
3 deposited into the McCormick Place Expansion Project Fund by
4 the State Treasurer in the respective month under subsection
5 (g) of Section 13 of the Metropolitan Pier and Exposition
6 Authority Act, plus cumulative deficiencies in the deposits
7 required under this Section for previous months and years,
8 shall be deposited into the McCormick Place Expansion Project
9 Fund, until the full amount requested for the fiscal year, but
10 not in excess of the amount specified above as "Total Deposit",
11 has been deposited.

12 Beginning on July 1, 2017, subject to payment of amounts
13 into the Capital Projects Fund, the Build Illinois Fund, and
14 the McCormick Place Expansion Project Fund pursuant to the
15 preceding paragraphs or in any amendments thereto hereafter
16 enacted, the Department shall each month deposit into the Sales
17 and Excise Tax Refund Fund 0.18% of 80% of the net revenue
18 realized for the preceding month from the 6.25% general rate on
19 the selling price of tangible personal property.

20 Subject to payment of amounts into the Build Illinois Fund
21 and the McCormick Place Expansion Project Fund pursuant to the
22 preceding paragraphs or in any amendments thereto hereafter
23 enacted, beginning July 1, 1993 and ending on September 30,
24 2013, the Department shall each month pay into the Illinois Tax
25 Increment Fund 0.27% of 80% of the net revenue realized for the
26 preceding month from the 6.25% general rate on the selling

1 price of tangible personal property.

2 Subject to payment of amounts into the Build Illinois Fund
3 and the McCormick Place Expansion Project Fund pursuant to the
4 preceding paragraphs or in any amendments thereto hereafter
5 enacted, beginning with the receipt of the first report of
6 taxes paid by an eligible business and continuing for a 25-year
7 period, the Department shall each month pay into the Energy
8 Infrastructure Fund 80% of the net revenue realized from the
9 6.25% general rate on the selling price of Illinois-mined coal
10 that was sold to an eligible business. For purposes of this
11 paragraph, the term "eligible business" means a new electric
12 generating facility certified pursuant to Section 605-332 of
13 the Department of Commerce and Economic Opportunity Law of the
14 Civil Administrative Code of Illinois.

15 Subject to payment of amounts into the Build Illinois Fund,
16 the McCormick Place Expansion Project Fund, the Illinois Tax
17 Increment Fund, and the Energy Infrastructure Fund pursuant to
18 the preceding paragraphs or in any amendments to this Section
19 hereafter enacted, beginning on the first day of the first
20 calendar month to occur on or after the effective date of this
21 amendatory Act of the 98th General Assembly, each month, from
22 the collections made under Section 9 of the Use Tax Act,
23 Section 9 of the Service Use Tax Act, Section 9 of the Service
24 Occupation Tax Act, and Section 3 of the Retailers' Occupation
25 Tax Act, the Department shall pay into the Tax Compliance and
26 Administration Fund, to be used, subject to appropriation, to

1 fund additional auditors and compliance personnel at the
2 Department of Revenue, an amount equal to 1/12 of 5% of 80% of
3 the cash receipts collected during the preceding fiscal year by
4 the Audit Bureau of the Department under the Use Tax Act, the
5 Service Use Tax Act, the Service Occupation Tax Act, the
6 Retailers' Occupation Tax Act, and associated local occupation
7 and use taxes administered by the Department.

8 Of the remainder of the moneys received by the Department
9 pursuant to this Act, 75% shall be paid into the General
10 Revenue Fund of the State Treasury and 25% shall be reserved in
11 a special account and used only for the transfer to the Common
12 School Fund as part of the monthly transfer from the General
13 Revenue Fund in accordance with Section 8a of the State Finance
14 Act.

15 The Department may, upon separate written notice to a
16 taxpayer, require the taxpayer to prepare and file with the
17 Department on a form prescribed by the Department within not
18 less than 60 days after receipt of the notice an annual
19 information return for the tax year specified in the notice.
20 Such annual return to the Department shall include a statement
21 of gross receipts as shown by the taxpayer's last Federal
22 income tax return. If the total receipts of the business as
23 reported in the Federal income tax return do not agree with the
24 gross receipts reported to the Department of Revenue for the
25 same period, the taxpayer shall attach to his annual return a
26 schedule showing a reconciliation of the 2 amounts and the

1 reasons for the difference. The taxpayer's annual return to the
2 Department shall also disclose the cost of goods sold by the
3 taxpayer during the year covered by such return, opening and
4 closing inventories of such goods for such year, cost of goods
5 used from stock or taken from stock and given away by the
6 taxpayer during such year, pay roll information of the
7 taxpayer's business during such year and any additional
8 reasonable information which the Department deems would be
9 helpful in determining the accuracy of the monthly, quarterly
10 or annual returns filed by such taxpayer as hereinbefore
11 provided for in this Section.

12 If the annual information return required by this Section
13 is not filed when and as required, the taxpayer shall be liable
14 as follows:

15 (i) Until January 1, 1994, the taxpayer shall be liable
16 for a penalty equal to 1/6 of 1% of the tax due from such
17 taxpayer under this Act during the period to be covered by
18 the annual return for each month or fraction of a month
19 until such return is filed as required, the penalty to be
20 assessed and collected in the same manner as any other
21 penalty provided for in this Act.

22 (ii) On and after January 1, 1994, the taxpayer shall
23 be liable for a penalty as described in Section 3-4 of the
24 Uniform Penalty and Interest Act.

25 The chief executive officer, proprietor, owner or highest
26 ranking manager shall sign the annual return to certify the

1 accuracy of the information contained therein. Any person who
2 willfully signs the annual return containing false or
3 inaccurate information shall be guilty of perjury and punished
4 accordingly. The annual return form prescribed by the
5 Department shall include a warning that the person signing the
6 return may be liable for perjury.

7 The foregoing portion of this Section concerning the filing
8 of an annual information return shall not apply to a serviceman
9 who is not required to file an income tax return with the
10 United States Government.

11 As soon as possible after the first day of each month, upon
12 certification of the Department of Revenue, the Comptroller
13 shall order transferred and the Treasurer shall transfer from
14 the General Revenue Fund to the Motor Fuel Tax Fund an amount
15 equal to 1.7% of 80% of the net revenue realized under this Act
16 for the second preceding month. Beginning April 1, 2000, this
17 transfer is no longer required and shall not be made.

18 Net revenue realized for a month shall be the revenue
19 collected by the State pursuant to this Act, less the amount
20 paid out during that month as refunds to taxpayers for
21 overpayment of liability.

22 For greater simplicity of administration, it shall be
23 permissible for manufacturers, importers and wholesalers whose
24 products are sold by numerous servicemen in Illinois, and who
25 wish to do so, to assume the responsibility for accounting and
26 paying to the Department all tax accruing under this Act with

1 respect to such sales, if the servicemen who are affected do
2 not make written objection to the Department to this
3 arrangement.

4 (Source: P.A. 98-24, eff. 6-19-13; 98-109, eff. 7-25-13;
5 98-298, eff. 8-9-13; 98-496, eff. 1-1-14; 98-756, eff. 7-16-14;
6 98-1098, eff. 8-26-14; 99-352, eff. 8-12-15.)

7 (35 ILCS 115/17) (from Ch. 120, par. 439.117)

8 Sec. 17. If it shall appear that an amount of tax or
9 penalty or interest has been paid in error hereunder directly
10 to the Department by a serviceman, whether such amount be paid
11 through a mistake of fact or an error of law, such serviceman
12 may file a claim for credit or refund with the Department. If
13 it shall appear that an amount of tax or penalty or interest
14 has been paid in error to the Department hereunder by a
15 supplier who is required or authorized to collect and remit the
16 Service Occupation Tax, whether such amount be paid through a
17 mistake of fact or an error of law, such supplier may file a
18 claim for credit or refund with the Department, provided that
19 no credit shall be allowed nor any refund made for any amount
20 paid by any such supplier unless it shall appear that he bore
21 the burden of such amount and did not shift the burden thereof
22 to anyone else (as in the case of a duplicated tax payment
23 which the supplier made to the Department and did not collect
24 from anyone else), or unless it shall appear that he or his
25 legal representative has unconditionally repaid such amount to

1 his vendee (1) who bore the burden thereof and has not shifted
2 such burden directly or indirectly in any manner whatsoever;
3 (2) who, if he has shifted such burden, has repaid
4 unconditionally such amount to his own vendee, and (3) who is
5 not entitled to receive any reimbursement therefor from any
6 other source than from his supplier, nor to be relieved of such
7 burden in any other manner whatsoever.

8 Any credit or refund that is allowed under this Section
9 shall bear interest at the rate and in the manner specified in
10 the Uniform Penalty and Interest Act.

11 Any claim filed hereunder shall be filed upon a form
12 prescribed and furnished by the Department. The claim shall be
13 signed by the claimant (or by the claimant's legal
14 representative if the claimant shall have died or become a
15 person under legal disability), or by a duly authorized agent
16 of the claimant or his or her legal representative.

17 A claim for credit or refund shall be considered to have
18 been filed with the Department on the date upon which it is
19 received by the Department. Upon receipt of any claim for
20 credit or refund filed under this Act, any officer or employee
21 of the Department, authorized in writing by the Director of
22 Revenue to acknowledge receipt of such claims on behalf of the
23 Department, shall execute on behalf of the Department, and
24 shall deliver or mail to the claimant or his or her duly
25 authorized agent, a written receipt, acknowledging that the
26 claim has been filed with the Department, describing the claim

1 in sufficient detail to identify it and stating the date upon
2 which the claim was received by the Department. Such written
3 receipt shall be prima facie evidence that the Department
4 received the claim described in such receipt and shall be prima
5 facie evidence of the date when such claim was received by the
6 Department. In the absence of such a written receipt, the
7 records of the Department as to when the claim was received by
8 the Department, or as to whether or not the claim was received
9 at all by the Department, shall be deemed to be prima facie
10 correct upon these questions in the event of any dispute
11 between the claimant (or his legal representative) and the
12 Department concerning these questions.

13 In case the Department determines that the claimant is
14 entitled to a refund, such refund shall be made only from the
15 Sales and Excise Tax Refund Fund ~~such appropriation~~ as may be
16 available for that purpose. If it appears unlikely that the
17 amount available ~~appropriated~~ would permit everyone having a
18 claim allowed ~~during the period covered by such appropriation~~
19 to elect to receive a cash refund, the Department, by rule or
20 regulation, shall provide for the payment of refunds in
21 hardship cases and shall define what types of cases qualify as
22 hardship cases.

23 (Source: P.A. 87-205.)

24 Section 25. The Retailers' Occupation Tax Act is amended by
25 changing Sections 3 and 6 as follows:

1 (35 ILCS 120/3) (from Ch. 120, par. 442)

2 Sec. 3. Except as provided in this Section, on or before
3 the twentieth day of each calendar month, every person engaged
4 in the business of selling tangible personal property at retail
5 in this State during the preceding calendar month shall file a
6 return with the Department, stating:

7 1. The name of the seller;

8 2. His residence address and the address of his
9 principal place of business and the address of the
10 principal place of business (if that is a different
11 address) from which he engages in the business of selling
12 tangible personal property at retail in this State;

13 3. Total amount of receipts received by him during the
14 preceding calendar month or quarter, as the case may be,
15 from sales of tangible personal property, and from services
16 furnished, by him during such preceding calendar month or
17 quarter;

18 4. Total amount received by him during the preceding
19 calendar month or quarter on charge and time sales of
20 tangible personal property, and from services furnished,
21 by him prior to the month or quarter for which the return
22 is filed;

23 5. Deductions allowed by law;

24 6. Gross receipts which were received by him during the
25 preceding calendar month or quarter and upon the basis of

1 which the tax is imposed;

2 7. The amount of credit provided in Section 2d of this
3 Act;

4 8. The amount of tax due;

5 9. The signature of the taxpayer; and

6 10. Such other reasonable information as the
7 Department may require.

8 If a taxpayer fails to sign a return within 30 days after
9 the proper notice and demand for signature by the Department,
10 the return shall be considered valid and any amount shown to be
11 due on the return shall be deemed assessed.

12 Each return shall be accompanied by the statement of
13 prepaid tax issued pursuant to Section 2e for which credit is
14 claimed.

15 Prior to October 1, 2003, and on and after September 1,
16 2004 a retailer may accept a Manufacturer's Purchase Credit
17 certification from a purchaser in satisfaction of Use Tax as
18 provided in Section 3-85 of the Use Tax Act if the purchaser
19 provides the appropriate documentation as required by Section
20 3-85 of the Use Tax Act. A Manufacturer's Purchase Credit
21 certification, accepted by a retailer prior to October 1, 2003
22 and on and after September 1, 2004 as provided in Section 3-85
23 of the Use Tax Act, may be used by that retailer to satisfy
24 Retailers' Occupation Tax liability in the amount claimed in
25 the certification, not to exceed 6.25% of the receipts subject
26 to tax from a qualifying purchase. A Manufacturer's Purchase

1 Credit reported on any original or amended return filed under
2 this Act after October 20, 2003 for reporting periods prior to
3 September 1, 2004 shall be disallowed. Manufacturer's
4 Purchaser Credit reported on annual returns due on or after
5 January 1, 2005 will be disallowed for periods prior to
6 September 1, 2004. No Manufacturer's Purchase Credit may be
7 used after September 30, 2003 through August 31, 2004 to
8 satisfy any tax liability imposed under this Act, including any
9 audit liability.

10 The Department may require returns to be filed on a
11 quarterly basis. If so required, a return for each calendar
12 quarter shall be filed on or before the twentieth day of the
13 calendar month following the end of such calendar quarter. The
14 taxpayer shall also file a return with the Department for each
15 of the first two months of each calendar quarter, on or before
16 the twentieth day of the following calendar month, stating:

17 1. The name of the seller;

18 2. The address of the principal place of business from
19 which he engages in the business of selling tangible
20 personal property at retail in this State;

21 3. The total amount of taxable receipts received by him
22 during the preceding calendar month from sales of tangible
23 personal property by him during such preceding calendar
24 month, including receipts from charge and time sales, but
25 less all deductions allowed by law;

26 4. The amount of credit provided in Section 2d of this

1 Act;

2 5. The amount of tax due; and

3 6. Such other reasonable information as the Department
4 may require.

5 Beginning on October 1, 2003, any person who is not a
6 licensed distributor, importing distributor, or manufacturer,
7 as defined in the Liquor Control Act of 1934, but is engaged in
8 the business of selling, at retail, alcoholic liquor shall file
9 a statement with the Department of Revenue, in a format and at
10 a time prescribed by the Department, showing the total amount
11 paid for alcoholic liquor purchased during the preceding month
12 and such other information as is reasonably required by the
13 Department. The Department may adopt rules to require that this
14 statement be filed in an electronic or telephonic format. Such
15 rules may provide for exceptions from the filing requirements
16 of this paragraph. For the purposes of this paragraph, the term
17 "alcoholic liquor" shall have the meaning prescribed in the
18 Liquor Control Act of 1934.

19 Beginning on October 1, 2003, every distributor, importing
20 distributor, and manufacturer of alcoholic liquor as defined in
21 the Liquor Control Act of 1934, shall file a statement with the
22 Department of Revenue, no later than the 10th day of the month
23 for the preceding month during which transactions occurred, by
24 electronic means, showing the total amount of gross receipts
25 from the sale of alcoholic liquor sold or distributed during
26 the preceding month to purchasers; identifying the purchaser to

1 whom it was sold or distributed; the purchaser's tax
2 registration number; and such other information reasonably
3 required by the Department. A distributor, importing
4 distributor, or manufacturer of alcoholic liquor must
5 personally deliver, mail, or provide by electronic means to
6 each retailer listed on the monthly statement a report
7 containing a cumulative total of that distributor's, importing
8 distributor's, or manufacturer's total sales of alcoholic
9 liquor to that retailer no later than the 10th day of the month
10 for the preceding month during which the transaction occurred.
11 The distributor, importing distributor, or manufacturer shall
12 notify the retailer as to the method by which the distributor,
13 importing distributor, or manufacturer will provide the sales
14 information. If the retailer is unable to receive the sales
15 information by electronic means, the distributor, importing
16 distributor, or manufacturer shall furnish the sales
17 information by personal delivery or by mail. For purposes of
18 this paragraph, the term "electronic means" includes, but is
19 not limited to, the use of a secure Internet website, e-mail,
20 or facsimile.

21 If a total amount of less than \$1 is payable, refundable or
22 creditable, such amount shall be disregarded if it is less than
23 50 cents and shall be increased to \$1 if it is 50 cents or more.

24 Beginning October 1, 1993, a taxpayer who has an average
25 monthly tax liability of \$150,000 or more shall make all
26 payments required by rules of the Department by electronic

1 funds transfer. Beginning October 1, 1994, a taxpayer who has
2 an average monthly tax liability of \$100,000 or more shall make
3 all payments required by rules of the Department by electronic
4 funds transfer. Beginning October 1, 1995, a taxpayer who has
5 an average monthly tax liability of \$50,000 or more shall make
6 all payments required by rules of the Department by electronic
7 funds transfer. Beginning October 1, 2000, a taxpayer who has
8 an annual tax liability of \$200,000 or more shall make all
9 payments required by rules of the Department by electronic
10 funds transfer. The term "annual tax liability" shall be the
11 sum of the taxpayer's liabilities under this Act, and under all
12 other State and local occupation and use tax laws administered
13 by the Department, for the immediately preceding calendar year.
14 The term "average monthly tax liability" shall be the sum of
15 the taxpayer's liabilities under this Act, and under all other
16 State and local occupation and use tax laws administered by the
17 Department, for the immediately preceding calendar year
18 divided by 12. Beginning on October 1, 2002, a taxpayer who has
19 a tax liability in the amount set forth in subsection (b) of
20 Section 2505-210 of the Department of Revenue Law shall make
21 all payments required by rules of the Department by electronic
22 funds transfer.

23 Before August 1 of each year beginning in 1993, the
24 Department shall notify all taxpayers required to make payments
25 by electronic funds transfer. All taxpayers required to make
26 payments by electronic funds transfer shall make those payments

1 for a minimum of one year beginning on October 1.

2 Any taxpayer not required to make payments by electronic
3 funds transfer may make payments by electronic funds transfer
4 with the permission of the Department.

5 All taxpayers required to make payment by electronic funds
6 transfer and any taxpayers authorized to voluntarily make
7 payments by electronic funds transfer shall make those payments
8 in the manner authorized by the Department.

9 The Department shall adopt such rules as are necessary to
10 effectuate a program of electronic funds transfer and the
11 requirements of this Section.

12 Any amount which is required to be shown or reported on any
13 return or other document under this Act shall, if such amount
14 is not a whole-dollar amount, be increased to the nearest
15 whole-dollar amount in any case where the fractional part of a
16 dollar is 50 cents or more, and decreased to the nearest
17 whole-dollar amount where the fractional part of a dollar is
18 less than 50 cents.

19 If the retailer is otherwise required to file a monthly
20 return and if the retailer's average monthly tax liability to
21 the Department does not exceed \$200, the Department may
22 authorize his returns to be filed on a quarter annual basis,
23 with the return for January, February and March of a given year
24 being due by April 20 of such year; with the return for April,
25 May and June of a given year being due by July 20 of such year;
26 with the return for July, August and September of a given year

1 being due by October 20 of such year, and with the return for
2 October, November and December of a given year being due by
3 January 20 of the following year.

4 If the retailer is otherwise required to file a monthly or
5 quarterly return and if the retailer's average monthly tax
6 liability with the Department does not exceed \$50, the
7 Department may authorize his returns to be filed on an annual
8 basis, with the return for a given year being due by January 20
9 of the following year.

10 Such quarter annual and annual returns, as to form and
11 substance, shall be subject to the same requirements as monthly
12 returns.

13 Notwithstanding any other provision in this Act concerning
14 the time within which a retailer may file his return, in the
15 case of any retailer who ceases to engage in a kind of business
16 which makes him responsible for filing returns under this Act,
17 such retailer shall file a final return under this Act with the
18 Department not more than one month after discontinuing such
19 business.

20 Where the same person has more than one business registered
21 with the Department under separate registrations under this
22 Act, such person may not file each return that is due as a
23 single return covering all such registered businesses, but
24 shall file separate returns for each such registered business.

25 In addition, with respect to motor vehicles, watercraft,
26 aircraft, and trailers that are required to be registered with

1 an agency of this State, every retailer selling this kind of
2 tangible personal property shall file, with the Department,
3 upon a form to be prescribed and supplied by the Department, a
4 separate return for each such item of tangible personal
5 property which the retailer sells, except that if, in the same
6 transaction, (i) a retailer of aircraft, watercraft, motor
7 vehicles or trailers transfers more than one aircraft,
8 watercraft, motor vehicle or trailer to another aircraft,
9 watercraft, motor vehicle retailer or trailer retailer for the
10 purpose of resale or (ii) a retailer of aircraft, watercraft,
11 motor vehicles, or trailers transfers more than one aircraft,
12 watercraft, motor vehicle, or trailer to a purchaser for use as
13 a qualifying rolling stock as provided in Section 2-5 of this
14 Act, then that seller may report the transfer of all aircraft,
15 watercraft, motor vehicles or trailers involved in that
16 transaction to the Department on the same uniform
17 invoice-transaction reporting return form. For purposes of
18 this Section, "watercraft" means a Class 2, Class 3, or Class 4
19 watercraft as defined in Section 3-2 of the Boat Registration
20 and Safety Act, a personal watercraft, or any boat equipped
21 with an inboard motor.

22 Any retailer who sells only motor vehicles, watercraft,
23 aircraft, or trailers that are required to be registered with
24 an agency of this State, so that all retailers' occupation tax
25 liability is required to be reported, and is reported, on such
26 transaction reporting returns and who is not otherwise required

1 to file monthly or quarterly returns, need not file monthly or
2 quarterly returns. However, those retailers shall be required
3 to file returns on an annual basis.

4 The transaction reporting return, in the case of motor
5 vehicles or trailers that are required to be registered with an
6 agency of this State, shall be the same document as the Uniform
7 Invoice referred to in Section 5-402 of The Illinois Vehicle
8 Code and must show the name and address of the seller; the name
9 and address of the purchaser; the amount of the selling price
10 including the amount allowed by the retailer for traded-in
11 property, if any; the amount allowed by the retailer for the
12 traded-in tangible personal property, if any, to the extent to
13 which Section 1 of this Act allows an exemption for the value
14 of traded-in property; the balance payable after deducting such
15 trade-in allowance from the total selling price; the amount of
16 tax due from the retailer with respect to such transaction; the
17 amount of tax collected from the purchaser by the retailer on
18 such transaction (or satisfactory evidence that such tax is not
19 due in that particular instance, if that is claimed to be the
20 fact); the place and date of the sale; a sufficient
21 identification of the property sold; such other information as
22 is required in Section 5-402 of The Illinois Vehicle Code, and
23 such other information as the Department may reasonably
24 require.

25 The transaction reporting return in the case of watercraft
26 or aircraft must show the name and address of the seller; the

1 name and address of the purchaser; the amount of the selling
2 price including the amount allowed by the retailer for
3 traded-in property, if any; the amount allowed by the retailer
4 for the traded-in tangible personal property, if any, to the
5 extent to which Section 1 of this Act allows an exemption for
6 the value of traded-in property; the balance payable after
7 deducting such trade-in allowance from the total selling price;
8 the amount of tax due from the retailer with respect to such
9 transaction; the amount of tax collected from the purchaser by
10 the retailer on such transaction (or satisfactory evidence that
11 such tax is not due in that particular instance, if that is
12 claimed to be the fact); the place and date of the sale, a
13 sufficient identification of the property sold, and such other
14 information as the Department may reasonably require.

15 Such transaction reporting return shall be filed not later
16 than 20 days after the day of delivery of the item that is
17 being sold, but may be filed by the retailer at any time sooner
18 than that if he chooses to do so. The transaction reporting
19 return and tax remittance or proof of exemption from the
20 Illinois use tax may be transmitted to the Department by way of
21 the State agency with which, or State officer with whom the
22 tangible personal property must be titled or registered (if
23 titling or registration is required) if the Department and such
24 agency or State officer determine that this procedure will
25 expedite the processing of applications for title or
26 registration.

1 With each such transaction reporting return, the retailer
2 shall remit the proper amount of tax due (or shall submit
3 satisfactory evidence that the sale is not taxable if that is
4 the case), to the Department or its agents, whereupon the
5 Department shall issue, in the purchaser's name, a use tax
6 receipt (or a certificate of exemption if the Department is
7 satisfied that the particular sale is tax exempt) which such
8 purchaser may submit to the agency with which, or State officer
9 with whom, he must title or register the tangible personal
10 property that is involved (if titling or registration is
11 required) in support of such purchaser's application for an
12 Illinois certificate or other evidence of title or registration
13 to such tangible personal property.

14 No retailer's failure or refusal to remit tax under this
15 Act precludes a user, who has paid the proper tax to the
16 retailer, from obtaining his certificate of title or other
17 evidence of title or registration (if titling or registration
18 is required) upon satisfying the Department that such user has
19 paid the proper tax (if tax is due) to the retailer. The
20 Department shall adopt appropriate rules to carry out the
21 mandate of this paragraph.

22 If the user who would otherwise pay tax to the retailer
23 wants the transaction reporting return filed and the payment of
24 the tax or proof of exemption made to the Department before the
25 retailer is willing to take these actions and such user has not
26 paid the tax to the retailer, such user may certify to the fact

1 of such delay by the retailer and may (upon the Department
2 being satisfied of the truth of such certification) transmit
3 the information required by the transaction reporting return
4 and the remittance for tax or proof of exemption directly to
5 the Department and obtain his tax receipt or exemption
6 determination, in which event the transaction reporting return
7 and tax remittance (if a tax payment was required) shall be
8 credited by the Department to the proper retailer's account
9 with the Department, but without the 2.1% or 1.75% discount
10 provided for in this Section being allowed. When the user pays
11 the tax directly to the Department, he shall pay the tax in the
12 same amount and in the same form in which it would be remitted
13 if the tax had been remitted to the Department by the retailer.

14 Refunds made by the seller during the preceding return
15 period to purchasers, on account of tangible personal property
16 returned to the seller, shall be allowed as a deduction under
17 subdivision 5 of his monthly or quarterly return, as the case
18 may be, in case the seller had theretofore included the
19 receipts from the sale of such tangible personal property in a
20 return filed by him and had paid the tax imposed by this Act
21 with respect to such receipts.

22 Where the seller is a corporation, the return filed on
23 behalf of such corporation shall be signed by the president,
24 vice-president, secretary or treasurer or by the properly
25 accredited agent of such corporation.

26 Where the seller is a limited liability company, the return

1 filed on behalf of the limited liability company shall be
2 signed by a manager, member, or properly accredited agent of
3 the limited liability company.

4 Except as provided in this Section, the retailer filing the
5 return under this Section shall, at the time of filing such
6 return, pay to the Department the amount of tax imposed by this
7 Act less a discount of 2.1% prior to January 1, 1990 and 1.75%
8 on and after January 1, 1990, or \$5 per calendar year,
9 whichever is greater, which is allowed to reimburse the
10 retailer for the expenses incurred in keeping records,
11 preparing and filing returns, remitting the tax and supplying
12 data to the Department on request. Any prepayment made pursuant
13 to Section 2d of this Act shall be included in the amount on
14 which such 2.1% or 1.75% discount is computed. In the case of
15 retailers who report and pay the tax on a transaction by
16 transaction basis, as provided in this Section, such discount
17 shall be taken with each such tax remittance instead of when
18 such retailer files his periodic return. The Department may
19 disallow the discount for retailers whose certificate of
20 registration is revoked at the time the return is filed, but
21 only if the Department's decision to revoke the certificate of
22 registration has become final.

23 Before October 1, 2000, if the taxpayer's average monthly
24 tax liability to the Department under this Act, the Use Tax
25 Act, the Service Occupation Tax Act, and the Service Use Tax
26 Act, excluding any liability for prepaid sales tax to be

1 remitted in accordance with Section 2d of this Act, was \$10,000
2 or more during the preceding 4 complete calendar quarters, he
3 shall file a return with the Department each month by the 20th
4 day of the month next following the month during which such tax
5 liability is incurred and shall make payments to the Department
6 on or before the 7th, 15th, 22nd and last day of the month
7 during which such liability is incurred. On and after October
8 1, 2000, if the taxpayer's average monthly tax liability to the
9 Department under this Act, the Use Tax Act, the Service
10 Occupation Tax Act, and the Service Use Tax Act, excluding any
11 liability for prepaid sales tax to be remitted in accordance
12 with Section 2d of this Act, was \$20,000 or more during the
13 preceding 4 complete calendar quarters, he shall file a return
14 with the Department each month by the 20th day of the month
15 next following the month during which such tax liability is
16 incurred and shall make payment to the Department on or before
17 the 7th, 15th, 22nd and last day of the month during which such
18 liability is incurred. If the month during which such tax
19 liability is incurred began prior to January 1, 1985, each
20 payment shall be in an amount equal to 1/4 of the taxpayer's
21 actual liability for the month or an amount set by the
22 Department not to exceed 1/4 of the average monthly liability
23 of the taxpayer to the Department for the preceding 4 complete
24 calendar quarters (excluding the month of highest liability and
25 the month of lowest liability in such 4 quarter period). If the
26 month during which such tax liability is incurred begins on or

1 after January 1, 1985 and prior to January 1, 1987, each
2 payment shall be in an amount equal to 22.5% of the taxpayer's
3 actual liability for the month or 27.5% of the taxpayer's
4 liability for the same calendar month of the preceding year. If
5 the month during which such tax liability is incurred begins on
6 or after January 1, 1987 and prior to January 1, 1988, each
7 payment shall be in an amount equal to 22.5% of the taxpayer's
8 actual liability for the month or 26.25% of the taxpayer's
9 liability for the same calendar month of the preceding year. If
10 the month during which such tax liability is incurred begins on
11 or after January 1, 1988, and prior to January 1, 1989, or
12 begins on or after January 1, 1996, each payment shall be in an
13 amount equal to 22.5% of the taxpayer's actual liability for
14 the month or 25% of the taxpayer's liability for the same
15 calendar month of the preceding year. If the month during which
16 such tax liability is incurred begins on or after January 1,
17 1989, and prior to January 1, 1996, each payment shall be in an
18 amount equal to 22.5% of the taxpayer's actual liability for
19 the month or 25% of the taxpayer's liability for the same
20 calendar month of the preceding year or 100% of the taxpayer's
21 actual liability for the quarter monthly reporting period. The
22 amount of such quarter monthly payments shall be credited
23 against the final tax liability of the taxpayer's return for
24 that month. Before October 1, 2000, once applicable, the
25 requirement of the making of quarter monthly payments to the
26 Department by taxpayers having an average monthly tax liability

1 of \$10,000 or more as determined in the manner provided above
2 shall continue until such taxpayer's average monthly liability
3 to the Department during the preceding 4 complete calendar
4 quarters (excluding the month of highest liability and the
5 month of lowest liability) is less than \$9,000, or until such
6 taxpayer's average monthly liability to the Department as
7 computed for each calendar quarter of the 4 preceding complete
8 calendar quarter period is less than \$10,000. However, if a
9 taxpayer can show the Department that a substantial change in
10 the taxpayer's business has occurred which causes the taxpayer
11 to anticipate that his average monthly tax liability for the
12 reasonably foreseeable future will fall below the \$10,000
13 threshold stated above, then such taxpayer may petition the
14 Department for a change in such taxpayer's reporting status. On
15 and after October 1, 2000, once applicable, the requirement of
16 the making of quarter monthly payments to the Department by
17 taxpayers having an average monthly tax liability of \$20,000 or
18 more as determined in the manner provided above shall continue
19 until such taxpayer's average monthly liability to the
20 Department during the preceding 4 complete calendar quarters
21 (excluding the month of highest liability and the month of
22 lowest liability) is less than \$19,000 or until such taxpayer's
23 average monthly liability to the Department as computed for
24 each calendar quarter of the 4 preceding complete calendar
25 quarter period is less than \$20,000. However, if a taxpayer can
26 show the Department that a substantial change in the taxpayer's

1 business has occurred which causes the taxpayer to anticipate
2 that his average monthly tax liability for the reasonably
3 foreseeable future will fall below the \$20,000 threshold stated
4 above, then such taxpayer may petition the Department for a
5 change in such taxpayer's reporting status. The Department
6 shall change such taxpayer's reporting status unless it finds
7 that such change is seasonal in nature and not likely to be
8 long term. If any such quarter monthly payment is not paid at
9 the time or in the amount required by this Section, then the
10 taxpayer shall be liable for penalties and interest on the
11 difference between the minimum amount due as a payment and the
12 amount of such quarter monthly payment actually and timely
13 paid, except insofar as the taxpayer has previously made
14 payments for that month to the Department in excess of the
15 minimum payments previously due as provided in this Section.
16 The Department shall make reasonable rules and regulations to
17 govern the quarter monthly payment amount and quarter monthly
18 payment dates for taxpayers who file on other than a calendar
19 monthly basis.

20 The provisions of this paragraph apply before October 1,
21 2001. Without regard to whether a taxpayer is required to make
22 quarter monthly payments as specified above, any taxpayer who
23 is required by Section 2d of this Act to collect and remit
24 prepaid taxes and has collected prepaid taxes which average in
25 excess of \$25,000 per month during the preceding 2 complete
26 calendar quarters, shall file a return with the Department as

1 required by Section 2f and shall make payments to the
2 Department on or before the 7th, 15th, 22nd and last day of the
3 month during which such liability is incurred. If the month
4 during which such tax liability is incurred began prior to the
5 effective date of this amendatory Act of 1985, each payment
6 shall be in an amount not less than 22.5% of the taxpayer's
7 actual liability under Section 2d. If the month during which
8 such tax liability is incurred begins on or after January 1,
9 1986, each payment shall be in an amount equal to 22.5% of the
10 taxpayer's actual liability for the month or 27.5% of the
11 taxpayer's liability for the same calendar month of the
12 preceding calendar year. If the month during which such tax
13 liability is incurred begins on or after January 1, 1987, each
14 payment shall be in an amount equal to 22.5% of the taxpayer's
15 actual liability for the month or 26.25% of the taxpayer's
16 liability for the same calendar month of the preceding year.
17 The amount of such quarter monthly payments shall be credited
18 against the final tax liability of the taxpayer's return for
19 that month filed under this Section or Section 2f, as the case
20 may be. Once applicable, the requirement of the making of
21 quarter monthly payments to the Department pursuant to this
22 paragraph shall continue until such taxpayer's average monthly
23 prepaid tax collections during the preceding 2 complete
24 calendar quarters is \$25,000 or less. If any such quarter
25 monthly payment is not paid at the time or in the amount
26 required, the taxpayer shall be liable for penalties and

1 interest on such difference, except insofar as the taxpayer has
2 previously made payments for that month in excess of the
3 minimum payments previously due.

4 The provisions of this paragraph apply on and after October
5 1, 2001. Without regard to whether a taxpayer is required to
6 make quarter monthly payments as specified above, any taxpayer
7 who is required by Section 2d of this Act to collect and remit
8 prepaid taxes and has collected prepaid taxes that average in
9 excess of \$20,000 per month during the preceding 4 complete
10 calendar quarters shall file a return with the Department as
11 required by Section 2f and shall make payments to the
12 Department on or before the 7th, 15th, 22nd and last day of the
13 month during which the liability is incurred. Each payment
14 shall be in an amount equal to 22.5% of the taxpayer's actual
15 liability for the month or 25% of the taxpayer's liability for
16 the same calendar month of the preceding year. The amount of
17 the quarter monthly payments shall be credited against the
18 final tax liability of the taxpayer's return for that month
19 filed under this Section or Section 2f, as the case may be.
20 Once applicable, the requirement of the making of quarter
21 monthly payments to the Department pursuant to this paragraph
22 shall continue until the taxpayer's average monthly prepaid tax
23 collections during the preceding 4 complete calendar quarters
24 (excluding the month of highest liability and the month of
25 lowest liability) is less than \$19,000 or until such taxpayer's
26 average monthly liability to the Department as computed for

1 each calendar quarter of the 4 preceding complete calendar
2 quarters is less than \$20,000. If any such quarter monthly
3 payment is not paid at the time or in the amount required, the
4 taxpayer shall be liable for penalties and interest on such
5 difference, except insofar as the taxpayer has previously made
6 payments for that month in excess of the minimum payments
7 previously due.

8 If any payment provided for in this Section exceeds the
9 taxpayer's liabilities under this Act, the Use Tax Act, the
10 Service Occupation Tax Act and the Service Use Tax Act, as
11 shown on an original monthly return, the Department shall, if
12 requested by the taxpayer, issue to the taxpayer a credit
13 memorandum no later than 30 days after the date of payment. The
14 credit evidenced by such credit memorandum may be assigned by
15 the taxpayer to a similar taxpayer under this Act, the Use Tax
16 Act, the Service Occupation Tax Act or the Service Use Tax Act,
17 in accordance with reasonable rules and regulations to be
18 prescribed by the Department. If no such request is made, the
19 taxpayer may credit such excess payment against tax liability
20 subsequently to be remitted to the Department under this Act,
21 the Use Tax Act, the Service Occupation Tax Act or the Service
22 Use Tax Act, in accordance with reasonable rules and
23 regulations prescribed by the Department. If the Department
24 subsequently determined that all or any part of the credit
25 taken was not actually due to the taxpayer, the taxpayer's 2.1%
26 and 1.75% vendor's discount shall be reduced by 2.1% or 1.75%

1 of the difference between the credit taken and that actually
2 due, and that taxpayer shall be liable for penalties and
3 interest on such difference.

4 If a retailer of motor fuel is entitled to a credit under
5 Section 2d of this Act which exceeds the taxpayer's liability
6 to the Department under this Act for the month which the
7 taxpayer is filing a return, the Department shall issue the
8 taxpayer a credit memorandum for the excess.

9 Beginning January 1, 1990, each month the Department shall
10 pay into the Local Government Tax Fund, a special fund in the
11 State treasury which is hereby created, the net revenue
12 realized for the preceding month from the 1% tax on sales of
13 food for human consumption which is to be consumed off the
14 premises where it is sold (other than alcoholic beverages, soft
15 drinks and food which has been prepared for immediate
16 consumption) and prescription and nonprescription medicines,
17 drugs, medical appliances and insulin, urine testing
18 materials, syringes and needles used by diabetics.

19 Beginning January 1, 1990, each month the Department shall
20 pay into the County and Mass Transit District Fund, a special
21 fund in the State treasury which is hereby created, 4% of the
22 net revenue realized for the preceding month from the 6.25%
23 general rate.

24 Beginning August 1, 2000, each month the Department shall
25 pay into the County and Mass Transit District Fund 20% of the
26 net revenue realized for the preceding month from the 1.25%

1 rate on the selling price of motor fuel and gasohol. Beginning
2 September 1, 2010, each month the Department shall pay into the
3 County and Mass Transit District Fund 20% of the net revenue
4 realized for the preceding month from the 1.25% rate on the
5 selling price of sales tax holiday items.

6 Beginning January 1, 1990, each month the Department shall
7 pay into the Local Government Tax Fund 16% of the net revenue
8 realized for the preceding month from the 6.25% general rate on
9 the selling price of tangible personal property.

10 Beginning August 1, 2000, each month the Department shall
11 pay into the Local Government Tax Fund 80% of the net revenue
12 realized for the preceding month from the 1.25% rate on the
13 selling price of motor fuel and gasohol. Beginning September 1,
14 2010, each month the Department shall pay into the Local
15 Government Tax Fund 80% of the net revenue realized for the
16 preceding month from the 1.25% rate on the selling price of
17 sales tax holiday items.

18 Beginning October 1, 2009, each month the Department shall
19 pay into the Capital Projects Fund an amount that is equal to
20 an amount estimated by the Department to represent 80% of the
21 net revenue realized for the preceding month from the sale of
22 candy, grooming and hygiene products, and soft drinks that had
23 been taxed at a rate of 1% prior to September 1, 2009 but that
24 are now taxed at 6.25%.

25 Beginning July 1, 2011, each month the Department shall pay
26 into the Clean Air Act (CAA) Permit Fund 80% of the net revenue

1 realized for the preceding month from the 6.25% general rate on
2 the selling price of sorbents used in Illinois in the process
3 of sorbent injection as used to comply with the Environmental
4 Protection Act or the federal Clean Air Act, but the total
5 payment into the Clean Air Act (CAA) Permit Fund under this Act
6 and the Use Tax Act shall not exceed \$2,000,000 in any fiscal
7 year.

8 Beginning July 1, 2013, each month the Department shall pay
9 into the Underground Storage Tank Fund from the proceeds
10 collected under this Act, the Use Tax Act, the Service Use Tax
11 Act, and the Service Occupation Tax Act an amount equal to the
12 average monthly deficit in the Underground Storage Tank Fund
13 during the prior year, as certified annually by the Illinois
14 Environmental Protection Agency, but the total payment into the
15 Underground Storage Tank Fund under this Act, the Use Tax Act,
16 the Service Use Tax Act, and the Service Occupation Tax Act
17 shall not exceed \$18,000,000 in any State fiscal year. As used
18 in this paragraph, the "average monthly deficit" shall be equal
19 to the difference between the average monthly claims for
20 payment by the fund and the average monthly revenues deposited
21 into the fund, excluding payments made pursuant to this
22 paragraph.

23 Beginning July 1, 2015, of the remainder of the moneys
24 received by the Department under the Use Tax Act, the Service
25 Use Tax Act, the Service Occupation Tax Act, and this Act, each
26 month the Department shall deposit \$500,000 into the State

1 Crime Laboratory Fund.

2 Of the remainder of the moneys received by the Department
 3 pursuant to this Act, (a) 1.75% thereof shall be paid into the
 4 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on
 5 and after July 1, 1989, 3.8% thereof shall be paid into the
 6 Build Illinois Fund; provided, however, that if in any fiscal
 7 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case
 8 may be, of the moneys received by the Department and required
 9 to be paid into the Build Illinois Fund pursuant to this Act,
 10 Section 9 of the Use Tax Act, Section 9 of the Service Use Tax
 11 Act, and Section 9 of the Service Occupation Tax Act, such Acts
 12 being hereinafter called the "Tax Acts" and such aggregate of
 13 2.2% or 3.8%, as the case may be, of moneys being hereinafter
 14 called the "Tax Act Amount", and (2) the amount transferred to
 15 the Build Illinois Fund from the State and Local Sales Tax
 16 Reform Fund shall be less than the Annual Specified Amount (as
 17 hereinafter defined), an amount equal to the difference shall
 18 be immediately paid into the Build Illinois Fund from other
 19 moneys received by the Department pursuant to the Tax Acts; the
 20 "Annual Specified Amount" means the amounts specified below for
 21 fiscal years 1986 through 1993:

22	Fiscal Year	Annual Specified Amount
23	1986	\$54,800,000
24	1987	\$76,650,000
25	1988	\$80,480,000
26	1989	\$88,510,000

1	1990	\$115,330,000
2	1991	\$145,470,000
3	1992	\$182,730,000
4	1993	\$206,520,000;

5 and means the Certified Annual Debt Service Requirement (as
6 defined in Section 13 of the Build Illinois Bond Act) or the
7 Tax Act Amount, whichever is greater, for fiscal year 1994 and
8 each fiscal year thereafter; and further provided, that if on
9 the last business day of any month the sum of (1) the Tax Act
10 Amount required to be deposited into the Build Illinois Bond
11 Account in the Build Illinois Fund during such month and (2)
12 the amount transferred to the Build Illinois Fund from the
13 State and Local Sales Tax Reform Fund shall have been less than
14 1/12 of the Annual Specified Amount, an amount equal to the
15 difference shall be immediately paid into the Build Illinois
16 Fund from other moneys received by the Department pursuant to
17 the Tax Acts; and, further provided, that in no event shall the
18 payments required under the preceding proviso result in
19 aggregate payments into the Build Illinois Fund pursuant to
20 this clause (b) for any fiscal year in excess of the greater of
21 (i) the Tax Act Amount or (ii) the Annual Specified Amount for
22 such fiscal year. The amounts payable into the Build Illinois
23 Fund under clause (b) of the first sentence in this paragraph
24 shall be payable only until such time as the aggregate amount
25 on deposit under each trust indenture securing Bonds issued and
26 outstanding pursuant to the Build Illinois Bond Act is

1 sufficient, taking into account any future investment income,
2 to fully provide, in accordance with such indenture, for the
3 defeasance of or the payment of the principal of, premium, if
4 any, and interest on the Bonds secured by such indenture and on
5 any Bonds expected to be issued thereafter and all fees and
6 costs payable with respect thereto, all as certified by the
7 Director of the Bureau of the Budget (now Governor's Office of
8 Management and Budget). If on the last business day of any
9 month in which Bonds are outstanding pursuant to the Build
10 Illinois Bond Act, the aggregate of moneys deposited in the
11 Build Illinois Bond Account in the Build Illinois Fund in such
12 month shall be less than the amount required to be transferred
13 in such month from the Build Illinois Bond Account to the Build
14 Illinois Bond Retirement and Interest Fund pursuant to Section
15 13 of the Build Illinois Bond Act, an amount equal to such
16 deficiency shall be immediately paid from other moneys received
17 by the Department pursuant to the Tax Acts to the Build
18 Illinois Fund; provided, however, that any amounts paid to the
19 Build Illinois Fund in any fiscal year pursuant to this
20 sentence shall be deemed to constitute payments pursuant to
21 clause (b) of the first sentence of this paragraph and shall
22 reduce the amount otherwise payable for such fiscal year
23 pursuant to that clause (b). The moneys received by the
24 Department pursuant to this Act and required to be deposited
25 into the Build Illinois Fund are subject to the pledge, claim
26 and charge set forth in Section 12 of the Build Illinois Bond

1 Act.

2 Subject to payment of amounts into the Build Illinois Fund
 3 as provided in the preceding paragraph or in any amendment
 4 thereto hereafter enacted, the following specified monthly
 5 installment of the amount requested in the certificate of the
 6 Chairman of the Metropolitan Pier and Exposition Authority
 7 provided under Section 8.25f of the State Finance Act, but not
 8 in excess of sums designated as "Total Deposit", shall be
 9 deposited in the aggregate from collections under Section 9 of
 10 the Use Tax Act, Section 9 of the Service Use Tax Act, Section
 11 9 of the Service Occupation Tax Act, and Section 3 of the
 12 Retailers' Occupation Tax Act into the McCormick Place
 13 Expansion Project Fund in the specified fiscal years.

	Fiscal Year	Total Deposit
15	1993	\$0
16	1994	53,000,000
17	1995	58,000,000
18	1996	61,000,000
19	1997	64,000,000
20	1998	68,000,000
21	1999	71,000,000
22	2000	75,000,000
23	2001	80,000,000
24	2002	93,000,000
25	2003	99,000,000

1	2004	103,000,000
2	2005	108,000,000
3	2006	113,000,000
4	2007	119,000,000
5	2008	126,000,000
6	2009	132,000,000
7	2010	139,000,000
8	2011	146,000,000
9	2012	153,000,000
10	2013	161,000,000
11	2014	170,000,000
12	2015	179,000,000
13	2016	189,000,000
14	2017	199,000,000
15	2018	210,000,000
16	2019	221,000,000
17	2020	233,000,000
18	2021	246,000,000
19	2022	260,000,000
20	2023	275,000,000
21	2024	275,000,000
22	2025	275,000,000
23	2026	279,000,000
24	2027	292,000,000
25	2028	307,000,000
26	2029	322,000,000

1	2030	338,000,000
2	2031	350,000,000
3	2032	350,000,000

4 and

5 each fiscal year

6 thereafter that bonds

7 are outstanding under

8 Section 13.2 of the

9 Metropolitan Pier and

10 Exposition Authority Act,

11 but not after fiscal year 2060.

12 Beginning July 20, 1993 and in each month of each fiscal
13 year thereafter, one-eighth of the amount requested in the
14 certificate of the Chairman of the Metropolitan Pier and
15 Exposition Authority for that fiscal year, less the amount
16 deposited into the McCormick Place Expansion Project Fund by
17 the State Treasurer in the respective month under subsection
18 (g) of Section 13 of the Metropolitan Pier and Exposition
19 Authority Act, plus cumulative deficiencies in the deposits
20 required under this Section for previous months and years,
21 shall be deposited into the McCormick Place Expansion Project
22 Fund, until the full amount requested for the fiscal year, but
23 not in excess of the amount specified above as "Total Deposit",
24 has been deposited.

25 Beginning on July 1, 2017, subject to payment of amounts
26 into the Capital Projects Fund, the Clean Air Act (CAA) Permit

1 Fund, the Build Illinois Fund, and the McCormick Place
2 Expansion Project Fund pursuant to the preceding paragraphs or
3 in any amendments thereto hereafter enacted, the Department
4 shall each month deposit into the Sales and Excise Tax Refund
5 Fund 0.18% of 80% of the net revenue realized for the preceding
6 month from the 6.25% general rate on the selling price of
7 tangible personal property.

8 Subject to payment of amounts into the Build Illinois Fund
9 and the McCormick Place Expansion Project Fund pursuant to the
10 preceding paragraphs or in any amendments thereto hereafter
11 enacted, beginning July 1, 1993 and ending on September 30,
12 2013, the Department shall each month pay into the Illinois Tax
13 Increment Fund 0.27% of 80% of the net revenue realized for the
14 preceding month from the 6.25% general rate on the selling
15 price of tangible personal property.

16 Subject to payment of amounts into the Build Illinois Fund
17 and the McCormick Place Expansion Project Fund pursuant to the
18 preceding paragraphs or in any amendments thereto hereafter
19 enacted, beginning with the receipt of the first report of
20 taxes paid by an eligible business and continuing for a 25-year
21 period, the Department shall each month pay into the Energy
22 Infrastructure Fund 80% of the net revenue realized from the
23 6.25% general rate on the selling price of Illinois-mined coal
24 that was sold to an eligible business. For purposes of this
25 paragraph, the term "eligible business" means a new electric
26 generating facility certified pursuant to Section 605-332 of

1 the Department of Commerce and Economic Opportunity Law of the
2 Civil Administrative Code of Illinois.

3 Subject to payment of amounts into the Build Illinois Fund,
4 the McCormick Place Expansion Project Fund, the Illinois Tax
5 Increment Fund, and the Energy Infrastructure Fund pursuant to
6 the preceding paragraphs or in any amendments to this Section
7 hereafter enacted, beginning on the first day of the first
8 calendar month to occur on or after the effective date of this
9 amendatory Act of the 98th General Assembly, each month, from
10 the collections made under Section 9 of the Use Tax Act,
11 Section 9 of the Service Use Tax Act, Section 9 of the Service
12 Occupation Tax Act, and Section 3 of the Retailers' Occupation
13 Tax Act, the Department shall pay into the Tax Compliance and
14 Administration Fund, to be used, subject to appropriation, to
15 fund additional auditors and compliance personnel at the
16 Department of Revenue, an amount equal to $\frac{1}{12}$ of 5% of 80% of
17 the cash receipts collected during the preceding fiscal year by
18 the Audit Bureau of the Department under the Use Tax Act, the
19 Service Use Tax Act, the Service Occupation Tax Act, the
20 Retailers' Occupation Tax Act, and associated local occupation
21 and use taxes administered by the Department.

22 Of the remainder of the moneys received by the Department
23 pursuant to this Act, 75% thereof shall be paid into the State
24 Treasury and 25% shall be reserved in a special account and
25 used only for the transfer to the Common School Fund as part of
26 the monthly transfer from the General Revenue Fund in

1 accordance with Section 8a of the State Finance Act.

2 The Department may, upon separate written notice to a
3 taxpayer, require the taxpayer to prepare and file with the
4 Department on a form prescribed by the Department within not
5 less than 60 days after receipt of the notice an annual
6 information return for the tax year specified in the notice.
7 Such annual return to the Department shall include a statement
8 of gross receipts as shown by the retailer's last Federal
9 income tax return. If the total receipts of the business as
10 reported in the Federal income tax return do not agree with the
11 gross receipts reported to the Department of Revenue for the
12 same period, the retailer shall attach to his annual return a
13 schedule showing a reconciliation of the 2 amounts and the
14 reasons for the difference. The retailer's annual return to the
15 Department shall also disclose the cost of goods sold by the
16 retailer during the year covered by such return, opening and
17 closing inventories of such goods for such year, costs of goods
18 used from stock or taken from stock and given away by the
19 retailer during such year, payroll information of the
20 retailer's business during such year and any additional
21 reasonable information which the Department deems would be
22 helpful in determining the accuracy of the monthly, quarterly
23 or annual returns filed by such retailer as provided for in
24 this Section.

25 If the annual information return required by this Section
26 is not filed when and as required, the taxpayer shall be liable

1 as follows:

2 (i) Until January 1, 1994, the taxpayer shall be liable
3 for a penalty equal to 1/6 of 1% of the tax due from such
4 taxpayer under this Act during the period to be covered by
5 the annual return for each month or fraction of a month
6 until such return is filed as required, the penalty to be
7 assessed and collected in the same manner as any other
8 penalty provided for in this Act.

9 (ii) On and after January 1, 1994, the taxpayer shall
10 be liable for a penalty as described in Section 3-4 of the
11 Uniform Penalty and Interest Act.

12 The chief executive officer, proprietor, owner or highest
13 ranking manager shall sign the annual return to certify the
14 accuracy of the information contained therein. Any person who
15 willfully signs the annual return containing false or
16 inaccurate information shall be guilty of perjury and punished
17 accordingly. The annual return form prescribed by the
18 Department shall include a warning that the person signing the
19 return may be liable for perjury.

20 The provisions of this Section concerning the filing of an
21 annual information return do not apply to a retailer who is not
22 required to file an income tax return with the United States
23 Government.

24 As soon as possible after the first day of each month, upon
25 certification of the Department of Revenue, the Comptroller
26 shall order transferred and the Treasurer shall transfer from

1 the General Revenue Fund to the Motor Fuel Tax Fund an amount
2 equal to 1.7% of 80% of the net revenue realized under this Act
3 for the second preceding month. Beginning April 1, 2000, this
4 transfer is no longer required and shall not be made.

5 Net revenue realized for a month shall be the revenue
6 collected by the State pursuant to this Act, less the amount
7 paid out during that month as refunds to taxpayers for
8 overpayment of liability.

9 For greater simplicity of administration, manufacturers,
10 importers and wholesalers whose products are sold at retail in
11 Illinois by numerous retailers, and who wish to do so, may
12 assume the responsibility for accounting and paying to the
13 Department all tax accruing under this Act with respect to such
14 sales, if the retailers who are affected do not make written
15 objection to the Department to this arrangement.

16 Any person who promotes, organizes, provides retail
17 selling space for concessionaires or other types of sellers at
18 the Illinois State Fair, DuQuoin State Fair, county fairs,
19 local fairs, art shows, flea markets and similar exhibitions or
20 events, including any transient merchant as defined by Section
21 2 of the Transient Merchant Act of 1987, is required to file a
22 report with the Department providing the name of the merchant's
23 business, the name of the person or persons engaged in
24 merchant's business, the permanent address and Illinois
25 Retailers Occupation Tax Registration Number of the merchant,
26 the dates and location of the event and other reasonable

1 information that the Department may require. The report must be
2 filed not later than the 20th day of the month next following
3 the month during which the event with retail sales was held.
4 Any person who fails to file a report required by this Section
5 commits a business offense and is subject to a fine not to
6 exceed \$250.

7 Any person engaged in the business of selling tangible
8 personal property at retail as a concessionaire or other type
9 of seller at the Illinois State Fair, county fairs, art shows,
10 flea markets and similar exhibitions or events, or any
11 transient merchants, as defined by Section 2 of the Transient
12 Merchant Act of 1987, may be required to make a daily report of
13 the amount of such sales to the Department and to make a daily
14 payment of the full amount of tax due. The Department shall
15 impose this requirement when it finds that there is a
16 significant risk of loss of revenue to the State at such an
17 exhibition or event. Such a finding shall be based on evidence
18 that a substantial number of concessionaires or other sellers
19 who are not residents of Illinois will be engaging in the
20 business of selling tangible personal property at retail at the
21 exhibition or event, or other evidence of a significant risk of
22 loss of revenue to the State. The Department shall notify
23 concessionaires and other sellers affected by the imposition of
24 this requirement. In the absence of notification by the
25 Department, the concessionaires and other sellers shall file
26 their returns as otherwise required in this Section.

1 (Source: P.A. 98-24, eff. 6-19-13; 98-109, eff. 7-25-13;
2 98-496, eff. 1-1-14; 98-756, eff. 7-16-14; 98-1098, eff.
3 8-26-14; 99-352, eff. 8-12-15.)

4 (35 ILCS 120/6) (from Ch. 120, par. 445)

5 Sec. 6. Credit memorandum or refund. If it appears, after
6 claim therefor filed with the Department, that an amount of tax
7 or penalty or interest has been paid which was not due under
8 this Act, whether as the result of a mistake of fact or an
9 error of law, except as hereinafter provided, then the
10 Department shall issue a credit memorandum or refund to the
11 person who made the erroneous payment or, if that person died
12 or became a person under legal disability, to his or her legal
13 representative, as such. For purposes of this Section, the tax
14 is deemed to be erroneously paid by a retailer when the
15 manufacturer of a motor vehicle sold by the retailer accepts
16 the return of that automobile and refunds to the purchaser the
17 selling price of that vehicle as provided in the New Vehicle
18 Buyer Protection Act. When a motor vehicle is returned for a
19 refund of the purchase price under the New Vehicle Buyer
20 Protection Act, the Department shall issue a credit memorandum
21 or a refund for the amount of tax paid by the retailer under
22 this Act attributable to the initial sale of that vehicle.
23 Claims submitted by the retailer are subject to the same
24 restrictions and procedures provided for in this Act. If it is
25 determined that the Department should issue a credit memorandum

1 or refund, the Department may first apply the amount thereof
2 against any tax or penalty or interest due or to become due
3 under this Act or under the Use Tax Act, the Service Occupation
4 Tax Act, the Service Use Tax Act, any local occupation or use
5 tax administered by the Department, Section 4 of the Water
6 Commission Act of 1985, subsections (b), (c) and (d) of Section
7 5.01 of the Local Mass Transit District Act, or subsections
8 (e), (f) and (g) of Section 4.03 of the Regional Transportation
9 Authority Act, from the person who made the erroneous payment.
10 If no tax or penalty or interest is due and no proceeding is
11 pending to determine whether such person is indebted to the
12 Department for tax or penalty or interest, the credit
13 memorandum or refund shall be issued to the claimant; or (in
14 the case of a credit memorandum) the credit memorandum may be
15 assigned and set over by the lawful holder thereof, subject to
16 reasonable rules of the Department, to any other person who is
17 subject to this Act, the Use Tax Act, the Service Occupation
18 Tax Act, the Service Use Tax Act, any local occupation or use
19 tax administered by the Department, Section 4 of the Water
20 Commission Act of 1985, subsections (b), (c) and (d) of Section
21 5.01 of the Local Mass Transit District Act, or subsections
22 (e), (f) and (g) of Section 4.03 of the Regional Transportation
23 Authority Act, and the amount thereof applied by the Department
24 against any tax or penalty or interest due or to become due
25 under this Act or under the Use Tax Act, the Service Occupation
26 Tax Act, the Service Use Tax Act, any local occupation or use

1 tax administered by the Department, Section 4 of the Water
2 Commission Act of 1985, subsections (b), (c) and (d) of Section
3 5.01 of the Local Mass Transit District Act, or subsections
4 (e), (f) and (g) of Section 4.03 of the Regional Transportation
5 Authority Act, from such assignee. However, as to any claim for
6 credit or refund filed with the Department on and after each
7 January 1 and July 1 no amount of tax or penalty or interest
8 erroneously paid (either in total or partial liquidation of a
9 tax or penalty or amount of interest under this Act) more than
10 3 years prior to such January 1 and July 1, respectively, shall
11 be credited or refunded, except that if both the Department and
12 the taxpayer have agreed to an extension of time to issue a
13 notice of tax liability as provided in Section 4 of this Act,
14 such claim may be filed at any time prior to the expiration of
15 the period agreed upon.

16 No claim may be allowed for any amount paid to the
17 Department, whether paid voluntarily or involuntarily, if paid
18 in total or partial liquidation of an assessment which had
19 become final before the claim for credit or refund to recover
20 the amount so paid is filed with the Department, or if paid in
21 total or partial liquidation of a judgment or order of court.
22 No credit may be allowed or refund made for any amount paid by
23 or collected from any claimant unless it appears (a) that the
24 claimant bore the burden of such amount and has not been
25 relieved thereof nor reimbursed therefor and has not shifted
26 such burden directly or indirectly through inclusion of such

1 amount in the price of the tangible personal property sold by
2 him or her or in any manner whatsoever; and that no
3 understanding or agreement, written or oral, exists whereby he
4 or she or his or her legal representative may be relieved of
5 the burden of such amount, be reimbursed therefor or may shift
6 the burden thereof; or (b) that he or she or his or her legal
7 representative has repaid unconditionally such amount to his or
8 her vendee (1) who bore the burden thereof and has not shifted
9 such burden directly or indirectly, in any manner whatsoever;
10 (2) who, if he or she has shifted such burden, has repaid
11 unconditionally such amount to his own vendee; and (3) who is
12 not entitled to receive any reimbursement therefor from any
13 other source than from his or her vendor, nor to be relieved of
14 such burden in any manner whatsoever. No credit may be allowed
15 or refund made for any amount paid by or collected from any
16 claimant unless it appears that the claimant has
17 unconditionally repaid, to the purchaser, any amount collected
18 from the purchaser and retained by the claimant with respect to
19 the same transaction under the Use Tax Act.

20 Any credit or refund that is allowed under this Section
21 shall bear interest at the rate and in the manner specified in
22 the Uniform Penalty and Interest Act.

23 In case the Department determines that the claimant is
24 entitled to a refund, such refund shall be made only from the
25 Sales and Excise Tax Refund Fund ~~such appropriation~~ as may be
26 available for that purpose. If it appears unlikely that the

1 amount available ~~appropriated~~ would permit everyone having a
2 claim allowed ~~during the period covered by such appropriation~~
3 to elect to receive a cash refund, the Department, by rule or
4 regulation, shall provide for the payment of refunds in
5 hardship cases and shall define what types of cases qualify as
6 hardship cases.

7 If a retailer who has failed to pay retailers' occupation
8 tax on gross receipts from retail sales is required by the
9 Department to pay such tax, such retailer, without filing any
10 formal claim with the Department, shall be allowed to take
11 credit against such retailers' occupation tax liability to the
12 extent, if any, to which such retailer has paid an amount
13 equivalent to retailers' occupation tax or has paid use tax in
14 error to his or her vendor or vendors of the same tangible
15 personal property which such retailer bought for resale and did
16 not first use before selling it, and no penalty or interest
17 shall be charged to such retailer on the amount of such credit.
18 However, when such credit is allowed to the retailer by the
19 Department, the vendor is precluded from refunding any of that
20 tax to the retailer and filing a claim for credit or refund
21 with respect thereto with the Department. The provisions of
22 this amendatory Act shall be applied retroactively, regardless
23 of the date of the transaction.

24 (Source: P.A. 91-901, eff. 1-1-01.)

25 Section 30. The Cigarette Machine Operators' Occupation

1 Tax Act is amended by changing Section 1-55 as follows:

2 (35 ILCS 128/1-55)

3 Sec. 1-55. Claims; credit memorandum or refunds. If it
4 appears, after claim is filed with the Department, that an
5 amount of tax or penalty has been paid which was not due under
6 this Act, whether as the result of a mistake of fact or an
7 error of law, except as hereinafter provided, then the
8 Department shall issue a credit memorandum or refund to the
9 person who made the erroneous payment or, if that person has
10 died or become a person under legal disability, to his or her
11 legal representative.

12 If it is determined that the Department should issue a
13 credit or refund under this Act, the Department may first apply
14 the amount thereof against any amount of tax or penalty due
15 under this Act, the Cigarette Tax Act, the Cigarette Use Tax
16 Act, or the Tobacco Products Act of 1995 from the person
17 entitled to that credit or refund. For this purpose, if
18 proceedings are pending to determine whether or not any tax or
19 penalty is due under this Act or under the Cigarette Tax Act,
20 Cigarette Use Tax Act, or the Tobacco Products Act of 1995 from
21 the person, the Department may withhold issuance of the credit
22 or refund pending the final disposition of such proceedings and
23 may apply such credit or refund against any amount found to be
24 due to the Department under this Act, the Cigarette Tax Act,
25 the Cigarette Use Tax Act, or the Tobacco Products Act of 1995

1 as a result of such proceedings. The balance, if any, of the
2 credit or refund shall be issued to the person entitled
3 thereto.

4 If no tax or penalty is due and no proceeding is pending to
5 determine whether such taxpayer is indebted to the Department
6 for the payment of a tax or penalty, the credit memorandum or
7 refund shall be issued to the claimant; or (in the case of a
8 credit memorandum) the credit memorandum may be assigned and
9 set over by the lawful holder thereof, subject to reasonable
10 rules of the Department, to any other person who is subject to
11 this Act, the Cigarette Tax Act, the Cigarette Use Tax Act, or
12 the Tobacco Products Act of 1995, and the amount thereof shall
13 be applied by the Department against any tax or penalty due or
14 to become due under this Act, the Cigarette Tax Act, the
15 Cigarette Use Tax Act, or the Tobacco Products Act of 1995 from
16 such assignee.

17 As to any claim filed hereunder with the Department on and
18 after each January 1 and July 1, no amount of tax or penalty
19 erroneously paid (either in total or partial liquidation of a
20 tax or penalty under this Act) more than 3 years prior to such
21 January 1 and July 1, respectively, shall be credited or
22 refunded, except that, if both the Department and the taxpayer
23 have agreed to an extension of time to issue a notice of tax
24 liability under this Act, the claim may be filed at any time
25 prior to the expiration of the period agreed upon.

26 Any credit or refund that is allowed under this Act shall

1 bear interest at the rate and in the manner set forth in the
2 Uniform Penalty and Interest Act.

3 In case the Department determines that the claimant is
4 entitled to a refund, such refund shall be made only from the
5 Sales and Excise Tax Refund Fund as may be ~~appropriations~~
6 available for that purpose. If it appears unlikely that the
7 amount available ~~appropriated~~ would permit everyone having a
8 claim allowed ~~during the period covered by such appropriation~~
9 to elect to receive a cash refund, the Department, by rule or
10 regulation, shall provide for the payment of refunds in
11 hardship cases and shall define what types of cases qualify as
12 hardship cases.

13 The provisions of Sections 6a, 6b, and 6c of the Retailers'
14 Occupation Tax Act which are not inconsistent with this Act
15 shall apply, as far as practicable, to the subject matter of
16 this Act to the same extent as if such provisions were included
17 herein.

18 (Source: P.A. 97-688, eff. 6-14-12.)

19 Section 35. The Cigarette Tax Act is amended by changing
20 Section 9d as follows:

21 (35 ILCS 130/9d) (from Ch. 120, par. 453.9d)

22 Sec. 9d. If it appears, after claim therefor filed with the
23 Department, that an amount of tax or penalty has been paid
24 which was not due under this Act, whether as the result of a

1 mistake of fact or an error of law, except as hereinafter
2 provided, then the Department shall issue a credit memorandum
3 or refund to the person who made the erroneous payment or, if
4 that person has died or become a person under legal disability,
5 to his or her legal representative, as such.

6 If it is determined that the Department should issue a
7 credit or refund under this Act, the Department may first apply
8 the amount thereof against any amount of tax or penalty due
9 under this Act or under the Cigarette Use Tax Act from the
10 person entitled to such credit or refund. For this purpose, if
11 proceedings are pending to determine whether or not any tax or
12 penalty is due under this Act or under the Cigarette Use Tax
13 Act from such person, the Department may withhold issuance of
14 the credit or refund pending the final disposition of such
15 proceedings and may apply such credit or refund against any
16 amount found to be due to the Department under this Act or
17 under the Cigarette Use Tax Act as a result of such
18 proceedings. The balance, if any, of the credit or refund shall
19 be issued to the person entitled thereto.

20 If no tax or penalty is due and no proceeding is pending to
21 determine whether such taxpayer is indebted to the Department
22 for tax or penalty, the credit memorandum or refund shall be
23 issued to the claimant; or (in the case of a credit memorandum)
24 the credit memorandum may be assigned and set over by the
25 lawful holder thereof, subject to reasonable rules of the
26 Department, to any other person who is subject to this Act or

1 the Cigarette Use Tax Act, and the amount thereof shall be
2 applied by the Department against any tax or penalty due or to
3 become due under this Act or under the Cigarette Use Tax Act
4 from such assignee.

5 As to any claim filed hereunder with the Department on and
6 after each January 1 and July 1, no amount of tax or penalty
7 erroneously paid (either in total or partial liquidation of a
8 tax or penalty under this Act) more than 3 years prior to such
9 January 1 and July 1, respectively, shall be credited or
10 refunded, except that if both the Department and the taxpayer
11 have agreed to an extension of time to issue a notice of tax
12 liability under this Act, the claim may be filed at any time
13 prior to the expiration of the period agreed upon.

14 If the Department approves a claim for stamps affixed to a
15 product returned to a manufacturer or for replacement of
16 stamps, the credit memorandum shall not exceed the face value
17 of stamps originally affixed, and replacement stamps shall be
18 issued only in an amount equal to the value of the stamps
19 previously affixed. Higher denomination stamps shall not be
20 issued as replacements for lower value stamps. Distributors
21 must prove the face value of the stamps which have been
22 destroyed or returned to manufacturers when filing claims.

23 Any credit or refund that is allowed under this Act shall
24 bear interest at the rate and in the manner set forth in the
25 Uniform Penalty and Interest Act.

26 In case the Department determines that the claimant is

1 entitled to a refund, such refund shall be made only from the
2 Sales and Excise Tax Refund Fund ~~such appropriation~~ as may be
3 available for that purpose. If it appears unlikely that the
4 amount available ~~appropriated~~ would permit everyone having a
5 claim allowed ~~during the period covered by such appropriation~~
6 to elect to receive a cash refund, the Department, by rule or
7 regulation, shall provide for the payment of refunds in
8 hardship cases and shall define what types of cases qualify as
9 hardship cases.

10 If the Department approves a claim for the physical
11 replacement of cigarette tax stamps, the Department (subject to
12 the same limitations as those provided for hereinbefore in this
13 Section) may issue an assignable credit memorandum or refund to
14 the claimant or to the claimant's legal representative.

15 The provisions of Sections 6a, 6b and 6c of the Retailers'
16 Occupation Tax Act which are not inconsistent with this Act,
17 shall apply, as far as practicable, to the subject matter of
18 this Act to the same extent as if such provisions were included
19 herein.

20 (Source: P.A. 90-491, eff. 1-1-98.)

21 Section 40. The Cigarette Use Tax Act is amended by
22 changing Section 14a as follows:

23 (35 ILCS 135/14a) (from Ch. 120, par. 453.44a)

24 Sec. 14a. If it appears, after claim therefor filed with

1 the Department, that an amount of tax or penalty has been paid
2 which was not due under this Act, whether as the result of a
3 mistake of fact or an error of law, except as hereinafter
4 provided, then the Department shall issue a credit memorandum
5 or refund to the person who made the erroneous payment or, if
6 that person has died or become a person under legal disability,
7 to his or her legal representative, as such.

8 If it is determined that the Department should issue a
9 credit or refund under this Act, the Department may first apply
10 the amount thereof against any amount of tax or penalty due
11 under this Act or under the Cigarette Tax Act from the person
12 entitled to such credit or refund. For this purpose, if
13 proceedings are pending to determine whether or not any tax or
14 penalty is due under this Act or under the Cigarette Tax Act
15 from such person, the Department may withhold issuance of the
16 credit or refund pending the final disposition of such
17 proceedings and may apply such credit or refund against any
18 amount found to be due to the Department under this Act or
19 under the Cigarette Tax Act as a result of such proceedings.
20 The balance, if any, of the credit or refund shall be issued to
21 the person entitled thereto.

22 If no tax or penalty is due and no proceeding is pending to
23 determine whether such taxpayer is indebted to the Department
24 for tax or penalty, the credit memorandum or refund shall be
25 issued to the claimant; or (in the case of a credit memorandum)
26 may be assigned and set over by the lawful holder thereof,

1 subject to reasonable rules of the Department, to any other
2 person who is subject to this Act or the Cigarette Tax Act, and
3 the amount thereof shall be applied by the Department against
4 any tax or penalty due or to become due under this Act or under
5 the Cigarette Tax Act from such assignee.

6 As to any claim filed hereunder with the Department on and
7 after each January 1 and July 1, no amount of tax or penalty
8 erroneously paid (either in total or partial liquidation of a
9 tax or penalty under this Act) more than 3 years prior to such
10 January 1 and July 1, respectively, shall be credited or
11 refunded, except that if both the Department and the taxpayer
12 have agreed to an extension of time to issue a notice of tax
13 liability under this Act, the claim may be filed at any time
14 prior to the expiration of the period agreed upon.

15 In case the Department determines that the claimant is
16 entitled to a refund, such refund shall be made only from the
17 Sales and Excise Tax Refund Fund ~~such appropriation~~ as may be
18 available for that purpose. If it appears unlikely that the
19 amount available ~~appropriated~~ would permit everyone having a
20 claim allowed ~~during the period covered by such appropriation~~
21 to elect to receive a cash refund, the Department, by rule or
22 regulation, shall provide for the payment of refunds in
23 hardship cases and shall define what types of cases qualify as
24 hardship cases.

25 If the Department approves a claim for the physical
26 replacement of cigarette tax stamps, the Department (subject to

1 the same limitations as those provided for hereinbefore in this
2 Section) may issue an assignable credit memorandum or refund to
3 the claimant or to the claimant's legal representative.

4 Any credit or refund that is allowed under this Act shall
5 bear interest at the rate and in the manner set forth in the
6 Uniform Penalty and Interest Act.

7 The provisions of Sections 6a, 6b and 6c of the "Retailers'
8 Occupation Tax Act", approved June 28, 1933, as amended, in
9 effect on the effective date of this amendatory Act, as
10 subsequently amended, which are not inconsistent with this Act,
11 shall apply, as far as practicable, to the subject matter of
12 this Act to the same extent as if such provisions were included
13 herein.

14 (Source: P.A. 90-491, eff. 1-1-98.)

15 Section 45. The Coin-Operated Amusement Device and
16 Redemption Machine Tax Act is amended by changing Section 2 as
17 follows:

18 (35 ILCS 510/2) (from Ch. 120, par. 481b.2)

19 Sec. 2. (a) Any person, firm, limited liability company, or
20 corporation which displays any device described in Section 1,
21 to be played or operated by the public at any place owned or
22 leased by any such person, firm, limited liability company, or
23 corporation, shall before he displays such device, file in the
24 Office of the Department of Revenue a form containing

1 information regarding such device, setting forth his name and
2 address, with a brief description of the device to be displayed
3 and the premises where such device will be located, together
4 with such other relevant data as the Department of Revenue may
5 require. Such form shall be accompanied by the required
6 privilege tax for each device. Such privilege tax shall be paid
7 to the Department of Revenue of the State of Illinois and all
8 monies received by the Department of Revenue under this Act
9 shall be paid into the General Revenue Fund in the State
10 Treasury. The Department of Revenue shall supply and deliver to
11 the person, firm, limited liability company, or corporation
12 which displays any device described in Section 1, charges
13 prepaid and without additional cost, one privilege tax decal
14 for each such device on which the tax has been paid, stating
15 the year for which issued. Such privilege tax decal shall
16 thereupon be securely affixed to such device.

17 (b) If an amount of tax, penalty, or interest has been paid
18 in error to the Department, the taxpayer may file a claim for
19 credit or refund with the Department. If it is determined that
20 the Department must issue a credit or refund under this Act,
21 the Department may first apply the amount of the credit or
22 refund due against any amount of tax, penalty, or interest due
23 under this Act from the taxpayer entitled to the credit or
24 refund. If proceedings are pending to determine if any tax,
25 penalty, or interest is due under this Act from the taxpayer,
26 the Department may withhold issuance of the credit or refund

1 pending the final disposition of those proceedings and may
2 apply that credit or refund against any amount determined to be
3 due to the Department as a result of those proceedings. The
4 balance, if any, of the credit or refund shall be paid to the
5 taxpayer.

6 If no tax, penalty, or interest is due and no proceedings
7 are pending to determine whether the taxpayer is indebted to
8 the Department for tax, penalty, or interest, the credit
9 memorandum or refund shall be issued to the taxpayer; or, the
10 credit memorandum may be assigned by the taxpayer, subject to
11 reasonable rules of the Department, to any other person who is
12 subject to this Act, and the amount of the credit memorandum by
13 the Department against any tax, penalty, or interest due or to
14 become due under this Act from the assignee.

15 For any claim for credit or refund filed with the
16 Department on or after each July 1, no amount erroneously paid
17 more than 3 years before that July 1, shall be credited or
18 refunded.

19 A claim for credit or refund shall be filed on a form
20 provided by the Department. As soon as practicable after any
21 claim for credit or refund is filed, the Department shall
22 determine the amount of credit or refund to which the claimant
23 is entitled and shall notify the claimant of that
24 determination.

25 A claim for credit or refund shall be filed with the
26 Department on the date it is received by the Department. Upon

1 receipt of any claim for credit or refund filed under this
2 Section, an officer or employee of the Department, authorized
3 by the Director of Revenue to acknowledge receipt of such
4 claims on behalf of the Department, shall deliver or mail to
5 the claimant or his duly authorized agent, a written receipt,
6 acknowledging that the claim has been filed with the
7 Department, describing the claim in sufficient detail to
8 identify it, and stating the date on which the claim was
9 received by the Department. The written receipt shall be prima
10 facie evidence that the Department received the claim described
11 in the receipt and shall be prima facie evidence of the date
12 when such claim was received by the Department. In the absence
13 of a written receipt, the records of the Department as to
14 whether a claim was received, or when the claim was received by
15 the Department, shall be deemed to be prima facie correct in
16 the event of any dispute between the claimant, or his legal
17 representative, and the Department on these issues.

18 Any credit or refund that is allowed under this Article
19 shall bear interest at the rate and in the manner specified in
20 the Uniform Penalty and Interest Act.

21 If the Department determines that the claimant is entitled
22 to a refund, the refund shall be made only from the Sales and
23 Excise Tax Refund Fund ~~an appropriation to the Department~~ for
24 that purpose. If the amount available ~~appropriated~~ is
25 insufficient to pay claimants electing to receive a cash
26 refund, the Department by rule or regulation shall first

1 provide for the payment of refunds in hardship cases as defined
2 by the Department.

3 (Source: P.A. 93-32, eff. 7-1-03.)

4 Section 50. The Messages Tax Act is amended by changing
5 Section 6 as follows:

6 (35 ILCS 610/6) (from Ch. 120, par. 467.6)

7 Sec. 6. If it appears, after claim therefor filed with the
8 Department, that an amount of tax or penalty or interest has
9 been paid which was not due under this Act, whether as the
10 result of a mistake of fact or an error of law, except as
11 hereinafter provided, then the Department shall issue a credit
12 memorandum or refund to the person who made the erroneous
13 payment or, if that person has died or become a person under
14 legal disability, to his or her legal representative, as such.

15 If it is determined that the Department should issue a
16 credit or refund under this Act, the Department may first apply
17 the amount thereof against any amount of tax or penalty or
18 interest due hereunder from the person entitled to such credit
19 or refund. For this purpose, if proceedings are pending to
20 determine whether or not any tax or penalty or interest is due
21 under this Act from such person, the Department may withhold
22 issuance of the credit or refund pending the final disposition
23 of such proceedings and may apply such credit or refund against
24 any amount found to be due to the Department as a result of

1 such proceedings. The balance, if any, of the credit or refund
2 shall be issued to the person entitled thereto.

3 If no tax or penalty or interest is due and no proceeding
4 is pending to determine whether such person is indebted to the
5 Department for tax or penalty or interest, the credit
6 memorandum or refund shall be issued to the claimant; or (in
7 the case of a credit memorandum) the credit memorandum may be
8 assigned and set over by the lawful holder thereof, subject to
9 reasonable rules of the Department, to any other person who is
10 subject to this Act, and the amount thereof shall be applied by
11 the Department against any tax or penalty or interest due or to
12 become due under this Act from such assignee.

13 As to any claim for credit or refund filed with the
14 Department on or after each January 1 and July 1, no amounts
15 erroneously paid more than 3 years prior to such January 1 and
16 July 1, respectively, shall be credited or refunded, except
17 that if both the Department and the taxpayer have agreed to an
18 extension of time to issue a notice of tax liability under this
19 Act, the claim may be filed at any time prior to the expiration
20 of the period agreed upon.

21 Claims for credit or refund shall be filed upon forms
22 provided by the Department. As soon as practicable after any
23 claim for credit or refund is filed, the Department shall
24 examine the same and determine the amount of credit or refund
25 to which the claimant is entitled and shall notify the claimant
26 of such determination, which amount shall be prima facie

1 correct.

2 Any credit or refund that is allowed under this Act shall
3 bear interest at the rate and in the manner specified in the
4 Uniform Penalty and Interest Act.

5 In case the Department determines that the claimant is
6 entitled to a refund, such refund shall be made only from the
7 Sales and Excise Tax Refund Fund ~~such appropriation~~ as may be
8 available for that purpose. If it appears unlikely that the
9 amount available ~~appropriated~~ would permit everyone having a
10 claim allowed ~~during the period covered by such appropriation~~
11 to elect to receive a cash refund, the Department, by rule or
12 regulation, shall provide for the payment of refunds in
13 hardship cases and shall define what types of cases qualify as
14 hardship cases.

15 (Source: P.A. 90-491, eff. 1-1-98.)

16 Section 55. The Gas Revenue Tax Act is amended by changing
17 Section 6 as follows:

18 (35 ILCS 615/6) (from Ch. 120, par. 467.21)

19 Sec. 6. If it appears, after claim therefor filed with the
20 Department, that an amount of tax or penalty or interest has
21 been paid which was not due under this Act, whether as the
22 result of a mistake of fact or an error of law, except as
23 hereinafter provided, then the Department shall issue a credit
24 memorandum or refund to the person who made the erroneous

1 payment or, if that person has died or become a person under
2 legal disability, to his or her legal representative, as such.

3 If it is determined that the Department should issue a
4 credit or refund under this Act, the Department may first apply
5 the amount thereof against any amount of tax or penalty or
6 interest due hereunder from the person entitled to such credit
7 or refund. For this purpose, if proceedings are pending to
8 determine whether or not any tax or penalty or interest is due
9 under this Act from such person, the Department may withhold
10 issuance of the credit or refund pending the final disposition
11 of such proceedings and may apply such credit or refund against
12 any amount found to be due to the Department as a result of
13 such proceedings. The balance, if any, of the credit or refund
14 shall be issued to the person entitled thereto.

15 If no tax or penalty or interest is due and no proceeding
16 is pending to determine whether such person is indebted to the
17 Department for tax or penalty or interest, the credit
18 memorandum or refund shall be issued to the claimant; or (in
19 the case of a credit memorandum) the credit memorandum may be
20 assigned and set over by the lawful holder thereof, subject to
21 reasonable rules of the Department, to any other person who is
22 subject to this Act, and the amount thereof shall be applied by
23 the Department against any tax or penalty or interest due or to
24 become due under this Act from such assignee.

25 As to any claim for credit or refund filed with the
26 Department on or after each January 1 and July 1, no amounts

1 erroneously paid more than 3 years prior to such January 1 and
2 July 1, respectively, shall be credited or refunded, except
3 that if both the Department and the taxpayer have agreed to an
4 extension of time to issue a notice of tax liability under this
5 Act, the claim may be filed at any time prior to the expiration
6 of the period agreed upon.

7 Claims for credit or refund shall be filed upon forms
8 provided by the Department. As soon as practicable after any
9 claim for credit or refund is filed, the Department shall
10 examine the same and determine the amount of credit or refund
11 to which the claimant is entitled and shall notify the claimant
12 of such determination, which amount shall be prima facie
13 correct.

14 Any credit or refund that is allowed under this Act shall
15 bear interest at the rate and in the manner specified in the
16 Uniform Penalty and Interest Act.

17 In case the Department determines that the claimant is
18 entitled to a refund, such refund shall be made only from the
19 Sales and Excise Tax Refund Fund ~~such appropriation~~ as may be
20 available for that purpose. If it appears unlikely that the
21 amount available ~~appropriated~~ would permit everyone having a
22 claim allowed ~~during the period covered by such appropriation~~
23 to elect to receive a cash refund, the Department, by rule or
24 regulation, shall provide for the payment of refunds in
25 hardship cases and shall define what types of cases qualify as
26 hardship cases.

1 (Source: P.A. 90-491, eff. 1-1-98.)

2 Section 60. The Public Utilities Revenue Act is amended by
3 changing Section 6 as follows:

4 (35 ILCS 620/6) (from Ch. 120, par. 473)

5 Sec. 6. If it appears, after claim therefor filed with the
6 Department, that an amount of tax or penalty or interest has
7 been paid which was not due under this Act, whether as the
8 result of a mistake of fact or an error of law, except as
9 hereinafter provided, then the Department shall issue a credit
10 memorandum or refund to the person who made the erroneous
11 payment or, if that person has died or become a person under
12 legal disability, to his or her legal representative, as such.

13 If it is determined that the Department should issue a
14 credit or refund under this Act, the Department may first apply
15 the amount thereof against any amount of tax or penalty or
16 interest due hereunder from the person entitled to such credit
17 or refund. Any credit memorandum issued under the Electricity
18 Excise Tax Law may be applied against any liability incurred
19 under the tax previously imposed by Section 2 of this Act. For
20 this purpose, if proceedings are pending to determine whether
21 or not any tax or penalty or interest is due under this Act
22 from such person, the Department may withhold issuance of the
23 credit or refund pending the final disposition of such
24 proceedings and may apply such credit or refund against any

1 amount found to be due to the Department as a result of such
2 proceedings. The balance, if any, of the credit or refund shall
3 be issued to the person entitled thereto.

4 If no tax or penalty or interest is due and no proceeding
5 is pending to determine whether such person is indebted to the
6 Department for tax or penalty or interest, the credit
7 memorandum or refund shall be issued to the claimant; or (in
8 the case of a credit memorandum) the credit memorandum may be
9 assigned and set over by the lawful holder thereof, subject to
10 reasonable rules of the Department, to any other person who is
11 subject to this Act, and the amount thereof shall be applied by
12 the Department against any tax or penalty or interest due or to
13 become due under this Act from such assignee.

14 As to any claim for credit or refund filed with the
15 Department on or after each January 1 and July 1, no amounts
16 erroneously paid more than 3 years prior to such January 1 and
17 July 1, respectively, shall be credited or refunded, except
18 that if both the Department and the taxpayer have agreed to an
19 extension of time to issue a notice of tax liability under this
20 Act, the claim may be filed at any time prior to the expiration
21 of the period agreed upon.

22 Claims for credit or refund shall be filed upon forms
23 provided by the Department. As soon as practicable after any
24 claim for credit or refund is filed, the Department shall
25 examine the same and determine the amount of credit or refund
26 to which the claimant is entitled and shall notify the claimant

1 of such determination, which amount shall be prima facie
2 correct.

3 Any credit or refund that is allowed under this Act shall
4 bear interest at the rate and in the manner specified in the
5 Uniform Penalty and Interest Act.

6 In case the Department determines that the claimant is
7 entitled to a refund, such refund shall be made only from the
8 Sales and Excise Tax Refund Fund ~~such appropriation~~ as may be
9 available for that purpose. If it appears unlikely that the
10 amount available ~~appropriated~~ would permit everyone having a
11 claim allowed ~~during the period covered by such appropriation~~
12 to elect to receive a cash refund, the Department, by rule or
13 regulation, shall provide for the payment of refunds in
14 hardship cases and shall define what types of cases qualify as
15 hardship cases.

16 (Source: P.A. 90-491, eff. 1-1-98; 90-624, eff. 7-10-98.)

17 Section 65. The Water Company Invested Capital Tax Act is
18 amended by changing Section 6 as follows:

19 (35 ILCS 625/6) (from Ch. 120, par. 1416)

20 Sec. 6. If it appears, after claim therefor filed with the
21 Department, that an amount of tax or penalty or interest has
22 been paid which was not due under this Act, whether as the
23 result of a mistake of fact or an error of law, except as
24 hereinafter provided, then the Department shall issue a credit

1 memorandum or refund to the person who made the erroneous
2 payment or, if that person has died or become incompetent, to
3 his legal representative, as such.

4 If it is determined that the Department should issue a
5 credit or refund under this Act, the Department may first apply
6 the amount thereof against any amount of tax or penalty or
7 interest due hereunder from the person entitled to such credit
8 or refund. For this purpose, if proceedings are pending to
9 determine whether or not any tax or penalty or interest is due
10 under this Act from such person, the Department may withhold
11 issuance of the credit or refund pending the final disposition
12 of such proceedings and may apply such credit or refund against
13 any amount found to be due to the Department as a result of
14 such proceedings. The balance, if any, of the credit or refund
15 shall be issued to the person entitled thereto.

16 If no tax or penalty or interest is due and no proceeding
17 is pending to determine whether such person is indebted to the
18 Department for tax or penalty or interest, the credit
19 memorandum or refund shall be issued to the claimant; or (in
20 the case of a credit memorandum) the credit memorandum may be
21 assigned and set over by the lawful holder thereof, subject to
22 reasonable rules of the Department, to any other person who is
23 subject to this Act, and the amount thereof shall be applied by
24 the Department against any tax or penalty or interest due or to
25 become due under this Act from such assignee.

26 As to any claim for credit or refund filed with the

1 Department on or after each January 1 and July 1, no amounts
2 erroneously paid more than 3 years prior to such January 1 and
3 July 1, respectively, shall be credited or refunded, except
4 that if both the Department and the taxpayer have agreed to an
5 extension of time to issue a notice of tax liability under this
6 Act, the claim may be filed at any time prior to the expiration
7 of the period agreed upon.

8 Claims for credit or refund shall be filed upon forms
9 provided by the Department. As soon as practicable after any
10 claim for credit or refund is filed, the Department shall
11 examine the same and determine the amount of credit or refund
12 to which the claimant is entitled and shall notify the claimant
13 of such determination, which amount shall be prima facie
14 correct.

15 Any credit or refund that is allowed under this Section
16 shall bear interest at the rate and in the manner specified in
17 the Uniform Penalty and Interest Act.

18 In case the Department determines that the claimant is
19 entitled to a refund, such refund shall be made only from the
20 Sales and Excise Tax Refund Fund ~~such appropriation~~ as may be
21 available for that purpose. If it appears unlikely that the
22 amount available ~~appropriated~~ would permit everyone having a
23 claim allowed ~~during the period covered by such appropriation~~
24 to elect to receive a cash refund, the Department, by rule or
25 regulation, shall provide for the payment of refunds in
26 hardship cases and shall define what types of cases qualify as

1 hardship cases.

2 (Source: P.A. 90-491, eff. 1-1-98.)

3 Section 70. The Telecommunications Excise Tax Act is
4 amended by changing Section 10 as follows:

5 (35 ILCS 630/10) (from Ch. 120, par. 2010)

6 Sec. 10. If it shall appear that an amount of tax or
7 penalty or interest has been paid in error hereunder to the
8 Department by a taxpayer, as distinguished from the retailer,
9 whether such amount be paid through a mistake of fact or an
10 error of law, such taxpayer may file a claim for credit or
11 refund with the Department. If it shall appear that an amount
12 of tax or penalty or interest has been paid in error to the
13 Department hereunder by a retailer who is required or
14 authorized to collect and remit the tax imposed by this
15 Article, whether such amount be paid through a mistake of fact
16 or an error of law, such retailer may file a claim for credit
17 or refund with the Department, provided that no credit or
18 refund shall be allowed for any amount paid by any such
19 retailer unless it shall appear that he bore the burden of such
20 amount and did not shift the burden thereof to anyone else, or
21 unless it shall appear that he or she or his or her legal
22 representative has unconditionally repaid such amount to his
23 customer (1) who bore the burden thereof and has not shifted
24 such burden directly or indirectly in any manner whatsoever; or

1 (2) who, if he or she shifted such burden, has repaid
2 unconditionally such amount to his or her own customer; and (3)
3 who is not entitled to receive any reimbursement therefor from
4 any other source than from his retailer, nor to be relieved of
5 such burden in any other manner whatsoever.

6 If it is determined that the Department should issue a
7 credit or refund under this Article, the Department may first
8 apply the amount thereof against any amount of tax or penalty
9 or interest due hereunder from the person entitled to such
10 credit or refund. For this purpose, if proceedings are pending
11 to determine whether or not any tax or penalty or interest is
12 due under this Article from such person, the Department may
13 withhold issuance of the credit or refund pending the final
14 disposition of such proceedings and may apply such credit or
15 refund against any amount found to be due to the Department as
16 a result of such proceedings. The balance, if any, of the
17 credit or refund shall be issued to the person entitled
18 thereto.

19 If no tax or penalty or interest is due and no proceeding
20 is pending to determine whether such person is indebted to the
21 Department for tax or penalty or interest, the credit
22 memorandum or refund shall be issued to the claimant; or (in
23 the case of a credit memorandum) the credit memorandum may be
24 assigned and set over by the lawful holder thereof, subject to
25 reasonable rules of the Department, to any other person who is
26 subject to this Article, and the amount thereof shall be

1 applied by the Department against any tax or penalty or
2 interest due or to become due under this Article from such
3 assignee.

4 As to any claim for credit or refund filed with the
5 Department on or after each January 1 and July 1, no amounts
6 erroneously paid more than three years prior to such January 1
7 and July 1, respectively, shall be credited or refunded, except
8 that if both the Department and the taxpayer have agreed to an
9 extension of time to issue a notice of tax liability under this
10 Act, the claim may be filed at any time prior to the expiration
11 of the period agreed upon.

12 Claims for credit or refund shall be filed upon forms
13 provided by the Department. As soon as practicable after any
14 claim for credit or refund is filed, the Department shall
15 examine the same and determine the amount of credit or refund
16 to which the claimant is entitled and shall notify the claimant
17 of such determination, which amount shall be prima facie
18 correct.

19 A claim for credit or refund shall be considered to have
20 been filed with the Department on the date upon which it is
21 received by the Department. Upon receipt of any claim for
22 credit or refund filed under this Article, any officer or
23 employee of the Department, authorized in writing by the
24 Director of Revenue to acknowledge receipt of such claims on
25 behalf of the Department, shall execute on behalf of the
26 Department, and shall deliver or mail to the claimant or his

1 duly authorized agent, a written receipt, acknowledging that
2 the claim has been filed with the Department, describing the
3 claim in sufficient detail to identify it and stating the date
4 upon which the claim was received by the Department. Such
5 written receipt shall be prima facie evidence that the
6 Department received the claim described in such receipt and
7 shall be prima facie evidence of the date when such claim was
8 received by the Department. In the absence of such a written
9 receipt, the records of the Department as to when the claim was
10 received by the Department, or as to whether or not the claim
11 was received at all by the Department, shall be deemed to be
12 prima facie correct upon these questions in the event of any
13 dispute between the claimant (or his or her legal
14 representative) and the Department concerning these questions.

15 Any credit or refund that is allowed under this Article
16 shall bear interest at the rate and in the manner specified in
17 the Uniform Penalty and Interest Act.

18 In case the Department determines that the claimant is
19 entitled to a refund, such refund shall be made only from the
20 Sales and Excise Tax Refund Fund ~~such appropriation~~ as may be
21 available for that purpose. If it appears unlikely that the
22 amount available ~~appropriated~~ would permit everyone having a
23 claim allowed ~~during the period covered by such appropriation~~
24 to elect to receive a cash refund, the Department by rule or
25 regulation shall provide for the payment of refunds in hardship
26 cases and shall define what types of cases qualify as hardship

1 cases.

2 If a retailer who has failed to pay tax on gross charges
3 for telecommunications is required by the Department to pay
4 such tax, such retailer, without filing any formal claim with
5 the Department, shall be allowed to take credit against such
6 tax liability to the extent, if any, to which such retailer has
7 paid the tax to its vendor of the telecommunications which such
8 retailer purchased and used for resale, and no penalty or
9 interest shall be charged to such retailer on the amount of
10 such credit. However, when such credit is allowed to the
11 retailer by the Department, the vendor is precluded from
12 refunding any of the tax to the retailer and filing a claim for
13 credit or refund with respect thereto with the Department. The
14 provisions of this Section added by this amendatory Act of 1988
15 shall be applied retroactively, regardless of the date of the
16 transaction.

17 (Source: P.A. 90-491, eff. 1-1-98.)

18 Section 75. The Liquor Control Act of 1934 is amended by
19 changing Section 8-3 as follows:

20 (235 ILCS 5/8-3) (from Ch. 43, par. 159a)

21 Sec. 8-3. If it appears, after claim therefor filed with
22 the Department, that an amount of tax or penalty or interest
23 has been paid which was not due under this Article, whether as
24 the result of a mistake of fact or an error of law, except as

1 hereinafter provided, then the Department shall issue a credit
2 memorandum or refund to the person who made the erroneous
3 payment or, if that person died or became a person under legal
4 disability, to his or her legal representative, as such.

5 If it is determined that the Department should issue a
6 credit or refund under this Article, the Department may first
7 apply the amount thereof against any amount of tax or penalty
8 or interest due hereunder from the person entitled to such
9 credit or refund. For this purpose, if proceedings are pending
10 to determine whether or not any tax or penalty or interest is
11 due under this Article from such person, the Department may
12 withhold issuance of the credit or refund pending the final
13 disposition of such proceedings and may apply such credit or
14 refund against any amount found to be due to the Department as
15 a result of such proceedings. The balance, if any, of the
16 credit or refund shall be issued to the person entitled
17 thereto.

18 If no tax or penalty or interest is due and no proceeding
19 is pending to determine whether such taxpayer is indebted to
20 the Department for tax or penalty or interest the credit
21 memorandum or refund shall be issued to the claimant; or (in
22 the case of a credit memorandum) the credit memorandum may be
23 assigned and set over by the lawful holder thereof, subject to
24 reasonable rules of the Department, to any other person who is
25 subject to this Article, and the amount thereof shall be
26 applied by the Department against any tax or penalty or

1 interest due or to become due under this Article from such
2 assignee.

3 As to any claim filed hereunder with the Department on and
4 after each January 1 and July 1, no amount of tax or penalty or
5 interest, erroneously paid (either in total or partial
6 liquidation of a tax or penalty or interest under this Article)
7 more than 3 years prior to such January 1 and July 1,
8 respectively, shall be credited or refunded.

9 Any credit or refund that is allowed under this Act shall
10 bear interest at the rate and in the manner specified in the
11 Uniform Penalty and Interest Act.

12 In case the Department determines that the claimant is
13 entitled to a refund, such refund shall be made only from the
14 Sales and Excise Tax Refund Fund ~~such appropriation~~ as may be
15 available for that purpose. If it appears unlikely that the
16 amount available ~~appropriated~~ would permit everyone having a
17 claim allowed ~~during the period covered by such appropriation~~
18 to elect to receive a cash refund, the Department, by rule or
19 regulation, shall provide for the payment of refunds in
20 hardship cases and shall define what types of cases qualify as
21 hardship cases.

22 (Source: P.A. 87-205.)

23 Section 99. Effective date. This Act takes effect July 1,
24 2017.

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3	30 ILCS 105/5.875 new	
4	30 ILCS 105/6z-101 new	
5	35 ILCS 105/9	from Ch. 120, par. 439.9
6	35 ILCS 105/19	from Ch. 120, par. 439.19
7	35 ILCS 110/9	from Ch. 120, par. 439.39
8	35 ILCS 110/17	from Ch. 120, par. 439.47
9	35 ILCS 115/9	from Ch. 120, par. 439.109
10	35 ILCS 115/17	from Ch. 120, par. 439.117
11	35 ILCS 120/3	from Ch. 120, par. 442
12	35 ILCS 120/6	from Ch. 120, par. 445
13	35 ILCS 128/1-55	
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15	35 ILCS 135/14a	from Ch. 120, par. 453.44a
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17	35 ILCS 610/6	from Ch. 120, par. 467.6
18	35 ILCS 615/6	from Ch. 120, par. 467.21
19	35 ILCS 620/6	from Ch. 120, par. 473
20	35 ILCS 625/6	from Ch. 120, par. 1416
21	35 ILCS 630/10	from Ch. 120, par. 2010
22	235 ILCS 5/8-3	from Ch. 43, par. 159a