

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 3. The Illinois Income Tax Act is amended by
5 changing Section 704A as follows:

6 (35 ILCS 5/704A)

7 Sec. 704A. Employer's return and payment of tax withheld.

8 (a) In general, every employer who deducts and withholds or
9 is required to deduct and withhold tax under this Act on or
10 after January 1, 2008 shall make those payments and returns as
11 provided in this Section.

12 (b) Returns. Every employer shall, in the form and manner
13 required by the Department, make returns with respect to taxes
14 withheld or required to be withheld under this Article 7 for
15 each quarter beginning on or after January 1, 2008, on or
16 before the last day of the first month following the close of
17 that quarter.

18 (c) Payments. With respect to amounts withheld or required
19 to be withheld on or after January 1, 2008:

20 (1) Semi-weekly payments. For each calendar year, each
21 employer who withheld or was required to withhold more than
22 \$12,000 during the one-year period ending on June 30 of the
23 immediately preceding calendar year, payment must be made:

1 (A) on or before each Friday of the calendar year,
2 for taxes withheld or required to be withheld on the
3 immediately preceding Saturday, Sunday, Monday, or
4 Tuesday;

5 (B) on or before each Wednesday of the calendar
6 year, for taxes withheld or required to be withheld on
7 the immediately preceding Wednesday, Thursday, or
8 Friday.

9 Beginning with calendar year 2011, payments made under
10 this paragraph (1) of subsection (c) must be made by
11 electronic funds transfer.

12 (2) Semi-weekly payments. Any employer who withholds
13 or is required to withhold more than \$12,000 in any quarter
14 of a calendar year is required to make payments on the
15 dates set forth under item (1) of this subsection (c) for
16 each remaining quarter of that calendar year and for the
17 subsequent calendar year.

18 (3) Monthly payments. Each employer, other than an
19 employer described in items (1) or (2) of this subsection,
20 shall pay to the Department, on or before the 15th day of
21 each month the taxes withheld or required to be withheld
22 during the immediately preceding month.

23 (4) Payments with returns. Each employer shall pay to
24 the Department, on or before the due date for each return
25 required to be filed under this Section, any tax withheld
26 or required to be withheld during the period for which the

1 return is due and not previously paid to the Department.

2 (d) Regulatory authority. The Department may, by rule:

3 (1) Permit employers, in lieu of the requirements of
4 subsections (b) and (c), to file annual returns due on or
5 before January 31 of the year for taxes withheld or
6 required to be withheld during the previous calendar year
7 and, if the aggregate amounts required to be withheld by
8 the employer under this Article 7 (other than amounts
9 required to be withheld under Section 709.5) do not exceed
10 \$1,000 for the previous calendar year, to pay the taxes
11 required to be shown on each such return no later than the
12 due date for such return.

13 (2) Provide that any payment required to be made under
14 subsection (c)(1) or (c)(2) is deemed to be timely to the
15 extent paid by electronic funds transfer on or before the
16 due date for deposit of federal income taxes withheld from,
17 or federal employment taxes due with respect to, the wages
18 from which the Illinois taxes were withheld.

19 (3) Designate one or more depositories to which payment
20 of taxes required to be withheld under this Article 7 must
21 be paid by some or all employers.

22 (4) Increase the threshold dollar amounts at which
23 employers are required to make semi-weekly payments under
24 subsection (c)(1) or (c)(2).

25 (e) Annual return and payment. Every employer who deducts
26 and withholds or is required to deduct and withhold tax from a

1 person engaged in domestic service employment, as that term is
2 defined in Section 3510 of the Internal Revenue Code, may
3 comply with the requirements of this Section with respect to
4 such employees by filing an annual return and paying the taxes
5 required to be deducted and withheld on or before the 15th day
6 of the fourth month following the close of the employer's
7 taxable year. The Department may allow the employer's return to
8 be submitted with the employer's individual income tax return
9 or to be submitted with a return due from the employer under
10 Section 1400.2 of the Unemployment Insurance Act.

11 (f) Magnetic media and electronic filing.

12 With respect to taxes withheld in calendar years prior to
13 2017, any ~~Any~~ W-2 Form that, under the Internal Revenue Code
14 and regulations promulgated thereunder, is required to be
15 submitted to the Internal Revenue Service on magnetic media or
16 electronically must also be submitted to the Department on
17 magnetic media or electronically for Illinois purposes, if
18 required by the Department.

19 With respect to taxes withheld in 2017 and subsequent
20 calendar years, the Department may, by rule, require that any
21 return (including any amended return) under this Section and
22 any W-2 Form that is required to be submitted to the Department
23 must be submitted on magnetic media or electronically.

24 The due date for submitting W-2 Forms shall be as
25 prescribed by the Department by rule.

26 (g) For amounts deducted or withheld after December 31,

1 2009, a taxpayer who makes an election under subsection (f) of
2 Section 5-15 of the Economic Development for a Growing Economy
3 Tax Credit Act for a taxable year shall be allowed a credit
4 against payments due under this Section for amounts withheld
5 during the first calendar year beginning after the end of that
6 taxable year equal to the amount of the credit for the
7 incremental income tax attributable to full-time employees of
8 the taxpayer awarded to the taxpayer by the Department of
9 Commerce and Economic Opportunity under the Economic
10 Development for a Growing Economy Tax Credit Act for the
11 taxable year and credits not previously claimed and allowed to
12 be carried forward under Section 211(4) of this Act as provided
13 in subsection (f) of Section 5-15 of the Economic Development
14 for a Growing Economy Tax Credit Act. The credit or credits may
15 not reduce the taxpayer's obligation for any payment due under
16 this Section to less than zero. If the amount of the credit or
17 credits exceeds the total payments due under this Section with
18 respect to amounts withheld during the calendar year, the
19 excess may be carried forward and applied against the
20 taxpayer's liability under this Section in the succeeding
21 calendar years as allowed to be carried forward under paragraph
22 (4) of Section 211 of this Act. The credit or credits shall be
23 applied to the earliest year for which there is a tax
24 liability. If there are credits from more than one taxable year
25 that are available to offset a liability, the earlier credit
26 shall be applied first. Each employer who deducts and withholds

1 or is required to deduct and withhold tax under this Act and
2 who retains income tax withholdings under subsection (f) of
3 Section 5-15 of the Economic Development for a Growing Economy
4 Tax Credit Act must make a return with respect to such taxes
5 and retained amounts in the form and manner that the
6 Department, by rule, requires and pay to the Department or to a
7 depository designated by the Department those withheld taxes
8 not retained by the taxpayer. For purposes of this subsection
9 (g), the term taxpayer shall include taxpayer and members of
10 the taxpayer's unitary business group as defined under
11 paragraph (27) of subsection (a) of Section 1501 of this Act.
12 This Section is exempt from the provisions of Section 250 of
13 this Act.

14 (h) An employer may claim a credit against payments due
15 under this Section for amounts withheld during the first
16 calendar year ending after the date on which a tax credit
17 certificate was issued under Section 35 of the Small Business
18 Job Creation Tax Credit Act. The credit shall be equal to the
19 amount shown on the certificate, but may not reduce the
20 taxpayer's obligation for any payment due under this Section to
21 less than zero. If the amount of the credit exceeds the total
22 payments due under this Section with respect to amounts
23 withheld during the calendar year, the excess may be carried
24 forward and applied against the taxpayer's liability under this
25 Section in the 5 succeeding calendar years. The credit shall be
26 applied to the earliest year for which there is a tax

1 liability. If there are credits from more than one calendar
2 year that are available to offset a liability, the earlier
3 credit shall be applied first. This Section is exempt from the
4 provisions of Section 250 of this Act.

5 (Source: P.A. 96-834, eff. 12-14-09; 96-888, eff. 4-13-10;
6 96-905, eff. 6-4-10; 96-1027, eff. 7-12-10; 97-333, eff.
7 8-12-11; 97-507, eff. 8-23-11.)

8 Section 5. The Use Tax Act is amended by changing Section 9
9 as follows:

10 (35 ILCS 105/9) (from Ch. 120, par. 439.9)

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

1 discount shall be taken with each such tax remittance instead
2 of when such retailer files his periodic return. The discount
3 allowed under this Section is allowed only for returns that are
4 filed in the manner required by this Act. The Department may
5 disallow the discount for retailers whose certificate of
6 registration is revoked at the time the return is filed, but
7 only if the Department's decision to revoke the certificate of
8 registration has become final. A retailer need not remit that
9 part of any tax collected by him to the extent that he is
10 required to remit and does remit the tax imposed by the
11 Retailers' Occupation Tax Act, with respect to the sale of the
12 same property.

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

23 Except as provided in this Section, on or before the
24 twentieth day of each calendar month, such retailer shall file
25 a return for the preceding calendar month. Such return shall be
26 filed on forms prescribed by the Department and shall furnish

1 such information as the Department may reasonably require. On
2 and after January 1, 2018, except for returns for motor
3 vehicles, watercraft, aircraft, and trailers that are required
4 to be registered with an agency of this State, with respect to
5 retailers whose annual gross receipts average \$20,000 or more,
6 all returns required to be filed pursuant to this Act shall be
7 filed electronically. Retailers who demonstrate that they do
8 not have access to the Internet or demonstrate hardship in
9 filing electronically may petition the Department to waive the
10 electronic filing requirement.

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

18 1. The name of the seller;

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

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

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

3 5. The amount of tax due;

4 5-5. The signature of the taxpayer; and

5 6. Such other reasonable information as the Department
6 may require.

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

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 Before October 1, 2000, if the taxpayer's average monthly
26 tax liability to the Department under this Act, the Retailers'

1 Occupation Tax Act, the Service Occupation Tax Act, the Service
2 Use Tax Act was \$10,000 or more during the preceding 4 complete
3 calendar quarters, he shall file a return with the Department
4 each month by the 20th day of the month next following the
5 month during which such tax liability is incurred and shall
6 make payments to the Department on or before the 7th, 15th,
7 22nd and last day of the month during which such liability is
8 incurred. On and after October 1, 2000, if the taxpayer's
9 average monthly tax liability to the Department under this Act,
10 the Retailers' Occupation Tax Act, the Service Occupation Tax
11 Act, and the Service Use Tax Act was \$20,000 or more during the
12 preceding 4 complete calendar quarters, he shall file a return
13 with the Department each month by the 20th day of the month
14 next following the month during which such tax liability is
15 incurred and shall make payment to the Department on or before
16 the 7th, 15th, 22nd and last day of the month during which such
17 liability is incurred. If the month during which such tax
18 liability is incurred began prior to January 1, 1985, each
19 payment shall be in an amount equal to 1/4 of the taxpayer's
20 actual liability for the month or an amount set by the
21 Department not to exceed 1/4 of the average monthly liability
22 of the taxpayer to the Department for the preceding 4 complete
23 calendar quarters (excluding the month of highest liability and
24 the month of lowest liability in such 4 quarter period). If the
25 month during which such tax liability is incurred begins on or
26 after January 1, 1985, and prior to January 1, 1987, each

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

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

1 taxpayer's reporting status. The Department shall change such
2 taxpayer's reporting status unless it finds that such change is
3 seasonal in nature and not likely to be long term. If any such
4 quarter monthly payment is not paid at the time or in the
5 amount required by this Section, then the taxpayer shall be
6 liable for penalties and interest on the difference between the
7 minimum amount due and the amount of such quarter monthly
8 payment actually and timely paid, except insofar as the
9 taxpayer has previously made payments for that month to the
10 Department in excess of the minimum payments previously due as
11 provided in this Section. The Department shall make reasonable
12 rules and regulations to govern the quarter monthly payment
13 amount and quarter monthly payment dates for taxpayers who file
14 on other than a calendar monthly basis.

15 If any such payment provided for in this Section exceeds
16 the taxpayer's liabilities under this Act, the Retailers'
17 Occupation Tax Act, the Service Occupation Tax Act and the
18 Service Use Tax Act, as shown by an original monthly return,
19 the Department shall issue to the taxpayer a credit memorandum
20 no later than 30 days after the date of payment, which
21 memorandum may be submitted by the taxpayer to the Department
22 in payment of tax liability subsequently to be remitted by the
23 taxpayer to the Department or be assigned by the taxpayer to a
24 similar taxpayer under this Act, the Retailers' Occupation Tax
25 Act, the Service Occupation Tax Act or the Service Use Tax Act,
26 in accordance with reasonable rules and regulations to be

1 prescribed by the Department, except that if such excess
2 payment is shown on an original monthly return and is made
3 after December 31, 1986, no credit memorandum shall be issued,
4 unless requested by the taxpayer. If no such request is made,
5 the taxpayer may credit such excess payment against tax
6 liability subsequently to be remitted by the taxpayer to the
7 Department under this Act, the Retailers' Occupation Tax Act,
8 the Service Occupation Tax Act or the Service Use Tax Act, in
9 accordance with reasonable rules and regulations prescribed by
10 the Department. If the Department subsequently determines that
11 all or any part of the credit taken was not actually due to the
12 taxpayer, the taxpayer's 2.1% or 1.75% vendor's discount shall
13 be reduced by 2.1% or 1.75% of the difference between the
14 credit taken and that actually due, and the taxpayer shall be
15 liable for penalties and interest on such difference.

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

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

7 Such quarter annual and annual returns, as to form and
8 substance, shall be subject to the same requirements as monthly
9 returns.

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

17 In addition, with respect to motor vehicles, watercraft,
18 aircraft, and trailers that are required to be registered with
19 an agency of this State, every retailer selling this kind of
20 tangible personal property shall file, with the Department,
21 upon a form to be prescribed and supplied by the Department, a
22 separate return for each such item of tangible personal
23 property which the retailer sells, except that if, in the same
24 transaction, (i) a retailer of aircraft, watercraft, motor
25 vehicles or trailers transfers more than one aircraft,
26 watercraft, motor vehicle or trailer to another aircraft,

1 watercraft, motor vehicle or trailer retailer for the purpose
2 of resale or (ii) a retailer of aircraft, watercraft, motor
3 vehicles, or trailers transfers more than one aircraft,
4 watercraft, motor vehicle, or trailer to a purchaser for use as
5 a qualifying rolling stock as provided in Section 3-55 of this
6 Act, then that seller may report the transfer of all the
7 aircraft, watercraft, motor vehicles or trailers involved in
8 that transaction to the Department on the same uniform
9 invoice-transaction reporting return form. For purposes of
10 this Section, "watercraft" means a Class 2, Class 3, or Class 4
11 watercraft as defined in Section 3-2 of the Boat Registration
12 and Safety Act, a personal watercraft, or any boat equipped
13 with an inboard motor.

14 The transaction reporting return in the case of motor
15 vehicles or trailers that are required to be registered with an
16 agency of this State, shall be the same document as the Uniform
17 Invoice referred to in Section 5-402 of the Illinois Vehicle
18 Code and must show the name and address of the seller; the name
19 and address of the purchaser; the amount of the selling price
20 including the amount allowed by the retailer for traded-in
21 property, if any; the amount allowed by the retailer for the
22 traded-in tangible personal property, if any, to the extent to
23 which Section 2 of this Act allows an exemption for the value
24 of traded-in property; the balance payable after deducting such
25 trade-in allowance from the total selling price; the amount of
26 tax due from the retailer with respect to such transaction; the

1 amount of tax collected from the purchaser by the retailer on
2 such transaction (or satisfactory evidence that such tax is not
3 due in that particular instance, if that is claimed to be the
4 fact); the place and date of the sale; a sufficient
5 identification of the property sold; such other information as
6 is required in Section 5-402 of the Illinois Vehicle Code, and
7 such other information as the Department may reasonably
8 require.

9 The transaction reporting return in the case of watercraft
10 and aircraft must show the name and address of the seller; the
11 name and address of the purchaser; the amount of the selling
12 price including the amount allowed by the retailer for
13 traded-in property, if any; the amount allowed by the retailer
14 for the traded-in tangible personal property, if any, to the
15 extent to which Section 2 of this Act allows an exemption for
16 the value of traded-in property; the balance payable after
17 deducting such trade-in allowance from the total selling price;
18 the amount of tax due from the retailer with respect to such
19 transaction; the amount of tax collected from the purchaser by
20 the retailer on such transaction (or satisfactory evidence that
21 such tax is not due in that particular instance, if that is
22 claimed to be the fact); the place and date of the sale, a
23 sufficient identification of the property sold, and such other
24 information as the Department may reasonably require.

25 Such transaction reporting return shall be filed not later
26 than 20 days after the date of delivery of the item that is

1 being sold, but may be filed by the retailer at any time sooner
2 than that if he chooses to do so. The transaction reporting
3 return and tax remittance or proof of exemption from the tax
4 that is imposed by this Act may be transmitted to the
5 Department by way of the State agency with which, or State
6 officer with whom, the tangible personal property must be
7 titled or registered (if titling or registration is required)
8 if the Department and such agency or State officer determine
9 that this procedure will expedite the processing of
10 applications for title or registration.

11 With each such transaction reporting return, the retailer
12 shall remit the proper amount of tax due (or shall submit
13 satisfactory evidence that the sale is not taxable if that is
14 the case), to the Department or its agents, whereupon the
15 Department shall issue, in the purchaser's name, a tax receipt
16 (or a certificate of exemption if the Department is satisfied
17 that the particular sale is tax exempt) which such purchaser
18 may submit to the agency with which, or State officer with
19 whom, he must title or register the tangible personal property
20 that is involved (if titling or registration is required) in
21 support of such purchaser's application for an Illinois
22 certificate or other evidence of title or registration to such
23 tangible personal property.

24 No retailer's failure or refusal to remit tax under this
25 Act precludes a user, who has paid the proper tax to the
26 retailer, from obtaining his certificate of title or other

1 evidence of title or registration (if titling or registration
2 is required) upon satisfying the Department that such user has
3 paid the proper tax (if tax is due) to the retailer. The
4 Department shall adopt appropriate rules to carry out the
5 mandate of this paragraph.

6 If the user who would otherwise pay tax to the retailer
7 wants the transaction reporting return filed and the payment of
8 tax or proof of exemption made to the Department before the
9 retailer is willing to take these actions and such user has not
10 paid the tax to the retailer, such user may certify to the fact
11 of such delay by the retailer, and may (upon the Department
12 being satisfied of the truth of such certification) transmit
13 the information required by the transaction reporting return
14 and the remittance for tax or proof of exemption directly to
15 the Department and obtain his tax receipt or exemption
16 determination, in which event the transaction reporting return
17 and tax remittance (if a tax payment was required) shall be
18 credited by the Department to the proper retailer's account
19 with the Department, but without the 2.1% or 1.75% discount
20 provided for in this Section being allowed. When the user pays
21 the tax directly to the Department, he shall pay the tax in the
22 same amount and in the same form in which it would be remitted
23 if the tax had been remitted to the Department by the retailer.

24 Where a retailer collects the tax with respect to the
25 selling price of tangible personal property which he sells and
26 the purchaser thereafter returns such tangible personal

1 property and the retailer refunds the selling price thereof to
2 the purchaser, such retailer shall also refund, to the
3 purchaser, the tax so collected from the purchaser. When filing
4 his return for the period in which he refunds such tax to the
5 purchaser, the retailer may deduct the amount of the tax so
6 refunded by him to the purchaser from any other use tax which
7 such retailer may be required to pay or remit to the
8 Department, as shown by such return, if the amount of the tax
9 to be deducted was previously remitted to the Department by
10 such retailer. If the retailer has not previously remitted the
11 amount of such tax to the Department, he is entitled to no
12 deduction under this Act upon refunding such tax to the
13 purchaser.

14 Any retailer filing a return under this Section shall also
15 include (for the purpose of paying tax thereon) the total tax
16 covered by such return upon the selling price of tangible
17 personal property purchased by him at retail from a retailer,
18 but as to which the tax imposed by this Act was not collected
19 from the retailer filing such return, and such retailer shall
20 remit the amount of such tax to the Department when filing such
21 return.

22 If experience indicates such action to be practicable, the
23 Department may prescribe and furnish a combination or joint
24 return which will enable retailers, who are required to file
25 returns hereunder and also under the Retailers' Occupation Tax
26 Act, to furnish all the return information required by both

1 Acts on the one form.

2 Where the retailer has more than one business registered
3 with the Department under separate registration under this Act,
4 such retailer may not file each return that is due as a single
5 return covering all such registered businesses, but shall file
6 separate returns for each such registered business.

7 Beginning January 1, 1990, each month the Department shall
8 pay into the State and Local Sales Tax Reform Fund, a special
9 fund in the State Treasury which is hereby created, the net
10 revenue realized for the preceding month from the 1% tax on
11 sales of food for human consumption which is to be consumed off
12 the premises where it is sold (other than alcoholic beverages,
13 soft drinks and food which has been prepared for immediate
14 consumption) and prescription and nonprescription medicines,
15 drugs, medical appliances, products classified as Class III
16 medical devices by the United States Food and Drug
17 Administration that are used for cancer treatment pursuant to a
18 prescription, as well as any accessories and components related
19 to those devices, and insulin, urine testing materials,
20 syringes and needles used by diabetics.

21 Beginning January 1, 1990, each month the Department shall
22 pay into the County and Mass Transit District Fund 4% of the
23 net revenue realized for the preceding month from the 6.25%
24 general rate on the selling price of tangible personal property
25 which is purchased outside Illinois at retail from a retailer
26 and which is titled or registered by an agency of this State's

1 government.

2 Beginning January 1, 1990, each month the Department shall
3 pay into the State and Local Sales Tax Reform Fund, a special
4 fund in the State Treasury, 20% of the net revenue realized for
5 the preceding month from the 6.25% general rate on the selling
6 price of tangible personal property, other than tangible
7 personal property which is purchased outside Illinois at retail
8 from a retailer and which is titled or registered by an agency
9 of this State's government.

10 Beginning August 1, 2000, each month the Department shall
11 pay into the State and Local Sales Tax Reform Fund 100% of the
12 net revenue realized for the preceding month from the 1.25%
13 rate on the selling price of motor fuel and gasohol. Beginning
14 September 1, 2010, each month the Department shall pay into the
15 State and Local Sales Tax Reform Fund 100% of the net revenue
16 realized for the preceding month from the 1.25% rate on the
17 selling price of sales tax holiday items.

18 Beginning January 1, 1990, each month the Department shall
19 pay into the Local Government Tax Fund 16% of the net revenue
20 realized for the preceding month from the 6.25% general rate on
21 the selling price of tangible personal property which is
22 purchased outside Illinois at retail from a retailer and which
23 is titled or registered by an agency of this State's
24 government.

25 Beginning October 1, 2009, each month the Department shall
26 pay into the Capital Projects Fund an amount that is equal to

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

6 Beginning July 1, 2011, each month the Department shall pay
7 into the Clean Air Act Permit Fund 80% of the net revenue
8 realized for the preceding month from the 6.25% general rate on
9 the selling price of sorbents used in Illinois in the process
10 of sorbent injection as used to comply with the Environmental
11 Protection Act or the federal Clean Air Act, but the total
12 payment into the Clean Air Act Permit Fund under this Act and
13 the Retailers' Occupation Tax Act shall not exceed \$2,000,000
14 in any fiscal year.

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

1 between the average monthly claims for payment by the fund and
2 the average monthly revenues deposited into the fund, excluding
3 payments made pursuant to this paragraph.

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

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

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

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

22 Subject to payment of amounts into the Build Illinois Fund
23 as provided in the preceding paragraph or in any amendment
24 thereto hereafter enacted, the following specified monthly
25 installment of the amount requested in the certificate of the
26 Chairman of the Metropolitan Pier and Exposition Authority

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

8	Fiscal Year	Total Deposit
9	1993	\$0
10	1994	53,000,000
11	1995	58,000,000
12	1996	61,000,000
13	1997	64,000,000
14	1998	68,000,000
15	1999	71,000,000
16	2000	75,000,000
17	2001	80,000,000
18	2002	93,000,000
19	2003	99,000,000
20	2004	103,000,000
21	2005	108,000,000
22	2006	113,000,000
23	2007	119,000,000
24	2008	126,000,000
25	2009	132,000,000
26	2010	139,000,000

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

23 and
24 each fiscal year
25 thereafter that bonds
26 are outstanding under

1 Section 13.2 of the
2 Metropolitan Pier and
3 Exposition Authority Act,
4 but not after fiscal year 2060.

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

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

26 Subject to payment of amounts into the Build Illinois Fund

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

13 Subject to payment of amounts into the Build Illinois Fund,
14 the McCormick Place Expansion Project Fund, the Illinois Tax
15 Increment Fund, and the Energy Infrastructure Fund pursuant to
16 the preceding paragraphs or in any amendments to this Section
17 hereafter enacted, beginning on the first day of the first
18 calendar month to occur on or after August 26, 2014 (the
19 effective date of Public Act 98-1098) ~~this amendatory Act of~~
20 ~~the 98th General Assembly~~, each month, from the collections
21 made under Section 9 of the Use Tax Act, Section 9 of the
22 Service Use Tax Act, Section 9 of the Service Occupation Tax
23 Act, and Section 3 of the Retailers' Occupation Tax Act, the
24 Department shall pay into the Tax Compliance and Administration
25 Fund, to be used, subject to appropriation, to fund additional
26 auditors and compliance personnel at the Department of Revenue,

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

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

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

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

24 For greater simplicity of administration, manufacturers,
25 importers and wholesalers whose products are sold at retail in
26 Illinois by numerous retailers, and who wish to do so, may

1 assume the responsibility for accounting and paying to the
2 Department all tax accruing under this Act with respect to such
3 sales, if the retailers who are affected do not make written
4 objection to the Department to this arrangement.

5 (Source: P.A. 98-24, eff. 6-19-13; 98-109, eff. 7-25-13;
6 98-496, eff. 1-1-14; 98-756, eff. 7-16-14; 98-1098, eff.
7 8-26-14; 99-352, eff. 8-12-15; 99-858, eff. 8-19-16; 99-933,
8 eff. 1-27-17; revised 2-3-17.)

9 Section 10. The Service Use Tax Act is amended by changing
10 Section 9 as follows:

11 (35 ILCS 110/9) (from Ch. 120, par. 439.39)

12 Sec. 9. Each serviceman required or authorized to collect
13 the tax herein imposed shall pay to the Department the amount
14 of such tax (except as otherwise provided) at the time when he
15 is required to file his return for the period during which such
16 tax was collected, less a discount of 2.1% prior to January 1,
17 1990 and 1.75% on and after January 1, 1990, or \$5 per calendar
18 year, whichever is greater, which is allowed to reimburse the
19 serviceman for expenses incurred in collecting the tax, keeping
20 records, preparing and filing returns, remitting the tax and
21 supplying data to the Department on request. The discount
22 allowed under this Section is allowed only for returns that are
23 filed in the manner required by this Act. The Department may
24 disallow the discount for servicemen 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 serviceman need not remit that
4 part of any tax collected by him to the extent that he is
5 required to pay and does pay the tax imposed by the Service
6 Occupation Tax Act with respect to his sale of service
7 involving the incidental transfer by him of the same property.

8 Except as provided hereinafter in this Section, on or
9 before the twentieth day of each calendar month, such
10 serviceman shall file a return for the preceding calendar month
11 in accordance with reasonable Rules and Regulations to be
12 promulgated by the Department. Such return shall be filed on a
13 form prescribed by the Department and shall contain such
14 information as the Department may reasonably require. On and
15 after January 1, 2018, with respect to servicemen whose annual
16 gross receipts average \$20,000 or more, all returns required to
17 be filed pursuant to this Act shall be filed electronically.
18 Servicemen who demonstrate that they do not have access to the
19 Internet or demonstrate hardship in filing electronically may
20 petition the Department to waive the electronic filing
21 requirement.

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

1 of the first two months of each calendar quarter, on or before
2 the twentieth day of the following calendar month, stating:

3 1. The name of the seller;

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

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

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

12 5. The amount of tax due;

13 5-5. The signature of the taxpayer; and

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

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

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

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

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

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

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

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

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

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

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

1 returns.

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

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

26 Any serviceman filing a return hereunder shall also include

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

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

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

16 Beginning January 1, 1990, each month the Department shall
17 pay into the State and Local Tax Reform Fund, a special fund in
18 the State Treasury, the net revenue realized for the preceding
19 month from the 1% tax on sales of food for human consumption
20 which is to be consumed off the premises where it is sold
21 (other than alcoholic beverages, soft drinks and food which has
22 been prepared for immediate consumption) and prescription and
23 nonprescription medicines, drugs, medical appliances, products
24 classified as Class III medical devices, by the United States
25 Food and Drug Administration that are used for cancer treatment
26 pursuant to a prescription, as well as any accessories and

1 components related to those devices, 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 State and Local Sales Tax Reform Fund 20% of the
5 net revenue realized for the preceding month from the 6.25%
6 general rate on transfers of tangible personal property, other
7 than tangible personal property which is purchased outside
8 Illinois at retail from a retailer and which is titled or
9 registered by an agency of this State's government.

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

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

21 Beginning July 1, 2013, each month the Department shall pay
22 into the Underground Storage Tank Fund from the proceeds
23 collected under this Act, the Use Tax Act, the Service
24 Occupation Tax Act, and the Retailers' Occupation Tax Act an
25 amount equal to the average monthly deficit in the Underground
26 Storage Tank Fund during the prior year, as certified annually

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

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

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

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

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

1 set forth in Section 12 of the Build Illinois Bond 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 the 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 Subject to payment of amounts into the Build Illinois Fund
26 and the McCormick Place Expansion Project Fund pursuant to the

1 preceding paragraphs or in any amendments thereto hereafter
2 enacted, beginning July 1, 1993 and ending on September 30,
3 2013, the Department shall each month pay into the Illinois Tax
4 Increment Fund 0.27% of 80% of the net revenue realized for the
5 preceding month from the 6.25% general rate on the selling
6 price of tangible personal property.

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

20 Subject to payment of amounts into the Build Illinois Fund,
21 the McCormick Place Expansion Project Fund, the Illinois Tax
22 Increment Fund, and the Energy Infrastructure Fund pursuant to
23 the preceding paragraphs or in any amendments to this Section
24 hereafter enacted, beginning on the first day of the first
25 calendar month to occur on or after the effective date of this
26 amendatory Act of the 98th General Assembly, each month, from

1 the collections made under Section 9 of the Use Tax Act,
2 Section 9 of the Service Use Tax Act, Section 9 of the Service
3 Occupation Tax Act, and Section 3 of the Retailers' Occupation
4 Tax Act, the Department shall pay into the Tax Compliance and
5 Administration Fund, to be used, subject to appropriation, to
6 fund additional auditors and compliance personnel at the
7 Department of Revenue, an amount equal to 1/12 of 5% of 80% of
8 the cash receipts collected during the preceding fiscal year by
9 the Audit Bureau of the Department under the Use Tax Act, the
10 Service Use Tax Act, the Service Occupation Tax Act, the
11 Retailers' Occupation Tax Act, and associated local occupation
12 and use taxes administered by the Department.

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

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

1 Net revenue realized for a month shall be the revenue
2 collected by the State pursuant to this Act, less the amount
3 paid out during that month as refunds to taxpayers for
4 overpayment of liability.

5 (Source: P.A. 98-24, eff. 6-19-13; 98-109, eff. 7-25-13;
6 98-298, eff. 8-9-13; 98-496, eff. 1-1-14; 98-756, eff. 7-16-14;
7 98-1098, eff. 8-26-14; 99-352, eff. 8-12-15; 99-858, eff.
8 8-19-16.)

9 Section 15. The Service Occupation Tax Act is amended by
10 changing Section 9 as follows:

11 (35 ILCS 115/9) (from Ch. 120, par. 439.109)

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

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

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

12 Except as provided hereinafter in this Section, on or
13 before the twentieth day of each calendar month, such
14 serviceman shall file a return for the preceding calendar month
15 in accordance with reasonable rules and regulations to be
16 promulgated by the Department of Revenue. Such return shall be
17 filed on a form prescribed by the Department and shall contain
18 such information as the Department may reasonably require. On
19 and after January 1, 2018, with respect to servicemen whose
20 annual gross receipts average \$20,000 or more, all returns
21 required to be filed pursuant to this Act shall be filed
22 electronically. Servicemen who demonstrate that they do not
23 have access to the Internet or demonstrate hardship in filing
24 electronically may petition the Department to waive the
25 electronic filing requirement.

26 The Department may require returns to be filed on a

1 quarterly basis. If so required, a return for each calendar
2 quarter shall be filed on or before the twentieth day of the
3 calendar month following the end of such calendar quarter. The
4 taxpayer shall also file a return with the Department for each
5 of the first two months of each calendar quarter, on or before
6 the twentieth day of the following calendar month, stating:

7 1. The name of the seller;

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

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

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

16 5. The amount of tax due;

17 5-5. The signature of the taxpayer; and

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

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

24 Prior to October 1, 2003, and on and after September 1,
25 2004 a serviceman may accept a Manufacturer's Purchase Credit
26 certification from a purchaser in satisfaction of Service Use

1 Tax as provided in Section 3-70 of the Service Use Tax Act if
2 the purchaser provides the appropriate documentation as
3 required by Section 3-70 of the Service Use Tax Act. A
4 Manufacturer's Purchase Credit certification, accepted prior
5 to October 1, 2003 or on or after September 1, 2004 by a
6 serviceman as provided in Section 3-70 of the Service Use Tax
7 Act, may be used by that serviceman to satisfy Service
8 Occupation Tax liability in the amount claimed in the
9 certification, not to exceed 6.25% of the receipts subject to
10 tax from a qualifying purchase. A Manufacturer's Purchase
11 Credit reported on any original or amended return filed under
12 this Act after October 20, 2003 for reporting periods prior to
13 September 1, 2004 shall be disallowed. Manufacturer's Purchase
14 Credit reported on annual returns due on or after January 1,
15 2005 will be disallowed for periods prior to September 1, 2004.
16 No Manufacturer's Purchase Credit may be used after September
17 30, 2003 through August 31, 2004 to satisfy any tax liability
18 imposed under this Act, including any audit liability.

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

1 October, November and December of a given year being due by
2 January 20 of the following year.

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

7 Such quarter annual and annual returns, as to form and
8 substance, shall be subject to the same requirements as monthly
9 returns.

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

17 Beginning October 1, 1993, a taxpayer who has an average
18 monthly tax liability of \$150,000 or more shall make all
19 payments required by rules of the Department by electronic
20 funds transfer. Beginning October 1, 1994, a taxpayer who has
21 an average monthly tax liability of \$100,000 or more shall make
22 all payments required by rules of the Department by electronic
23 funds transfer. Beginning October 1, 1995, a taxpayer who has
24 an average monthly tax liability of \$50,000 or more shall make
25 all payments required by rules of the Department by electronic
26 funds transfer. Beginning October 1, 2000, a taxpayer who has

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

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

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

24 All taxpayers required to make payment by electronic funds
25 transfer and any taxpayers authorized to voluntarily make
26 payments by electronic funds transfer shall make those payments

1 in the manner authorized by the Department.

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

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

22 If experience indicates such action to be practicable, the
23 Department may prescribe and furnish a combination or joint
24 return which will enable servicemen, who are required to file
25 returns hereunder and also under the Retailers' Occupation Tax
26 Act, the Use Tax Act or the Service Use Tax Act, to furnish all

1 the return information required by all said Acts on the one
2 form.

3 Where the serviceman has more than one business registered
4 with the Department under separate registrations hereunder,
5 such serviceman shall file separate returns for each registered
6 business.

7 Beginning January 1, 1990, each month the Department shall
8 pay into the Local Government Tax Fund the revenue realized for
9 the preceding month from the 1% tax on sales of food for human
10 consumption which is to be consumed off the premises where it
11 is sold (other than alcoholic beverages, soft drinks and food
12 which has been prepared for immediate consumption) and
13 prescription and nonprescription medicines, drugs, medical
14 appliances, products classified as Class III medical devices by
15 the United States Food and Drug Administration that are used
16 for cancer treatment pursuant to a prescription, as well as any
17 accessories and components related to those devices, and
18 insulin, urine testing materials, syringes and needles used by
19 diabetics.

20 Beginning January 1, 1990, each month the Department shall
21 pay into the County and Mass Transit District Fund 4% of the
22 revenue realized for the preceding month from the 6.25% general
23 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.

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

6 Beginning August 1, 2000, each month the Department shall
7 pay into the Local Government Tax Fund 80% of the net revenue
8 realized for the preceding month from the 1.25% rate on the
9 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 Use Tax
20 Act, and the Retailers' Occupation Tax Act an amount equal to
21 the average monthly deficit in the Underground Storage Tank
22 Fund during the prior year, as certified annually by the
23 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 Use Tax Act, and the Retailers'
26 Occupation Tax Act shall not exceed \$18,000,000 in any State

1 fiscal year. As used in this paragraph, the "average monthly
2 deficit" shall be equal to the difference between the average
3 monthly claims for payment by the fund and the average monthly
4 revenues deposited into the fund, excluding payments made
5 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, the Service
8 Use Tax Act, this Act, and the Retailers' Occupation Tax Act,
9 each month the Department shall deposit \$500,000 into the State
10 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 Account in the
7 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
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 Subject to payment of amounts into the Build Illinois Fund
22 and the McCormick Place Expansion Project Fund pursuant to the
23 preceding paragraphs or in any amendments thereto hereafter
24 enacted, beginning July 1, 1993 and ending on September 30,
25 2013, the Department shall each month pay into the Illinois Tax
26 Increment Fund 0.27% of 80% of the net revenue realized for the

1 preceding month from the 6.25% general rate on the selling
2 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 with the receipt of the first report of
7 taxes paid by an eligible business and continuing for a 25-year
8 period, the Department shall each month pay into the Energy
9 Infrastructure Fund 80% of the net revenue realized from the
10 6.25% general rate on the selling price of Illinois-mined coal
11 that was sold to an eligible business. For purposes of this
12 paragraph, the term "eligible business" means a new electric
13 generating facility certified pursuant to Section 605-332 of
14 the Department of Commerce and Economic Opportunity Law of the
15 Civil Administrative Code of Illinois.

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

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

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

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

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

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

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

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

26 The chief executive officer, proprietor, owner or highest

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

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

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

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

23 For greater simplicity of administration, it shall be
24 permissible for manufacturers, importers and wholesalers whose
25 products are sold by numerous servicemen in Illinois, and who
26 wish to do so, to assume the responsibility for accounting and

1 paying to the Department all tax accruing under this Act with
2 respect to such sales, if the servicemen who are affected do
3 not make written objection to the Department to this
4 arrangement.

5 (Source: P.A. 98-24, eff. 6-19-13; 98-109, eff. 7-25-13;
6 98-298, eff. 8-9-13; 98-496, eff. 1-1-14; 98-756, eff. 7-16-14;
7 98-1098, eff. 8-26-14; 99-352, eff. 8-12-15; 99-858, eff.
8 8-19-16.)

9 Section 20. The Retailers' Occupation Tax Act is amended by
10 changing Sections 2a and 3 as follows:

11 (35 ILCS 120/2a) (from Ch. 120, par. 441a)

12 Sec. 2a. It is unlawful for any person to engage in the
13 business of selling tangible personal property at retail in
14 this State without a certificate of registration from the
15 Department. Application for a certificate of registration
16 shall be made to the Department upon forms furnished by it.
17 Each such application shall be signed and verified and shall
18 state: (1) the name and social security number of the
19 applicant; (2) the address of his principal place of business;
20 (3) the address of the principal place of business from which
21 he engages in the business of selling tangible personal
22 property at retail in this State and the addresses of all other
23 places of business, if any (enumerating such addresses, if any,
24 in a separate list attached to and made a part of the

1 application), from which he engages in the business of selling
2 tangible personal property at retail in this State; (4) the
3 name and address of the person or persons who will be
4 responsible for filing returns and payment of taxes due under
5 this Act; (5) in the case of a publicly traded corporation, the
6 name and title of the Chief Financial Officer, Chief Operating
7 Officer, and any other officer or employee with responsibility
8 for preparing tax returns under this Act, ~~along with the last 4~~
9 ~~digits of each of their social security numbers,~~ and, in the
10 case of all other corporations, the name, title, and social
11 security number of each corporate officer; (6) in the case of a
12 limited liability company, the name, social security number,
13 and FEIN number of each manager and member; and (7) such other
14 information as the Department may reasonably require. The
15 application shall contain an acceptance of responsibility
16 signed by the person or persons who will be responsible for
17 filing returns and payment of the taxes due under this Act. If
18 the applicant will sell tangible personal property at retail
19 through vending machines, his application to register shall
20 indicate the number of vending machines to be so operated. If
21 requested by the Department at any time, that person shall
22 verify the total number of vending machines he or she uses in
23 his or her business of selling tangible personal property at
24 retail.

25 The Department may deny a certificate of registration to
26 any applicant if a person who is named as the owner, a partner,

1 a manager or member of a limited liability company, or a
2 corporate officer of the applicant on the application for the
3 certificate of registration is or has been named as the owner,
4 a partner, a manager or member of a limited liability company,
5 or a corporate officer on the application for the certificate
6 of registration of another retailer that is in default for
7 moneys due under this Act or any other tax or fee Act
8 administered by the Department. For purposes of this paragraph
9 only, in determining whether a person is in default for moneys
10 due, the Department shall include only amounts established as a
11 final liability within the 20 years prior to the date of the
12 Department's notice of denial of a certificate of registration.

13 The Department may require an applicant for a certificate
14 of registration hereunder to, at the time of filing such
15 application, furnish a bond from a surety company authorized to
16 do business in the State of Illinois, or an irrevocable bank
17 letter of credit or a bond signed by 2 personal sureties who
18 have filed, with the Department, sworn statements disclosing
19 net assets equal to at least 3 times the amount of the bond to
20 be required of such applicant, or a bond secured by an
21 assignment of a bank account or certificate of deposit, stocks
22 or bonds, conditioned upon the applicant paying to the State of
23 Illinois all moneys becoming due under this Act and under any
24 other State tax law or municipal or county tax ordinance or
25 resolution under which the certificate of registration that is
26 issued to the applicant under this Act will permit the

1 applicant to engage in business without registering separately
2 under such other law, ordinance or resolution. In making a
3 determination as to whether to require a bond or other
4 security, the Department shall take into consideration whether
5 the owner, any partner, any manager or member of a limited
6 liability company, or a corporate officer of the applicant is
7 or has been the owner, a partner, a manager or member of a
8 limited liability company, or a corporate officer of another
9 retailer that is in default for moneys due under this Act or
10 any other tax or fee Act administered by the Department; and
11 whether the owner, any partner, any manager or member of a
12 limited liability company, or a corporate officer of the
13 applicant is or has been the owner, a partner, a manager or
14 member of a limited liability company, or a corporate officer
15 of another retailer whose certificate of registration has been
16 revoked within the previous 5 years under this Act or any other
17 tax or fee Act administered by the Department. If a bond or
18 other security is required, the Department shall fix the amount
19 of the bond or other security, taking into consideration the
20 amount of money expected to become due from the applicant under
21 this Act and under any other State tax law or municipal or
22 county tax ordinance or resolution under which the certificate
23 of registration that is issued to the applicant under this Act
24 will permit the applicant to engage in business without
25 registering separately under such other law, ordinance, or
26 resolution. The amount of security required by the Department

1 shall be such as, in its opinion, will protect the State of
2 Illinois against failure to pay the amount which may become due
3 from the applicant under this Act and under any other State tax
4 law or municipal or county tax ordinance or resolution under
5 which the certificate of registration that is issued to the
6 applicant under this Act will permit the applicant to engage in
7 business without registering separately under such other law,
8 ordinance or resolution, but the amount of the security
9 required by the Department shall not exceed three times the
10 amount of the applicant's average monthly tax liability, or
11 \$50,000.00, whichever amount is lower.

12 No certificate of registration under this Act shall be
13 issued by the Department until the applicant provides the
14 Department with satisfactory security, if required, as herein
15 provided for.

16 Upon receipt of the application for certificate of
17 registration in proper form, and upon approval by the
18 Department of the security furnished by the applicant, if
19 required, the Department shall issue to such applicant a
20 certificate of registration which shall permit the person to
21 whom it is issued to engage in the business of selling tangible
22 personal property at retail in this State. The certificate of
23 registration shall be conspicuously displayed at the place of
24 business which the person so registered states in his
25 application to be the principal place of business from which he
26 engages in the business of selling tangible personal property

1 at retail in this State.

2 No certificate of registration issued to a taxpayer who
3 files returns required by this Act on a monthly basis shall be
4 valid after the expiration of 5 years from the date of its
5 issuance or last renewal. The expiration date of a
6 sub-certificate of registration shall be that of the
7 certificate of registration to which the sub-certificate
8 relates. A certificate of registration shall automatically be
9 renewed, subject to revocation as provided by this Act, for an
10 additional 5 years from the date of its expiration unless
11 otherwise notified by the Department as provided by this
12 paragraph. Where a taxpayer to whom a certificate of
13 registration is issued under this Act is in default to the
14 State of Illinois for delinquent returns or for moneys due
15 under this Act or any other State tax law or municipal or
16 county ordinance administered or enforced by the Department,
17 the Department shall, not less than 60 days before the
18 expiration date of such certificate of registration, give
19 notice to the taxpayer to whom the certificate was issued of
20 the account period of the delinquent returns, the amount of
21 tax, penalty and interest due and owing from the taxpayer, and
22 that the certificate of registration shall not be automatically
23 renewed upon its expiration date unless the taxpayer, on or
24 before the date of expiration, has filed and paid the
25 delinquent returns or paid the defaulted amount in full. A
26 taxpayer to whom such a notice is issued shall be deemed an

1 applicant for renewal. The Department shall promulgate
2 regulations establishing procedures for taxpayers who file
3 returns on a monthly basis but desire and qualify to change to
4 a quarterly or yearly filing basis and will no longer be
5 subject to renewal under this Section, and for taxpayers who
6 file returns on a yearly or quarterly basis but who desire or
7 are required to change to a monthly filing basis and will be
8 subject to renewal under this Section.

9 The Department may in its discretion approve renewal by an
10 applicant who is in default if, at the time of application for
11 renewal, the applicant files all of the delinquent returns or
12 pays to the Department such percentage of the defaulted amount
13 as may be determined by the Department and agrees in writing to
14 waive all limitations upon the Department for collection of the
15 remaining defaulted amount to the Department over a period not
16 to exceed 5 years from the date of renewal of the certificate;
17 however, no renewal application submitted by an applicant who
18 is in default shall be approved if the immediately preceding
19 renewal by the applicant was conditioned upon the installment
20 payment agreement described in this Section. The payment
21 agreement herein provided for shall be in addition to and not
22 in lieu of the security that may be required by this Section of
23 a taxpayer who is no longer considered a prior continuous
24 compliance taxpayer. The execution of the payment agreement as
25 provided in this Act shall not toll the accrual of interest at
26 the statutory rate.

1 The Department may suspend a certificate of registration if
2 the Department finds that the person to whom the certificate of
3 registration has been issued knowingly sold contraband
4 cigarettes.

5 A certificate of registration issued under this Act more
6 than 5 years before the effective date of this amendatory Act
7 of 1989 shall expire and be subject to the renewal provisions
8 of this Section on the next anniversary of the date of issuance
9 of such certificate which occurs more than 6 months after the
10 effective date of this amendatory Act of 1989. A certificate of
11 registration issued less than 5 years before the effective date
12 of this amendatory Act of 1989 shall expire and be subject to
13 the renewal provisions of this Section on the 5th anniversary
14 of the issuance of the certificate.

15 If the person so registered states that he operates other
16 places of business from which he engages in the business of
17 selling tangible personal property at retail in this State, the
18 Department shall furnish him with a sub-certificate of
19 registration for each such place of business, and the applicant
20 shall display the appropriate sub-certificate of registration
21 at each such place of business. All sub-certificates of
22 registration shall bear the same registration number as that
23 appearing upon the certificate of registration to which such
24 sub-certificates relate.

25 If the applicant will sell tangible personal property at
26 retail through vending machines, the Department shall furnish

1 him with a sub-certificate of registration for each such
2 vending machine, and the applicant shall display the
3 appropriate sub-certificate of registration on each such
4 vending machine by attaching the sub-certificate of
5 registration to a conspicuous part of such vending machine. If
6 a person who is registered to sell tangible personal property
7 at retail through vending machines adds an additional vending
8 machine or additional vending machines to the number of vending
9 machines he or she uses in his or her business of selling
10 tangible personal property at retail, he or she shall notify
11 the Department, on a form prescribed by the Department, to
12 request an additional sub-certificate or additional
13 sub-certificates of registration, as applicable. With each
14 such request, the applicant shall report the number of
15 sub-certificates of registration he or she is requesting as
16 well as the total number of vending machines from which he or
17 she makes retail sales.

18 Where the same person engages in 2 or more businesses of
19 selling tangible personal property at retail in this State,
20 which businesses are substantially different in character or
21 engaged in under different trade names or engaged in under
22 other substantially dissimilar circumstances (so that it is
23 more practicable, from an accounting, auditing or bookkeeping
24 standpoint, for such businesses to be separately registered),
25 the Department may require or permit such person (subject to
26 the same requirements concerning the furnishing of security as

1 those that are provided for hereinbefore in this Section as to
2 each application for a certificate of registration) to apply
3 for and obtain a separate certificate of registration for each
4 such business or for any of such businesses, under a single
5 certificate of registration supplemented by related
6 sub-certificates of registration.

7 Any person who is registered under the "Retailers'
8 Occupation Tax Act" as of March 8, 1963, and who, during the
9 3-year period immediately prior to March 8, 1963, or during a
10 continuous 3-year period part of which passed immediately
11 before and the remainder of which passes immediately after
12 March 8, 1963, has been so registered continuously and who is
13 determined by the Department not to have been either delinquent
14 or deficient in the payment of tax liability during that period
15 under this Act or under any other State tax law or municipal or
16 county tax ordinance or resolution under which the certificate
17 of registration that is issued to the registrant under this Act
18 will permit the registrant to engage in business without
19 registering separately under such other law, ordinance or
20 resolution, shall be considered to be a Prior Continuous
21 Compliance taxpayer. Also any taxpayer who has, as verified by
22 the Department, faithfully and continuously complied with the
23 condition of his bond or other security under the provisions of
24 this Act for a period of 3 consecutive years shall be
25 considered to be a Prior Continuous Compliance taxpayer.

26 Every Prior Continuous Compliance taxpayer shall be exempt

1 from all requirements under this Act concerning the furnishing
2 of a bond or other security as a condition precedent to his
3 being authorized to engage in the business of selling tangible
4 personal property at retail in this State. This exemption shall
5 continue for each such taxpayer until such time as he may be
6 determined by the Department to be delinquent in the filing of
7 any returns, or is determined by the Department (either through
8 the Department's issuance of a final assessment which has
9 become final under the Act, or by the taxpayer's filing of a
10 return which admits tax that is not paid to be due) to be
11 delinquent or deficient in the paying of any tax under this Act
12 or under any other State tax law or municipal or county tax
13 ordinance or resolution under which the certificate of
14 registration that is issued to the registrant under this Act
15 will permit the registrant to engage in business without
16 registering separately under such other law, ordinance or
17 resolution, at which time that taxpayer shall become subject to
18 all the financial responsibility requirements of this Act and,
19 as a condition of being allowed to continue to engage in the
20 business of selling tangible personal property at retail, may
21 be required to post bond or other acceptable security with the
22 Department covering liability which such taxpayer may
23 thereafter incur. Any taxpayer who fails to pay an admitted or
24 established liability under this Act may also be required to
25 post bond or other acceptable security with this Department
26 guaranteeing the payment of such admitted or established

1 liability.

2 No certificate of registration shall be issued to any
3 person who is in default to the State of Illinois for moneys
4 due under this Act or under any other State tax law or
5 municipal or county tax ordinance or resolution under which the
6 certificate of registration that is issued to the applicant
7 under this Act will permit the applicant to engage in business
8 without registering separately under such other law, ordinance
9 or resolution.

10 Any person aggrieved by any decision of the Department
11 under this Section may, within 20 days after notice of such
12 decision, protest and request a hearing, whereupon the
13 Department shall give notice to such person of the time and
14 place fixed for such hearing and shall hold a hearing in
15 conformity with the provisions of this Act and then issue its
16 final administrative decision in the matter to such person. In
17 the absence of such a protest within 20 days, the Department's
18 decision shall become final without any further determination
19 being made or notice given.

20 With respect to security other than bonds (upon which the
21 Department may sue in the event of a forfeiture), if the
22 taxpayer fails to pay, when due, any amount whose payment such
23 security guarantees, the Department shall, after such
24 liability is admitted by the taxpayer or established by the
25 Department through the issuance of a final assessment that has
26 become final under the law, convert the security which that

1 taxpayer has furnished into money for the State, after first
2 giving the taxpayer at least 10 days' written notice, by
3 registered or certified mail, to pay the liability or forfeit
4 such security to the Department. If the security consists of
5 stocks or bonds or other securities which are listed on a
6 public exchange, the Department shall sell such securities
7 through such public exchange. If the security consists of an
8 irrevocable bank letter of credit, the Department shall convert
9 the security in the manner provided for in the Uniform
10 Commercial Code. If the security consists of a bank certificate
11 of deposit, the Department shall convert the security into
12 money by demanding and collecting the amount of such bank
13 certificate of deposit from the bank which issued such
14 certificate. If the security consists of a type of stocks or
15 other securities which are not listed on a public exchange, the
16 Department shall sell such security to the highest and best
17 bidder after giving at least 10 days' notice of the date, time
18 and place of the intended sale by publication in the "State
19 Official Newspaper". If the Department realizes more than the
20 amount of such liability from the security, plus the expenses
21 incurred by the Department in converting the security into
22 money, the Department shall pay such excess to the taxpayer who
23 furnished such security, and the balance shall be paid into the
24 State Treasury.

25 The Department shall discharge any surety and shall release
26 and return any security deposited, assigned, pledged or

1 otherwise provided to it by a taxpayer under this Section
2 within 30 days after:

3 (1) such taxpayer becomes a Prior Continuous
4 Compliance taxpayer; or

5 (2) such taxpayer has ceased to collect receipts on
6 which he is required to remit tax to the Department, has
7 filed a final tax return, and has paid to the Department an
8 amount sufficient to discharge his remaining tax
9 liability, as determined by the Department, under this Act
10 and under every other State tax law or municipal or county
11 tax ordinance or resolution under which the certificate of
12 registration issued under this Act permits the registrant
13 to engage in business without registering separately under
14 such other law, ordinance or resolution. The Department
15 shall make a final determination of the taxpayer's
16 outstanding tax liability as expeditiously as possible
17 after his final tax return has been filed; if the
18 Department cannot make such final determination within 45
19 days after receiving the final tax return, within such
20 period it shall so notify the taxpayer, stating its reasons
21 therefor.

22 (Source: P.A. 97-335, eff. 1-1-12; 98-496, eff. 1-1-14; 98-583,
23 eff. 1-1-14; 98-756, eff. 7-16-14; 98-974, eff. 1-1-15.)

24 (35 ILCS 120/3) (from Ch. 120, par. 442)

25 Sec. 3. Except as provided in this Section, on or before

1 the twentieth day of each calendar month, every person engaged
2 in the business of selling tangible personal property at retail
3 in this State during the preceding calendar month shall file a
4 return with the Department, stating:

5 1. The name of the seller;

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

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

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

21 5. Deductions allowed by law;

22 6. Gross receipts which were received by him during the
23 preceding calendar month or quarter and upon the basis of
24 which the tax is imposed;

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

- 1 8. The amount of tax due;
- 2 9. The signature of the taxpayer; and
- 3 10. Such other reasonable information as the
- 4 Department may require.

5 On and after January 1, 2018, except for returns for motor
6 vehicles, watercraft, aircraft, and trailers that are required
7 to be registered with an agency of this State, with respect to
8 retailers whose annual gross receipts average \$20,000 or more,
9 all returns required to be filed pursuant to this Act shall be
10 filed electronically. Retailers who demonstrate that they do
11 not have access to the Internet or demonstrate hardship in
12 filing electronically may petition the Department to waive the
13 electronic filing requirement.

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

21 Prior to October 1, 2003, and on and after September 1,
22 2004 a retailer may accept a Manufacturer's Purchase Credit
23 certification from a purchaser in satisfaction of Use Tax as
24 provided in Section 3-85 of the Use Tax Act if the purchaser
25 provides the appropriate documentation as required by Section
26 3-85 of the Use Tax Act. A Manufacturer's Purchase Credit

1 certification, accepted by a retailer prior to October 1, 2003
2 and on and after September 1, 2004 as provided in Section 3-85
3 of the Use Tax Act, may be used by that retailer to satisfy
4 Retailers' Occupation Tax liability in the amount claimed in
5 the certification, not to exceed 6.25% of the receipts subject
6 to tax from a qualifying purchase. A Manufacturer's Purchase
7 Credit reported on any original or amended return filed under
8 this Act after October 20, 2003 for reporting periods prior to
9 September 1, 2004 shall be disallowed. Manufacturer's
10 Purchaser Credit reported on annual returns due on or after
11 January 1, 2005 will be disallowed for periods prior to
12 September 1, 2004. No Manufacturer's Purchase Credit may be
13 used after September 30, 2003 through August 31, 2004 to
14 satisfy any tax liability imposed under this Act, including any
15 audit liability.

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

23 1. The name of the seller;

24 2. The address of the principal place of business from
25 which he engages in the business of selling tangible
26 personal property at retail in this State;

1 3. The total amount of taxable receipts received by him
2 during the preceding calendar month from sales of tangible
3 personal property by him during such preceding calendar
4 month, including receipts from charge and time sales, but
5 less all deductions allowed by law;

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

8 5. The amount of tax due; and

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

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

25 Beginning on October 1, 2003, every distributor, importing
26 distributor, and manufacturer of alcoholic liquor as defined in

1 the Liquor Control Act of 1934, shall file a statement with the
2 Department of Revenue, no later than the 10th day of the month
3 for the preceding month during which transactions occurred, by
4 electronic means, showing the total amount of gross receipts
5 from the sale of alcoholic liquor sold or distributed during
6 the preceding month to purchasers; identifying the purchaser to
7 whom it was sold or distributed; the purchaser's tax
8 registration number; and such other information reasonably
9 required by the Department. A distributor, importing
10 distributor, or manufacturer of alcoholic liquor must
11 personally deliver, mail, or provide by electronic means to
12 each retailer listed on the monthly statement a report
13 containing a cumulative total of that distributor's, importing
14 distributor's, or manufacturer's total sales of alcoholic
15 liquor to that retailer no later than the 10th day of the month
16 for the preceding month during which the transaction occurred.
17 The distributor, importing distributor, or manufacturer shall
18 notify the retailer as to the method by which the distributor,
19 importing distributor, or manufacturer will provide the sales
20 information. If the retailer is unable to receive the sales
21 information by electronic means, the distributor, importing
22 distributor, or manufacturer shall furnish the sales
23 information by personal delivery or by mail. For purposes of
24 this paragraph, the term "electronic means" includes, but is
25 not limited to, the use of a secure Internet website, e-mail,
26 or facsimile.

1 If a total amount of less than \$1 is payable, refundable or
2 creditable, such amount shall be disregarded if it is less than
3 50 cents and shall be increased to \$1 if it is 50 cents or more.

4 Beginning October 1, 1993, a taxpayer who has an average
5 monthly tax liability of \$150,000 or more shall make all
6 payments required by rules of the Department by electronic
7 funds transfer. Beginning October 1, 1994, a taxpayer who has
8 an average monthly tax liability of \$100,000 or more shall make
9 all payments required by rules of the Department by electronic
10 funds transfer. Beginning October 1, 1995, a taxpayer who has
11 an average monthly tax liability of \$50,000 or more shall make
12 all payments required by rules of the Department by electronic
13 funds transfer. Beginning October 1, 2000, a taxpayer who has
14 an annual tax liability of \$200,000 or more shall make all
15 payments required by rules of the Department by electronic
16 funds transfer. The term "annual tax liability" shall be the
17 sum of the taxpayer's liabilities under this Act, and under all
18 other State and local occupation and use tax laws administered
19 by the Department, for the immediately preceding calendar year.
20 The term "average monthly tax liability" shall be the sum of
21 the taxpayer's liabilities under this Act, and under all other
22 State and local occupation and use tax laws administered by the
23 Department, for the immediately preceding calendar year
24 divided by 12. Beginning on October 1, 2002, a taxpayer who has
25 a tax liability in the amount set forth in subsection (b) of
26 Section 2505-210 of the Department of Revenue Law shall make

1 all payments required by rules of the Department by electronic
2 funds transfer.

3 Before August 1 of each year beginning in 1993, the
4 Department shall notify all taxpayers required to make payments
5 by electronic funds transfer. All taxpayers required to make
6 payments by electronic funds transfer shall make those payments
7 for a minimum of one year beginning on October 1.

8 Any taxpayer not required to make payments by electronic
9 funds transfer may make payments by electronic funds transfer
10 with the permission of the Department.

11 All taxpayers required to make payment by electronic funds
12 transfer and any taxpayers authorized to voluntarily make
13 payments by electronic funds transfer shall make those payments
14 in the manner authorized by the Department.

15 The Department shall adopt such rules as are necessary to
16 effectuate a program of electronic funds transfer and the
17 requirements of this Section.

18 Any amount which is required to be shown or reported on any
19 return or other document under this Act shall, if such amount
20 is not a whole-dollar amount, be increased to the nearest
21 whole-dollar amount in any case where the fractional part of a
22 dollar is 50 cents or more, and decreased to the nearest
23 whole-dollar amount where the fractional part of a dollar is
24 less than 50 cents.

25 If the retailer is otherwise required to file a monthly
26 return and if the retailer's average monthly tax liability to

1 the Department does not exceed \$200, the Department may
2 authorize his returns to be filed on a quarter annual basis,
3 with the return for January, February and March of a given year
4 being due by April 20 of such year; with the return for April,
5 May and June of a given year being due by July 20 of such year;
6 with the return for July, August and September of a given year
7 being due by October 20 of such year, and with the return for
8 October, November and December of a given year being due by
9 January 20 of the following year.

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

16 Such quarter annual and annual returns, as to form and
17 substance, shall be subject to the same requirements as monthly
18 returns.

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

26 Where the same person has more than one business registered

1 with the Department under separate registrations under this
2 Act, such person may not file each return that is due as a
3 single return covering all such registered businesses, but
4 shall file separate returns for each such registered business.

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

1 with an inboard motor.

2 Any retailer who sells only motor vehicles, watercraft,
3 aircraft, or trailers that are required to be registered with
4 an agency of this State, so that all retailers' occupation tax
5 liability is required to be reported, and is reported, on such
6 transaction reporting returns and who is not otherwise required
7 to file monthly or quarterly returns, need not file monthly or
8 quarterly returns. However, those retailers shall be required
9 to file returns on an annual basis.

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

1 identification of the property sold; such other information as
2 is required in Section 5-402 of The Illinois Vehicle Code, and
3 such other information as the Department may reasonably
4 require.

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

21 Such transaction reporting return shall be filed not later
22 than 20 days after the day of delivery of the item that is
23 being sold, but may be filed by the retailer at any time sooner
24 than that if he chooses to do so. The transaction reporting
25 return and tax remittance or proof of exemption from the
26 Illinois use tax may be transmitted to the Department by way of

1 the State agency with which, or State officer with whom the
2 tangible personal property must be titled or registered (if
3 titling or registration is required) if the Department and such
4 agency or State officer determine that this procedure will
5 expedite the processing of applications for title or
6 registration.

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

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

1 mandate of this paragraph.

2 If the user who would otherwise pay tax to the retailer
3 wants the transaction reporting return filed and the payment of
4 the tax or proof of exemption made to the Department before the
5 retailer is willing to take these actions and such user has not
6 paid the tax to the retailer, such user may certify to the fact
7 of such delay by the retailer and may (upon the Department
8 being satisfied of the truth of such certification) transmit
9 the information required by the transaction reporting return
10 and the remittance for tax or proof of exemption directly to
11 the Department and obtain his tax receipt or exemption
12 determination, in which event the transaction reporting return
13 and tax remittance (if a tax payment was required) shall be
14 credited by the Department to the proper retailer's account
15 with the Department, but without the 2.1% or 1.75% discount
16 provided for in this Section being allowed. When the user pays
17 the tax directly to the Department, he shall pay the tax in the
18 same amount and in the same form in which it would be remitted
19 if the tax had been remitted to the Department by the retailer.

20 Refunds made by the seller during the preceding return
21 period to purchasers, on account of tangible personal property
22 returned to the seller, shall be allowed as a deduction under
23 subdivision 5 of his monthly or quarterly return, as the case
24 may be, in case the seller had theretofore included the
25 receipts from the sale of such tangible personal property in a
26 return filed by him and had paid the tax imposed by this Act

1 with respect to such receipts.

2 Where the seller is a corporation, the return filed on
3 behalf of such corporation shall be signed by the president,
4 vice-president, secretary or treasurer or by the properly
5 accredited agent of such corporation.

6 Where the seller is a limited liability company, the return
7 filed on behalf of the limited liability company shall be
8 signed by a manager, member, or properly accredited agent of
9 the limited liability company.

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

1 the discount for retailers whose certificate of registration is
2 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 Before October 1, 2000, if the taxpayer's average monthly
6 tax liability to the Department under this Act, the Use Tax
7 Act, the Service Occupation Tax Act, and the Service Use Tax
8 Act, excluding any liability for prepaid sales tax to be
9 remitted in accordance with Section 2d of this Act, was \$10,000
10 or more during the preceding 4 complete calendar quarters, he
11 shall file a return with the Department each month by the 20th
12 day of the month next following the month during which such tax
13 liability is incurred and shall make payments to the Department
14 on or before the 7th, 15th, 22nd and last day of the month
15 during which such liability is incurred. On and after October
16 1, 2000, if the taxpayer's average monthly tax liability to the
17 Department under this Act, the Use Tax Act, the Service
18 Occupation Tax Act, and the Service Use Tax Act, excluding any
19 liability for prepaid sales tax to be remitted in accordance
20 with Section 2d of this Act, was \$20,000 or more during the
21 preceding 4 complete calendar quarters, he shall file a return
22 with the Department each month by the 20th day of the month
23 next following the month during which such tax liability is
24 incurred and shall make payment to the Department on or before
25 the 7th, 15th, 22nd and last day of the month during which such
26 liability is incurred. If the month during which such tax

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

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

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

1 monthly basis.

2 The provisions of this paragraph apply before October 1,
3 2001. Without regard to whether a taxpayer is required to make
4 quarter monthly payments as specified above, any taxpayer who
5 is required by Section 2d of this Act to collect and remit
6 prepaid taxes and has collected prepaid taxes which average in
7 excess of \$25,000 per month during the preceding 2 complete
8 calendar quarters, shall file a return with the Department as
9 required by Section 2f and shall make payments to the
10 Department on or before the 7th, 15th, 22nd and last day of the
11 month during which such liability is incurred. If the month
12 during which such tax liability is incurred began prior to
13 September 1, 1985 (the effective date of Public Act 84-221)
14 ~~this amendatory Act of 1985~~, each payment shall be in an amount
15 not less than 22.5% of the taxpayer's actual liability under
16 Section 2d. If the month during which such tax liability is
17 incurred begins on or after January 1, 1986, each payment shall
18 be in an amount equal to 22.5% of the taxpayer's actual
19 liability for the month or 27.5% of the taxpayer's liability
20 for the same calendar month of the preceding calendar year. If
21 the month during which such tax liability is incurred begins on
22 or after January 1, 1987, each payment shall be in an amount
23 equal to 22.5% of the taxpayer's actual liability for the month
24 or 26.25% of the taxpayer's liability for the same calendar
25 month of the preceding year. The amount of such quarter monthly
26 payments shall be credited against the final tax liability of

1 the taxpayer's return for that month filed under this Section
2 or Section 2f, as the case may be. Once applicable, the
3 requirement of the making of quarter monthly payments to the
4 Department pursuant to this paragraph shall continue until such
5 taxpayer's average monthly prepaid tax collections during the
6 preceding 2 complete calendar quarters is \$25,000 or less. If
7 any such quarter monthly payment is not paid at the time or in
8 the amount required, the taxpayer shall be liable for penalties
9 and interest on such difference, except insofar as the taxpayer
10 has previously made payments for that month in excess of the
11 minimum payments previously due.

12 The provisions of this paragraph apply on and after October
13 1, 2001. Without regard to whether a taxpayer is required to
14 make quarter monthly payments as specified above, any taxpayer
15 who is required by Section 2d of this Act to collect and remit
16 prepaid taxes and has collected prepaid taxes that average in
17 excess of \$20,000 per month during the preceding 4 complete
18 calendar quarters shall file a return with the Department as
19 required by Section 2f and shall make payments to the
20 Department on or before the 7th, 15th, 22nd and last day of the
21 month during which the liability is incurred. Each payment
22 shall be in an amount equal to 22.5% of the taxpayer's actual
23 liability for the month or 25% of the taxpayer's liability for
24 the same calendar month of the preceding year. The amount of
25 the quarter monthly payments shall be credited against the
26 final tax liability of the taxpayer's return for that month

1 filed under this Section or Section 2f, as the case may be.
2 Once applicable, the requirement of the making of quarter
3 monthly payments to the Department pursuant to this paragraph
4 shall continue until the taxpayer's average monthly prepaid tax
5 collections during the preceding 4 complete calendar quarters
6 (excluding the month of highest liability and the month of
7 lowest liability) is less than \$19,000 or until such taxpayer's
8 average monthly liability to the Department as computed for
9 each calendar quarter of the 4 preceding complete calendar
10 quarters is less than \$20,000. If any such quarter monthly
11 payment is not paid at the time or in the amount required, the
12 taxpayer shall be liable for penalties and interest on such
13 difference, except insofar as the taxpayer has previously made
14 payments for that month in excess of the minimum payments
15 previously due.

16 If any payment provided for in this Section exceeds the
17 taxpayer's liabilities under this Act, the Use Tax Act, the
18 Service Occupation Tax Act and the Service Use Tax Act, as
19 shown on an original monthly return, the Department shall, if
20 requested by the taxpayer, issue to the taxpayer a credit
21 memorandum no later than 30 days after the date of payment. The
22 credit evidenced by such credit memorandum may be assigned by
23 the taxpayer to a similar taxpayer under this Act, the Use Tax
24 Act, the Service Occupation Tax Act or the Service Use Tax Act,
25 in accordance with reasonable rules and regulations to be
26 prescribed by the Department. If no such request is made, the

1 taxpayer may credit such excess payment against tax liability
2 subsequently to be remitted to the Department under this Act,
3 the Use Tax Act, the Service Occupation Tax Act or the Service
4 Use Tax Act, in accordance with reasonable rules and
5 regulations prescribed by the Department. If the Department
6 subsequently determined that all or any part of the credit
7 taken was not actually due to the taxpayer, the taxpayer's 2.1%
8 and 1.75% vendor's discount shall be reduced by 2.1% or 1.75%
9 of the difference between the credit taken and that actually
10 due, and that taxpayer shall be liable for penalties and
11 interest on such difference.

12 If a retailer of motor fuel is entitled to a credit under
13 Section 2d of this Act which exceeds the taxpayer's liability
14 to the Department under this Act for the month which the
15 taxpayer is filing a return, the Department shall issue the
16 taxpayer a credit memorandum for the excess.

17 Beginning January 1, 1990, each month the Department shall
18 pay into the Local Government Tax Fund, a special fund in the
19 State treasury which is hereby created, the net revenue
20 realized for the preceding month from the 1% tax on sales of
21 food for human consumption which is to be consumed off the
22 premises where it is sold (other than alcoholic beverages, soft
23 drinks and food which has been prepared for immediate
24 consumption) and prescription and nonprescription medicines,
25 drugs, medical appliances, products classified as Class III
26 medical devices by the United States Food and Drug

1 Administration that are used for cancer treatment pursuant to a
2 prescription, as well as any accessories and components related
3 to those devices, and insulin, urine testing materials,
4 syringes and needles used by diabetics.

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

10 Beginning August 1, 2000, each month the Department shall
11 pay into the County and Mass Transit District Fund 20% of the
12 net revenue realized for the preceding month from the 1.25%
13 rate on the selling price of motor fuel and gasohol. Beginning
14 September 1, 2010, each month the Department shall pay into the
15 County and Mass Transit District Fund 20% of the net revenue
16 realized for the preceding month from the 1.25% rate on the
17 selling price of sales tax holiday items.

18 Beginning January 1, 1990, each month the Department shall
19 pay into the Local Government Tax Fund 16% of the net revenue
20 realized for the preceding month from the 6.25% general rate on
21 the selling price 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. Beginning September 1,
26 2010, each month the Department shall pay into the Local

1 Government Tax Fund 80% of the net revenue realized for the
2 preceding month from the 1.25% rate on the selling price of
3 sales tax holiday items.

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

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

19 Beginning July 1, 2013, each month the Department shall pay
20 into the Underground Storage Tank Fund from the proceeds
21 collected under this Act, the Use Tax Act, the Service Use Tax
22 Act, and the Service Occupation Tax Act an amount equal to the
23 average monthly deficit in the Underground Storage Tank Fund
24 during the prior year, as certified annually by the Illinois
25 Environmental Protection Agency, but the total payment into the
26 Underground Storage Tank Fund under this Act, the Use Tax Act,

1 the Service Use Tax Act, and the Service Occupation Tax Act
2 shall not exceed \$18,000,000 in any State fiscal year. As used
3 in this paragraph, the "average monthly deficit" shall be equal
4 to the difference between the average monthly claims for
5 payment by the fund and the average monthly revenues deposited
6 into the fund, excluding payments made pursuant to this
7 paragraph.

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

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

1 Reform Fund shall be less than the Annual Specified Amount (as
2 hereinafter defined), an amount equal to the difference shall
3 be immediately paid into the Build Illinois Fund from other
4 moneys received by the Department pursuant to the Tax Acts; the
5 "Annual Specified Amount" means the amounts specified below for
6 fiscal years 1986 through 1993:

7	Fiscal Year	Annual Specified Amount
8	1986	\$54,800,000
9	1987	\$76,650,000
10	1988	\$80,480,000
11	1989	\$88,510,000
12	1990	\$115,330,000
13	1991	\$145,470,000
14	1992	\$182,730,000
15	1993	\$206,520,000;

16 and means the Certified Annual Debt Service Requirement (as
17 defined in Section 13 of the Build Illinois Bond Act) or the
18 Tax Act Amount, whichever is greater, for fiscal year 1994 and
19 each fiscal year thereafter; and further provided, that if on
20 the last business day of any month the sum of (1) the Tax Act
21 Amount required to be deposited into the Build Illinois Bond
22 Account in the Build Illinois Fund during such month and (2)
23 the amount transferred to the Build Illinois Fund from the
24 State and Local Sales Tax Reform Fund shall have been less than
25 1/12 of the Annual Specified Amount, an amount equal to the
26 difference shall be immediately paid into the Build Illinois

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

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

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

25

Fiscal Year	Total Deposit
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1	1993	\$0
2	1994	53,000,000
3	1995	58,000,000
4	1996	61,000,000
5	1997	64,000,000
6	1998	68,000,000
7	1999	71,000,000
8	2000	75,000,000
9	2001	80,000,000
10	2002	93,000,000
11	2003	99,000,000
12	2004	103,000,000
13	2005	108,000,000
14	2006	113,000,000
15	2007	119,000,000
16	2008	126,000,000
17	2009	132,000,000
18	2010	139,000,000
19	2011	146,000,000
20	2012	153,000,000
21	2013	161,000,000
22	2014	170,000,000
23	2015	179,000,000
24	2016	189,000,000
25	2017	199,000,000
26	2018	210,000,000

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

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

23 Beginning July 20, 1993 and in each month of each fiscal
24 year thereafter, one-eighth of the amount requested in the
25 certificate of the Chairman of the Metropolitan Pier and
26 Exposition Authority for that fiscal year, less the amount

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

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

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

1 paragraph, the term "eligible business" means a new electric
2 generating facility certified pursuant to Section 605-332 of
3 the Department of Commerce and Economic Opportunity Law of the
4 Civil Administrative Code of Illinois.

5 Subject to payment of amounts into the Build Illinois Fund,
6 the McCormick Place Expansion Project Fund, the Illinois Tax
7 Increment Fund, and the Energy Infrastructure Fund pursuant to
8 the preceding paragraphs or in any amendments to this Section
9 hereafter enacted, beginning on the first day of the first
10 calendar month to occur on or after August 26, 2014 (the
11 effective date of Public Act 98-1098) ~~this amendatory Act of~~
12 ~~the 98th General Assembly~~, each month, from the collections
13 made under Section 9 of the Use Tax Act, Section 9 of the
14 Service Use Tax Act, Section 9 of the Service Occupation Tax
15 Act, and Section 3 of the Retailers' Occupation Tax Act, the
16 Department shall pay into the Tax Compliance and Administration
17 Fund, to be used, subject to appropriation, to fund additional
18 auditors and compliance personnel at the Department of Revenue,
19 an amount equal to 1/12 of 5% of 80% of the cash receipts
20 collected during the preceding fiscal year by the Audit Bureau
21 of the Department under the Use Tax Act, the Service Use Tax
22 Act, the Service Occupation Tax Act, the Retailers' Occupation
23 Tax Act, and associated local occupation and use taxes
24 administered by the Department.

25 Of the remainder of the moneys received by the Department
26 pursuant to this Act, 75% thereof shall be paid into the State

1 Treasury and 25% shall be reserved in a special account and
2 used only for the transfer to the Common School Fund as part of
3 the monthly transfer from the General Revenue Fund in
4 accordance with Section 8a of the State Finance Act.

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

1 this Section.

2 If the annual information return required by this Section
3 is not filed when and as required, the taxpayer shall be liable
4 as follows:

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

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

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

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

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

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

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

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

1 merchant's business, the permanent address and Illinois
2 Retailers Occupation Tax Registration Number of the merchant,
3 the dates and location of the event and other reasonable
4 information that the Department may require. The report must be
5 filed not later than the 20th day of the month next following
6 the month during which the event with retail sales was held.
7 Any person who fails to file a report required by this Section
8 commits a business offense and is subject to a fine not to
9 exceed \$250.

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

1 this requirement. In the absence of notification by the
2 Department, the concessionaires and other sellers shall file
3 their returns as otherwise required in this Section.

4 (Source: P.A. 98-24, eff. 6-19-13; 98-109, eff. 7-25-13;
5 98-496, eff. 1-1-14; 98-756, eff. 7-16-14; 98-1098, eff.
6 8-26-14; 99-352, eff. 8-12-15; 99-858, eff. 8-19-16; 99-933,
7 eff. 1-27-17; revised 2-3-17.)

8 Section 25. The Automobile Renting Occupation and Use Tax
9 Act is amended by changing Sections 3 and 4 as follows:

10 (35 ILCS 155/3) (from Ch. 120, par. 1703)

11 Sec. 3. A tax is imposed upon persons engaged in this State
12 in the business of renting automobiles in Illinois at the rate
13 of 5% of the gross receipts received from such business. The
14 tax herein imposed does not apply to the renting of automobiles
15 to any governmental body, nor to any corporation, society,
16 association, foundation or institution organized and operated
17 exclusively for charitable, religious or educational purposes,
18 nor to any not for profit corporation, society, association,
19 foundation, institution or organization which has no
20 compensated officers or employees and which is organized and
21 operated primarily for the recreation of persons 55 years of
22 age or older. Every person engaged in this State in the
23 business of renting automobiles shall apply to the Department
24 (upon a form prescribed and furnished by the Department) for a

1 certificate of registration under this Act. The certificate of
2 registration which is issued by the Department to a retailer
3 under the Retailers' Occupation Tax Act shall permit such
4 rentor to engage in a business which is taxable under this
5 Section without registering separately with the Department.

6 The Department shall have full power to administer and
7 enforce this Section, to collect all taxes and penalties due
8 hereunder, to dispose of taxes and penalties so collected in
9 the manner hereinafter provided, and to determine all rights to
10 credit memoranda, arising on account of the erroneous payment
11 of tax or penalty hereunder. In the administration of, and
12 compliance with, this Section, the Department and persons who
13 are subject to this Section shall have the same rights,
14 remedies, privileges, immunities, powers and duties, and be
15 subject to the same conditions, restrictions, limitations,
16 penalties and definitions of terms, and employ the same modes
17 of procedure, as are prescribed in Sections 1, 1a, 2 through
18 2-65 (in respect to all provisions therein other than the State
19 rate of tax), 2a, 2b, 2c, 3 (except provisions relating to
20 transaction returns, electronic filing of returns, and quarter
21 monthly payments), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6,
22 6a, 6b, 6c, 7, 8, 9, 10, 11, 11a, 12 and 13 of the Retailers'
23 Occupation Tax Act and Section 3-7 of the Uniform Penalty and
24 Interest Act as fully as if those provisions were set forth
25 herein.

26 (Source: P.A. 86-1475; 87-205; 87-895.)

1 (35 ILCS 155/4) (from Ch. 120, par. 1704)

2 Sec. 4. A tax is imposed upon the privilege of using, in
3 this State, an automobile which is rented from a rentor. Such
4 tax is at the rate of 4% of the rental price of such automobile
5 prior to July 1, 1985 and at the rate of 5% of the rental price
6 of such automobile on and after July 1, 1985 paid to the rentor
7 under any rental agreement. The tax herein imposed shall not
8 apply to any governmental body, nor to any corporation,
9 society, association, foundation or institution, organized and
10 operated exclusively for charitable, religious or educational
11 purposes, nor to any not for profit corporation, society,
12 association, foundation, institution or organization which has
13 no compensated officers or employees and which is organized and
14 operated primarily for the recreation of persons 55 years of
15 age or older, when using tangible personal property as a
16 rentee.

17 The tax hereby imposed shall be collected from the rentee
18 by a rentor maintaining a place of business in this State and
19 remitted to the Department.

20 The tax hereby imposed and not paid to a rentor pursuant to
21 the preceding paragraph of this Section shall be paid to the
22 Department directly by any person using such automobile within
23 this State.

24 Rentors shall collect the tax from rentees by adding the
25 tax to the rental price of the automobile, when rented for use,

1 in the manner prescribed by the Department. The Department
2 shall have the power to adopt and promulgate reasonable rules
3 and regulations for the adding of such tax by rentors to rental
4 prices by prescribing bracket systems for the purpose of
5 enabling such rentors to add and collect, as far as
6 practicable, the amount of such tax.

7 The tax imposed by this Section shall, when collected, be
8 stated as a distinct item separate and apart from the rental
9 price of the automobile.

10 The Department shall have full power to administer and
11 enforce this Section; to collect all taxes, penalties and
12 interest due hereunder; to dispose of taxes, penalties and
13 interest so collected in the manner hereinafter provided, and
14 to determine all rights to credit memoranda or refunds arising
15 on account of the erroneous payment of tax, penalty or interest
16 hereunder. In the administration of, and compliance with, this
17 Section, the Department and persons who are subject to this
18 Section shall have the same rights, remedies, privileges,
19 immunities, powers and duties, and be subject to the same
20 conditions, restrictions, limitations, penalties and
21 definitions of terms, and employ the same modes of procedure,
22 as are prescribed in Sections 2, 3 through 3-80, 4, 6, 7, 8, 9
23 (except provisions relating to transaction returns, electronic
24 filing of returns, and quarter monthly payments), 10, 11, 12,
25 12a, 12b, 13, 14, 15, 19, 20, 21 and 22 of the Use Tax Act, and
26 are not inconsistent with this Section, as fully as if those

1 provisions were set forth herein.

2 (Source: P.A. 86-1475.)

3 Section 30. The Prepaid Wireless 9-1-1 Surcharge Act is
4 amended by changing Section 20 as follows:

5 (50 ILCS 753/20)

6 Sec. 20. Administration of prepaid wireless 9-1-1
7 surcharge.

8 (a) In the administration and enforcement of this Act, the
9 provisions of Sections 2a, 2b, 2c, 3, 4, 5, 5a, 5b, 5c, 5d, 5e,
10 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, and 12 of the
11 Retailers' Occupation Tax Act that are not inconsistent with
12 this Act, and Section 3-7 of the Uniform Penalty and Interest
13 Act shall apply, as far as practicable, to the subject matter
14 of this Act to the same extent as if those provisions were
15 included in this Act. References to "taxes" in these
16 incorporated Sections shall be construed to apply to the
17 administration, payment, and remittance of all surcharges
18 under this Act. The Department shall establish registration and
19 payment procedures that substantially coincide with the
20 registration and payment procedures that apply to the
21 Retailers' Occupation Tax Act.

22 (b) A seller shall be permitted to deduct and retain 3% of
23 prepaid wireless 9-1-1 surcharges that are collected by the
24 seller from consumers and that are remitted and timely filed

1 with the Department. Beginning January 1, 2018, the seller is
2 allowed to deduct and retain a portion of the prepaid wireless
3 9-1-1 surcharges as authorized by this subsection only if the
4 return is filed electronically as provided in Section 3 of the
5 Retailers' Occupation Tax Act. Sellers who demonstrate that
6 they do not have access to the Internet or demonstrate hardship
7 in filing electronically may petition the Department to waive
8 the electronic filing requirement.

9 (c) Other than the amounts for deposit into the Municipal
10 Wireless Service Emergency Fund, the Department shall pay to
11 the State Treasurer all prepaid wireless E911 charges,
12 penalties, and interest collected under this Act for deposit
13 into the Statewide 9-1-1 Fund. On or before the 25th day of
14 each calendar month, the Department shall prepare and certify
15 to the Comptroller the amount available to the Department of
16 State Police for distribution out of the Statewide 9-1-1 Fund.
17 The amount certified shall be the amount (not including credit
18 memoranda) collected during the second preceding calendar
19 month by the Department plus an amount the Department
20 determines is necessary to offset any amounts which were
21 erroneously paid to a different taxing body. The amount paid to
22 the Statewide 9-1-1 Fund shall not include any amount equal to
23 the amount of refunds made during the second preceding calendar
24 month by the Department of Revenue to retailers under this Act
25 or any amount that the Department determines is necessary to
26 offset any amounts which were payable to a different taxing

1 body but were erroneously paid to the Statewide 9-1-1 Fund. The
2 Department of State Police shall distribute the funds in
3 accordance with Section 30 of the Emergency Telephone Safety
4 Act. The Department may deduct an amount, not to exceed 2% of
5 remitted charges, to be transferred into the Tax Compliance and
6 Administration Fund to reimburse the Department for its direct
7 costs of administering the collection and remittance of prepaid
8 wireless 9-1-1 surcharges.

9 (d) The Department shall administer the collection of all
10 9-1-1 surcharges and may adopt and enforce reasonable rules
11 relating to the administration and enforcement of the
12 provisions of this Act as may be deemed expedient. The
13 Department shall require all surcharges collected under this
14 Act to be reported on existing forms or combined forms,
15 including, but not limited to, Form ST-1. Any overpayments
16 received by the Department for liabilities reported on existing
17 or combined returns shall be applied as an overpayment of
18 retailers' occupation tax, use tax, service occupation tax, or
19 service use tax liability.

20 (e) If a home rule municipality having a population in
21 excess of 500,000 as of the effective date of this amendatory
22 Act of the 97th General Assembly imposes an E911 surcharge
23 under subsection (a-5) of Section 15 of this Act, then the
24 Department shall pay to the State Treasurer all prepaid
25 wireless E911 charges, penalties, and interest collected for
26 deposit into the Municipal Wireless Service Emergency Fund. All

1 deposits into the Municipal Wireless Service Emergency Fund
2 shall be held by the State Treasurer as ex officio custodian
3 apart from all public moneys or funds of this State. Any
4 interest attributable to moneys in the Fund must be deposited
5 into the Fund. Moneys in the Municipal Wireless Service
6 Emergency Fund are not subject to appropriation. On or before
7 the 25th day of each calendar month, the Department shall
8 prepare and certify to the Comptroller the amount available for
9 disbursement to the home rule municipality out of the Municipal
10 Wireless Service Emergency Fund. The amount to be paid to the
11 Municipal Wireless Service Emergency Fund shall be the amount
12 (not including credit memoranda) collected during the second
13 preceding calendar month by the Department plus an amount the
14 Department determines is necessary to offset any amounts which
15 were erroneously paid to a different taxing body. The amount
16 paid to the Municipal Wireless Service Emergency Fund shall not
17 include any amount equal to the amount of refunds made during
18 the second preceding calendar month by the Department to
19 retailers under this Act or any amount that the Department
20 determines is necessary to offset any amounts which were
21 payable to a different taxing body but were erroneously paid to
22 the Municipal Wireless Service Emergency Fund. Within 10 days
23 after receipt by the Comptroller of the certification provided
24 for in this subsection, the Comptroller shall cause the orders
25 to be drawn for the respective amounts in accordance with the
26 directions in the certification. The Department may deduct an

1 amount, not to exceed 2% of remitted charges, to be transferred
2 into the Tax Compliance and Administration Fund to reimburse
3 the Department for its direct costs of administering the
4 collection and remittance of prepaid wireless 9-1-1
5 surcharges.

6 (Source: P.A. 99-6, eff. 1-1-16.)

7 Section 35. The Public Utilities Act is amended by changing
8 Section 13-703 as follows:

9 (220 ILCS 5/13-703) (from Ch. 111 2/3, par. 13-703)

10 (Section scheduled to be repealed on July 1, 2017)

11 Sec. 13-703. (a) The Commission shall design and implement
12 a program whereby each telecommunications carrier providing
13 local exchange service shall provide a telecommunications
14 device capable of servicing the needs of those persons with a
15 hearing or speech disability together with a single party line,
16 at no charge additional to the basic exchange rate, to any
17 subscriber who is certified as having a hearing or speech
18 disability by a hearing care professional, as defined in the
19 Hearing Instrument Consumer Protection Act, a speech-language
20 pathologist, or a qualified State agency and to any subscriber
21 which is an organization serving the needs of those persons
22 with a hearing or speech disability as determined and specified
23 by the Commission pursuant to subsection (d).

24 (b) The Commission shall design and implement a program,

1 whereby each telecommunications carrier providing local
2 exchange service shall provide a telecommunications relay
3 system, using third party intervention to connect those persons
4 having a hearing or speech disability with persons of normal
5 hearing by way of intercommunications devices and the telephone
6 system, making available reasonable access to all phases of
7 public telephone service to persons who have a hearing or
8 speech disability. In order to design a telecommunications
9 relay system which will meet the requirements of those persons
10 with a hearing or speech disability available at a reasonable
11 cost, the Commission shall initiate an investigation and
12 conduct public hearings to determine the most cost-effective
13 method of providing telecommunications relay service to those
14 persons who have a hearing or speech disability when using
15 telecommunications devices and therein solicit the advice,
16 counsel, and physical assistance of Statewide nonprofit
17 consumer organizations that serve persons with hearing or
18 speech disabilities in such hearings and during the development
19 and implementation of the system. The Commission shall phase in
20 this program, on a geographical basis, as soon as is
21 practicable, but no later than June 30, 1990.

22 (c) The Commission shall establish a competitively neutral
23 rate recovery mechanism that establishes charges in an amount
24 to be determined by the Commission for each line of a
25 subscriber to allow telecommunications carriers providing
26 local exchange service to recover costs as they are incurred

1 under this Section. Beginning no later than April 1, 2016, and
2 on a yearly basis thereafter, the Commission shall initiate a
3 proceeding to establish the competitively neutral amount to be
4 charged or assessed to subscribers of telecommunications
5 carriers and wireless carriers, Interconnected VoIP service
6 providers, and consumers of prepaid wireless
7 telecommunications service in a manner consistent with this
8 subsection (c) and subsection (f) of this Section. The
9 Commission shall issue its order establishing the
10 competitively neutral amount to be charged or assessed to
11 subscribers of telecommunications carriers and wireless
12 carriers, Interconnected VoIP service providers, and
13 purchasers of prepaid wireless telecommunications service on
14 or prior to June 1 of each year, and such amount shall take
15 effect June 1 of each year.

16 Telecommunications carriers, wireless carriers,
17 Interconnected VoIP service providers, and sellers of prepaid
18 wireless telecommunications service shall have 60 days from the
19 date the Commission files its order to implement the new rate
20 established by the order.

21 (d) The Commission shall determine and specify those
22 organizations serving the needs of those persons having a
23 hearing or speech disability that shall receive a
24 telecommunications device and in which offices the equipment
25 shall be installed in the case of an organization having more
26 than one office. For the purposes of this Section,

1 "organizations serving the needs of those persons with hearing
2 or speech disabilities" means centers for independent living as
3 described in Section 12a of the Rehabilitation of Persons with
4 Disabilities Act and not-for-profit organizations whose
5 primary purpose is serving the needs of those persons with
6 hearing or speech disabilities. The Commission shall direct the
7 telecommunications carriers subject to its jurisdiction and
8 this Section to comply with its determinations and
9 specifications in this regard.

10 (e) As used in this Section:

11 "Prepaid wireless telecommunications service" has the
12 meaning given to that term under Section 10 of the Prepaid
13 Wireless 9-1-1 Surcharge Act.

14 "Retail transaction" has the meaning given to that term
15 under Section 10 of the Prepaid Wireless 9-1-1 Surcharge Act.

16 "Seller" has the meaning given to that term under Section
17 10 of the Prepaid Wireless 9-1-1 Surcharge Act.

18 "Telecommunications carrier providing local exchange
19 service" includes, without otherwise limiting the meaning of
20 the term, telecommunications carriers which are purely mutual
21 concerns, having no rates or charges for services, but paying
22 the operating expenses by assessment upon the members of such a
23 company and no other person.

24 "Wireless carrier" has the meaning given to that term under
25 Section 10 of the Wireless Emergency Telephone Safety Act.

26 (f) Interconnected VoIP service providers, sellers of

1 prepaid wireless telecommunications service, and wireless
2 carriers in Illinois shall collect and remit assessments
3 determined in accordance with this Section in a competitively
4 neutral manner in the same manner as a telecommunications
5 carrier providing local exchange service. However, the
6 assessment imposed on consumers of prepaid wireless
7 telecommunications service shall be collected by the seller
8 from the consumer and imposed per retail transaction as a
9 percentage of that retail transaction on all retail
10 transactions occurring in this State. The assessment on
11 subscribers of wireless carriers and consumers of prepaid
12 wireless telecommunications service shall not be imposed or
13 collected prior to June 1, 2016.

14 Sellers of prepaid wireless telecommunications service
15 shall remit the assessments to the Department of Revenue on the
16 same form and in the same manner which they remit the fee
17 collected under the Prepaid Wireless 9-1-1 Surcharge Act. For
18 the purposes of display on the consumers' receipts, the rates
19 of the fee collected under the Prepaid Wireless 9-1-1 Surcharge
20 Act and the assessment under this Section may be combined. In
21 administration and enforcement of this Section, the provisions
22 of Sections 15 and 20 of the Prepaid Wireless 9-1-1 Surcharge
23 Act (except subsections (a), (a-5), (b-5), (e), and (e-5) of
24 Section 15 and subsections (c) and (e) of Section 20 of the
25 Prepaid Wireless 9-1-1 Surcharge Act and, from June 29, 2015
26 (the effective date of Public Act 99-6), the seller shall be

1 permitted to deduct and retain 3% of the assessments that are
2 collected by the seller from consumers and that are remitted
3 and timely filed with the Department) that are not inconsistent
4 with this Section, shall apply, as far as practicable, to the
5 subject matter of this Section to the same extent as if those
6 provisions were included in this Section. Beginning on January
7 1, 2018, the seller is allowed to deduct and retain 3% of the
8 assessments that are collected by the seller from consumers and
9 that are remitted timely and timely filed with the Department,
10 but only if the return is filed electronically as provided in
11 Section 3 of the Retailers' Occupation Tax Act. Sellers who
12 demonstrate that they do not have access to the Internet or
13 demonstrate hardship in filing electronically may petition the
14 Department to waive the electronic filing requirement. The
15 Department shall deposit all assessments and penalties
16 collected under this Section into the Illinois
17 Telecommunications Access Corporation Fund, a special fund
18 created in the State treasury. On or before the 25th day of
19 each calendar month, the Department shall prepare and certify
20 to the Comptroller the amount available to the Commission for
21 distribution out of the Illinois Telecommunications Access
22 Corporation Fund. The amount certified shall be the amount (not
23 including credit memoranda) collected during the second
24 preceding calendar month by the Department, plus an amount the
25 Department determines is necessary to offset any amounts which
26 were erroneously paid to a different taxing body or fund. The

1 amount paid to the Illinois Telecommunications Access
2 Corporation Fund shall not include any amount equal to the
3 amount of refunds made during the second preceding calendar
4 month by the Department to retailers under this Section or any
5 amount that the Department determines is necessary to offset
6 any amounts which were payable to a different taxing body or
7 fund but were erroneously paid to the Illinois
8 Telecommunications Access Corporation Fund. The Commission
9 shall distribute all the funds to the Illinois
10 Telecommunications Access Corporation and the funds may only be
11 used in accordance with the provisions of this Section. The
12 Department shall deduct 2% of all amounts deposited in the
13 Illinois Telecommunications Access Corporation Fund during
14 every year of remitted assessments. Of the 2% deducted by the
15 Department, one-half shall be transferred into the Tax
16 Compliance and Administration Fund to reimburse the Department
17 for its direct costs of administering the collection and
18 remittance of the assessment. The remaining one-half shall be
19 transferred into the Public Utility Fund to reimburse the
20 Commission for its costs of distributing to the Illinois
21 Telecommunications Access Corporation the amount certified by
22 the Department for distribution. The amount to be charged or
23 assessed under subsections (c) and (f) is not imposed on a
24 provider or the consumer for wireless Lifeline service where
25 the consumer does not pay the provider for the service. Where
26 the consumer purchases from the provider optional minutes,

1 texts, or other services in addition to the federally funded
2 Lifeline benefit, a consumer must pay the charge or assessment,
3 and it must be collected by the seller according to this
4 subsection (f).

5 Interconnected VoIP services shall not be considered an
6 intrastate telecommunications service for the purposes of this
7 Section in a manner inconsistent with federal law or Federal
8 Communications Commission regulation.

9 (g) The provisions of this Section are severable under
10 Section 1.31 of the Statute on Statutes.

11 (h) The Commission may adopt rules necessary to implement
12 this Section.

13 (Source: P.A. 99-6, eff. 6-29-15; 99-143, eff. 7-27-15; 99-642,
14 eff. 7-28-16; 99-847, eff. 8-19-16; 99-933, eff. 1-27-17;
15 revised 2-15-17.)

16 Section 40. The Environmental Protection Act is amended by
17 changing Sections 55.8 and 55.10 as follows:

18 (415 ILCS 5/55.8) (from Ch. 111 1/2, par. 1055.8)

19 Sec. 55.8. Tire retailers.

20 (a) Any person selling new or used tires at retail or
21 offering new or used tires for retail sale in this State shall:

22 (1) beginning on June 20, 2003 (the effective date of
23 Public Act 93-32), collect from retail customers a fee of
24 \$2 per new or used tire sold and delivered in this State,

1 to be paid to the Department of Revenue and deposited into
2 the Used Tire Management Fund, less a collection allowance
3 of 10 cents per tire to be retained by the retail seller
4 and a collection allowance of 10 cents per tire to be
5 retained by the Department of Revenue and paid into the
6 General Revenue Fund; the collection allowance for retail
7 sellers, however, shall be allowed only if the return is
8 filed timely and in the manner required by this Title XIV
9 and only for the amount that is paid timely in accordance
10 with this Title XIV;

11 (1.5) beginning on July 1, 2003, collect from retail
12 customers an additional 50 cents per new or used tire sold
13 and delivered in this State; the money collected from this
14 fee shall be deposited into the Emergency Public Health
15 Fund;

16 (2) accept for recycling used tires from customers, at
17 the point of transfer, in a quantity equal to the number of
18 new tires purchased; and

19 (3) post in a conspicuous place a written notice at
20 least 8.5 by 11 inches in size that includes the universal
21 recycling symbol and the following statements: "DO NOT put
22 used tires in the trash."; "Recycle your used tires."; and
23 "State law requires us to accept used tires for recycling,
24 in exchange for new tires purchased."

25 (b) A person who accepts used tires for recycling under
26 subsection (a) shall not allow the tires to accumulate for

1 periods of more than 90 days.

2 (c) The requirements of subsection (a) of this Section do
3 not apply to mail order sales nor shall the retail sale of a
4 motor vehicle be considered to be the sale of tires at retail
5 or offering of tires for retail sale. Instead of filing
6 returns, retailers of tires may remit the tire user fee to
7 their suppliers of tires if the supplier of tires is a
8 registered retailer of tires and agrees or otherwise arranges
9 to collect and remit the tire fee to the Department of Revenue,
10 notwithstanding the fact that the sale of the tire is a sale
11 for resale and not a sale at retail. A tire supplier who enters
12 into such an arrangement with a tire retailer shall be liable
13 for the tax on all tires sold to the tire retailer and must (i)
14 provide the tire retailer with a receipt that separately
15 reflects the tire tax collected from the retailer on each
16 transaction and (ii) accept used tires for recycling from the
17 retailer's customers. The tire supplier shall be entitled to
18 the collection allowance of 10 cents per tire, but only if the
19 return is filed timely and only for the amount that is paid
20 timely in accordance with this Title XIV.

21 The retailer of the tires must maintain in its books and
22 records evidence that the appropriate fee was paid to the tire
23 supplier and that the tire supplier has agreed to remit the fee
24 to the Department of Revenue for each tire sold by the
25 retailer. Otherwise, the tire retailer shall be directly liable
26 for the fee on all tires sold at retail. Tire retailers paying

1 the fee to their suppliers are not entitled to the collection
2 allowance of 10 cents per tire. The collection allowance for
3 suppliers, however, shall be allowed only if the return is
4 filed timely and in the manner required by this Title XIV and
5 only for the amount that is paid timely in accordance with this
6 Title XIV.

7 (d) The requirements of subsection (a) of this Section
8 shall apply exclusively to tires to be used for vehicles
9 defined in Section 1-217 of the Illinois Vehicle Code, aircraft
10 tires, special mobile equipment, and implements of husbandry.

11 (e) The requirements of paragraph (1) of subsection (a) do
12 not apply to the sale of reprocessed tires. For purposes of
13 this Section, "reprocessed tire" means a used tire that has
14 been recapped, retreaded, or regrooved and that has not been
15 placed on a vehicle wheel rim.

16 (Source: P.A. 98-584, eff. 8-27-13; 98-962, eff. 8-15-14.)

17 (415 ILCS 5/55.10) (from Ch. 111 1/2, par. 1055.10)

18 Sec. 55.10. Tax returns by retailer.

19 (a) Except as otherwise provided in this Section, for
20 returns due on or before January 31, 2010, each retailer of
21 tires maintaining a place of business in this State shall make
22 a return to the Department of Revenue on a quarter annual
23 basis, with the return for January, February and March of a
24 given year being due by April 30 of that year; with the return
25 for April, May and June of a given year being due by July 31 of

1 that year; with the return for July, August and September of a
2 given year being due by October 31 of that year; and with the
3 return for October, November and December of a given year being
4 due by January 31 of the following year.

5 For returns due after January 31, 2010, each retailer of
6 tires maintaining a place of business in this State shall make
7 a return to the Department of Revenue on a quarter annual
8 basis, with the return for January, February, and March of a
9 given year being due by April 20 of that year; with the return
10 for April, May, and June of a given year being due by July 20 of
11 that year; with the return for July, August, and September of a
12 given year being due by October 20 of that year; and with the
13 return for October, November, and December of a given year
14 being due by January 20 of the following year.

15 Notwithstanding any other provision of this Section to the
16 contrary, the return for October, November, and December of
17 2009 is due by February 20, 2010.

18 On and after January 1, 2018, tire retailers and suppliers
19 required to file electronically under Section 3 of the
20 Retailers' Occupation Tax Act or Section 9 of the Use Tax Act
21 must electronically file all returns pursuant to this Act. Tire
22 retailers and suppliers who demonstrate that they do not have
23 access to the Internet or demonstrate hardship in filing
24 electronically may petition the Department to waive the
25 electronic filing requirement.

26 (b) Each return made to the Department of Revenue shall

1 state:

2 (1) the name of the retailer;

3 (2) the address of the retailer's principal place of
4 business, and the address of the principal place of
5 business (if that is a different address) from which the
6 retailer engages in the business of making retail sales of
7 tires;

8 (3) total number of tires sold at retail for the
9 preceding calendar quarter;

10 (4) the amount of tax due; and

11 (5) such other reasonable information as the
12 Department of Revenue may require.

13 Notwithstanding any other provision of 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 the retail sale of
16 tires, the retailer shall file a final return under this Act
17 with the Department of Revenue not more than one month after
18 discontinuing that business.

19 (Source: P.A. 96-520, eff. 8-14-09.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.